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GOVERNMENT  
**Gazette**



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CONTENTS

PART 1

	Page
Retail Trading Hours Act 1987—Retail Trading Hours (Small Retail Shops) Amendment Order 2008 .....	3197

PART 2

Deceased Estates .....	3209
Local Government.....	3199
Parliament.....	3200
Planning and Infrastructure .....	3201

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# — PART 1 —

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## CONSUMER AND EMPLOYMENT PROTECTION

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CE301\*

Retail Trading Hours Act 1987

### Retail Trading Hours (Small Retail Shops) Amendment Order 2008

Made by the Minister for Consumer Protection under section 10(3b) of the Act.

**1. Citation**

This order is the *Retail Trading Hours (Small Retail Shops) Amendment Order 2008*.

**2. Commencement**

This order comes into operation as follows:

- (a) clauses 1 and 2 — on the day on which this order is published in the *Gazette*;
- (b) the rest of the order — on the day after that day.

**3. The order amended**

The amendments in this order are to the *Small Retail Shops Order 1991*.

**4. Clause 1 amended**

Clause 1 is amended by deleting “*Small Retail Shops*” and inserting instead —

“ *Retail Trading Hours (Small Retail Shops)* ”.

**5. Clause 4 amended**

Clause 4 is amended as follows:

- (a) by deleting paragraph (c) and inserting instead —

“

- (c) that a person is not an eligible person if he or she owns or operates more than 3 retail shops otherwise than as a shareholder in a listed

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corporation as defined in the Commonwealth  
*Corporations Act 2001* section 9.

”;

- (b) after paragraph (a) by inserting —  
“ and ”.

SHEILA McHALE, Minister for Consumer Protection.

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# — PART 2 —

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## LOCAL GOVERNMENT

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LG501\*

### BUSH FIRES ACT 1954

*Shire of Bridgetown-Greenbushes*

#### 2008/09 FIREBREAK ORDER

Notice to all owners and occupiers of land in the Shire of Bridgetown-Greenbushes

In accordance with Section 33 of the Bush Fires Act 1954, you are required to carry out fire prevention work on land owned or occupied by you as set out in this Order by the date specified.

If the requirements of this notice are not done by the due date, or not done to the satisfaction of an inspecting officer, an on the spot fine of \$250 will be issued. The maximum fine for failure to carry out the work is \$5000. Council can also enter upon the land and carry out required works at the owner/occupier's expense.

#### 1. DEFINITIONS

Firebreak means ground from which all flammable material has been removed and on which no flammable material is permitted to accumulate during the period specified in this notice.

Harvested Plantation means a plantation that has been clear felled but evidence of the former use of the plantation remains in the form of tree stumps, pruning, limbs and other accumulated tree refuse and logging residue.

Hay Stack means a collection of hay including fodder rolls placed or stacked together.

Managed Land means land over 4 hectares that is being *actively* used for agriculture, viticulture, horticulture etc and that such use is clearly evident, but excludes plantations.

Plantation means any area planted in pine, eucalypt or other commercial value trees (excluding orchards and vineyards) which have been planted for commercial gain, and requires approval under the Town Planning Scheme.

#### 2. ALL LAND UNDER 4 HECTARES (10 ACRES)

BY THE 1 DECEMBER 2008 UNTIL THE 26 APRIL 2009

Remove all flammable materials from the property except living trees and shrubbery and maintain throughout the required period. Height of grass not to exceed 50mm.

OR ALTERNATIVELY

Construct and maintain a 2 metre firebreak inside and along the boundary of the property as well as a 3 metre firebreak around all buildings and haystacks.

#### 3. MANAGED LAND OVER 4 HECTARES (10 ACRES)

BY THE 1 DECEMBER 2008 UNTIL THE 26 APRIL 2009

Managed land is not required to have perimeter firebreaks, although land owners and occupiers are encouraged to install them in strategic places to protect their property in the event of a fire.

Managed land must however comply with the following requirements—

There must be active fuel reduction done on the property throughout the period of this notice, by means such as grazing by an appropriate number of livestock, slashing and baling etc.

All buildings must have an access track not less than 4 metres in width and vertical clearance of 3 metres to allow access by fire appliances.

Around all buildings, haystacks and fuel storage areas, slash and remove all flammable materials likely to create a fire hazard, except living trees and shrubbery for at least 20 metres around the building, haystack and fuel storage area. Height of grass not to exceed 100mm.

#### 4. UNMANAGED LAND OVER 4 HECTARES (10 ACRES)

BY THE 1 DECEMBER 2008 UNTIL THE 26 APRIL 2009

Remove all flammable materials from the property except living trees and shrubbery and maintain throughout the required period. Height of grass not to exceed 100mm.

OR ALTERNATIVELY

Construct and maintain a 3 metre firebreak inside and along the boundary of the property and around all buildings and haystacks.

#### 5. PLANTATIONS

BY THE 1 NOVEMBER 2008 UNTIL THE 26 APRIL 2009

The first row of trees must be a minimum of 15 metres from all formed public roads.

A 10 metre firebreak to be constructed on the internal boundaries of the Plantation, along the boundaries of separate ownership, and all formed public roads.

A firebreak 6 metres wide shall be provided in such a position that no compartment of a plantation exceeds 30 hectares.

No planting will be allowed within a distance of 20 metres on either side of all power lines, and a 6 metre firebreak shall be provided as near as practical underneath the power lines.

Trees adjoining the firebreak progressively pruned to a minimum height of 4 metres to maintain an effective width of firebreak.

#### **6. PINE PLANTATIONS PLANTED PRIOR TO 1 MAY 1990**

BY THE 1 NOVEMBER 2008 UNTIL THE 26 APRIL 2009

A firebreak not less than 10 metres to be constructed on the internal boundaries of the Plantation, along the boundaries of separate ownership, and all formed public roads.

A firebreak at least 6 metres wide shall be provided in such a position that no compartment of a plantation should exceed 30 hectares.

#### **7. EUCALYPT PLANTATIONS PLANTED PRIOR TO 1 MAY 1990**

BY THE 1 NOVEMBER 2008 UNTIL THE 26 APRIL 2009

A 5 metre firebreak to be constructed on the boundaries of the plantation, including the boundaries of each separate location and all formed public roads.

No planting will be allowed within a distance of 20 metres on either side of all power lines, and a 6 metre firebreak shall be provided as near as practical either side of the power lines.

Trees adjoining the firebreak progressively pruned to a minimum height of 4 metres to maintain an effective width of firebreak.

#### **8. HARVESTED PLANTATIONS**

Firebreak requirements for harvested plantations are the same as for plantations.

#### **9. TIMBER MILLS**

BY THE 1 NOVEMBER 2008 UNTIL THE 26 APRIL 2009

Construct and maintain a 3 metre firebreak inside and along the boundary of the property as well as a 10 metre firebreak around all piles of sawdust, woodchips, bark and waste material.

#### **10. ALTERNATIVES**

If you consider it impracticable or environmentally damaging to carry out the requirements set out above, you can apply to Council by the 1 October 2008 for permission to provide alternative firebreaks or other fire prevention measures. In the absence of written approval for alternative measures, the requirements of this order must be adhered to.

#### **11. SPECIAL REQUIREMENTS**

The requirements of this Order are considered the minimum standard of fire protection required to protect not only the individual property but the community as a whole. Council can impose additional requirements to remove or abate hazards if it considers it necessary.

By Order of the Council

Dated 29th May 2008.

T. P. CLYNCH, Chief Executive Officer.

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## **PARLIAMENT**

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PA401\*

### PARLIAMENT OF WESTERN AUSTRALIA

#### Royal Assent to Bills

It is hereby notified for public information that the Governor has Assented in the name and on behalf of Her Majesty the Queen, on the dates shown, to the undermentioned Acts passed by the Legislative Council and the Legislative Assembly during the First Session of the Thirty-Seventh Parliament.

<b>Title of Act</b>	<b>Date of Assent</b>	<b>Act No.</b>
Community Protection (Offender Reporting) Amendment Act 2008	1 July 2008	27 of 2008
Eastern Goldfields Transport Board Repeal Act 2008	1 July 2008	28 of 2008
Diamond (Argyle Diamond Mines Joint Venture) Agreement Amendment Act 2008	1 July 2008	37 of 2008

Dated 2 July 2008.

PETER McHUGH, Acting Clerk of the Parliaments.

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## PLANNING AND INFRASTRUCTURE

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PI401\*

**PLANNING AND DEVELOPMENT ACT 2005***Shire of Capel*

TOWN PLANNING SCHEME NO. 7

Amendment No. 33

The Shire of Capel under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act 2005* hereby amends the above Town Planning Scheme by—

1. Amending the Scheme Map by deleting the Special Use Zone from Lot 871 and including the land generally within the Rural Zone and Residential Zone and applying residential density codes of R2.5, R20 and R30 as shown on the amendment map.
2. Amending the Scheme Map by deleting the Public Purpose Reserve, Recreation Reserve, the Special Use Zone and portion of the Residential Zone on lot 871 and applying a new layout of the Recreation Zone as shown on the Amendment Map.
3. Amending the Scheme Map by applying the Recreation Reserve to portion of Lot 1181 Hawley Road as shown on the Amendment Map.
4. Amending “Residential Precincts—Appendix 15” Precinct No. 3 of the Scheme Text by deleting the Development Standards numbered 1 to 20 and introducing new Development Standards numbered 1 to 24 to read as follows—

**Subdivision**

Portion of  
Wellington Location  
871 Goodwood  
Road, Capel  
Precinct No. 3

1. Subdivision shall be generally in accordance with the Subdivision and Development Guide Plan 05032P-37 dated 14th June 2007 attached to the Scheme Amendment Report (Amendment No. 33) or any modification to the guide plan as endorsed by the Local Government and the Western Australian Planning Commission.
2. Subdivision approval is to be sought for the whole of the subject land. Such staging as may be required is to be negotiated with and approved by Council having regard to the orderly implementation of the Subdivision and Development Guide Plan and the provision of infrastructure.
3. Council will request that as conditions of subdivision the subdivider be required to provide reticulated sewerage, scheme water, natural gas and underground power to the total subdivision.
4. Subdivision and development shall have regard to the Western Australian Planning Commission’s Liveable Neighbourhoods (Version 3) with respect to road design and development.
5. The Commission may impose at the request of Council and Main Roads WA that as a condition of subdivision the subdivider contribute to the upgrading of Prowse and Goodwood Roads. Main Roads Western Australia will request that, as a condition of subdivision, the subdivider will cede free of cost to the Crown a 5 metre road widening to the Goodwood Road Reserve.
6. Council will request that as a condition of subdivision the subdivider provide pedestrian pathways within the subdivision and contribute to the provision of a dual use path that will link the subdivision area to community facilities.
7. Council will request that as a condition of subdivision the subdivider be required to prepare and implement a landscape plan and habitat plan to Council’s satisfaction for the public open space and drainage areas.
8. Council will request that as a condition of subdivision the subdivider be required to fence along the public open space and drainage reserves and along boundaries of adjoining farmland and roads to the specification and satisfaction of Council.
9. The Commission may impose at the request of The Department of Environment and Conservation that as a condition of subdivision the subdivider will accurately mark, with a fireproof fence with open rail/wire and a plaque denoting the name of the Declared Rare Flora and legislation that protects it, the position of the Declared Rare Flora locations to the satisfaction of the Department of Environment and Conservation.
10. Lots proposed containing Declared Rare Flora are to be the subject of a notification on title to the specifications and satisfaction of Department of Environment and Conservation, advising that the property has an occurrence of the Declared Rare Flora within the areas marked by fireproof fence. Declared Rare Flora is protected under the Wildlife Conservation Act and shall not be taken by any person without the consent of the Minister for the Environment. Taking of flora includes unauthorized clearing, burning, picking or grazing.

11. Council shall request, as a condition of subdivision, that the subdivider prepare and implement a drainage and nutrient management strategy which addressed the following issues—
  - (i) landfill requirements;
  - (ii) location of drainage basins;
  - (iii) stormwater management;
  - (iv) comprehensive drainage works and catchment planning;
  - (v) protection of water quality of adjacent wetlands (and associated riparian vegetation), groundwater and the Capel River to the satisfaction of the Department of Environment, Water and Catchment Protection;
  - (vi) the design of on-site drainage infrastructure, including public safety requirements;
  - (vii) impacts of landfill and drainage works on neighbouring properties and mitigation of potential flood hazards; and
  - (viii) mosquito management measures.
12. "Land shown on the Scheme Map within Residential Precinct 3 as Reserve for Recreation shall be transferred to the Crown free of cost and can be used for a combination of public open space and to accommodate the drainage management needs of the site. The subdivider shall demonstrate to the satisfaction of the Shire of the Capel and the Western Australian Planning Commission that a minimum proportion of 10% of the subdividable area of the precinct will be contributed as useable public open space consistent with WAPC policy DC 2.3."
13. The Commission may impose at the request of The Department of Industry and Resources that a memorial is placed on all new titles to notify prospective purchasers that mining activity could occur within 500 metres of the subdivision area and which may have a nuisance effect on residential amenity.
14. Council requests that as a condition of subdivision approval the subdivider prepare a building/development envelope plan to Council's satisfaction for the lots zoned residential and coded R2.5. The Building/Development Envelope areas are to be a minimum of 800m<sup>2</sup> for lots comprising Declared Rare Flora, 1000m<sup>2</sup> for lots without Declared Rare Flora and positioned to achieve a 20 metre separation to any Declared Rare Flora.
15. Council request that as a condition of subdivision the subdivider shall establish the approved Building/Development Envelope Locations by removing all vegetation from the Building/Development Envelope areas and by defining the location of the Building/Development Envelopes by the placement of permanent marker posts to the satisfaction of Council.
16. Council requests as a condition of subdivision the subdivider be required to place a memorial on the title of those lots with approved Building/Development Envelopes advising that the lot contains an approved Building/Development Envelope location within which all development is to be contained and that no approval will be given to the amendment, modification or relocation of the building envelope locations.
17. The Commission may impose at the request of Council and the Fire and Emergency Authority (FESA) that as a condition of subdivision approval the subdivider prepare and implement a Fire management Plan in respect to the areas zoned Residential and coded R2.5 to the satisfaction of Council and FESA.
18. The Commission may impose at the request of Main Roads WA that as a condition of subdivision approval the subdivider undertakes a noise assessment to determine traffic noise impacts on dwellings adjoining Goodwood Road and to implement any noise mitigation measures that are identified by the study to the satisfaction of Main Roads WA. The noise mitigation measures shall include the lodging of memorials on the titles of lots 94-98 inclusive, prohibiting the clearing of vegetation in the vegetation buffer area as shown on the Subdivision and Development Guide Plan.
19. The Commission may impose at the request of the Department of Health that as a condition of subdivision approval, the subdivider shall lodge a memorial on the title of all lots advising that the lot is located in a region that experiences mosquito nuisance problems which may include mosquitos which carry Ross River Virus and other diseases.



**Development**

20. Where land is coded R2.5 and boundary fencing is to be constructed, it is to consist of a minimum of post and 5 strand, ringlock, hinge joint wire or similar product. Asbestos, metal sheeting or wooden pickets or similar solid fencing will not be permitted on lot boundaries.
21. Prior to subdivision or development on the subject land, evidence of an agreed management plan (between the subdivider and the mining company) is to be presented to the Western Australian Planning Commission which details the management techniques which will be used to ensure that the proposed mineral sands mining to the south will not have an adverse impact on the amenity of future residents.
22. The Shire of Capel shall prepare and adopt a community facilities development plan for the Townsite of Capel and make available details of the estimated costs equitably apportioned to the additional residential subdivision within Residential Precinct No3 facilitated by Amendment No 33.
23. The subdivider shall at the time of creating new lots contribute such funds as are reasonably assessed by the Shire of Capel to be an equitable share of meeting the cost of implementing an adopted community facilities development plan.
24. In the R2.5 coded area no trees or substantial vegetation shall be felled or removed from a lot outside of the endorsed building envelopes except where—
- (i) required for approved development works;
  - (ii) the establishment of a firebreak, low fuel zone or other mechanism required by a fire Management Plan, regulation of local law; or
  - (iii) trees are dead, diseased or dangerous.

PI402\*

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**

*Shire of Donnybrook-Balingup*

Town Planning Scheme No. 4—Amendment No. 80

Ref: 853/6/4/4 Pt 80

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning and Infrastructure approved the Shire of Donnybrook-Balingup local planning scheme amendment on 9 June 2008 for the purpose of—

1. Rezoning the land bounded by Bentley, Ecclestone, Yelverton and Egan Streets from Local Reserve for Parks and Recreation to Residential and Reserve for Civil and Cultural Areas.
2. Amend the Scheme map to identify land bounded by Bentley, Ecclestone, Yelverton and Egan Streets within Structure Plan Area 2 (SPA 2).
3. Amending the Scheme text by inserting in Schedule 10—Structure Plan Areas the following—

Area No (SPA)	Description of Land Area	Land Use Expectations	Matters to be addressed in Structure Plans (in addition to clause 3.6.4.4)	Associated Provisions
SPA 2.	The land bounded by Bentley, Ecclestone, Yelverton and Egan Streets, Donnybrook	Residential	<ul style="list-style-type: none"> <li>• Significant indigenous vegetation is to be identified, and protected through its location within larger lots.</li> <li>• Identification of building envelopes within the larger lots to protect vegetation.</li> <li>• Appropriate development setbacks from abutting water Corporation Infrastructure.</li> </ul>	The site to be developed at an average density of R20, with the minimum lot size to accord with the R30 density code requirements.

PI403\*

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**

*Shire of Donnybrook-Balingup*

Town Planning Scheme No. 4—Amendment No. 64

Ref: 853/6/4/4 Pt 64

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning and Infrastructure approved the Shire of Donnybrook-Balingup local planning scheme amendment on 23 June 2008 for the purpose of—

1. Amending the Scheme Text by Inserting section 3.6 Structure Plan Areas under Part III—Zones as follows—

**3.6 Structure Plan Areas**

**3.6.1 Map Designation & Interpretation**

Structure Plan Areas are shown on the Scheme Map as SPA with a number that corresponds with the number against each area in Schedule 10.

For the purpose of clause 3.6 inclusive, unless the context otherwise requires—

*'Proponent'* means any owner of land to which the Proposed Structure Plan relates which has submitted that Proposed Structure Plan.

*'Proposed Structure Plan'* means a structure plan, which may apply to either a local area or a district, which has been prepared in accordance with clause 3.6.5.

*'Structure Plan'* means a Proposed Structure Plan that has been approved by both the Commission and adopted by the local government under clauses 3.6.5.15.

**3.6.2 Purpose**

- (a) To identify areas requiring comprehensive structure planning prior to subdivision and development.
- (b) To coordinate subdivision, land use and development in areas requiring comprehensive planning.

**3.6.3 Planning Requirements**

- 3.6.3.1 The provisions of clause 3.6 apply to land in a Structure Plan Area, in addition to the provisions applying to any underlying zone or reserve or any general provisions of the Scheme.
- 3.6.3.2 The local government requires a Structure Plan for a Structure Plan Area, or for any part or parts of a Structure Plan Area, before recommending subdivision or approving development of land within the Structure Plan Area.
- 3.6.3.3 Notwithstanding the clause 3.6.3.2 requirement to prepare a Structure Plan for land in a Structure Plan Area, the local government may approve a development or support a subdivision of the land in a manner that is consistent with the objectives of the underlying zone without requiring such a Structure Plan where, in its opinion, the proposal is of a minor nature, will not adversely affect the future subdivision or development of the land and where it can be demonstrated that it does not conflict with the future land use expectation of the Structure Plan Area.
- 3.6.3.4 Where a Structure Plan exists, the subdivision and development of land is to generally be in accordance with the Structure Plan and any associated provisions contained in Schedule 10.
- 3.6.3.5 The local government or the Commission may, as a condition of adopting or approving a Proposed Structure Plan, require a more detailed Structure Plan in future if the local government or the Commission considers that it will be necessary to provide additional detail to the proposals contained in the Proposed Structure Plan.
- 3.6.3.6 Schedule 10 describes the Structure Plan Area in more detail and sets out the land use expectations, matters to be addressed and associated provisions for Structure Plans.

**3.6.4 Preparation of Structure Plans**

- 3.6.4.1 A Structure Plan may include plans and other documents.
- 3.6.4.2 A Structure Plan may, with the agreement of the local government, be prepared and implemented in stages and relate to only part of a Structure Plan Area.
- 3.6.4.3 In considering a Proposed Structure Plan for part only of a Structure Plan Area, the local government may require the Proponent to demonstrate how planning for the subject land may be integrated with planning for the balance of the Structure Plan Area, including how broad land uses, essential services, main movement systems and major conservation and recreation areas are to be co-ordinated and the arrangements for implementation of the Structure Plan.
- 3.6.4.4 A Proposed Structure Plan shall contain information required by the local government to satisfy the planning requirements of the Structure Plan Area, including the requirements specified in Schedule 10, and without limiting the generality of the foregoing, may include the following details—
  - (a) The area to which the Proposed Structure Plan applies;

- (b) A statement of vision for the land;
- (c) A concise history and present use of the land, including any known indigenous history and all current approvals applicable to the land but not substantially commenced or implemented;
- (d) The planning context for the Structure Plan Area including the regional and neighbourhood structure, relevant strategies, Scheme provisions and policies and where appropriate, indicating how the Proposed Structure Plan is to be integrated into the surrounding area;
- (e) Identification of the key opportunities and constraints of the Structure Plan Area including current condition of the land, landform, topography, hydrology, landscape, vegetation, soil type and quality using the most recent analysis tools published by the Department of Agriculture, conservation and heritage values, ownership, existing land uses, roads and public transport, and services;
- (f) An environmental assessment of the land and any impacts the proposals shown on the Proposed Structure Plan will have on the environmental values of the land, with particular reference to any Matters of National Environmental Significance that occur on the land or might be impacted by activities on the land, and the ways in which those impacts will be managed;
- (g) Identification and mapping of any remnant native vegetation, and resident flora and fauna, together with a report as to the status of any species under State and commonwealth threatened species list;
- (h) Identification of any natural or built dam, soak, wetland, watercourse and drainage channel including dimensions, capacity and flows of such water bodies where relevant;
- (i) How the proposed Structure Plan will satisfy the relevant State and local strategic and statutory planning instruments applicable to the Structure Plan Area including, but not limited to State Planning Strategy, Statements of Planning Policies, planning strategies, planning policies and the relevant principles from the State Sustainability Strategy (as amended from time to time);
- (j) The proposed major land uses including residential areas and their densities, new neighbourhood centres, public and regional open space, school sites, civic and community uses (including any initiatives that will promote community well-being), commercial uses (including location and hierarchy of commercial centres), mixed use, industrial and mixed business uses;
- (k) Specific description of how and from where potable water will be supplied and how and where waste water will be treated and released;
- (l) Where significant physical features, such as watercourses, require conservation or enhancement and the manner in which that is to be achieved;
- (m) Any land or waters likely to be contaminated and measures to be taken to address the issue;
- (n) The proposed indicative lot pattern and general location of any major buildings;
- (o) Estimates of future lots, dwellings, population, employment and retail floor space;
- (p) Provision for major infrastructure, including main drainage, storm water management, sewerage, water supply and other key infrastructure services;
- (q) The proposed road network and hierarchy, public transport services (where relevant), and bicycle and pedestrian networks and how these will be connected;
- (r) The timeframe and staging of subdivision and development, and the method of implementation, including any proposed funding by developer contributions;
- (s) Details as appropriate relating to—
  - (i) Traffic volumes and management;
  - (ii) Vehicular access and parking;
  - (iii) Storm water management and quality control;
  - (iv) Traffic noise (automotive and aircraft);
  - (v) The location, orientation and design of buildings and the space between buildings;
  - (vi) Conservation areas;
  - (vii) Heritage places; and
  - (viii) Special development control provisions.
- (t) Such other information as may be required by the local government; and

3.6.4.5 The local government may require a Structure Plan to be prepared for any land not within a Structure Plan Area where it can be demonstrated that the land requires substantial pre-planning before decisions are made with respect to its use, subdivision or development and the provisions of the foregoing clauses shall apply as relevant to the preparation of any such Plan.

3.6.5 Adoption and Approval of Structure Plans

3.6.5.1 A Proposed Structure Plan may be prepared by a Proponent or the local government. Where prepared by a Proponent, the Proposed Structure Plan shall be submitted to the local government.

3.6.5.2 Upon receiving a Proposed Structure Plan, the local government shall either—

- (a) Determine that the Proposed Structure Plan is satisfactory for advertising;
- (b) Determine that the Proposed Structure Plan should not be advertised until further details have been provided or modifications undertaken; or
- (c) The Proposed Structure Plan is not satisfactory for advertising, giving reasons to the Proponent.

3.6.5.3 If within 60 days of receiving a Proposed Structure Plan for approval for advertising, or such longer period as may be agreed in writing between the Proponent and the local government, the local government has not made one of the determinations referred to in clause 3.6.5.2, the local government is deemed to have determined that the Proposed Structure Plan is not satisfactory for advertising.

3.6.5.4 (a) Where the Proponent is aggrieved by a determination of the local government made or deemed to have been made under clauses 3.6.5.2 or 3.6.5.3, the Proponent may request the local government, by notice in writing, to forward the Proposed Structure Plan to the Commission.

(b) Within 21 days of receiving notice from the Proponent under clause 3.6.5.4(a), the local government shall forward to the Commission—

- (i) A copy of the Proposed Structure Plan;
- (ii) Details of the local government's determination including any modifications to the Proposed Structure Plan required by the local government; and
- (iii) Any other information the local government considers relevant to the Commission's consideration of the Proposed Structure Plan for advertising.

(c) Upon receiving a Proposed Structure Plan in accordance with clause 3.6.5.4(b), the Commission is to make one of the determinations referred to in clause 3.6.5.2 and advise the local government and the Proponent accordingly.

(d) If the Commission requires modifications to the Proposed Structure Plan, the Commission shall consult with the local government prior to making its determination under sub-clause 3.6.5.4(c);

(e) If within 60 days of receiving a Proposed Structure Plan under clause 3.6.5.4(b), or such longer period as may be agreed in writing between the Proponent and the Commission, the Commission has not made one of the determinations referred to in clause 3.6.5.2, the Commission shall be deemed to have determined that the Proposed Structure Plan is not satisfactory for advertising.

3.6.5.5 Where the local government, or the Commission, has determined that the Proposed Structure Plan may be advertised, the local government shall—

(a) Advertise, or require the Proponent to advertise, the Proposed Structure Plan for public inspection by one or more of the methods of advertising proposals for development as set out in clause 8.2 of the Scheme; and

(b) Give notice, or require the Proponent to give notice in writing to—

- (i) All landowners affected by the Proposed Structure Plan; and
- (ii) Such public authorities and other persons as the local government nominates, with advertisements and notices explaining the scope and purpose of the Proposed Structure Plan, when and where it may be inspected, and inviting submissions to the local government by a specified date not being less than 21 days from the date of the notice and advertisement with advertising costs to be borne by the Proponent.

3.6.5.6 Within 7 days of determining that a Proposed Structure Plan is satisfactory for advertising, the local government shall forward a copy of the Proposed Structure Plan to the Commission for its information.

3.6.5.7 The local government shall consider all, submissions received and within 60 days of the latest date specified in the notice under clause 3.6.5.5 shall either—

- (a) Adopt the Proposed Structure Plan with or without modifications; or
- (b) Refuse to adopt the Proposed Structure Plan giving reasons to the Proponent.

3.6.5.8 If within the 60 day period, or such further time as may be agreed in writing between the Proponent and the local government, one of the determinations referred to in clause 3.6.5.7 has not been made, the local government is to be deemed to have refused to adopt the Proposed Structure Plan.

- 3.6.5.9 Within 21 days of a determination made, or deemed to have been made under Clauses 3.6.5.7 or 3.6.5.8, the local government shall forward to the Commission—
- (a) A summary of all submissions and comments received within the advertised period in respect of the Proposed Structure Plan, and the local government's decisions or comments in relation to the submissions;
  - (b) The local government's recommendation to the Commission that the Proposed Structure Plan either be approved, approved with modifications or refused; and
  - (c) Any other information the local government considers relevant to the Commission's consideration of the Proposed Structure Plan.
- 3.6.5.10 On receipt of the information described in clause 3.6.5.9, the Commission shall either—
- (a) Approve the Proposed Structure Plan with or without modifications; or
  - (b) Refuse to approve the Proposed Structure Plan and give reasons for its decision to the Proponent and the local government.
- 3.6.5.11 If within 60 days of receiving the information referred to in clause 3.6.5.9, or such further time as may be agreed in writing between the Proponent and the Commission, the Commission has not made one of the determinations under clause 3.6.5.10, the Commission is deemed to have refused to approve the Proposed Structure Plan.
- 3.6.5.12 If the Commission approves the Proposed Structure Plan, it is to notify the local government and the Proponent of its decision within 14 days of the date of the Commission's decision.
- 3.6.5.13 If the Commission requires modifications of the Proposed Structure Plan, the Commission shall consult the local government prior to approval of the Proposed Structure Plan under clause 3.6.5.10.
- 3.6.5.14 If, following consultation with the Commission, the local government forms the opinion that any modification to the Proposed Structure Plan is substantial, it may—
- (a) Re-advertise the Proposed Structure Plan; or
  - (b) Require the Proponent to re-advertise the Proposed Structure Plan, and, thereafter, the procedures set out in Clause 3.6.5.5 onwards apply.
- 3.6.5.15 As soon as practicable after receiving notice of the approval of the Proposed Structure Plan by the Commission, the local government shall adopt the Proposed Structure Plan and forward a copy of the adopted Structure Plan to—
- (a) The Proponent;
  - (b) The Commission; and
  - (c) Any other appropriate person or public authority likely to be affected or have an interest.
- 3.6.5.16 An adopted Structure Plan shall be kept at the local government's administrative offices, and shall be made available for inspection by any member of the public during normal office hours.
- 3.6.6 Change to, or Departure from Structure Plans
- 3.6.6.1 The local government may accept a minor change to, or departures from an adopted Structure Plan if, in the opinion of the local government, the change or departure does not materially alter the intent of the Structure Plan.
- 3.6.6.2 (a) The local government shall forward a copy of the minor change or departure to the Commission within 10 days of the date of adopting the minor change or departure.
- (b) If the Commission considers that the change or departure adopted by the local government under clause 3.6.6.1 materially alters the intent of the Structure Plan then the Commission—
    - (i) May require the local government to follow the procedures set out in clause 3.6.5.5 onwards in relation to the change or departure; and
    - (ii) Shall notify the local government of this requirement within 10 days.
- 3.6.6.3 Any change to, or departure from a Structure Plan that is not considered a minor change as specified at clause 3.6.5 is to follow the procedures set out in clause 3.6.5.5 onwards.
- 3.6.7 Operation of Structure Plan
- 3.6.7.1 A Structure Plan commences operation on the date it is adopted by the local government pursuant to clause 3.6.5.15.
- 3.6.7.2 Subject to the Scheme, if a Structure Plan imposes a classification on the land included in it by reference to reserve, zones or *Residential Design Codes*, then;

- (a) The provisions of the Structure Plan apply to the land as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provisions incorporated in the Scheme; and
- (b) Provisions in the Scheme applicable to land in those classifications under the Scheme apply to the Structure Plan Area.

3.6.7.3 Without limiting the generality of clause 3.6.7.2, under a Structure Plan—

- (a) In the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designations;
- (b) The standards and requirements applicable to the zones and R Codings under the Scheme apply to the areas having corresponding designations under the Structure Plan;
- (c) The planning approval procedures including the procedures for the approval of uses and developments under the Scheme are to apply as if the land were correspondingly zoned or reserved under the Scheme; and
- (d) Any other provision, standard or requirement in the Structure Plan is to be given the same force and effect as if it were a provision, standard or requirement of the Scheme.

3.6.7.4 A Structure Plan, adopted and approved under the Scheme, will be used by the local government and the Western Australian Planning Commission respectively as a guide for the assessment of Applications for Planning Approval under the Scheme and of Applications for Approval to Subdivide Land under the provisions of Part 10 of the Planning and Development Act.

3.6.8 Appeal

3.6.8.1 The Proponent may appeal, in accordance with Part 14 of the Planning and Development Act, any—

- (a) Determination or decision made by the Commission;
- (b) Requirement imposed by or modification sought by the Commission; or
- (c) Determinations deemed to have been made by the Commission under clause 3.6.5.4(e) or 3.6.5.11 in the exercise of the Commission's power under Clause 3.6.

3.6.8.2 The Proponent may appeal, in accordance with Part 14 of the Planning and Development Act, any decision made by the local government under clauses 3.6.5 and 3.6.6.

2. Amend the Scheme Text by inserting Schedule 10—Structure Plan Areas as follows—

#### SCHEDULE 10—STRUCTURE PLAN AREAS

(Clause 3.6 refers)

Areas numbered in the Table below relate to Structure Plan Areas (SPA) shown on the Scheme Map (e.g. SPA 1)

Area No (SPA)	Description of Land Area	Land Use Expectations	Matters to be addressed in Structure Plans (in addition to clause 3.6.4.4)	Associated Provisions
SPA 1.	The lots bounded by South West Highway and Preston River, and fronting Dale and Cary Streets	Residential R30	<ul style="list-style-type: none"> <li>Provision of safe access from South West Highway</li> <li>Provision of an appropriate foreshore reserve and interface between reserve and residential development</li> <li>Need for road upgrading and additional roads to avoid multiple "battleaxe" development</li> </ul>	All lots created must be connected to the reticulated water and sewerage systems.

3. Amending the Scheme Map to identify Structure Plan Area 1 (SPA 1) in the vicinity of Carey and Dale Streets accordingly.

4. Amend the Scheme Maps Legend to include 'Structure Plan Area'.

S. B. DILLEY, Shire President.  
J. R. ATTWOOD, Chief Executive Officer.

PI404\*

**PLANNING AND DEVELOPMENT ACT 2005**  
 APPROVED LOCAL PLANNING SCHEME AMENDMENT  
*City of Mandurah*

Town Planning Scheme No. 3—Amendment No. 81

Ref: 853/6/13/12 Pt 81

It is hereby notified for public information, in accordance with Section 87 of the *Planning and Development Act 2005* that the Minister for Planning and Infrastructure approved the City of Mandurah local planning scheme amendment on 23 June 2008 for the purpose of—

- Rezoning a portion of Lot 9501 Beacham Street, Coodanup from 'Residential R15' to 'Residential R20 and R25' as set out in the Amendment Maps.
- Amending the Scheme Maps accordingly.

P. CREEVEY, Mayor.  
 M. R. NEWMAN, Chief Executive Officer.

PI405\*

**PLANNING AND DEVELOPMENT ACT 2005**  
 APPROVED LOCAL PLANNING SCHEME AMENDMENT  
*City of Geraldton-Greenough*

Town Planning Scheme No. 4—Amendment No. 125

Ref: 853/3/7/6/Pt125

It is hereby notified for public information, in accordance with Section 87 of the *Planning and Development Act 2005* that the Minister for Planning & Infrastructure approved the City of Geraldton-Greenough local planning scheme amendment on 24 June 2008 for the purpose of—

- 1 Lot 52 Chapman Road, Drummond Cove being rezoned from 'General Farming' to 'Low Density Residential R10' and 'Recreation';
- 2 Lot 12128 Glenfield Beach Drive, Drummond Cove (Reserve 48777) being rezoned from 'General Farming' to 'Recreation';
- 3 Lot 3004 Spinnaker Way, Drummond Cove (Reserve 49349) being rezoned from 'Single Residential R15' to 'Recreation';
- 4 Amending the Scheme Map accordingly;
- 5 Inclusion within the Scheme Text of reference to 'Single Residential R10' under Clause 2.1.1, immediately prior to the reference to 'Single Residential R12.5'; and
- 6 Inclusion within the Scheme Text of a new Zoning & Development Table immediately prior to that applicable to 'Single Residential R12.5'.

I. CARPENTER, Mayor.  
 T BRUN, Chief Executive Officer.

## DECEASED ESTATES

ZX401

**TRUSTEES ACT 1962**  
 DECEASED ESTATES

Notice to Creditors and Claimants

Jeffrey Robert Cahill, late of 1A Fourth Avenue, Mount Lawley, Western Australia, Science Teacher (the deceased).

Creditors and other persons having claims (to which section 63 of the *Trustees Act 1962* relates) in respect of the estate of the deceased, who died on 6 June 2008, are required by the Executor Nancy Phyllis Cahill to send particulars of their claims to PO Box 288, Mount Lawley, Western Australia 6050 within (1) month of the date of publication after which date the Executor may distribute the assets having regard only to the claims of which she has then received notice.

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