

# WESTERN AUSTRALIAN GOVERNMENT Gazette

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Special *Government Gazettes* containing notices of an urgent or particular nature are published periodically.

The following guidelines should be followed to ensure publication in the *Government Gazette*.

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- Inquiries regarding publication of notices can be directed to the Editor on (08) 9426 0010.
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# — PART 1 —

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## LAND

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LA301\*

Dampier to Bunbury Pipeline Act 1997

### **DBNGP Land Access Minister Appointment Order 2006**

Made by the Governor in Executive Council.

**1. Citation**

This order is the *DBNGP Land Access Minister Appointment Order 2006*.

**2. Appointment**

The Minister Assisting the Minister for Planning and Infrastructure is appointed to be the DBNGP Land Access Minister.

By Command of the Governor,

G. M. PIKE, Clerk of the Executive Council.

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## — PART 2 —

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### LAND

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LA401\*

**TRANSFER OF LAND ACT 1893**

APPLICATION I606859

Take notice that David George Cox and Laurel Muriel Cox have made application to bring the following land under the operation of the *Transfer of Land Act 1893*—

Being Lot 118 and 168 (Wellington Locations) on Deposited Plan 232730 each containing 4.0469 hectares being the whole of the land comprised in Memorial Books XXVII–1032 and XXVII–889 respectively

Being Lot 97, 113 and 152 (Wellington Locations) on Deposited Plan 40233 containing 4.0469 hectares, 4.0469 hectares and 5.6656 hectares respectively being the whole of the land comprised in Memorial Books XXX 20 formerly described as Lot 97, 113 and 152 on Deposited Plan 250965.

All persons other than the applicants claiming any estate right title or interest in the above lands and desiring to object to the application are required to lodge in this office on or before 4 April 2006 a caveat forbidding the land being bought under the operation of the Act.

BRUCE ROBERTS, Registrar of Titles.

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### MINERALS AND PETROLEUM

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MP401\*

Commonwealth of Australia

**PETROLEUM (SUBMERGED LANDS) ACT 1967**

GRANT OF EXPLORATION PERMIT

Exploration Permit WA-377-P has been granted to Nexus Energy Australia NL of 17 Bennetts Lane, Melbourne Victoria to have effect for a period of six (6) years from 7 March 2006.

W. L. TINAPPLE, Director Petroleum and Royalties Division.

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### PLANNING AND INFRASTRUCTURE

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PI401\*

**METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959**

REVOCATION OF PLANNING CONTROL AREA NO. 53

Part Lot 8 Gaebler Road, Success

*City of Cockburn*

Notice is hereby given that the Western Australian Planning Commission has resolved to revoke Planning Control Area (PCA) No. 53 (part Lot 8 Gaebler Road, Success) pursuant to section 35C(2) of the *Metropolitan Region Town Planning Scheme Act*, and that the Minister for Planning and Infrastructure has granted approval to the revocation.

The revocation of Planning Control Area No. 53 is affective from the date of this Gazettal.

LINDSAY PREECE, Acting Secretary,  
Western Australian Planning Commission.

**PI402\*****METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959**

## REVOCATION OF PLANNING CONTROL AREA NO. 63

Lot 500, 452 Kalamunda Road, High Wycombe

*Shire of Kalamunda*

Notice is hereby given that the Western Australian Planning Commission has resolved to revoke Planning Control Area (PCA) No. 63 (Lot 500, 452 Kalamunda Rd, High Wycombe) pursuant to section 35C(2) of the *Metropolitan Region Town Planning Scheme Act*, and that the Minister for Planning and Infrastructure has granted approval to the revocation.

The revocation of Planning Control Area No. 63 is affective from the date of this Gazettal.

LINDSAY PREECE, Acting Secretary,  
Western Australian Planning Commission.

**PI403\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**

## APPROVED TOWN PLANNING SCHEME AMENDMENT

*Shire of Kalamunda*

District Planning Scheme No. 2—Amendment No. 233

Ref: 853/2/24/16 Pt 233

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the Shire of Kalamunda town planning scheme amendment on 21 February 2006 for the purpose of—

1. Adding to Appendix B.2 of the Scheme Text—Special Purpose Zones the following particulars—
  - Particulars of Land
  - WATSONIA ROAD, MAIDA VALE
  - Lot 503 (previously Part of Lot 5)
  - Administration and training centre for people with intellectual and physical disabilities.
2. Adding the annotation 'ATC' (Administration and Training) to Lot 503 Watsonia Road, Maida Vale in accordance with the Scheme Amendment Map.

E. TAYLOR, President.  
G. H. PARSLow, Acting Chief Executive Officer.

**PI404\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**

## APPROVED TOWN PLANNING SCHEME AMENDMENT

*City of Wanneroo*

District Planning Scheme No. 2—Amendment No. 37

Ref: 853/2/30/19 Pt 37

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the City of Wanneroo town planning scheme amendment on 21 February 2006 for the purpose of:

1.1 including a new Clause 9.14 as follows—

‘9.14 DETAILED AREA PLANS

9.14.1 Detailed Area Plan May Be Required

- (a) (i) The Council or the Commission may, as part of a proposed or an Agreed Structure Plan or by notice in writing, require a person to prepare and submit to the Council a Detailed Area Plan within the time specified in the notice.
- (ii) A person or the City may prepare and submit to the Council, a Detailed Area Plan within a proposed or Agreed Structure Plan area, provided the Detailed Area Plan is consistent with the intent of the proposed Structure Plan or the Agreed Structure Plan and the Scheme.
- (b) A Detailed Area Plan shall be submitted to the Council in quadruplicate or such other quantity specified by the Council. A Detailed Area Plan is to relate to a particular lot or lots and may be prepared and submitted—
  - (i) to enhance, elaborate or expand on the details or provisions contained in a proposed Structure Plan or an Agreed Structure Plan;

- (ii) to satisfy a condition of subdivision and/or planning approval;
- (iii) in place of an application for planning approval required to comply with Clause 2.3.3 of the Residential Design Codes; or
- (iv) for any other planning purpose.

#### 9.14.2 Matters that may be included in a Detailed Area Plan

A Detailed Area Plan may include details as to—

- (a) building envelopes and setbacks;
- (b) distribution of land uses within a lot;
- (c) private open space;
- (d) services;
- (e) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;
- (f) the location, orientation and design of buildings and the space between buildings;
- (g) advertising signs, lighting and fencing;
- (h) landscaping, site and building levels and drainage;
- (i) protection of sites of heritage, conservation, flora or environmental significance;
- (j) special development controls and guidelines; and
- (k) such other information considered relevant by the Council.

#### 9.14.3 Consideration of a Detailed Area Plan

- (a) Upon submission of a Detailed Area Plan to Council for consideration the Council is to assess the Detailed Area Plan within sixty (60) days if advertising is not required and ninety (90) days if advertising is required, and—
  - (i) adopt the Detailed Area Plan with or without conditions and/or modifications which the Council may make or require the proponent to make; or
  - (ii) refuse to approve the Detailed Area Plan.
- (b) If within sixty (60) days if advertising is not required and ninety (90) days if advertising is required of receiving a Detailed Area Plan under subclause 9.14.3, or such longer period as may be agreed in writing between the proponent and the Council, the Council has not made one of the determinations referred to in subclause 9.14.3(a), the Council is deemed to have refused to approve the Detailed Area Plan.
- (c) If the Council requires modifications under subclause 9.14.3(a)(i), the proponent shall make the modifications in consultation with the Council and resubmit the Detailed Area Plan under subclause 9.14.3(d). The Council may make the modifications required under subclause 9.14.3(a)(i).
- (d) Following approval by the Council and any modifications required by the Council under subclause 9.14.3(a)(i) being made to the Detailed Area Plan where required, the Detailed Area Plan should be certified by an officer authorised by Council.
- (e) The Council should forward a copy of the Agreed Detailed Area Plan to the Commission within 14 days of certification of the Agreed Detailed Area Plan under subclause 9.14.3(d).
- (f) The Agreed Detailed Area Plan should be included as an appendix to Part 1 of the Council's copy of the Agreed Structure Plan. The Agreed Detailed Area Plan should be appropriately flagged, marked or annotated on the Council's copy of the Agreed Structure Plan maps to draw attention to the existence of the Agreed Detailed Area Plan.

#### 9.14.4 Public Notice of a Detailed Area Plan

- (a) The Council may at its discretion require a Detailed Area Plan to be advertised with or without conditions and/or modifications, prior to Council considering the Detailed Area Plan under Clause 9.14.3(a).
- (b) The Council may at its discretion require an Amendment to an Agreed Detailed Area Plan to be advertised with or without conditions and/or modifications, prior to Council considering the Amendment to the Agreed Detailed Area Plan under Clauses 9.14.3(a) and 9.14.6.
- (c) Such publicity shall be undertaken by the proponent in accordance with the provisions of Clause 6.7 as may be directed by the Council.

#### 9.14.5 Operation of an Agreed Detailed Area Plan

- (a) An Agreed Detailed Area Plan shall come into operation on the date it is certified under subclause 9.14.3(d).
- (b) Once the Detailed Area Plan has been agreed it should be used, with respect to the land subject to the Agreed Detailed Area Plan, as the basis for—
  - (i) making recommendations to the Commission on subdivision applications;
  - (ii) determining requests to clear a condition of subdivision approval; and
  - (iii) determining applications for planning approval.

- (c) Without limiting the generality of the Clause 9.8.2, under an Detailed Area Plan—
- (i) the standards and requirements applicable to zones and R Codes under the Agreed Structure Plan shall apply to the same extent to the areas having corresponding designations under the Agreed Detailed Area Plan; however notwithstanding the provisions of subparagraph (iii), an Agreed Detailed Area Plan may by a clear statement of intent to do so, make provision for the design standards and requirements applicable to R Codes and zones to be varied, and the design standard or requirement varied in that way shall apply within the area of the Agreed Detailed Area Plan, or any stipulated part of that area of the Agreed Detailed Area Plan, as if it was a variation incorporated in the relevant Agreed Structure Plan;
  - (ii) provisions duplicating or substantially to the same effect as any provisions of the Scheme shall have the same force and effect in regard to the land in the Detailed Area Plan as if they were provisions of the Scheme;
  - (iii) any other provision, standard or requirement in relation to the R Codes and zones in the Agreed Detailed Area Plan shall be given the same force and effect as if it was a provision, standard or requirement of the relevant Agreed Structure Plan, but subject to the provision of subclause 9.14.5(c)(i) allowing for a specific variation to the design standards and requirements by a Detailed Area Plan, if there is any other inconsistency or conflict not addressed as an intended variation by the Agreed Detailed Area Plan, the provision, requirement or standard of the relevant Agreed Structure Plan shall prevail.

#### 9.14.6 Amendment or Revocation of an Agreed Detailed Area Plan

- (a) An Agreed Detailed Area Plan may be amended with the approval of the Council under subclause 9.14.3(a), but where there is a related Agreed Structure Plan, such Amendments are to conform with the intent of any related Agreed Structure Plan.
- (b) The provisions of subclauses 9.14.3 and 9.14.4 shall apply to the consideration of the amendment.
- (c) An amendment to an Agreed Detailed Area Plan shall come into operation on the date it is certified under subclause 9.14.3(d).
- (d) The Council should forward a copy of the Amendment to the Agreed Detailed Area Plan to the Commission within 14 days of certification.
- (e) The Council may revoke an Agreed Detailed Area Plan. Following the Council's decision to revoke an Agreed Detailed Area Plan, the Agreed Detailed Area Plan shall be deleted from the Agreed Structure Plan together with any associated flagging, marking or annotation. The Council should advise the Commission of its decision to revoke an Agreed Detailed Area Plan.'

#### 1.2 amending the Table of Contents as follows—

- (i) inserting 'AND DETAILED AREA PLAN' after the words 'STRUCTURE PLAN' in 9.9;
- (ii) inserting '9.14 DETAILED AREA PLANS' in the Table of Contents at the end of Part 9;

#### 1.3 amending Clause 6.1—Application for Planning Approval as follows—

- (i) by inserting the words 'an Agreed Detailed Area Plan or' after the words 'Part 9 of the Scheme or' in the second paragraph of Clause 6.1.3(b);
- (ii) by inserting the words 'an Agreed Detailed Area Plan or' after the words 'Part 9 of the Scheme or' in the last paragraph of Clause 6.1.3(b);

#### 1.4 amending Clause 9.9—Compliance with Agreed Structure as follows—

- (i) inserting the words 'AND AGREED DETAILED AREA PLAN' after the words 'STRUCTURE PLAN' in the title of Clause 9.9;
- (ii) inserting the words 'an Agreed Detailed Area Plan or' after the word 'under';

#### 1.5 amending Clause 9.10—Copyright and Ownership as follows—

- (i) inserting the words 'and Detailed Area Plans' between the words 'Plans' and 'together';
- (ii) inserting the words 'Agreed Detailed Area Plans and' between the words 'and' and 'Agreed';

#### 1.6 amending Clause 9.12—Reconsideration and Appeal as follows—

- (i) inserting the words 'or a Detailed Area Plan' between the words 'Plan' and 'in the exercise' in Clause 9.12.3;
- (ii) inserting the words 'or the Detailed Area Plan' between the words 'Plan' and 'is dissatisfied' in Clause 9.12.3;
- (iii) inserting the words 'or the Detailed Area Plan' between the words 'Structure Plan' and 'is' in Clause 9.12.6;

#### 1.7 amending the definition of 'Proponent' in Schedule 1—Interpretations as follows—

- (i) inserting the words 'or a Detailed Area Plan' between the words 'Plan' and 'or'; and
- (ii) inserting the words 'or a Detailed Area Plan' between the words 'Plan' and 'under';

- 1.8 inserting the following definitions in Schedule 1—Interpretations as follows—
- (i) after the definition of ‘density code’ inserting the following definition—
- ‘Detailed Area Plan : means a plan which enhances, elaborates and expands on the details or provisions contained in a proposed Structure Plan or Agreed Structure Plan and which provides a framework for future subdivision and development.’;
- (ii) after the definition of ‘advertising device’ inserting the following definition—
- ‘Agreed Detailed Area Plan : means a Detailed Area Plan adopted and certified under the provisions of Clause 9.14 of the Scheme.’

S. SALPIETRO, Mayor.  
C. JOHNSON, Chief Executive Officer.

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## PREMIER AND CABINET

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PC401\*

### CONSTITUTION ACTS AMENDMENT ACT 1899

#### APPOINTMENT OF PARLIAMENTARY SECRETARIES

It is hereby notified for public information that the Governor, in Executive Council, has under section 44A(1)(b) of the *Constitution Acts Amendment Act 1899* revoked the appointment of the following persons as Parliamentary Secretaries with effect on and from 2 March 2006—

**Hon Adele Farina MLC**

Parliamentary Secretary to the Minister for Tourism; Racing and Gaming; Youth; Peel and the South West

Parliamentary Secretary to the Minister for Disability Services; Citizenship and Multicultural Interests; Seniors and Volunteering; Minister Assisting the Minister for Federal Affairs

**Peter Bruce Watson MLA**

Parliamentary Secretary to the Minister for Local Government and Regional Development; Sport and Recreation; Land Information; Goldfields-Esperance and Great Southern

**Hon Kate Doust MLC**

Parliamentary Secretary to the Minister for Community Development; Culture and the Arts; Women’s Interests

Parliamentary Secretary to the Minister for Housing and Works; Heritage; Minister Assisting the Minister for Planning and Infrastructure

**Anthony McRae MLA**

Parliamentary Secretary to the Minister for Agriculture and Forestry; the Midwest and Wheatbelt

and approved under section 44A(1)(a) of the *Constitution Acts Amendment Act 1899* the appointment of the following persons as Parliamentary Secretaries with effect on and from 2 March 2006—

**Hon Kate Doust MLC**

Parliamentary Secretary to the Deputy Premier; Treasurer; Minister for Government Enterprises; Minister Assisting the Minister for Public Sector Management

Parliamentary Secretary to the Minister for Community Development; Seniors and Volunteering; Youth; Minister Assisting the Minister for Planning and Infrastructure

Parliamentary Secretary to the Minister for Housing and Works; Consumer Protection; Heritage; Land Information

Parliamentary Secretary to the Minister for Small Business; Peel and the South West; Minister Assisting the Minister for Education and Training

**Hon Adele Farina MLC**

Honourable Adele Farina MLC as Parliamentary Secretary to the Minister for Disability Services; Citizenship and Multicultural Interests; Women’s Interests; Minister Assisting the Minister for Federal Affairs

Parliamentary Secretary to the Minister for Indigenous Affairs; Tourism; Culture and the Arts

**Anthony McRae MLA**

Parliamentary Secretary to the Minister for Agriculture and Food; Forestry; the Mid West and Wheatbelt

Parliamentary Secretary to the Minister for Resources and Assisting the Minister for State Development; Employment Protection; Goldfields-Esperance and Great Southern



**Michael Philip Murray MLA**

Parliamentary Secretary to the Minister for Local Government and Regional Development; Fisheries; the Kimberley, Pilbara and Gascoyne

Parliamentary Secretary to the Minister for Small Business; Peel and the South West; Minister Assisting the Minister for Education and Training

**Peter Bruce Watson MLA**

Parliamentary Secretary to the Minister for Water Resources; Sport and Recreation

Parliamentary Secretary to the Minister for Resources and Assisting the Minister for State Development; Employment Protection; Goldfields-Esperance and Great Southern

PC402\*

**INTERPRETATION ACT 1984**  
MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor in accordance with Section 52(1)(b) of the *Interpretation Act 1984* has approved the following temporary appointment—

Hon J. B. D'Orazio MLA to act temporarily in the office of Attorney General; Minister for Health; Electoral Affairs in the absence of the Hon J. A. McGinty MLA for the period 12 to 26 March 2006 (both dates inclusive).

M. C. WAUCHOPE, Director General,  
Department of the Premier and Cabinet.

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## PUBLIC NOTICES

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ZZ401

**DISPOSAL OF UNCOLLECTED GOODS ACT 1970**

NOTICE UNDER PART VI OF INTENTION TO APPLY TO COURT FOR AN ORDER  
TO SELL OR OTHERWISE DISPOSE OF GOODS VALUED IN EXCESS OF \$300

To Murray Davies of c/- Real Estate Plus, 11 The Crescent, Midland WA 6056, bailor.

You were given notice on 15th of September 2005 that the 1991 Ford Fairlane, previous Registration No. 8MX 715, situated at 32A Munt Street, Bayswater WA 6053 was ready for redelivery.

Unless not more than one month after the date of the giving of this notice you either take redelivery of the goods or give directions for the redelivery, All Ford Motor Wreckers of 32A Munt Street, Bayswater 6053, bailee, intends making an application to the Court for an order to sell or otherwise dispose of them in accordance with the Act.

Dated: 8 March 2006.

(Sgd.), Bailee.

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## DECEASED ESTATES

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ZX401

**TRUSTEES ACT 1962**

DECEASED ESTATES

Notice to Creditors and Claimants

Frank Grace, late of Orange Grove Aged Care Facility, 185 Maddington Road, Maddington, Western Australia, 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 14 November 2005, are required by the trustee, being Jeannette Monica August, 3 Salvador Close, Safety Bay, Western Australia 6169, to send particulars of their claims to her by the 14th day of April 2006, after which date the trustee may convey or distribute the assets, having regard only to claims of which she then has notice.

ZX402

**TRUSTEES ACT 1962**  
**DECEASED ESTATES**

Notice to Creditors and Claimants

Elizabeth Joyce Marinich, late of 7 Lyndon Street, Nollamara, Home Duties. Date of Death: 16 January 2006.

Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962, relates) in respect of the estate of the abovementioned deceased are required by the personal representatives (and applicants for grant of representation) of care of Newton Vincent, Barristers and Solicitors, GPO Box P1177, Perth 6001 to send particulars of their claims to them within one month from the date of publication of this notice at the expiration of which time the personal representatives (and applicants for grant of representation) may convey or distribute the assets having regard only to the claims of which they then have notice.

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