



**WESTERN
AUSTRALIAN
GOVERNMENT**
Gazette

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041



PERTH, TUESDAY, 20 NOVEMBER 2012 No. 214

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 12.00 NOON

© STATE OF WESTERN AUSTRALIA

CONTENTS

PART 1

	Page
Retail Trading Hours Act 1987—Retail Trading Hours (Shire of Esperance) Christmas Variation Order 2012	5686
Proclamations—	
Evidence and Public Interest Disclosure Legislation Amendment Act 2012—No. 31 of 2012	5685
Litter Amendment Act 2012—No. 30 of 2012	5685
Marine and Harbours Act 1981—Albany Waterfront Marina	5686

PART 2

Aerial Advertising.....	5688
Agriculture and Food.....	5688
Deceased Estates	5712
Fire and Emergency Services.....	5689
Health.....	5690
Marine/Maritime.....	5692
Planning	5695
Racing, Gaming and Liquor.....	5711
WorkCover.....	5711
WorkSafe	5712

IMPORTANT COPYRIGHT NOTICE

© State of Western Australia

This work is copyright. Apart from any use as permitted under the *Copyright Act 1968*, no part may be reproduced by any process without written permission from the Attorney General for Western Australia. Inquiries in the first instance should be directed to the Government Printer, State Law Publisher, 10 William St, Perth 6000.

PUBLISHING DETAILS

The Western Australian *Government Gazette* is published by State Law Publisher for the State of Western Australia on Tuesday and Friday of each week unless disrupted by Public Holidays or unforeseen circumstances.

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*.

- Material submitted to the Executive Council prior to gazettal will require a copy of the signed Executive Council Minute Paper and in some cases the Parliamentary Counsel's Certificate.
- Copy must be lodged with the Sales and Editorial Section, State Law Publisher no later than 12 noon on Wednesday (Friday edition) or 12 noon on Friday (Tuesday edition).

Delivery address:

State Law Publisher
Ground Floor,
10 William St. Perth, 6000
Telephone: 6552 6000 Fax: 9321 7536

- Inquiries regarding publication of notices can be directed to the Editor on (08) 6552 6010.
- Lengthy or complicated notices should be forwarded early to allow for preparation. Failure to observe this request could result in the notice being held over.

If it is necessary through isolation or urgency to fax copy, confirmation is not required by post. *If original copy is forwarded later and published, the cost will be borne by the advertiser.*



GOVERNMENT GAZETTE

PUBLISHING DETAILS FOR CHRISTMAS 2012 AND NEW YEAR HOLIDAY PERIOD 2013

Publishing Dates and times	Closing Dates and Times for copy
Friday, 21 December 2012 at 12 noon	Wednesday, 19 December 2012 at 12 noon
Friday, 28 December 2012 at 12 noon	Monday, 24 December 2012 at 12 noon
Friday, 4 January 2013 at 12 noon	Wednesday, 2 January 2013 at 12 noon



— PART 1 —

PROCLAMATIONS

AA101*

LITTER AMENDMENT ACT 2012

No. 30 of 2012

PROCLAMATION

Western Australia
By His Excellency
Malcolm James McCusker,
Companion of the Order of Australia,
Commander of the Royal Victorian Order,
Queen's Counsel,
Governor of the State of Western Australia
M. J. McCUSKER
Governor

[L.S.]

I, the Governor, acting under the *Litter Amendment Act 2012* section 2(b) and with the advice and consent of the Executive Council, fix the day after the day on which this proclamation is published in the *Government Gazette* as the day on which the provisions of that Act, other than sections 1 and 2, come into operation.

Given under my hand and the Public Seal of the State on 13 November 2012.

By Command of the Governor,

W. MARMION, Minister for Environment.

AA103*

**EVIDENCE AND PUBLIC INTEREST DISCLOSURE LEGISLATION
AMENDMENT ACT 2012**

No. 31 of 2012

PROCLAMATION

Western Australia
By His Excellency
Malcolm James McCusker,
Companion of the Order of Australia,
Commander of the Royal Victorian Order,
Queen's Counsel,
Governor of the State of Western Australia
M. J. McCUSKER
Governor

[L.S.]

I, the Governor, acting under the *Evidence and Public Interest Disclosure Legislation Amendment Act 2012* section 2(b) and with the advice and consent of the Executive Council, fix the day after the day on which this proclamation is published in the *Government Gazette* as the day on which the provisions of that Act, other than Part 1, come into operation.

Given under my hand and the Public Seal of the State on 30 October 2012.

By Command of the Governor,

M. MISCHIN, Attorney General.

AA102*

MARINE AND HARBOURS ACT 1981

PROCLAMATION

Western Australia
 By His Excellency
 Malcolm James McCusker,
 Companion of the Order of Australia,
 Commander of the Royal Victorian Order,
 Queen's Counsel, [L.S.]
 Governor of the State of Western Australia
 M. J. McCUSKER
 Governor

I, the Governor, acting under the *Marine and Harbours Act 1981* section 9 and with the advice and consent of the Executive Council—

- (a) cancel the proclamation made under that Act on 5 May 2009 and published in the *Government Gazette* on 26 May 2009 at page 1804; and
- (b) withdraw from the Minister for Transport and revert in the Crown the land vested in the Minister for Transport under paragraph (c) of that proclamation; and
- (c) vest in the Minister for Transport constituted under section 8(1) of that Act the property set out in Schedule 1.

Given under my hand and the Public Seal of the State on 13 November 2012.

By Command of the Governor,

T. BUSWELL, Minister for Transport.

Schedule 1

ALBANY WATERFRONT MARINA, PRINCESS ROYAL BOAT
 HARBOUR, ALBANY

1. Lots 1583 and 1584 on Deposited Plan 65707 held by the Western Australian Land Information Authority; and
2. Lot 310 on Deposited Plan 72596 held by the Western Australian Land Information Authority.

CONSUMER PROTECTION

CP301*

RETAIL TRADING HOURS ACT 1987

RETAIL TRADING HOURS (SHIRE OF ESPERANCE) CHRISTMAS
 VARIATION ORDER 2012

Made by the Minister for Commerce under section 12E of the Act.

1. Citation

This order is the *Retail Trading Hours (Shire of Esperance) Christmas Variation Order 2012*.

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. Variation of retail trading hours: December 2012

General retail shops within the Shire of Esperance are authorised to be open at times when the shops would otherwise be required to be closed—

- (a) on a day specified in the Table; and
- (b) during the hours specified for that day in the Table.

Table

Monday 10 December 2012	from 6.00pm until 9.00pm
Tuesday 11 December 2012	from 6.00pm until 9.00pm
Wednesday 12 December 2012	from 6.00pm until 9.00pm

Friday 14 December 2012	from 6.00pm until 9.00pm
Sunday 16 December 2012	from 11.00am until 5.00pm
Monday 17 December 2012	from 6.00pm until 9.00pm
Tuesday 18 December 2012	from 6.00pm until 9.00pm
Wednesday 19 December 2012	from 6.00pm until 9.00pm
Friday 21 December 2012	from 6.00pm until 9.00pm
Sunday 23 December 2012	from 11.00am until 5.00pm

SIMON O'BRIEN, Minister for Commerce.

— PART 2 —

AGRICULTURE AND FOOD

AG401*

BEEKEEPERS ACT 1963

APPOINTMENT

Department of Agriculture and Food,
SOUTH PERTH WA 6151.

The Governor is pleased to appoint the following officer as an Inspector pursuant to Section 5 of the *Beekeepers Act 1963*—

Steven Deryck Banks

TERRY REDMAN MLA, Minister for Agriculture and Food.

AERIAL ADVERTISING

AX401*

MAJOR EVENTS (AERIAL ADVERTISING) ACT 2009

EVENT ORDERS

The Minister for Sport and Recreation the Hon Terry Waldron, MLA, has declared the following events be subject to an Event Order under the Act.

Date	Location/ Venue	Event	Start Time	Finish Time
30 November- 4 December 2012	WACA	Vodafone Test Match	6.00am	6.30pm
9 December 2012	WACA	KFC T20 Big Bash League	11.45am	9.00pm
12 December 2012	WACA	KFC T20 Big Bash League	1.30pm	8.00pm
29 December 2012	WACA	KFC T20 Big Bash League	2.30pm	9.00pm
4 January 2013	WACA	KFC T20 Big Bash League	2.30pm	9.00pm
1 February 2013	WACA	Commonwealth Bank One Day International	7.30am	8.05pm
3 February 2013	WACA	Commonwealth Bank One Day International	7.30am	8.05pm

Place at which event/s conducted—

The Western Australian Cricket Association (WACA) ground
Nelson Crescent
East Perth

Event Organiser—

The Western Australian Cricket Association.

The manner in which the event organiser must publicise that the event is covered by the event order—

In all advertisements for the above-mentioned matches in the West Australian newspaper throughout the cricket season.

Event Order conditions—

There are no conditions applied.

FIRE AND EMERGENCY SERVICES

FE401*

BUSH FIRES ACT 1954
TOTAL FIRE BAN DECLARATION

Correspondence No. 12080

Pursuant to powers delegated under the *Bush Fires Act 1954*, the Assistant Chief Operations Officer of the Fire and Emergency Services Authority of Western Australia, declared under Section 22A of the *Bush Fires Act 1954*, a total fire ban for 28th October 2012 from 0001 hours to 2359 hours, for the local government districts of—

Beverley, Cunderdin, Dowerin, Goomalling, Northam, Quairading, Tammin, Wyalkatchem, York, Dalwallinu, Koorda, Wongan-Ballidu, Mount Marshall, Mukinbudin, Nungarin, Westonia and Yilgarn

GARY GIFFORD, Assistant Chief Operations Officer of the Fire and Emergency Services Authority of Western Australia, as a sub-delegate of the Minister under section 16 of the *Fire and Emergency Services Authority of Western Australia Act 1998*.

FE402*

BUSH FIRES ACT 1954
TOTAL FIRE BAN DECLARATION

Correspondence No. 12080

Pursuant to powers delegated under the *Bush Fires Act 1954*, the Assistant Commissioner of the Department of Fire and Emergency Services, declared under Section 22A of the *Bush Fires Act 1954*, a total fire ban for 9th November 2012 from 0001 hours to 2359 hours, for the local government districts of—

Ashburton, East Pilbara and Port Hedland

BRAD STRINGER, Assistant Commissioner of the Department of Fire and Emergency Services, as a sub-delegate of the Minister under section 16 of the *Fire and Emergency Services Act 1998*.

FE403*

BUSH FIRES ACT 1954
Shire of Esperance
TOTAL FIRE BAN DECLARATION

Correspondence No. 12080

Pursuant to powers delegated under the *Bush Fires Act 1954*, the Assistant Commissioner of the Department of Fire and Emergency Services, declared under Section 22A of the *Bush Fires Act 1954*, a total fire ban for 10th November 2012 from 0001 hours to 2359 hours, for the local government district of—

Shire of Esperance

BRAD STRINGER, Assistant Commissioner of the Department of Fire and Emergency Services, as a sub-delegate of the Minister under section 16 of the *Fire and Emergency Services Act 1998*.

FE404*

BUSH FIRES ACT 1954
Shire of Esperance
TOTAL FIRE BAN REVOCATION

Correspondence No. 12080

Pursuant to powers delegated under the *Bush Fires Act 1954*, the Assistant Commissioner of the Department of Fire and Emergency Services, revoked the total fire ban issued for 10th November 2012 from 1400 hours to 2359 hours, for the local government district of—

Shire of Esperance

BRAD STRINGER, Assistant Commissioner of the Department of Fire and Emergency Services, as a sub-delegate of the Minister under section 16 of the *Fire and Emergency Services Act 1998*.

HEALTH

HE401***HEALTH ACT 1911**

ANAESTHETIC MORTALITY COMMITTEE (APPOINTMENT OF MEMBERS INSTRUMENT) 2012
Made by the Minister under section 340BB of the *Health Act 1911* (the Act).

1. Citation

This instrument may be cited as the Anaesthetic Mortality Committee (Appointment of Members Instrument) 2012.

2. Appointment of Permanent Members

The appointment of—

- a. Dr Jennifer Bruce pursuant to section 340BB(3)(b) of the *Health Act 1911*;
- b. Dr Kenneth Allen Williams pursuant to section 340BB(3)(e) of the *Health Act 1911*;

as permanent members to the Anaesthetic Mortality Committee is approved for a period of three years commencing on 21 December 2012 and ending on 20 December 2015.

3. Appointment of Provisional Members

The appointment of—

- a. Dr Robyn Louise Leake pursuant to section 340BB(4)(a) of the *Health Act 1911*;
- b. Clinical Professor Mark Alexander John Newman pursuant to section 340BB(4)(e) of the *Health Act 1911*;
- c. Associate Professor Michael Paech pursuant to section 340BB(4)(e) of the *Health Act 1911*;

as provisional members to the Anaesthetic Mortality Committee is approved for a period of three years commencing on 21 December 2012 and ending on 20 December 2015.

Dated 15 October 2012.

Dr KIM HAMES, MLA, Deputy Premier, Minister for Health.

HE402***RADIATION SAFETY ACT 1975****RADIOLOGICAL COUNCIL (APPOINTMENT OF MEMBERS) INSTRUMENT 2012**

Made by His Excellency the Governor, in Executive Council, under section 13(2)(b)(vi) of the Act.

1. Citation

This instrument may be cited as the Radiological Council (Appointment of Members) Instrument 2012.

2. Appointment of Members

The appointment of Mr Christopher Dillon and Mr Garry Fee pursuant to section 13(2)(b)(vi) of the *Radiation Safety Act 1975* as members to the Radiological Council is approved for a period commencing on 15 December 2012 and expiring on 14 December 2015.

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

HE403***HEALTH PRACTITIONER REGULATION NATIONAL LAW
(WESTERN AUSTRALIA) ACT 2010****HEALTH PRACTITIONER REGULATION NATIONAL LAW
(WESTERN AUSTRALIA)****MEDICAL (AREA OF NEED) DETERMINATION (NO. 37) 2012**

Made by the Minister for Health pursuant to section 67(5) of the Schedule of the *Health Practitioner Regulation National Law (Western Australia)*.

Citation

1. This determination may be cited as the *Medical (Area of Need) Determination (No. 37) 2012*.

Commencement

2. This determination comes into operation on the day on which it is published in the *Government Gazette*.

Area of need

3. The area of need specified in the Schedule is determined to be an area of need for the purposes of section 67(5) of the Schedule of the *Health Practitioner Regulation National Law (Western Australia)*.

Expiry of determination

4. This determination expires five years after its commencement.

SCHEDULE

GENERAL MEDICAL SERVICES IN THE SUBURB OF ALEXANDER HEIGHTS IN THE CITY OF WANNEROO

Dated this 13th day November of 2012.

Dr KIM HAMES, MLA, Deputy Premier, Minister for Health.

HE404***HEALTH PRACTITIONER REGULATION NATIONAL LAW
(WESTERN AUSTRALIA) ACT 2010****HEALTH PRACTITIONER REGULATION NATIONAL LAW
(WESTERN AUSTRALIA)****MEDICAL (AREA OF NEED) DETERMINATION (NO. 40) 2012**

Made by the Minister for Health pursuant to section 67(5) of the Schedule of the *Health Practitioner Regulation National Law (Western Australia)*.

Citation

1. This determination may be cited as the *Medical (Area of Need) Determination (No. 40) 2012*.

Commencement

2. This determination comes into operation on the day on which it is published in the *Government Gazette*.

Area of need

3. The area of need specified in the Schedule is determined to be an area of need for the purposes of section 67(5) of the Schedule of the *Health Practitioner Regulation National Law (Western Australia)*.

Expiry of determination

4. This determination expires five years after its commencement.

SCHEDULE

GENERAL MEDICAL SERVICES IN THE SUBURB OF BEELIAR IN THE CITY OF COCKBURN

Dated this 13th day of November 2012.

Dr KIM HAMES, MLA, Deputy Premier, Minister for Health.

HE405***HEALTH PRACTITIONER REGULATION NATIONAL LAW
(WESTERN AUSTRALIA) ACT 2010****HEALTH PRACTITIONER REGULATION NATIONAL LAW
(WESTERN AUSTRALIA)****MEDICAL (AREA OF NEED) DETERMINATION (NO. 41) 2012**

Made by the Minister for Health pursuant to section 67(5) of the Schedule of the *Health Practitioner Regulation National Law (Western Australia)*.

Citation

1. This determination may be cited as the *Medical (Area of Need) Determination (No. 41) 2012*.

Commencement

2. This determination comes into operation on the day on which it is published in the *Government Gazette*.

Area of need

3. The area of need specified in the Schedule is determined to be an area of need for the purposes of section 67(5) of the Schedule of the *Health Practitioner Regulation National Law (Western Australia)*.

Expiry of determination

4. This determination expires five years after its commencement.

SCHEDULE

GENERAL MEDICAL SERVICES IN THE SUBURB OF SOUTH LAKE IN THE CITY OF COCKBURN

Dated this 13th day of November 2012.

Dr KIM HAMES, MLA, Deputy Premier, Minister for Health.

MARINE/MARITIME

MA401*

WESTERN AUSTRALIAN MARINE ACT 1982

WA MARINE (CONSTRUCTION, STABILITY AND ENGINEERING) REGULATIONS 1983

EXEMPTION

Exemption for vessels undertaking towing operations from compliance with certain provisions of the Combined Uniform Shipping Laws Code/ National Standard for Commercial Vessels 2009.

(WAMA—2012- 00831)

I, David Harrod, Marine Safety General, Department of Transport, delegate of the Chief Executive Officer, acting pursuant to subsections 115A(1) and (4) of the *Western Australian Marine Act 1982* (the Act) hereby **exempt** all vessels undertaking towing operations from Regulation 6 of the *W.A. Marine (Construction, Stability and Engineering) Regulations 1983* ('Regulations'), to the extent that regulation 6 incorporates the Combined Uniform Shipping Laws Code ('USL')/National Standard for Commercial Vessels ('NSCV') 2009, Part C, Section 6, Subsection 6A, Intact Stability Requirements, clauses 6.6.3.2 and 6.6.3.3.

Subject to the following conditions—

1. Commercial vessels unable to comply with NSCV Part C Design and Construction, Section 6 Stability, sub section 6A Intact Stability Requirements, clause 6.6.3.2 using heeling moments calculated in accordance with Annex F Clause F3, whilst undertaking towing operations, are to comply instead with—

- 1.1. schedule 1 of this instrument being the "WA Alternative Additional Towing Criteria"; or,
- 1.2. for commercial vessels that are surveyed and certificated by a 'survey authority' as permitted by the Regulations, the survey authority's stability requirements for towing are deemed to satisfy solution to the Combined USL/NSCV 2009.

For existing commercial vessels, continued compliance with the towing criteria of Section 8—Stability, of the USL Code 1997, or continued compliance with the survey, certification and towing stability criteria of a 'survey authority', satisfies the requirements of regulation 6 of the Regulations with regard to stability when towing.

This exemption shall expire two years from the date of this instrument unless sooner revoked.

Dated this 13th day of November 2012.

DAVID HARROD, FNI, Marine Safety General Manager.

Schedule 1

ALTERNATIVE ADDITIONAL TOWING CRITERIA

1. Vessels required to comply with NSCV Part C Design and Construction, Section 6 Stability, Sub section 6A Intact stability, clause 6.6.3.2 using heeling moments calculated in accordance with requirements of Annex F clause F3 may instead comply with the following—
2. IACS Recommendation Number 24, Revision 5 of May 2004, "Additional requirements", amended as follows—

Each operational loading condition shall comply with at least one of the following criteria. The criteria satisfied need not be the same for each loading condition—

Alternative 1

The residual area between a righting lever curve and a heeling lever curve, where the heeling lever curve is developed from the formula below, shall not be less than 0,09 m.rad (5.16 metre-degrees). The area is to be determined between the first intercept and the lesser of either the angle of downflooding or the second intercept.

The heeling lever value at the first intersection between the heeling lever curve and the GZ curve is to be not more than 60% of the maximum GZ value that occurs between the first intercept and the lesser of either the angle of downflooding or the second intercept.

Alternative 2

The area under a righting lever curve should not be less than 1.4 times the area under a heeling lever curve developed from the formula below. The areas are to be determined between 0° and the lesser of either the angle of downflooding or the second intercept.

The heeling lever curve is to be derived from the following formula—

$$bh = \text{Factor} \times 0.7 TH \cos\Theta / (9.81 \Delta)$$

where—

- bh= heeling lever, (m)
 T = maximum bollard pull applied 90 degrees to the ships length direction, (kN)
 H = vertical distance between the towing hook / point and the centre of propeller thrust, (m)
 Δ = loading condition displacement, (t).
 Factor = 1.00, or
 0.86 for vessels where the longitudinal distance between the thruster(s) and the towing point is more than 0.5LWL.

MA402*

WESTERN AUSTRALIAN MARINE ACT 1982
NAVIGABLE WATERS REGULATIONS 1958
DECLARATION AND EXEMPTION OF EMERGENCY VESSELS
 Western Australian Government Agencies

(NWR—2012—00830)

I David Harrod, Marine Safety General Manager and delegate of the chief executive officer, acting pursuant to regulation 19H of the *Navigable Waters Regulations 1958* (“the Regulations”), do **hereby declare** each of the vessels listed in Schedule 1 to be an emergency vessel, and in regard to these vessels, or their drivers, do **hereby grant exemptions** and **specify conditions** as detailed in schedule 2.

This instrument is to be known as NWR-2012-00830 and revokes and replaces any previous declarations made under regulation 19H in respect of any of the listed vessels.

Signed this 13th day of November 2012.

DAVID HARROD, FNI, Marine Safety General Manager.
 Department of Transport.

Schedule 1

Agency	Vessel Name	Vessel No.
Department of Transport, Marine Safety	PV5	MH6096
Department of Transport, Marine Safety	PV6	MH6683
Department of Transport, Marine Safety	PV7	MH6355
Department of Transport, Marine Safety	PV9	MH6241
Department of Transport, Marine Safety	PV10	MH5107
Department of Transport, Marine Safety	PV11	MH5421
Department of Transport, Marine Safety	PV12	MH5262
Department of Transport, Marine Safety	PV14	MH6826
Department of Transport, Marine Safety	PV15	MH6825
Department of Transport, Marine Safety	PV16	C660
Department of Transport, Marine Safety	PV17	MH6956
Department of Transport, Marine Safety	PV18	C1225
Department of Transport, Marine Safety	“Scorpion”	C1393
Department of Fisheries	“Walcott”	MH4752
Department of Fisheries	FD5	MH6499
Department of Fisheries	FD7	MH6184
Department of Fisheries	FD9	MH5632
Department of Fisheries	FD12	MH6602
Department of Fisheries	FD23	C819
Department of Fisheries	FD26	MH6498
Department of Fisheries	FD41	MH5665
Department of Fisheries	FD50	MH6385
Rottneest Island Authority	Ranger 1	MH6501
Rottneest Island Authority	Marine II	MH6183
Department of Environment and Conservation	“Pseudorca III”	MH6412
Department of Environment and Conservation	“Lakela”	MH6414
Department of Environment and Conservation	“Sousa”	MH6525
Department of Environment and Conservation	“DECV09”	MH6598
Department of Environment and Conservation	“Kgaiup Spirit”	MH6332
Department of Environment and Conservation	Cetea	MH6500
Department of Environment and Conservation	Osprey	C1397
Department of Environment and Conservation	Sirenia III	MH6404
Department of Environment and Conservation	Pandion	MH6413
Department of Environment and Conservation	Jangabarri	MH6685
Department of Environment and Conservation	Joonwinyin	MH6881
Department of Environment and Conservation	Murlanda	MH6952
Department of Environment and Conservation	Eclipse	MH6601
Police Department	“Delphinus” TW150	MH3621
Police Department	Aux to “Delphinus” TW155	MH6455

Agency	Vessel Name	Vessel No.
Police Department	"Falcon" TW160	MH5202
Police Department	TW151	MH6353
Police Department	TW152	MH6443
Police Department	TW153	C1487
Police Department	TW154	MH6255
Police Department	TW170	MH6296
Police Department	TW171	C1337
Police Department TRG	QO390	MH6654
Police Department TRG	QO391	MH6254
Swan River Trust	Marli	C1604
Swan River Trust	Booneenboro	MH6827

Schedule 2

1. Pursuant to regulation 19H(2)(c) each of the vessels listed in Schedule 1 **is permitted** to use a lamp displaying intermittent blue flashes. .
 2. Pursuant to regulation 19H(2)(b), the person driving a vessel listed in Schedule 1 **is exempt** from the following provisions of the Regulations—
 - (a) Regulation 19A, Speed limit in Swan and Canning Rivers
 - (b) Regulation 48, Limitation of speed.
 3. Pursuant to section 115A of the Western Australian Marine Act 1982 ("the Act"), the person driving a vessel listed in Schedule 1 **is also exempt** from the provisions of the following sections of the Act—
 - (a) Section 66, Closure of navigable waters
 - (b) Section 67, Limiting speed of vessels
 4. The provisions above only apply while the vessel is—
 - (a) deployed in relation to sea search and rescue or other emergency situations where the potential for serious injury and or loss of life has been reported and / or can be reasonably expected; or
 - (b) being used in connection with compliance monitoring and enforcement of legislation administered by the Department of Transport and is being driven by an appointed Inspector / Appointed Person under section 117 of the Act.
- and are subject to the following conditions—
- (1) The driver of the vessel must be suitably experienced in high speed emergency response and hold a minimum certificate of competency as a Restricted Coxswain or other higher commercial marine master's qualification.
 - (2) The person driving the vessel is only exempt from compliance with the above legislation whilst acting in the course of their duties and where they reasonably believe that it is expedient and safe to do so and only in circumstances that warrant such action for reasons of safety.
 - (3) The vessel and any person driving the vessel are not exempted from any other legislation and must comply with the *WA Prevention of Collisions at Sea Regulations 1983*.

MA403*

WESTERN AUSTRALIAN MARINE ACT 1982
NAVIGABLE WATERS REGULATIONS 1958

WATER SKI AREA

Belmont
 Swan River

Department of Transport
 Fremantle WA, 20 November 2012

Acting pursuant to the powers conferred by Regulation 48A of the Navigable Waters Regulations 1958, I hereby cancel Notice MA404 as published in the *Government Gazette* on 18 February 2011 and hereby declare the following waters to be a restricted Water Ski Area—

BELMONT: All the waters of the Swan River downstream of a line through 31°57.208'S, 115°53.965'E

(starboard navigation marker) and 31°57.129'S, 115°54.024'E (port navigation marker) located approximately 100 metres upstream of the Balbuk Way public boat ramp and extending downstream to a line through 31°56.749'S, 115°53.741'E (starboard navigation marker) and 31°56.763'S, 115°53.828'E (port navigation marker) located approximately 1000 metres downstream of the boat ramp. All coordinates based on GDA 94.

All Water Skiing activities within this area are to be carried out in an anti-clockwise direction providing however that no vessel or water skier shall approach within 30 metres of the river bank and that no water ski take-off or landing shall be permitted on any foreshore within this area except at those designated areas as described below.

TAKE OFF ONLY: At a point on the foreshore upstream of the Balbuk Way public boat ramp at approximately 31°57.226'S, 115°53.938'E and extending downstream to approximately 31°57.219'S, 115°53.919'E

TAKE OFF AND LANDING: At a point on the foreshore downstream of the Balbuk Way public boat ramp at approximately 31°57.198'S, 115°53.867'E and extending downstream to approximately 31°57.156'S, 115°53.809'E

TAKE OFF ONLY: At a point on the foreshore downstream of the Balbuk Way public boat ramp at approximately 31°57.132'S, 115°53.790'E and extending downstream to approximately 31°57.094'S, 115°53.767'E

TAKE OFF AND LANDING: At a point on the foreshore downstream of the Balbuk Way public boat ramp at approximately 31°57.005'S, 115°53.714'E and extending downstream to approximately 31°56.899'S, 115°53.690'E

RESTRICTION: This Water Ski Area is open between the hours of 08:00am to Sunset.

RAY BUCHHOLZ, Marine Safety Operations Director.
Department of Transport.

PLANNING

PL401*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT

City of Busselton

Town Planning Scheme No. 20—Amendment No. 179

Ref: TPS/0747

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Busselton local planning scheme amendment on 30 October 2012 for the purpose of—

- a. Rezoning Lot 11 Chapman Hill Road, Ambergate, from Agriculture, Special Purposes (BP)—Bypass and Development Investigation Area to Special Purposes (Ambergate Automotive Development Area).
- b. Including Lot 11 Chapman Hill Road, Ambergate in Special Provision Areas 47 and 48.
- c. Insert the following Special Provisions into the Schedule 7 of the Scheme:

No.	Particulars of Land	Zone	Special Provisions
SP47	Lot 11 Chapman Hill Road, Ambergate	Special Purpose (Ambergate Automotive Development Area)	<p>1. The intent of this Special Provision Area is to facilitate the development of an attractive, well serviced and convenient site for the long term growth and expansion of motor vehicle and marine sales premises and related activities. The primary objective is to ensure that land uses within the area involve or are directly reliant upon or directly related to motor vehicle and marine sales.</p> <p>2. The following uses shall be permitted—</p> <ul style="list-style-type: none"> Bus Depot Chandlery Educational Establishment Liquid Fuel Depot Motor Vehicles and Marine Sales Premises Motor Vehicle Repair Research and Development Facility Service Station Transport Depot Warehouse <p>All other uses are not permitted.</p> <p>3. Subdivision and Development of the land shall be generally in accordance with a Development Guide Plan for the land adopted by Council and endorsed by the Western Australian Planning Commission pursuant to Clause 25 of the Scheme.</p>

No.	Particulars of Land	Zone	Special Provisions
			<p>4. Notwithstanding the provisions of Clause 25 of the Scheme, the Development Guide Plan shall include the following details—</p> <ul style="list-style-type: none"> (a) the proposed lot yield and minimum and average lot sizes; (b) any proposed building envelopes; (c) the proposed distribution of land uses; (d) services and infrastructure; (e) proposals for vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures; (f) the proposed location, orientation and design of buildings and the space between buildings; (g) proposals for advertising signs, lighting and fencing including design requirements and amenity controls on the use of illuminated and pylon signage; (h) proposals for landscaping, landscape design finished site levels and drainage; (i) protection of sites of heritage, conservation or environmental significance; (j) land use/visual amenity and development controls and guidelines to ensure the appropriate design, siting and heights of buildings particularly those buildings which will be visible from the Busselton Bypass and Chapman Hill Road; (k) the need for pedestrian and cyclist facilities to and within the site where appropriate; (l) such other information considered relevant by the local government. <p>5. Prior to final approval of the Development Guide Plan the developer will prepare—</p> <ul style="list-style-type: none"> (a) a Local Water Management Strategy (LWMS) for the full extent of the site in accordance with the principles outlined in Better Urban Water Management (WAPC, 2008). The LWMS will be prepared to the satisfaction of the Shire of Busselton and Department of Water. (b) ethnographic and archaeological findings to be reported to the Department of Indigenous Affairs. (c) a mosquito management and implementation strategy (which may be integrated with the drainage management plan). (d) a traffic and parking management plan. (e) a landscaping plan. (f) a drainage management plan. (g) a fire management plan (h) an acid sulphate soil investigation to determine the presence, extent and severity of ASS. If the site is found to contain ASS, an ASS management plan is to be prepared prior to the commencement of subdivision works. <p>6. The provisions of the endorsed Development Guide Plan apply to the land as if its provisions were incorporated into the Scheme and are binding and enforceable in the same manner as those provisions included in the Scheme.</p> <p>7. All provisions (such as land use and development controls or approval procedures) applicable to a zone or reserve pursuant to the Scheme shall apply to the corresponding land use designations pursuant to the endorsed Development Guide Plan, however, nothing on the Development Guide Plan can extend the range of permitted land uses as set out in provision 2.</p>

No.	Particulars of Land	Zone	Special Provisions
SP48	Lot 11 Chapman Hill Road, Ambergate	Special Purpose (Ambergate Automotive Development Area)	<p>The intent of this Special Provision Area is to enable the use and development of the site in order to complement use of the balance portion of Lot 11 Chapman Hill Road (the subject of Special Provision area 47).</p> <p>2. The following uses shall be permitted—</p> <ul style="list-style-type: none"> Bulk Store Bus Depot Chandlery Educational Establishment Lunch Bar Light Industry Liquid Fuel Depot Motor Vehicles and Marine Sales Premises Motor Vehicle Repair Motor Vehicle Wash Research and Development Facility Plant Nursery Public Utility Recreation Area Recreation Facility Service Industry Service Station Showroom Transport Depot Veterinary Hospital Warehouse <p>All other uses are not permitted.</p> <p>3. Subdivision and Development shall be generally in accordance with a Development Guide Plan for the land adopted by Council and endorsed by the Western Australian Planning Commission pursuant to Clause 25 of the Scheme.</p> <p>4. Notwithstanding the provisions of Clause 25 of the Scheme, the Development Guide Plan shall include the following details—</p> <ul style="list-style-type: none"> (a) the proposed lot yield and minimum and average lot sizes; (b) any proposed building envelopes; (c) the proposed distribution of land uses; (d) services and infrastructure; (e) proposals for vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures; (f) the proposed location, orientation and design of buildings and the space between buildings; (g) proposals for advertising signs, lighting and fencing including design requirements and amenity controls on the use of illuminated and pylon signage; (h) proposals for landscaping, landscape design finished site levels and drainage; (i) protection of sites of heritage, conservation or environmental significance; (j) land use/visual amenity and development controls and guidelines to ensure the appropriate design, siting and heights of buildings particularly those buildings which will be visible from the Busselton Bypass and Chapman Hill Road; (k) the need for pedestrian and cyclist facilities to and within the site where appropriate; and (l) such other information considered relevant by the local government.

No.	Particulars of Land	Zone	Special Provisions
			<p>5. Prior to final approval of the Development Guide Plan the developer will prepare—</p> <ul style="list-style-type: none"> (a) a Local Water Management Strategy (LWMS) for the full extent of the site in accordance with the principles outlined in Better Urban Water Management (WAPC, 2008). The LWMS will be prepared to the satisfaction of the Shire of Busselton and Department of Water. (b) ethnographic and archaeological survey with the findings to be reported to the Department of Indigenous Affairs. (c) a mosquito management and implementation strategy (which may be integrated with the drainage management plan). (d) a traffic and parking management plan. (e) a landscaping plan. (f) a drainage management plan. (g) a fire management plan. (h) an acid sulphate soil investigation to determine the presence, extent and severity of ASS. If the site is found to contain ASS, an ASS management plan is to be prepared prior to the commencement of subdivision works. <p>6. All provisions as land use and development controls or approval procedures) applicable to a zone or reserve pursuant to the Scheme shall apply to the corresponding land use designations pursuant to the endorsed Development Guide Plan, however, nothing on the Development Guide Plan can extend the range of permitted land uses as set out in provision 2.</p> <p>7. The provisions of the endorsed Development Guide Plan apply to the land as if its provisions were incorporated into the Scheme and are binding and enforceable in the same manner as those provisions included in the Scheme.</p>

d. Amending the Scheme Map accordingly.

I. W. STUBBS, Mayor.
M. ARCHER, Chief Executive Officer.

PL402*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Exmouth
Town Planning Scheme No. 3—Amendment No. 19

Ref: 853/10/7/3 Pt 19

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Exmouth local planning scheme amendment on 18 October 2012 for the purpose of—

1. Inserting a new Part 6 Special Control Areas into the scheme and renumbering the scheme accordingly; and inserting the Development Contribution provisions in the scheme under Part 6 Special Control Areas.

Part 6 Special Control Areas

6.1 Operation of Special Control Areas

- (a) The following special control areas are shown on the map as an SCA with a number with the exception of Development Control Areas which are shown as DCA with a number—
 - (i) Development Contribution Areas (SCA 1)
- (b) In respect of a special control area shown on the Scheme Map, the provisions applying to the special control area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

6.2 Development Contribution Areas

- (a) Development Contribution Areas are shown on the Scheme Map as DCA with a number and included in Schedule 11.
- (b) In respect of a Development Contribution Area shown on the Scheme Map, the provisions applying to the Development Contribution Area apply in addition to the provisions applying to the underlying zone or reserve and any general provisions of the scheme.

6.2.1 Interpretation

In clause 6.2, unless the context otherwise requires—

‘Administrative costs’ means such costs as are reasonably incurred for the preparation and (with respect to standard infrastructure items) implementation of the development contribution plan.

‘Administrative items’ means the administrative matters required to be carried out by or on behalf of the local government in order to prepare and (with respect to standard infrastructure items) implement the development contribution plan, including legal, accounting, planning engineering, and other professional advice.

‘Cost apportionment schedule’ means a schedule prepared and distributed in accordance with clause 6.2.10.

‘Cost contribution’ means the contribution to the cost of infrastructure and administrative costs.

‘Development contribution area’ means shown on the scheme map as DCA with a number and included in Schedule 11.

‘Development contribution plan’ means a development contribution plan prepared in accordance with the provisions of *State Planning Policy 3.6 Development Contributions for Infrastructure* and the provisions of this clause 6.2 of the scheme (as incorporated in Schedule 11 to this scheme).

‘Development contribution plan report’ means a report prepared and distributed in accordance with clause 6.2.10.

‘Infrastructure’ means the standard infrastructure items (services and facilities set out in appendix 1 of *State Planning Policy 3.6 Development Contributions for Infrastructure*) and community infrastructure, including recreational facilities; community centres; child care and after school centres; libraries and cultural facilities and such other services and facilities for which development contributions may reasonably be requested having regard to the objectives, scope and provisions of this policy.

‘Infrastructure costs’ means such costs as are reasonably incurred for the acquisition and construction of infrastructure.

‘Local government’ means the local government or local governments in which the development contribution area is located or through which the services and facilities are provided.

‘Owner’ means an owner of land that is located within a development contribution area.

6.2.2 Purpose

The purpose of having development contribution areas is to—

- (a) provide for the equitable sharing of the costs of infrastructure and administrative costs between owners;
- (b) ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the development contribution area; and
- (c) coordinate the timely provision of Infrastructure.

6.2.3 Development contribution plan required

A development contribution plan is required to be prepared for each development contribution area.

6.2.4 Development contribution plan part of scheme

The development contribution plan is incorporated in Schedule 11 as part of this scheme.

6.2.5 Subdivision, strata subdivision and development

The local government shall not withhold its support for subdivision, strata subdivision or refuse to approve a development solely for the reason that a development contribution plan is not in effect, there is no approval to advertise a development contribution plan, or that there is no other arrangement with respect to an owner’s contribution towards the provision of community infrastructure.

6.2.6 Guiding principles for development contribution plans

The development contribution plan for any development contribution area is to be prepared in accordance with the following principles—

- (a) Need and the nexus

The need for the infrastructure included in the plan must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).

- (b) Transparency
Both the method for calculating the development contribution and the manner in which it is applied should be clear, transparent and simple to understand and administer.
- (c) Equity
Development contributions should be levied from all developments within a development contribution area, based on their relative contribution to need.
- (d) Certainty
All development contributions should be clearly identified and methods of accounting for cost adjustments determined at the commencement of a development.
- (e) Efficiency
Development contributions should be justified on a whole of life capital cost basis consistent with maintaining financial discipline on service providers by precluding over recovery of costs.
- (f) Consistency
Development contributions should be applied uniformly across a development contribution area and the methodology for applying contributions should be consistent.
- (g) Right of consultation and review
Owners have the right to be consulted on the manner in which development contributions are determined. They also have the opportunity to seek a review by an independent third party if they believe the calculation of the costs of the contributions is not reasonable.
- (h) Accountable
There must be accountability in the manner in which development contributions are determined and expended.

6.2.7 Recommended content of development contribution plans

6.2.7.1 The development contribution plan is to specify—

- (a) the development contribution area to which the development contribution plan applies;
- (b) the infrastructure and administrative items to be funded through the development contribution plan;
- (c) the method of determining the cost contribution of each owner; and
- (d) the priority and timing for the provision of infrastructure.

6.2.8 Period of development contribution plan

A development contribution plan shall specify the period during which it is to operate.

6.2.9 Land excluded

In calculating both the area of an owner's land and the total area of land in a development contribution area, the area of land provided in that development contribution area for—

- (a) roads designated under the Scheme as primary Major Roads;
- (b) existing public open space;
- (c) existing government primary and secondary schools; and
- (d) such other land as is set out in the development contribution plan;

is to be excluded.

6.2.10 Development contribution plan report and cost apportionment schedule

6.2.10.1 Within 90 days of the development contribution plan coming into effect, the local government is to adopt and make available a development contribution plan report and cost apportionment schedule to all owners in the development contribution area.

6.2.10.2 The development contribution plan report and the cost apportionment schedule shall set out in detail the calculation of the cost contribution for each owner in the development contribution area, based on the methodology provided in the development contribution plan, and shall take into account any proposed staging of the development.

6.2.10.3 The development contribution plan report and the cost apportionment schedule do not form part of the scheme, but once adopted by the local government they are subject to review as provided under clause 6.2.11.

6.2.11 Cost contributions based on estimates

6.2.11.1 The determination of infrastructure costs and administrative costs is to be based on amounts expended, but when expenditure has not occurred, it is to be based on the best and latest estimated costs available to the local government and adjusted accordingly, if necessary.

- 6.2.11.2 Where a cost apportionment schedule contains estimated costs, such estimated costs are to be reviewed at least annually by the local government—
- (a) in the case of land to be acquired, in accordance with clause 6.2.12; and
 - (b) in all other cases, in accordance with the best and latest information available to the local government, until the expenditure on the relevant item of infrastructure or administrative costs has occurred.
- 6.2.11.3 The local government is to have such estimated costs independently certified by appropriate qualified persons and must provide such independent certification to an owner when requested to do so.
- 6.2.11.4 Where any cost contribution has been calculated on the basis of an estimated cost, the local government—
- (a) is to adjust the cost contribution of any owner in accordance with the revised estimated costs; and
 - (b) may accept a cost contribution, based upon estimated costs, as a final cost contribution and enter into an agreement with the owner accordingly.
- 6.2.11.5 Where an owner's cost contribution is adjusted under clause 6.2.11.4, the local government, on receiving a request in writing from an owner, is to provide the owner with a copy of estimated costs and the calculation of adjustments.
- 6.2.11.6 If an owner objects to the amount of a cost contribution, the owner may give notice to the local government requesting a review of the amount of the cost contribution by an appropriate qualified person ('independent expert') agreed by the local government and the owner at the owner's expense, within 28 days after being informed of the cost contribution.
- 6.2.11.7 If the independent expert does not change the cost contribution to a figure acceptable to the owner, the cost contribution is to be determined—
- (a) by any method agreed between the local government and the owner; or
 - (b) if the local government and the owner cannot agree on a method pursuant to (a) or on an independent expert, by arbitration in accordance with the *Commercial Arbitration Act 1985*, with the costs to be shared equally between the local government and owner.

6.2.12 Valuation

- 6.2.12.1 Clause 6.2.12 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.
- 6.2.12.2 In clause 6.2.12—
- 'Value' means the fair market value of land, at a specified date, which is defined as the capital sum that would be negotiated in an arms length transaction in an open and unrestricted market, assuming the highest and best use of the land with all its potential and limitations (other than the limitation arising from the transaction for which the land is being valued), wherein the parties act knowledgeably, prudently and without compulsion to buy or sell.
- The net land value is to be determined by a static feasibility valuation model, using the working sheet model attached to this scheme as Schedule 12. As part of that feasibility an appropriate profit and risk factor is to be determined from which a 10 per cent profit factor is to be excluded from the calculation.
- 'Valuer' means a licensed valuer agreed by the local government and the owner, or, where the local government and the owner are unable to reach agreement, by a valuer appointed by the President of the Western Australian Division of the Australian Property Institute.
- 6.2.12.3 If an owner objects to a valuation made by the valuer, the owner may give notice to the local government requesting a review of the amount of the value, at the owner's expense, within 28 days after being informed of the value.
- 6.2.12.4 If, following a review, the valuer's determination of the value of the land is still not a figure acceptable to the owner, the value is to be determined—
- (a) by any method agreed between the local government and the owner; or
 - (b) if the local government and the owner cannot agree, the owner may apply to the State Administrative Tribunal for a review of the matter under part 14 of the *Planning and Development Act 2005*.

6.2.13 Liability for cost contributions

- 6.2.13.1 An owner must make a cost contribution in accordance with the applicable development contribution plan and the provisions of clause 6.2.
- 6.2.13.2 An owner's liability to pay the owner's cost contribution to the local government arises on the earlier of—
- (a) the Western Australian Planning Commission endorsing its approval on the deposited plan or survey strata plan of the subdivision of the owner's land within the development contribution area;
 - (b) the commencement of any development on the owner's land within the development contribution area;
 - (c) the approval of any strata plan by the local government or Western Australian Planning Commission on the owner's land within the development contribution area; or
 - (d) the approval of a change or extension of use by the local government on the owner's land within the development contribution area.

The liability arises only once upon the earliest of the above listed events.

- 6.2.13.3 Notwithstanding clause 6.2.13.2, an owner's liability to pay the owner's cost contribution does not arise if the owner commences development of the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided or strata subdivided since the coming into effect of the development contribution plan.
- 6.2.13.4 Where a development contribution plan expires in accordance with clause 6.2.8, an owner's liability to pay the owner's cost contribution under that development contribution plan shall be deemed to continue in effect and be carried over into any subsequent development contribution plan which includes the owner's land, subject to such liability.

6.2.14 Payment of cost contribution

- 6.2.14.1 The owner, with the agreement of the local government, is to pay the owner's cost contribution by—
- (a) cheque or cash;
 - (b) transferring to the local government or a public authority land in satisfaction of the cost contribution;
 - (c) the provision of physical infrastructure;
 - (d) some other method acceptable to the local government; or
 - (e) any combination of these methods.
- 6.2.14.2 The owner, with the agreement of the local government, may pay the owner's cost contribution in a lump sum, by instalments or in such other manner acceptable to the local government.
- 6.2.14.3 Payment by an owner of the cost contribution, including a cost contribution based upon estimated costs in a manner acceptable to the local government, constitutes full and final discharge of the owner's liability under the development contribution plan and the local government shall provide certification in writing to the owner of such discharge if requested by the owner.

6.2.15 Charge on land

- 6.2.15.1 The amount of any cost contribution for which an owner is liable under clause 6.2.13, but has not paid, is a charge on the owner's land to which the cost contribution relates, and the local government may lodge a caveat, at the owner's expense, against the owner's certificate of title to that land.
- 6.2.15.2 The local government, at the owner's expense and subject to such other conditions as the local government thinks fit, can withdraw a caveat lodged under clause 6.2.15.1 to permit a dealing and may then re-lodge the caveat to prevent further dealings.
- 6.2.15.3 If the cost contribution is paid in full, the local government, if requested to do so by the owner and at the expense of the owner, is to withdraw any caveat lodged under clause 6.2.15.

6.2.16 Administration of funds

- 6.2.16.1 The local government is to establish and maintain a reserve account in accordance with the *Local Government Act 1995* for each development contribution area into which cost contributions for that development contribution area will be credited and from which all payments for the infrastructure costs and administrative costs within that development contribution area will be paid. The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that development contribution area.

6.2.16.2 Interest earned on cost contributions credited to a reserve account in accordance with clause 6.2.16.1 is to be applied in the development contribution area to which the reserve account relates.

6.2.16.3 The local government is to publish an audited annual statement of accounts for that development contribution area as soon as practicable after the audited annual statement of accounts becomes available.

6.2.17 Shortfall or excess in cost contributions

6.2.17.1 If there is a shortfall in the total of cost contributions when all cost contributions have been made or accounted for in a particular development contribution area, the local government may—

- (a) make good the shortfall;
- (b) enter into agreements with owners to fund the shortfall; or
- (c) raise loans or borrow from a financial institution,

but nothing in paragraph 6.2.17.1 (a) restricts the right or power of the local government to impose a differential rate to a specified development contribution area in that regard.

6.2.17.2 If there is an excess in funds available to the development contribution area when all cost contributions have been made or accounted for in a particular development contribution area, the local government is to refund the excess funds to contributing owners for that development contribution area. To the extent, if any, that it is not reasonably practicable to identify owners and/or their entitled amount of refund, any excess in funds shall be applied, to the provision of additional facilities or improvements in that development contribution area.

6.2.18 Powers of the local government

The local government in implementing the development contribution plan has the power to—

- (a) acquire any land or buildings within the scheme area under the provisions of the *Planning and Development Act 2005*; and
- (b) deal with or dispose of any land which it has acquired under the provisions of the *Planning and Development Act 2005* in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

6.2.19 Arbitration

Subject to clauses 6.2.12.3 and 6.2.12.4, any dispute between an owner and the local government in connection with the cost contribution required to be made by an owner is to be resolved by arbitration in accordance with the *Commercial Arbitration Act 1985*.

2. Inserting new provisions for Structure Plans into Part 5 of the Scheme.

Structure Plan Provisions

5.11 Structure Planning Areas

5.11.1 Interpretation

In this part, unless the context otherwise requires—

‘Detailed Area Plan’ means a plan prepared and adopted pursuant to clause 5.11.1.15 of this Part;

‘owner’ means an owner or owners of land in the Structure Planning Area;

‘structure plan’ means a structure plan that has come into effect in accordance with clause 5.11.12 and includes any Outline Development Plan or Subdivision Guide Plan prepared and approved under the local planning scheme of the local government, where applicable to a structure planning area; and

‘structure planning area’ is an area that requires structure planning and may be required in any zone.

5.11.2 Purpose of Structure Planning Areas

5.11.2.1 The purpose of Structure Planning Areas is to—

- (a) identify areas requiring comprehensive planning; and
- (b) coordinate subdivision and development in areas requiring comprehensive planning.

5.11.3 Subdivision and Development in Structure Planning Areas

5.11.3.1 The subdivision and development of land within a Structure Planning Area is generally to be in accordance with any structure plan that applies to that land.

5.11.4 Structure Plan required

5.11.4.1 The local government is not to—

- (a) consider recommending subdivision; or

- (b) approve development of land within a Structure Planning Area unless there is a structure plan for the area or for the relevant part of that area that adequately define the comprehensive planning detail required to guide orderly subdivision and development for urban land use.
- 5.11.4.2 Notwithstanding clause 5.11.4.1 a local government may recommend subdivision or approve the development of land within a Structure Planning Area prior to a structure plan coming into effect in relation to that land, if the local government is satisfied that this will not prejudice the specific purposes and requirements for the Structure Planning Area.
- 5.11.4.3 Where a proposed Structure Plan imposes a classification on the land included in it by reference to reserves, zones or the Residential Design Codes, and such Proposed Structure Plan requires the preparation of a Development Contribution Plan, the proposed Structure Plan may only be adopted if the subject area is listed in Schedule 11 of the Scheme as a Development Contribution Area.
- 5.11.4.4 Where building envelopes are depicted on a Structure Plan, all buildings and effluent disposal facilities shall be located within the building envelopes shown on those plans.
- 5.11.4.5 Notwithstanding the provisions of sub-clause 5.11.4.4, Council may approve the construction of the following structures outside of the building envelopes—
 - (a) water tanks;
 - (b) windmills;
 - (c) tock watering and feed troughs; and
 - (d) roofed structure open on all sides for the purpose of providing shelter to animals.

5.11.5 Preparation of proposed structure plans

5.11.5.1 A proposed structure plan may be required by the—

- (a) local government; or
- (b) Western Australian Planning Commission

A proposed structure plan may be required and prepared for all, or part of, any zone or development area.

5.11.6 Details of proposed structure plan

5.11.6.1 A proposed structure plan should include the following details where deemed relevant—

- (a) a map showing the area to which the proposed structure plan is to apply;
- (b) a site analysis map showing the characteristics of the site including—
 - (i) landform, topography and land capability;
 - (ii) conservation and environmental values including bushland, wetlands, damp lands, streams and water courses, foreshore reserves and any environmental policy areas;
 - (iii) hydrogeological conditions, including approximate depth to water table;
 - (iv) sites and features of Aboriginal and European heritage value;
- (c) a context analysis map of the immediate surrounds to the site including—
 - (i) the pattern of neighbourhoods, and existing and planned neighbourhood, town and regional centres;
 - (ii) transport routes, including freeways, arterial routes and neighbourhood connector alignments, public transport routes, strategic cycle routes, bus stops and rail stations;
 - (iii) existing and future land use;
- (d) for district structure plans a map showing proposals for—
 - (i) the pattern of neighbourhoods around town and neighbourhood centres;
 - (ii) arterial routes and neighbourhood connector streets;
 - (iii) the protection of natural features such as water courses and vegetation;
 - (iv) major open spaces and parklands;
 - (v) major public transport routes and facilities;
 - (vi) the pattern and disposition of land uses; and
 - (vii) schools and community facilities;

- (e) for local structure plans a map showing proposals for—
 - (i) neighbourhoods around proposed neighbourhoods and town centres;
 - (ii) existing and proposed commercial centres;
 - (iii) natural features to be retained;
 - (iv) street block layouts;
 - (v) the street network including street types;
 - (vi) transportation corridors, public transport network, and cycle and pedestrian networks;
 - (vii) land uses including residential densities and estimates of population;
 - (viii) schools and community facilities;
 - (ix) public parklands; and
 - (x) urban water management areas;
 - (f) a written report to explain the mapping and to address the following—
 - (i) the planning framework for the structure plan including any applicable regional or district structure plans, and any policies, strategies and scheme provisions which apply to the land, and any environmental conditions which apply under the Scheme;
 - (ii) the site analysis including reference to the matters listed in clause 5.11.6.1 (b) above, and, in particular, the significance of the conservation, environmental and heritage values of the site;
 - (iii) the context analysis including reference to the matters listed in clause 5.11.6.1 (c) above;
 - (iv) how planning for the structure plan area is to be integrated with the surrounding land;
 - (v) the design rationale for the proposed pattern of subdivision, land use and development;
 - (vi) traffic management and safety;
 - (vii) parkland provision and management;
 - (viii) urban water management;
 - (ix) proposals for public utilities including sewerage, water supply, drainage, gas, electricity and communication services;
 - (x) the proposed method of implementation including any cost sharing arrangements and details of any staging of subdivision and development.
 - (g) any other matter that is required for orderly and proper planning.
- 5.11.6.2 The maps referred to in clause 5.11.6.1 are to—
- (a) be drawn to a scale that clearly illustrates the details referred to in clause 5.11.6.1; and
 - (b) include a north point, visual bar scale, key street names and a drawing title and number.
- 5.11.6.3 A proposed structure plan may, to the extent that it does not conflict with the Scheme, impose a classification on the land included in it by reference to reserves, zones or the Residential Planning Codes, and where the proposed structure plan becomes a structure plan, the local government is to have due regard to such reserves, zones or Residential Planning Codes when recommending subdivision or approving development of land within a Development Area.
- 5.11.6.4 A proposed structure plan must, in the opinion of the local government, be consistent with orderly and proper planning.
- 5.11.7 Submission to local government and Commission**
- 5.11.7.1 A proposed structure plan prepared by an owner is to be submitted to the local government.
- 5.11.7.2 Within 7 days of preparing or receiving a proposed structure plan which proposes the subdivision of land, the local government is to forward a copy of the proposed structure plan to the Commission.
- 5.11.7.3 The Commission may provide comments to the local government as to whether it is prepared to endorse the proposed structure plan with or without modifications.

5.11.8 Advertising of structure plan

5.11.8.1 Within 60 days of preparing or receiving a proposed structure plan that conforms with clause 5.11.6 and complies with the Scheme (or such longer time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government), the local government is to—

- (a) advertise, or require the owner who submitted the proposed structure plan to advertise, the proposed structure plan for public inspection by one or more of the following ways—
 - (i) notice of the proposed structure plan published in a newspaper circulating in the Scheme area;
 - (ii) a sign or signs displaying notice of the proposed structure plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed structure plan applies; and
- (b) give notice or require the owner who submitted the proposed structure plan to give notice, in writing to—
 - (i) all owners whose land is included in the proposed structure plan;
 - (ii) all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed structure plan;
 - (iii) such public authorities and other persons as the local government nominates.

5.11.8.2 The advertisement and notice are to—

- (a) explain the scope and purpose of the proposed structure plan;
- (b) specify when and where the proposed structure plan may be inspected; and
- (c) invite submissions to the local government by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires.

5.11.9 Adoption of proposed structure plan

5.11.9.1 The local government is to consider all submissions received and within 60 days of the latest date specified in the notice or advertisement for the making of submissions is to—

- (a) adopt the proposed structure plan, with or without modifications; or
- (b) refuse to adopt the proposed structure plan and, where the proposed structure plan was submitted by an owner, give reasons for this to the owner.

5.11.9.2 (a) In making a determination under clause 5.11.9.1, the local government is to have due regard to the comments and advice received from the Commission in relation to the proposed structure plan.

- (b) If the Commission requires modifications to the proposed structure plan, the local government is to consult with the Commission prior to making a determination under clause 5.11.9.1.

5.11.9.3 If the local government, after consultation with the Commission, is of the opinion that a modification to the proposed structure plan is substantial, the local government may in accordance clause 5.11.8.1—

- (a) readvertise the proposed structure plan; or
- (b) require the owner who submitted the proposed structure plan to readvertise the proposed structure plan.

5.11.9.4 If within the period referred to in clause 5.11.9.1, or such further time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government, the local government has not made a determination under clause 5.11.9.1, the local government is deemed to have refused to adopt the proposed structure plan.

5.11.10 Endorsement by Commission

5.11.10.1 If the proposed structure plan proposes the subdivision of land, then within 7 days of making its determination under clause 5.11.9.1, the local government is to forward the proposed structure plan to the Commission for its endorsement.

5.11.10.2 As soon as practicable after receiving the proposed structure plan, the Commission is to determine whether to endorse the proposed structure plan.

5.11.10.3 The Commission is to notify the local government of its determination under clause 5.11.10.2.

5.11.11 Notification of structure plan

5.11.11.1 As soon as practicable after adopting a proposed structure plan under clause 5.11.9.1 and if clause 5.11.10 applies, as soon as practicable after being notified of the Commission's decision under clause 5.11.10.3, the local government is to forward a copy of the structure plan to—

- (a) any public authority or person that the local government thinks fit; and
- (b) where the structure plan was submitted by an owner, to the owner.

5.11.12 Operation of structure plan

5.11.12.1 A structure plan comes into effect—

- (a) where the structure plan proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 5.11.10.2; or
- (b) on the day on which it is adopted by the local government under clause 5.11.9.1 in all other cases.

5.11.12.2 If a provision of a structure plan is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of the inconsistency.

5.11.13 Inspection of structure plan

5.11.13.1 The structure plan and the Commission's notification under clause 5.11.10.3 is to be kept at the local government's administrative offices, and is to be made available for inspection by any member of the public during office hours.

5.11.14 Variation to structure plan

5.11.14.1 The local government may vary a structure plan—

- (a) by resolution if, in the opinion of the local government, the variation does not materially alter the intent of the structure plan;
- (b) otherwise, in accordance with the procedures set out in clause 5.11.6 onwards.

5.11.14.2 If the local government varies a structure plan by resolution, and the variation does not propose the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution.

5.11.14.3 If the local government varies a structure plan by resolution, and the variation proposes the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution for its endorsement.

5.11.14.4 As soon as practicable after receiving the copy of the variation referred to in clause 5.11.14.3, the Commission is to determine whether to endorse the proposed variation.

5.11.14.5 The Commission is to notify the local government of its determination under clause 5.11.14.4.

5.11.14.6 A variation to a structure plan by resolution comes into effect—

- (a) where the variation proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 5.11.14.4; or
- (b) on the day on which the local government resolves to make the variation under clause 5.11.14.1 (a).

5.11.15 Detailed area plan

5.11.15.1 A detailed area plan only applies to the determination of development applications and is required where—

- (a) it has been identified on a structure plan;
- (b) the local government considers that it is desirable to enhance, elaborate or expand the details or provisions contained in a structure plan for a particular lot or lots; or
- (c) the local government is of the opinion that any particular lot or lots within the Scheme area requires coordinated planning.

5.11.15.2 A detailed area plan may include details as to—

- (a) building envelopes;
- (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, finished site levels and drainage;
 - (i) protection of sites of heritage, conservation or environmental significance;
 - (j) special development controls and guidelines; and
 - (k) such other information considered relevant by the local government.
- 5.11.15.3 When a proposed detailed area plan is prepared under clause 5.11.15.1, the local government is to—
- (a) advertise, or require the owner who submitted the proposed detailed area plan to advertise, the proposed detailed area plan for public inspection by one or more of the following ways—
 - (i) notice of the proposed detailed area plan published in a newspaper circulating in the Scheme area;
 - (ii) a sign or signs displaying notice of the proposed detailed area plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed detailed area plan applies; and
 - (b) give notice or require the owner who submitted the proposed detailed area plan to give notice, in writing to—
 - (i) all owners whose land is included in the proposed detailed area plan;
 - (ii) all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed detailed area plan; such public authorities and other persons as the local government nominates.
- 5.11.15.4 The advertisement and notice are to—
- (a) explain the scope and purpose of the proposed detailed area plan;
 - (b) specify when and where the proposed detailed plan may be inspected; and
 - (c) invite submissions to the local government by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires.
- 5.11.15.5 The local government is to consider all submissions received and—
- (a) approve the detailed area plan with or without conditions; or
 - (b) refuse to approve the detailed area plan and, where the proposed detailed area plan was submitted by an owner, give reasons for this to the owner.
- 5.11.15.6 If within 60 days of receiving a detailed area plan prepared under clause 5.11.15.1 (b), or such longer period as may be agreed in writing between the owner and the local government, the local government has not made one of the determinations referred to in clause 5.11.15.5, the local government is deemed to have refused to approve the detailed area plan.
- 5.11.15.7 Where a structure plan is in place, an approved detailed area plan constitutes a variation of the structure plan in regard to determining development matters under this scheme.
- 5.11.15.8 The local government may vary a detailed area plan in accordance with the procedures set out in clause 5.11.15 onwards provided such variations do not prejudice the intention of any related structure plan.

5.11.16 Appeal

- 5.11.16.1 An owner who has submitted a proposed structure plan under clause 5.11.6 may appeal, in accordance with the *Planning and Development Act 2005*—
- (a) any failure of the local government to advertise, or require the owner to advertise, a proposed structure plan within the required time period under clause 5.11.8;
 - (b) any determination of the local government—
 - (i) to refuse to adopt a proposed structure plan (including a deemed refusal); or
 - (ii) to require modifications to a proposed structure plan that are unacceptable to that owner.
- 5.11.16.2 An owner who has submitted a detailed area plan in accordance with clause 5.11.15 may appeal, in accordance with Part V of the *Planning and Development Act 2005*, any discretionary decision made by the local government under clause 5.11.15.5.

5.11.17 Structure plans and other Instruments Adopted or Initiated Under Previous Scheme

5.11.17.1 Where pursuant to the requirements of the Shire of Exmouth Town Planning Scheme, a Structure Plan, Outline Development Plan, Subdivision Guide Plan, Detailed Area Plan or any similar instrument (a “planning instrument”) had been adopted and was operative at the date of gazettal of a new Scheme, the planning instrument shall continue to have effect and may be amended or revoked as if it were a Structure Plan under the new Scheme.

5.11.17.2 Where under a previous scheme the process of adopting a planning instrument had been commenced but was not complete at the date of gazettal of a new Scheme, the steps in the process undertaken pursuant to the previous scheme shall be effective as if those steps were undertaken pursuant to the new Scheme, and the remaining steps or steps in the process necessary for the adoption of the planning instrument may be completed pursuant to the new Scheme, as if the planning instrument were a Structure Plan under the new Scheme.

4. Inserting Schedule 11—Development Contribution Areas.
5. Inserting Schedule 12—Statutory Static Feasibility Assessment Model in order to be consistent with SPP3.6.

Schedule 12—Development Contributions—Statutory Static Feasibility Assessment Model

Gross realisation

Net lot yield @ average market value per lot		
“X” lots @ “\$Y” per lot	\$	(1)
Less GST @ standard / normal rates		
(1) Multiplied by GST rate / (100+GST rate)	\$	(2)
(1-2)	\$	(3)
Less selling, marketing, advertising and settlement fees		
@ market % multiplied by (1)	\$	(4)
Add back Input Tax Credit on selling fees		
(4) Multiplied by GST rate / (100+GST rate)	\$	(5)
(4-5)	\$	(6)
Balance after selling costs etc and Input Tax Credit (3-6)	\$	(7)
Less adjusted profit and risk allowance as per SPP 3.6		
Market determined profit and risk allowance	%	(8)
Less fixed profit allowance per SPP 3.6	<u>10%</u>	(9)
Risk rate applied (8-9)	= %	(10)
EXPLANATION: (10) to be expressed as a whole number e.g. 15% = 15		
i.e. Risk = (7) multiplied by (10)/((10)+(100))	\$	(11)
Balance after profit and risk factor (7-11)	\$	(12)
Less development costs @ “X” lots multiplied by “\$Z” per lot	\$	(13)
Add back Input Tax Credit on (13)		
(13) Multiplied by GST rate / (100+GST rate)	\$	(14)
Development cost after Input Tax Credit (13-14)	\$	(15)
Add interest on net development costs (15)		
For 1/2 development and 1/2 selling term		
@ Applicable market rates		
(15) Multiplied by % rate	\$	(16)
(15+16)	\$	(17)
Balance after deduction of development costs and interest (12-17)	\$	(18)
Less interest on land value, rates and taxes and stamp duty		
Assessed over 1/2 development and 1/2 selling term		
@ Applicable market rates		
(18) Multiplied by % rate / (100+%rate)	\$	(19)
Balance after interest on the land (18-19)	\$	(20)
Less rates and taxes	\$	(21)
Balance after rates and taxes (20-21)	\$	(22)
Less Stamp Duty @ current statutory rates		
(22) Multiplied by stamp duty rate / (100+stamp duty rate)	\$	(23)
Residual Land Value prior to GST considerations (22-23)	\$	(24)

Add GST (24) + GST at prevailing statutory rate \$ (25)
ASSESSED STATUTORY CONTRIBUTION PER SPP 3.6 (22+23) \$

The Static Feasibility Model is based upon—

- (i) The number of lots yielded from the land will have a gross sale price which, when multiplied by the number of lots created, establishes the Gross Realisation (i).
 - (ii) GST will be calculated by the standard/normal method.
 - (iii) Selling, marketing, advertising and settlement fees expressed as a percentage shall be added and then expressed as a total percentage against the gross realisation.
 - (iv) The adjusted risk component applied in the model is the established market profit and risk at the date of valuation less the fixed 10 per cent profit applied in SPP 3.6.
 - (v) Development costs will be established as an appropriate servicing cost per lot at the date of valuation, multiplied by the lots realised from the land.
 - (vi) Interest against the development costs will be established by the application of bank lending rates for such projects at the date of valuation.
 - (vii) Interest against the land in development will be established by the application of bank lending rates for such development acquisitions at the date of valuation.
 - (viii) Rates and taxes will be applied for the full term of acquisition, development and sale.
 - (ix) Stamp Duty will be applied at the statutory rate as applicable at the date of valuation.
 - (x) GST will be applied at the appropriate rate adopted at the date of valuation.
6. Amending Part 5 clauses 5.2.3 and 5.5.2 to require the preparation of a Structure Plan in accordance with clause 5.11—

Part 5—Zones—Objectives and Requirements

5.2.3 Preparation of a Structure Plan

The Council shall require preparation of a Structure Plan prior to granting and/or recommending approval to any development which involves subdivision or follows subdivision. The Structure Plan shall form the basis for subdivision and shall be in accordance with clause 5.11 of the Scheme.

5.5.2 Preparation of a Structure Plan

The Council shall require preparation of a Structure Plan before granting and/or recommending approval to any development which involves subdivision or follows subdivision. The Structure Plan shall form the basis for subdivision and shall be prepared in accordance with clause 5.11 of the Scheme.

7. Amending Part 5 clause 5.5.3 to read “All development shall be in accordance with the relevant Exmouth Marine Village Precinct Design Guidelines (as amended).”

C. SHALES, Shire President.
 B. PRICE, Chief Executive Officer.

PI403*

PLANNING AND DEVELOPMENT ACT 2005

METROPOLITAN REGION SCHEME

Notice of Resolution—Clause 27

Lots 3, 805 and 806 Mandurah Road, Karnup

City of Rockingham

Amendment 1243/27

File No.: 812-2-28-34

Notice is hereby given that in accordance with Clause 27 of the Metropolitan Region Scheme, the Western Australian Planning Commission (WAPC) resolved on 23 October 2012 to transfer Lots 3, 805 and 806 Mandurah Road, Karnup from the Urban Deferred zone to the Urban zone, as shown on WAPC plan 4.1575.

The City of Rockingham requested the ‘parallel’ amendment of Lot 805 Mandurah Road, Karnup to a “Development” zone under its Town Planning Scheme No. 2 using the provisions of section 126(3) of the Planning and Development Act. This request has subsequently been agreed to by the WAPC. Accordingly, the amendment to the Metropolitan Region Scheme and the City of Rockingham Town Planning Scheme No. 2 is effective from the date of publication of this notice in the *Government Gazette*.

The plan of the Metropolitan Region Scheme amendment may be viewed at the offices of—

- Western Australian Planning Commission, William Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- City of Rockingham.

NEIL THOMSON, Secretary, Western Australian Planning Commission.

RACING, GAMING AND LIQUOR

RA401*

LIQUOR CONTROL ACT 1988

LIQUOR APPLICATIONS

The following applications received under the *Liquor Control Act 1988 (the Act)* are required to be advertised.

Any person wishing to obtain more details about any application, or about the objection process, should contact the Department of Racing, Gaming and Liquor, 1st Floor, 87 Adelaide Terrace, Perth, Telephone: (08) 9425 1888, or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE GRANT OF A LICENCE			
14398	Austrend International Pty Ltd	Application for the grant of a Wholesalers licence in respect of premises situated at 35 Clark Court, Bibra Lake and known as Austrend Foods.	4/12/2012
14571	Eustralis Food Company Pty Ltd	Application for the grant of a Wholesalers licence in respect of premises situated at Unit 4/12 Yelland Way, Bassendean and known as Eustralis Food Company	9/12/2012
14573	West's Subiaco Rugby Union Club Inc	Application for the grant of a Club Restricted licence in respect of premises situated at Bennett Park 21 Sheam Crescent, Doubleview and known as West's Subiaco Rugby Union Club Inc	9/12/2012
14568	Iain Thomas Lawless	Application for the grant of a Small Bar licence in respect of premises situated at 406 Oxford Street, Mount Hawthorn and known as Wee Bar	17/12/2012
14569	K123 Investments Pty Ltd	Application for the grant of a Restaurant licence in respect of premises situated at Shops 10/11 Shafto Lane, 401 Murray Street, Perth and known as Grill'd Shafto Lane	19/12/2012
APPLICATION FOR EXTENDED TRADING PERMITS—LIQUOR WITHOUT A MEAL			
39563	33 South Pty Ltd	Application for the grant of an extended trading permit—Liquor Without a Meal, in respect of premises situated in Fremantle and known as The Monk	11/10/2012

This notice is published under section 67(5) of the Act.

16 November 2012.

B. A. SARGEANT, Director of Liquor Licensing.

WORKCOVER

WC401*

WORKERS' COMPENSATION AND INJURY MANAGEMENT ACT 1981

APPROVED MEDICAL SPECIALISTS ORDER (NO. 5) 2012

Made by WorkCover WA under section 146F(1) of the Act.

1. Citation

This order is the *Approved Medical Specialists Order (No. 5) 2012*.

2. Approved medical specialists

The following medical practitioner is designated as an approved medical specialist under section 146F(1) of the Act—

Dr Adegbuyi Adeoye

CHRIS WHITE, A/Chief Executive Officer, WorkCover WA.

WORKSAFE

WS401*

OCCUPATIONAL SAFETY AND HEALTH ACT 1984

INSTRUMENT OF DECLARATION NO. 4 OF 2012

The Minister for Commerce, being the Minister administering the *Occupational Safety and Health Act 1984*, and the Minister for Mines and Petroleum, being the Minister administering the *Mining Act 1978* and the *Mines Safety and Inspection Act 1994* declare that the Instrument of Declaration No. 7 of 2011 which was published in the *Gazette* (No. 221) on 22 November 2011 at pages 4839 and 4840, is cancelled with effect from 15 November 2012.

Dated the 15th day of November 2012.

Hon SIMON O'BRIEN MLC, Minister for Commerce.

Hon NORMAN FREDERICK MOORE MLC, Minister for Mines and Petroleum.

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Frederick August Sheppard, late of Sandstrom Nursing Home, Whatley Crescent, Mount Lawley, Western Australia and previously of Unit 4, 17 Kirkham Hill Terrace, Maylands, Western Australia, Scrap Metal Dealer (Retired), died on 21 June 2012 ("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, are required by the executor ("the Executor"), Alan Shakespeare of 47 Outram Street, West Perth, Western Australia to send particulars of their claims to him within one (1) month from the date of publication of this notice, at the expiration of which time the Executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

ZX402

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Frederick James Lewis, late of Unit 3, 6 Hamersley Street, Cottesloe, Western Australia, Company Director, died on 23 June 2012 ("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, are required by the executrix ("the Executrix"), Roslyn Joy Lewis of c/- 62 Glyde Street, Mosman Park, Western Australia, to send particulars of their claims to her within one (1) month from the date of publication of this notice, at the expiration of which time the Executrix may convey or distribute the assets, having regard only to the claims of which she then has notice.

ZX403

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the Estate of Nelly Steinmann, also known as Nelli Steinmann, also known as Nelli Steinmann-Spillmann, who died on 17 December 2011, are required by the Executor, Urs Peter Spillmann to send to Templar Legal Pty Ltd, PO Box 8243 Subiaco WA, particulars of such claims within 30 days of this notice. After which date, the Executor may convey or distribute the assets of the above mentioned Estate, having regard only to the claims of which the Trustee then has notice.

ZX404**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Creditors and other persons having claims to which section 63 of the Trustees Act 1962 relates in respect of the estates set out below are required by the executor of care of Nicholson Clement, Lawyers, 4 Sutton Street, Mandurah 6210 to send particulars of their claim to the executor within one (1) month from the date of publication of this notice after which date the executor may convey or distribute the assets having regard only to the claims of which he then has notice.

Nancy Taylor late of Mandurah Nursing Home, Hungerford Avenue, Mandurah in Western Australia who died on 18 August 2012

David Ross McGlenn late of 26 Peel Parade Coodanup in Western Australia who died on 2 May 2012

Herbert August Newman late of Bethanie Peel Nursing Home, 2 Maclaggan Turn, Coodanup in Western Australia who died on 20 August 2012

Joyce Olive Forsyth late of 61 Moore Street Kellerberrin, in Western Australia who died on 29 June 2012

Margaret Thoms Orr Roberts late of Greenfields Aged Care Facility, Lakes Road, Greenfields who died on 9 August 2012

ZX405**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Mary Frances Shearer late of Clarence Estate, 55 Hardie Road, Albany in the State of 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 the 1st day of September 2012 at Albany, in the said State are required by the personal representative Maxwell Ronald Shearer to send particulars of their claims to David Moss & Co of PO Box 5744, Albany W.A. 6332 by the date one month following the publication of this notice after which date the personal representative may convey or distribute the assets having regard only to the claim for which they have then had notice.

WESTERN AUSTRALIA
LOCAL GOVERNMENT ACT 1995

(Reprint No. 6 as at 3 August 2012)

**Loose Leaf Version
(Including Index)**

\$59.15 (Reprinted February 2010)

**Green Binder is an additional \$17.80 if required
(Prices include GST)**

Available from:

State Law Publisher

10 William Street, Perth

Telephone: 6552 6000

Fax: 9321 7536

sales@dpc.wa.gov.au

Web: www.slp.wa.gov.au

Order your Bound Volumes of Government Gazette 2012

An attractively presented set of
4 Bound Volumes of Government Gazette

For Government Departments and private firms who require bound copies of Government Gazettes, the State Law Publisher offers a subscription covering 4 Quarterly Volumes at a cost of \$1,289.00.

The Gazettes will be bound in black cloth with gold foil lettering on the spine and can be personalised by the addition of the client's name in gold lettering on the front cover if required.

PLEASE NOTE

On the rare occasion where extra gazettes are published in one quarter, a fifth volume may be required. In this instance the extra cost involved will be borne by the State Law Publisher and not passed on to clients.

For further information please contact:

State Law Publisher

Telephone: 6552 6000