



**WESTERN  
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GOVERNMENT**  
**Gazette**

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# — PART 1 —

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## PROCLAMATIONS

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AA101\*

**CRIMINAL INVESTIGATION (COVERT POWERS) ACT 2012**

No. 55 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 *Criminal Investigation (Covert Powers) Act 2012* section 2(b) and with the advice and consent of the Executive Council, fix 1 March 2013 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 22 January 2013.

By Command of the Governor,

LIZA HARVEY, Minister for Police.

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## PLANNING

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PL301\*

**Planning and Development Act 2005**

### **Planning and Development (Development Assessment Panels) Amendment Regulations 2013**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Planning and Development (Development Assessment Panels) Amendment Regulations 2013*.

## 2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

## 3. Regulations amended

These regulations amend the *Planning and Development (Development Assessment Panels) Regulations 2011*.

## 4. Regulation 3 amended

- (1) In regulation 3(1) delete the definition of *CEO*.
- (2) In regulation 3(1) insert in alphabetical order:

*Planning CEO* means the chief executive officer of the department;

## 5. Regulation 12 amended

After regulation 12(6) insert:

- (7) If a DAP is not given a report on a DAP application in accordance with this regulation, the DAP may determine the DAP application in the absence of the report.

## 6. Regulation 13 amended

Delete regulation 13(1) and insert:

- (1) The presiding member of a DAP may, at any time after the DAP is notified of a DAP application made to a responsible authority, direct the responsible authority to give to the DAP either or both of the following services in connection with the application —
  - (a) technical advice and assistance;
  - (b) information in writing.

## 7. Various references to “CEO” amended

In the provisions listed in the Table delete “CEO” (each occurrence) and insert:

Planning CEO

**Table**

r. 12(2)	r. 19(6)
r. 20(2) and (3)	r. 22(3)
r. 30(1)	r. 38(2)(a)
r. 39(1)(b)(ii)	r. 40(5)
r. 44(1) and (7)(b)	r. 45(1) and (3)
r. 46(3) and (5)	r. 49(3)
r. 51	r. 53(1) and (2)(d)
r. 55	

**8. Schedule 3 replaced**

Delete Schedule 3 and insert:

**Schedule 3 — Forms****1. Notice of development application to be determined by DAP  
(r. 7, 10, 21)***Planning and Development Act 2005**Planning and Development (Development Assessment Panels)  
Regulations 2011***Notice of development application to be determined by a  
Development Assessment Panel (r. 7, 10, 21)**

(To be completed by applicant)

To:	[Name of local government or Western Australian Planning Commission]	
Planning Scheme(s):	[Name of planning scheme(s) that applies to the land described below]	
Land:	[Lot number, street name, town/suburb, or other relevant description]	
Certificate of Title:	Certificate of Title Volume:	Folio:
	Location No:	Plan or Diagram No:

Details of development application made to responsible authority:	[Number and date of development application]
Estimated cost of development:	[\$]

### Part A

**Notice of election to have development application determined by  
a Development Assessment Panel  
(r. 7 — to be completed and signed by applicant if required)**

I give notice that I elect to have the development application that is attached to this notice determined by a Development Assessment Panel			
Applicant's name:			
Applicant's address:			
Applicant's contact:	Telephone:	Email:	
Applicant's signature:			Date:
I give consent to the making of this application by any authorised applicant on my behalf (to be completed and signed only if the landowner is different from the applicant)			
Landowner's name:			
Landowner's address:			
Landowner's contact:	Telephone:	Email:	
Landowner's signature:			Date:

### Part B

**Acknowledgment of initiation of development application to be  
determined by a Development Assessment Panel**

(To be completed and signed by applicant)

[please tick one of the following]: I give notice that I: <input type="checkbox"/> understand that this is a mandatory Development Assessment Panel application (r. 5)
--

<input type="checkbox"/> have elected to have the development application that accompanies this notice determined by a Development Assessment Panel as an optional Development Assessment Panel application (r. 6, 7)	
<input type="checkbox"/> understand that this is an application of a class delegated to a Development Assessment Panel for determination (r. 19)	
I declare that all the information provided in this application is true and correct. I understand that the information provided in this notice, and attached forming part of the development application will be made available to the public on the Development Assessment Panel, local government and Western Australian Planning Commission websites.	
Applicant's name:	
Applicant's signature:	Date:

**Part C**

**Acknowledgment by local government**

(To be completed and signed by a local government planning officer )

Development application:	Confirmation of intended recipient of development application made to responsible authority <input type="checkbox"/> Local government <input type="checkbox"/> Western Australian Planning Commission <input type="checkbox"/> Dual local government and Western Australian Planning Commission	
Development Assessment Panel fee:	<input type="checkbox"/> Development Assessment Panel fee that has been paid by the applicant \$..... (Sch. 1) OR <input type="checkbox"/> Amount to be paid by local government \$..... [delegated applications only (r. 22)]	
Statutory timeframe:	<input type="checkbox"/> 60 days; <input type="checkbox"/> 90 days; <input type="checkbox"/> other please specify:	
Name of planning officer:		
Position and title:		
Contact details:	Telephone:	Email:
Planning officer's signature:		Date:

**2. Application for amendment or cancellation of development approval (r. 17, 21)**

*Planning and Development Act 2005*

*Planning and Development (Development Assessment Panels) Regulations 2011*

**Application for amendment or cancellation of a DAP determination (r. 17, 21)**

**Part 1: Development application previously determined**

Estimated cost of development:	\$
Description of development:	
Lot number:	
Street number and name:	
Town/suburb:	
Existing use:	
Proposed use:	
DAP file no. (DoP reference):	
Original DAP determination date:	

**Part 2: Applicant details**

Applicant's name:			
Applicant's address:			
Organisation/ Company name [if applicable]:			
Applicant's contact details:	Telephone:	Email:	
Applicant's signature:			Date:
<b>Please note: unless otherwise requested, DAP secretariat will contact you using your nominated email address.</b>			

**Part 3: Owner Declaration**

I declare that all the information provided in this application is true and correct. I understand that the information provided in this notice, and attached forming part of the development application will be made available to the public on the Development Assessment Panel, local government and Western Australian Planning Commission websites.	
Owner's name:	



Owner's address:		
Owner's contact:	Email:	Telephone:
Owner's signature: OR	<input type="checkbox"/> Letter of consent attached	Date:

**Part 4: Amendment requested**

<p>Please specify the amendments/modifications required to the original determination.</p> <p>(Please tick one of the following):</p> <p><input type="checkbox"/> to amend the approval so as to extend the period within which any development approved must be substantially commenced;</p> <p><input type="checkbox"/> to amend or delete any condition to which the approval is subject;</p> <p><input type="checkbox"/> to amend an aspect of the development approved which, if amended, would not substantially change the development approved;</p> <p><input type="checkbox"/> to cancel the approval.</p>
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**Part 5: Acknowledgment by local government**

(To be completed and signed by a local government planning officer)

Development Assessment Panel Fee:	Development Assessment Panel fee that has been paid by the applicant \$150 (Sch. 2)	
Planning scheme(s)	[Name of planning scheme(s) that applies to the land described in Part 1]	
Name of planning officer:		
Position and title:		
Contact details:	Telephone:	Email:
Planning officer's signature:		Date:

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

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**POLICE**

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PO301\*

Criminal Investigation (Covert Powers) Act 2012

**Criminal Investigation (Covert Powers)  
Regulations 2013**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Criminal Investigation (Covert Powers) Regulations 2013*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 March 2013.

**3. Fisheries officers who are law enforcement officers  
(Act, s. 3)**

For the purposes of the definition of *law enforcement officer* paragraph (d) in section 3 of the Act, a fisheries officer employed in the fisheries department's Serious Offences Unit holds a prescribed office.

**4. Corresponding laws (Act, s. 5, 44 and 80)**

- (1) For the purposes of the definition of *corresponding law* in section 5 of the Act, each of these is a prescribed law —
  - (a) the *Crimes Act 1914* (Commonwealth) Part IAB;
  - (b) the *Law Enforcement (Controlled Operations) Act 1997* (New South Wales);
  - (c) the *Crimes (Controlled Operations) Act 2004* (Victoria);
  - (d) the *Police Powers and Responsibilities Act 2000* (Queensland) Chapter 11;
  - (e) the *Criminal Investigation (Covert Operations) Act 2009* (South Australia) Part 2;
  - (f) the *Police Powers (Controlled Operations) Act 2006* (Tasmania);
  - (g) the *Crimes (Controlled Operations) Act 2008* (Australian Capital Territory).

- (2) For the purposes of the definition of *corresponding law* in section 44 of the Act, each of these is a prescribed law —
- (a) the *Crimes Act 1914* (Commonwealth) Part IAC;
  - (b) the *Law Enforcement and National Security (Assumed Identities) Act 2010* (New South Wales);
  - (c) the *Crimes (Assumed Identities) Act 2004* (Victoria);
  - (d) the *Police Powers and Responsibilities Act 2000* (Queensland) Chapter 12;
  - (e) the *Criminal Investigation (Covert Operations) Act 2009* (South Australia) Part 3;
  - (f) the *Police Powers (Assumed Identities) Act 2006* (Tasmania);
  - (g) the *Crimes (Assumed Identities) Act 2009* (Australian Capital Territory).
- (3) For the purposes of the definition of *corresponding law* in section 80 of the Act, each of these is a prescribed law —
- (a) the *Crimes Act 1914* (Commonwealth) Part IACA;
  - (b) the *Evidence (Miscellaneous Provisions) Act 1958* (Victoria) Part IIAA;
  - (c) the *Evidence Act 1977* (Queensland) Part 2 Division 5;
  - (d) the *Criminal Investigation (Covert Operations) Act 2009* (South Australia) Part 4;
  - (e) the *Witness (Identity Protection) Act 2006* (Tasmania) Part 2;
  - (f) the *Crimes (Protection of Witness Identity) Act 2011* (Australian Capital Territory).

## 5. Relevant offences (Act, s. 5)

- (1) For the purposes of the definition of *relevant offence* in section 5 of the Act, an offence under any of these provisions is a prescribed offence —
- (a) the *Classification (Publications, Films and Computer Games) Enforcement Act 1996* sections 59, 61, 62, 65D(1) and (2) and 88;
  - (b) *The Criminal Code* sections 69, 191, 206, 338E(2), 428, 436, 440A(3)(c), 557E and 557J;
  - (c) the *Fish Resources Management Act 1994* sections 51, 74, 77, 96, 155(2), 173 and 199;
  - (d) the *Fish Resources Management Regulations 1995* regulation 64(7);
  - (e) the *Misuse of Drugs Act 1981* section 5(1)(e);
  - (f) the *Prostitution Act 2000* sections 5, 6, 9, 15, 20 and 21.

- (2) Subregulation (1)(c) does not apply to an offence under the *Fish Resources Management Act 1994* section 74, 77 or 155(2) to the extent that the offence is punishable by imprisonment for 3 years or more.
  - (3) Subregulation (1)(f) does not apply to an offence under the *Prostitution Act 2000* section 5 or 6 to the extent that the offence is punishable by imprisonment for 3 years or more.
- 6. Senior officers (Act, s. 43(1), 79(1) and 105(1))**
- (1) For the purposes of the definition of *senior officer* paragraph (b)(ii) in sections 43(1), 79(1) and 105(1) of the Act, the person performing functions as the Western Australian state manager (however described) of the Australian Crime Commission holds a prescribed office in that Commission.
  - (2) For the purposes of the definition of *senior officer* paragraph (c) in sections 43(1), 79(1) and 105(1) of the Act, the fisheries officer employed in the fisheries department as the Executive Director, Regional Services holds a prescribed office in that department.
- 7. Fisheries officers who are supervisors (Act, s. 48(4)(c))**
- For the purposes of section 48(4)(c) of the Act, a fisheries officer employed in the fisheries department's Serious Offences Unit at or above the level of Supervising Fisheries and Marine Officer holds a prescribed office in that department.

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

PO302\*

Witness Protection (Western Australia) Act 1996

## **Witness Protection (Western Australia) Amendment Regulations 2013**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Witness Protection (Western Australia) Amendment Regulations 2013*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 March 2013.

**3. Regulations amended**

These regulations amend the *Witness Protection (Western Australia) Regulations 1996*.

**4. Regulation 6 replaced**

Delete regulation 6 and insert:

**6. Corresponding laws prescribed (s. 33)**

For the purposes of the definition of *corresponding law* in section 33 of the Act, these laws are prescribed laws —

- (a) the *Witness Protection Act 2000* (Queensland) Part 3 Division 2;
- (b) the *Witness (Identity Protection) Act 2006* (Tasmania) Part 3.

**5. Schedule 1 deleted**

Delete Schedule 1.

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

PO303\*

Misuse of Drugs Act 1981

## Misuse of Drugs Amendment Regulations 2013

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Misuse of Drugs Amendment Regulations 2013*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 March 2013.

**3. Regulations amended**

These regulations amend the *Misuse of Drugs Regulations 1982*.

**4. Regulation 10 deleted**

Delete regulation 10.

**5. Schedule 1 amended**

Delete Schedule 1 Forms M.D. 11 and M.D. 12.

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

  

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## — PART 2 —

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### AGRICULTURE AND FOOD

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AG401\*

**EXOTIC DISEASES OF ANIMALS ACT 1993**  
IMPORT RESTRICTION ORDER NO. 1/2011—EXTENSION

The Import Restriction Order made by the Minister for Agriculture and Food under section 24 of the *Exotic Diseases of Animals Act 1993* and published in the *Gazette* on 7 September 2011 is extended for a further period of 30 days from the publication of this notice.

PETER MORCOMBE, Chief Veterinary Officer.

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### COMMERCE

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CM401\*

**ASSOCIATIONS INCORPORATION ACT 1987**  
RE-INSTATED ASSOCIATION

The Point Peron Aquatic, Youth and Family Association—A0640015X

Notice is hereby given that the incorporation of the above-named association has been re-instated pursuant to Section 35(4) of the *Associations Incorporation Act 1987*.

Dated: 22 January 2013.

DAVID HILLYARD, Director, Retail and Services  
for Commissioner of Consumer Protection.

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### ENERGY

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EN401\*

**ELECTRICITY INDUSTRY ACT 2004**  
NOTICE UNDER SECTION 23 (1) NOTICE OF DECISIONS

Notice is given that the following Electricity Retail Licence has been granted—

Licensee:	AER Pty Ltd ABN 55 160 019 983 ACN 160 019 983
Issue Date:	21 November 2012
Address of Licensee:	88 Tweeddale Road APPLECROSS WA 6153
Classification:	Electricity Retail (ERL18)
Term of Licence:	Up to and including 20 November 2027
Area Covered:	The licence area is the area as set out in plan <b>ERA-EL-130</b> in the State of Western Australia.
Inspection of Licence:	Economic Regulation Authority 4th Floor, Albert Facey House 469 Wellington Street PERTH WA 6000 <a href="http://www.erawa.com.au">http://www.erawa.com.au</a>

LYNDON G. ROWE, Chairman,  
Economic Regulation Authority.

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## HEALTH

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HE401\*

**POISONS ACT 1964**

## POISONS ACT (SECTION 52A) NOTICE 2013

Made by the Minister under section 52A.

**1. Citation**

This notice may be cited as the *Poisons Act (Section 52A) Notice 2013*.

**2. Revocation of authorisation**

The *Poisons Act (Section 52A) Notice 2012* is revoked.

**3. Authorised officers**

The persons specified in the table to the notice are declared to be authorised officers for the purposes of the Act.

**TABLE**

<b>Neil Keen</b>	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>Jane Carpenter</b>	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>Rosemary Arrigo</b>	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>Anna Gelavis</b>	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>Joy Knight</b>	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>Susana Gay</b>	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>John McEncroe</b>	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>Susan Gontaszewski</b>	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>Alpa Dodhia</b>	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>Michael Cao</b>	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>Paula Munt</b>	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>Lindsay Ferguson</b>	Pharmaceutical Services Branch, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>Jillian Murphy</b>	Regulatory Support and Training Unit, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>Mark Walding</b>	Regulatory Support and Training Unit, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>Ivan Zaknich</b>	Regulatory Support and Training Unit, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>Carrie Gould</b>	Regulatory Support and Training Unit, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>Katie Rutledge</b>	Regulatory Support and Training Unit, Disaster Management, Regulation and Planning Directorate, Public Health Division, Department of Health.
<b>Lisa Stewart</b>	Inspector, Australian Pesticides and Veterinary Medicines Authority.

Dated this 17th day of January 2013.

Dr KIM HAMES, Deputy Premier, Minister for Health.



**HE402\*****HEALTH PRACTITIONER REGULATION NATIONAL LAW  
(WESTERN AUSTRALIA) ACT 2010**

HEALTH PRACTITIONER REGULATION NATIONAL LAW (WESTERN AUSTRALIA)

Medical (Area of Need) Determination (No. 1) 2013

Made by the Chief Medical Officer, 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. 1) 2013*.**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 KIARA IN THE CITY OF SWAN.

Dated this 17th day of January 2013.

Professor GARY GEELHOED, Chief Medical Officer, Department of Health.  
as delegate of the Minister for Health.

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**LOCAL GOVERNMENT**

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**LG401\****SHIRE OF RAVENSTHORPE*

## APPOINTMENT

The Shire of Ravensthorpe hereby appoints Kenneth John Atkinson as Ranger from 10 January 2013 for the whole of the Shire of Ravensthorpe and authorizes him to exercise all the powers and duties of an authorized person and registration officer associated with the following Acts, Regulations and Local Laws—

- Local Government Act 1995;
- Local Government Act (Miscellaneous Provisions) 1960;
- Litter Act 1979 and Regulations 1981;
- Caravan Parks and Camping Grounds Act 1995 and Regulations 1997;
- Bush Fires Act 1954 and Regulations 1954;
- Dog Act 1976 and Regulations 1976;
- Dog (Restricted Breeds) Regulations 2002;
- All Local Laws for the Shire of Ravensthorpe.

The previous appointment of Mr Steve Ball is hereby revoked.

P. DURTANOVICH, Shire of Ravensthorpe,  
65 Morgans Street, Ravensthorpe WA 6346.

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**MARINE/MARITIME**

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**MA401\*****WESTERN AUSTRALIAN MARINE ACT 1982****NAVIGABLE WATERS REGULATIONS 1958**

## DECLARATION OF EMERGENCY VESSELS

Department of Transport  
Fremantle WA, 25 January 2013.Acting pursuant to the powers conferred by Regulation 19H of the *Navigable Waters Regulations 1958*, I hereby declare the State Emergency Services vessel, Registration Number DJ848, to be an

emergency vessel for the 26th and 27th January 2013 and exempt from the provisions of the Regulations whilst the master of the vessel is acting in the course of his/her duties and where he/she reasonably believe that it is expedient and safe to do so.

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

MA402\*

**WESTERN AUSTRALIAN MARINE ACT 1982**  
**NAVIGABLE WATERS REGULATIONS 1958**  
CLOSED WATERS—ALL VESSELS

Logue Brook Dam  
Shire of Harvey

Department of Transport,  
Fremantle WA, 25 January 2013.

Acting pursuant to the powers conferred by Section 66 of the *Western Australian Marine Act 1982*, I hereby cancel section (20) Shire of Harvey (i) of notice TR401 as published in the *Government Gazette* on page 39, dated 6 January 1998 and hereby declare the following waters to be a closed to the navigation to all vessels—

**Logue Brook Dam:** All the waters of the dam lying from the dam wall to a distance of 200 metres upstream.

RAYMOND BUCHHOLZ, Marine Operations Director,  
Department of Transport.

MA403\*

**WESTERN AUSTRALIAN MARINE ACT 1982**  
RESTRICTED SPEED AREA—MOTORISED VESSELS

Logue Brook Dam  
Shire of Harvey

Department of Transport,  
Fremantle WA, 25 January 2013.

Acting pursuant to the powers conferred by Section 67 of the *Western Australian Marine Act 1982*, the Department by this notice revokes notice MX401 as published in the *Government Gazette* on 19 December 2008 and hereby limits the speed of motorised vessels to five (5) knots within the following area—

**Logue Brook Dam:** All waters of Logue Brook dam excluding—

- (i) The public water ski area between the hours of sunrise to sunset.
- (ii) The closed waters all vessels area.

RAYMOND BUCHHOLZ, Marine Operations Director,  
Department of Transport.

MA404\*

**WESTERN AUSTRALIAN MARINE ACT 1982**  
CLOSED WATERS—PERSONAL WATERCRAFT

Logue Brook Dam  
Shire of Harvey

Department of Transport,  
Fremantle WA, 25 January 2013.

Acting pursuant to the powers conferred by Section 66 of the *Western Australian Marine Act 1982*, I hereby close the following areas of water to Personal Watercraft until further notice—

**Logue Brook Dam—**

- (i) All the waters upstream of the eastern boundary of the gazetted public water ski area.
- (ii) All the waters of Logue Brook Dam whilst the official water level is lower than 216 metres Australian Height Datum as taken from the Water Corporation state-wide dam storage levels.

RAYMOND BUCHHOLZ, Marine Operations Director,  
Department of Transport.

MA405\*

**WESTERN AUSTRALIAN MARINE ACT 1982  
NAVIGABLE WATERS REGULATIONS 1958**

WATER SKI AREA

Logue Brook Dam

Shire of Harvey

Department of Transport,  
Fremantle WA, 25 January 2013.

Acting pursuant to the powers conferred by Section 48A of the *Navigable Waters Regulations 1958*, the Department by this notice sets aside the following area of Navigable Water for the purpose of Water Skiing—

**Logue Brook Dam:** All those waters of the dam commencing from a line drawn 200 metres upstream and parallel with the dam wall extending upstream to a line drawn from a point at 32° 59.87', 115° 58.20' thence in a southerly direction to a point at 33° 00.11', 115° 58.35'.

Providing however that skiing is not permitted within 45 metres of the foreshore. The direction of all water skiing in Logue Brook Dam shall be in an anti-clockwise direction. Skiing is only permitted within the hours of sunrise and sunset and only whilst the Logue Brook Dam official water level is equal to or higher than 216 metres above Australian Height Datum as taken from the Water Corporation state-wide dam storage levels.

All coordinates based on GDA 94.

RAYMOND BUCHHOLZ, Marine Operations Director,  
Department of Transport.

## PLANNING

PL401\*

*CORRECTION*

**PLANNING AND DEVELOPMENT ACT 2005**

APPROVED AMENDMENT

Greater Bunbury Region Scheme Amendment 0026/57  
Omnibus No. 2—Anomalies Amendment

Amendment No. 0026/57

It is hereby notified for public information that the notice under the above Amendment No. 0026/57 published at page 66 of the *Government Gazette* No. 3 dated 11 January 2013, contained an error in the text which is now corrected as follows—

For the Text: File: RLS/0302

Read: File: RLS/0301

NEIL THOMSON, Secretary,  
Western Australian Planning Commission.

PL402\*

**PLANNING AND DEVELOPMENT ACT 2005**

APPROVED LOCAL PLANNING SCHEME AMENDMENT

*Shire of Dardanup*

Town Planning Scheme No. 3—Amendment No. 183

Ref: TPS/0881

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 Dardanup local planning scheme amendment on 15 January 2013 for the purpose of—

1. Amending Clause 1.8.2 definition of 'Restaurant' to read as follows—  
'premises where the predominant use is the sale of and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the *Liquor Licensing Act 1988*'.
2. Amending Clause 1.8.2 definition of 'Transport Depot' to read as follows—  
'land or a building or buildings used for the parking or garaging of road motor vehicles which are used or intended to be used for the carriage of goods, or land or a building or buildings used for the transfer of goods from one such motor vehicle to another of such motor vehicles and includes the maintenance and repair of such vehicles'.

3. Amending Clause 1.9 'Repeal' by adding "Shire of Dardanup Town Planning Scheme No. 4 Copplestone Development Scheme published in the *Government Gazette* of 25 July 1980 is hereby revoked".
4. Amending Appendix 1—Zoning Table by changing the use class 'Community Infrastructure' to 'Communications Infrastructure'.
5. Amending Appendix 1—Zoning Table by changing the permissibility of 'Other Community—Exhibition Centre' from an 'X' to a 'D' and 'Other Community—Medical Centre' from an 'X' to a 'P'.
6. Amending Clause 1.13.2 (a) by replacing reference to 'clause 10.2' with 'Clause 7.2.4'.
7. Deleting Clause 3.14.1 (r) and inserting a new Clause 3.14.1 (r)  
'A person shall not without the prior approval of Council damage, fell or remove a tree; except—
  - (a) a tree that is dead or is diseased and likely to die;
  - (b) for the purpose of clearing of a fire break;
  - (c) a tree contained within a building envelope or other approved location for a building which in the opinion of the Council would unreasonably obstruct or interfere with the erection of a dwelling, house or on outbuilding.
8. Deleting Clause 3.16.11 and 3.16.12 'Small Holding Development Area' and renumbering Clauses 3.16.13 to 3.16.16.
9. Amending Clause 7.2.1 by replacing reference to "AP" with "A", "PS" with "D" and 'used' with 'use'.
10. Amending Clause 7.3.5.2 by replacing reference to 'clause 10.5.1' with 'Clauses 7.3.3 and 7.3.5'.
11. Deleting Clause 7.11 and inserting the following—  
**PERMITTED DEVELOPMENT**  
Except as otherwise provided in the Scheme, for the purposes of the Scheme the following development does not require the planning approval of local government—
  - (a) a home office
  - (b) the erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where—
    - (i) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes; or
    - (ii) the development will be located in a heritage area designated under the Scheme."
12. Amending the Scheme text and map accordingly.

J. E. GARDINER, Shire President.  
M. L. CHESTER, Chief Executive Officer.

PL403\*

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**  
*Shire of Dardanup*  
Town Planning Scheme No. 3—Amendment No. 177

Ref: TPS/0564

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 Dardanup local planning scheme amendment on 15 January 2013 for the purpose of—

1. Inserting a new 'Part IX—Special Control Areas' into the Scheme text as follows—

**PART IX—SPECIAL CONTROL AREAS**

**9.1 Operation of special control areas**

9.1.1 The following special control areas are shown on the scheme map—

- (a) Development contribution areas shown on the scheme map as DCA with a number and included in Appendix XI.

9.1.2 In respect of a special control area shown on a 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.

**9.2 Development contribution areas**

**9.2.1 Interpretation**

In clause 9.2, 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 9.2.10.

'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 Appendix XI.

'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 9 of the Scheme as incorporated in Appendix XII of this Scheme.

'Development contribution plan report' means a report prepared and distributed in accordance with clause 9.2.10.

'Infrastructure' means the standard infrastructure items 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 State Planning Policy 3.6 Development Contributions.

'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.

### **9.2.2 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.

### **9.2.3 Development contribution plan required**

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

### **9.2.4 Development contribution plan part of Scheme**

The development contribution plan is incorporated in Appendix XII as part of this Scheme.

### **9.2.5 Subdivision, strata subdivision and development**

9.2.5.1 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 and/or subdivider's contribution towards the provision of community infrastructure.

9.2.5.2 The Commission may impose a condition requiring the preparation and implementation of a development contribution plan on subdivision approvals which relate to land included in a development contribution area.

9.2.5.3 The local government may impose a condition for development requiring the owner to make a cost contribution payment in accordance with the cost apportionment schedule prepared as part of the development contribution plan required under clause 9.2.

### **9.2.6 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 and/or subdividers 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.

### **9.2.7 Content of development contribution plans**

9.2.7.1 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/or subdivider; and
- (d) the priority and indicative timing for the provision of infrastructure.

### **9.2.8 Period of development contribution plan**

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

### **9.2.9 Land excluded**

In calculating both the area of an owner's and/or subdivider'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 Greater Bunbury Region Scheme as primary regional roads and other regional roads;
- (b) existing public open space;
- (c) existing government primary and secondary schools; and
- (d) such other land as is set out as excluded in the development contribution plan, is to be excluded.

### **9.2.10 Development contribution plan report and cost apportionment schedule**

9.2.10.1 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 and/or subdividers in the development contribution area.

9.2.10.2 The development contribution plan report and the cost apportionment schedule shall set out in detail the calculation of the cost contribution for each owner and/or subdivider 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.

9.2.10.3 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 9.2.11.

### **9.2.11 Cost contributions based on estimates**

9.2.11.1 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.

9.2.11.2 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 9.2.12; 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.

9.2.11.3 The local government may have such estimated costs independently certified by appropriate qualified persons and must provide such independent certification to an owner and/or subdivider when requested to do so.

9.2.11.4 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 and/or subdivider 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 and/or subdivider accordingly.

9.2.11.5 Where an owner's and/or subdivider's cost contribution is adjusted under clause 9.2.11.4, the local government, on receiving a request in writing from an owner and/or subdivider, is to provide the owner and/or subdivider with a copy of estimated costs and the calculation of adjustments.

9.2.11.6 If an owner and/or subdivider objects to the amount of a cost contribution, the owner and/or subdivider 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 and/or subdivider at the owner's and/or subdivider's expense, within 28 days after being informed of the cost contribution.

9.2.11.7 If the independent expert does not change the cost contribution to a figure acceptable to the owner and/or subdivider, the cost contribution is to be determined—

- (a) by any method agreed between the local government and the owner and/or subdivider; or
- (b) if the local government and the owner and/or subdivider 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 and/or subdivider.

### 9.2.12 Valuation

9.2.12.1 Clause 9.2.12 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.

9.2.12.2 In clause 9.2.12—

'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 as detailed in SPP 3.6 (as amended). 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.

9.2.12.3 If an owner and/or subdivider objects to a valuation made by the valuer, the owner and/or subdivider may give notice to the local government requesting a review of the amount of the value, at the owner's and/or subdivider's expense, within 28 days after being informed of the value.

9.2.12.4 If, following a review, the valuer's determination of the value of the land is still not a figure acceptable to the owner and/or subdivider, the value is to be determined—

- (a) by any method agreed between the local government and the owner and/or subdivider; or
- (b) if the local government and the owner and/or subdivider cannot agree, the owner and/or subdivider may apply to the State Administrative Tribunal for a review of the matter under part 14 of the *Planning and Development Act 2005*.

### 9.2.13 Liability for cost contributions

9.2.13.1 An owner and/or subdivider must make a cost contribution in accordance with the applicable development contribution plan and the provisions of clause 9.2.

9.2.13.2 An owner and/or subdivider shall pay the owner's and/or subdivider's cost contribution payment to the local government 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 and/or subdivider's land within the development contribution area;
- (b) the commencement of any development on the owner's and/or subdivider'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 and/or subdivider'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 and/or subdivider's land within the development contribution area.

The liability to pay the cost contribution payment arises only once upon the earliest of the above listed events.

9.2.13.3 Notwithstanding clause 9.2.13.2, an owner's and/or subdivider's liability to pay the owner's and/or subdivider's cost contribution does not arise if the owner and/or subdivider 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.

9.2.13.4 Where a development contribution plan expires in accordance with clause 9.2.8, an owner's and/or subdivider's liability to pay the owner's and/or subdivider'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 and/or subdivider's land, subject to such liability.

#### **9.2.14 Payment of cost contribution**

9.2.14.1 The owner and/or subdivider, with the agreement of the local government, is to pay the owner's and/or subdivider'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.

9.2.14.2 The owner and/or subdivider, with the agreement of the local government, may pay the owner's and/or subdivider's cost contribution in a lump sum, by instalments or in such other manner acceptable to the local government.

9.2.14.3 Payment by an owner and/or subdivider 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 and/or subdivider's liability for the portion of land subject to the contribution under the development contribution plan and the local government shall provide certification in writing to the owner and/or subdivider of such discharge if requested by the owner and/or subdivider.

#### **9.2.15 Charge on land**

9.2.15.1 The amount of any cost contribution for which an owner and/or subdivider is liable under clause 9.2.13, but has not paid, is a charge on the owner's and/or subdivider's land to which the cost contribution relates, and the local government may lodge a caveat, at the owner's and/or subdivider's expense, against the owner's and/or subdivider's certificate of title to that land.

9.2.15.2 The local government, at the owner's and/or subdivider's expense and subject to such other conditions as the local government thinks fit, can withdraw a caveat lodged under clause 9.2.15.1 to permit a dealing and may then re-lodge the caveat to prevent further dealings.

9.2.15.3 If the cost contribution is paid in full, the local government, if requested to do so by the owner and/or subdivider and at the expense of the owner and/or subdivider, is to withdraw any caveat lodged under clause 9.2.15.

#### **9.2.16 Administration of funds**

9.2.16.1 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.

9.2.16.2 Interest earned on cost contributions credited to a reserve account in accordance with clause 9.2.16.1 is to be applied in the development contribution area to which the reserve account relates.

9.2.16.3 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.

#### **9.2.17 Shortfall or excess in cost contributions**

9.2.17.1 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 and/or subdividers to fund the shortfall; or
- (c) raise loans or borrow from a financial institution,

but nothing in paragraph 9.2.17.1 (a) restricts the right or power of the local government to impose a differential rate to a specified development contribution area in that regard.

9.2.17.2 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 and/or subdividers for that development contribution area. To the extent, if any, that it is not



reasonably practicable to identify owners and/or subdividers 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.

### 9.2.18 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 and/or subdividers as it considers fit.

### 9.2.19 Arbitration

Subject to clauses 9.2.12.3 and 9.2.12.4, any dispute between an owner and/or subdivider and the local government in connection with the cost contribution required to be made by an owner and/or subdivider is to be resolved by arbitration in accordance with the *Commercial Arbitration Act 1985*.

2. Inserting a new 'Appendix XI—Development Contribution Areas' into the Scheme text as follows—

#### APPENDIX XI—DEVELOPMENT CONTRIBUTION AREAS

DEVELOPMENT CONTRIBUTION AREA (DCA) NO.	DCA NAME	LAND DESCRIPTION	DEVELOPMENT CONTRIBUTION PLAN (DCP)

3. Including 'Special Control Area' on the Scheme Map legend as shown on the Amendment map.
4. Including 'DCA—Development Contribution Area' under 'Special Control Area' on the Scheme Map legend as shown on the Amendment map.
5. Including land within the Dardanup Townsite Expansion Strategy Area as 'DCA2' and land within the Burekup Townsite Expansion Strategy Area as 'DCA3' and amending the Scheme text as follows—

#### APPENDIX XI—DEVELOPMENT CONTRIBUTION AREAS

DEVELOPMENT CONTRIBUTION AREA (DCA) NO.	DCA NAME	LAND DESCRIPTION	DEVELOPMENT CONTRIBUTION PLAN (DCP)
DCA2	Dardanup Townsite Expansion Area	Land identified within the Dardanup Townsite Expansion Strategy	Dardanup Townsite Expansion Area DCP
DCA3	Burekup Townsite Expansion Area	Land identified within the Burekup Townsite Expansion Strategy	Burekup Townsite Expansion Area DCP

6. Amending the Scheme Map by including the Dardanup Townsite Expansion Strategy Area and the Burekup Townsite Expansion Strategy Area in the 'Special Control Area' and 'Development Contribution Area' as shown on the Amendment map.
7. Inserting a new Appendix XII—Community Infrastructure Development Contribution Plans into the Scheme text as follows—

#### APPENDIX XII—COMMUNITY INFRASTRUCTURE DEVELOPMENT CONTRIBUTION PLANS

Reference No.	DCP 2
Area Name:	DCA 2—DARDANUP TOWNSITE EXPANSION AREA
Relationship to other planning instruments:	The development contribution plan generally conforms to the <i>Strategic Plan, 10 year Strategic Financial Plan, Dardanup Revitalisation Project Concept Plan and Community Aspirations</i> .
Infrastructure and administrative items to be funded:	<p>NEW INFRASTRUCTURE</p> <ol style="list-style-type: none"> <li>1. <u>Community Centre &amp; Outdoor Play Area</u>— <ul style="list-style-type: none"> <li>• To be located at the existing Civic Centre on Little Street adjoining the Hall and Shire offices;</li> </ul> </li> </ol>

- Single storey of approximately 170m<sup>2</sup> of standard finishes containing kitchen, toilets, main activity area, office space and infant health clinic;
- Outdoor play area of approximately 140m<sup>2</sup> to include 1.8m high chain mesh surrounding fence, turf and reticulation;
- Costs are inclusive of—
  - o Planning and design;
  - o Construction of facility;
  - o External services within 3m of building;
  - o Contingency to cover exclusions such as external services beyond 3m of building and unforeseen expenditure.

#### UPGRADED INFRASTRUCTURE

##### 2. Hard Courts at Dardanup Oval—

- Upgrade lighting for all 5 courts;
- Upgrade surface to 3 courts;
- Remark surface to 3 courts;
- Costs are inclusive of—
  - o Planning and design;
  - o Installation and undertaking of works;
  - o External services within 3m of building;
  - o Contingency to cover exclusions such as a requirement to upgrade switchboard for new lighting and unforeseen expenditure.

##### 3. Dardanup Oval Club Rooms—

- Extension of approximately 94m<sup>2</sup> (10.4m x 9m) of standard construction and basic finishes to include new change rooms and new public toilets;
- Verandahs of approximately 54m<sup>2</sup> (9m x 3m x 2m) with concrete floor surface;
- Costs are inclusive of—
  - o Planning and design;
  - o Construction of building;
  - o External services within 3m of building;
  - o Contingency to cover exclusions such as external services beyond 3m of building and unforeseen expenditure.

##### 4. Dardanup Oval Car Park—

- Upgrade surface and line-mark existing car parking area of approximately 20 bays;
- Construct and line-mark existing informal grassed car parking area of approximately 70 bays;
- Costs are inclusive of—
  - o Planning and design;
  - o Construction of car parking;
  - o Stormwater drainage;
  - o Minimal landscaping;
  - o Contingency to cover exclusions such as additional sand fill for stormwater drainage purposes and unforeseen expenditure.

##### 5. Public Library—

- Extension of approximately 40m<sup>2</sup>;
- Costs are inclusive of—
  - o Planning and design;
  - o Construction of extension;
  - o External services within 3m of building;
  - o Fit-out with bookshelf units;
  - o Contingency to cover exclusions such as external services beyond 3m of building and unforeseen expenditure.

	<p>6. <u>Administrative costs including—</u></p> <ul style="list-style-type: none"> <li>• Costs to prepare and administer the plan during the period of operation inclusive of— <ul style="list-style-type: none"> <li>o Legal expenses;</li> <li>o Valuation fees;</li> <li>o Proportion of staff salaries;</li> <li>o Computer software or hardware to administer plan;</li> </ul> </li> <li>• Costs to prepare and review estimates;</li> <li>• Costs to prepare and review cost apportionment schedule;</li> <li>• Valuation costs.</li> </ul>
Method for calculating contributions:	<p>The DCP identifies the needs of the community infrastructure to be upgraded to cater for the future additional population as a result of the <i>Dardanup Townsite Expansion Strategy</i>. This calculation excludes—</p> <ul style="list-style-type: none"> <li>• The demand for the infrastructure generated by the existing population;</li> <li>• Any upgrading or works required to the infrastructure as maintenance;</li> <li>• Ongoing maintenance of the infrastructure; and</li> </ul> <p>Infrastructure items 1, 2, 3 and 5 are apportioned 1/3 Council, 1/3 Developer and 1/3 external funding such as grants. Infrastructure item 4 will not qualify for external funding and therefore the costs are apportioned equally between the Council and the Developer. The Developer is also liable to pay 100% of the DCP administration costs at item 6.</p> <p>The Developer contribution will be calculated based on their proportion of the total net DCA: (cost contribution = developer apportioned cost x developer % of total net DCA).</p>
Priority and timing:	<ol style="list-style-type: none"> <li>1. Community Centre &amp; Outdoor Play Area .....2017/2018</li> <li>2. Hard Courts at Dardanup Oval .....2017/2018</li> <li>3. Dardanup Oval Club Rooms .....2020/2021</li> <li>4. Dardanup Oval Car Parking .....2020/2021</li> <li>5. Public Library .....2020/2021</li> </ol>
	10 years
Review process:	<p>The plan will be reviewed when considered appropriate, having regard to the rate of subsequent development in the area since the last review and the degree of development potential still existing.</p> <p>The estimated infrastructure costs in this plan will be reviewed at least annually to reflect changes in funding and revenue sources and indexed based on the Building Cost Index (as provided by Rawlinsons Australian Contribution Handbook), direct quotation or as provided by a suitably qualified person.</p>

8. Amending the Scheme Map and Text accordingly.

J. E. GARDINER, Shire President.  
M. L. CHESTER, Chief Executive Officer.

## TRANSPORT

TN401\*

### SHIPPING AND PILOTAGE ACT 1967

#### APPOINTMENT OF DEPUTY HARBOUR MASTER

I, Troy Buswell MLA, Minister for Transport acting pursuant to section 7A(1) of the *Shipping and Pilotage Act 1967*, hereby appoint Captain Geoffrey Beevers as deputy harbour master of Wyndham Port.

TROY BUSWELL MLA, Minister for Transport.

Dated this 15th day of January 2013.

TN402\*

**SHIPPING AND PILOTAGE ACT 1967**  
DEPUTY HARBOUR MASTER APPOINTMENTS

I, Troy Buswell MLA, Minister for Transport acting pursuant to section 7A(1) of the *Shipping and Pilotage Act 1967*, hereby appoint both—

- Captain David James Harrod; and
- Captain Robert Tondut

as deputy harbour masters of the following ports—

Port of Barrow Island  
Port of Cape Preston  
Port of Carnarvon  
Port of Onslow  
Port of Perth  
Port of Port Walcott  
Port of Varanus Island  
Port of Yampi Sound

TROY BUSWELL MLA, Minister for Transport.

Dated this 16th day of January 2013.

TN403\*

**SHIPPING AND PILOTAGE ACT 1967**  
CANCELLATION AND APPOINTMENT OF HARBOUR MASTER

I, Troy Buswell MLA, Minister for Transport acting pursuant to section 4 of the *Shipping and Pilotage Act 1967*, hereby cancel the appointment of Captain David James Harrod as harbour master for the following ports, and appoint Captain Mark James Gooderham, effective from 15 January 2013, as Harbour Master of those same ports—

Port of Barrow Island  
Port of Cape Preston  
Port of Carnarvon  
Port of Onslow  
Port of Perth  
Port of Port Walcott  
Port of Varanus Island  
Port of Yampi Sound

This Instrument of Cancellation and Appointment cancels the appointment dated 17 October 2012.

TROY BUSWELL MLA, Minister for Transport.

Dated this 16th day of January 2013.

TN404\*

**RAIL FREIGHT SYSTEM ACT 2000**  
RAIL FREIGHT SYSTEM (S.37 CORRIDOR LAND) ORDER NO. 1/2013

Made under Section 37 by the Minister for Transport

**1. Citation**

This order may be cited as the Rail Freight System (S.37 Corridor Land) Order No. 1/2013.

**2. Cancellation of Corridor Land**

The Corridor land identified in the last column of the Schedule is cancelled.

**Schedule—Land to be cancelled**

Designation Identification	Railway Line Identification	Railway Identification Plan Number	Land Description
0.142—2.227	Bunbury to Boyanup Railway	Plan 75.1	Identified as Lot 521 and Lot 591 on Deposited Plan 71843 and Lot 592 on Deposited Plan 71856 and having a total area of approximately 10.3 hectares.

TROY BUSWELL MLA, Minister for Transport.

Dated this 15th day of January 2013.

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## WORKCOVER

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WC401

**WORKERS' COMPENSATION AND INJURY MANAGEMENT ACT 1981**

## EXEMPTION NOTICE

Given by the Board for the purposes of section 164 of the *Workers' Compensation and Injury Management Act 1981*.

Notice is given that on 28 December 2012, the Lieutenant-Governor and deputy of the Governor acting under section 164 of the *Workers' Compensation and Injury Management Act 1981* and with the advice and consent of Executive Council, exempted Coregas Pty Ltd from the obligation to insure pursuant to that Act, except for the obligation to insure against liability to pay compensation under that Act for any industrial disease of the kinds referred to in section 151(a)(iii) of the Act.

GREG JOYCE, Chairman of the Board.

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## DECEASED ESTATES

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ZX401\*

**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 of the undermentioned deceased persons are required to send particulars of their claims to me, on or before 25 February 2013, after which date I may convey or distribute the assets having regard only to the claims of which I then have notice.

Blunsdon, Joyce Mary, late of 85 Hester Avenue, Merriwa, died 26.12.2012 (DE19762171 EM16)

Essers, Davina Marie, late of 84 Azelia Street, Alexander Heights, died 16.02.2010 (DE33082092 EM15)

Leverington, Robert Basil Walter John, late of 7 Deanmore Road, Karrinyup, died 31.12.2012 (DE19831729 EM24)

Mazzoni, Achille, also known as Archie Mazzoni, late of The Oaks Nursing Home, 8-10 Oakwood Crescent, Waikiki, died 30.11.2012 (DE20002224 EM15)

McLennan, Nora, late of Dale Cottage Nursing Home, 16 Derness Way, Armadale, died 27.11.2012 (DE19743175 EM36)

Rennie, Wiliam, late of 15 Patchett Street, Cloverdale, died 5.01.2013 (DE19661251 EM15)

Sykes, Judith, also known as Judy Skykes, late of Unit 1, 7 Wooramel Way, Nollamara, died 22.12.2012 (DE19630579 EM23)

Tickle, James Walter, late of 24 Valencia Road, Carmel, died 27.11.2012 (DE33064949 EM32)

West, Edith Lavinia, late of Greenfields Aged Care, 95 Lakes Road, Greenfields, died 1.01.2013 (DE19812491 EM110)

West, Willy Joseph, late of Graceford Village Nursing Home, 18 Turner Road, Byford, died 23.04.2012 (DE19811122 EM37)

BRIAN ROCHE, Public Trustee,  
553 Hay Street,  
Perth WA 6000.  
Telephone: 1300 746 212

ZX402

**TRUSTEES ACT 1962**

## DECEASED ESTATES

## Notice to Creditors and Claimants

Stafford Patrick Baldrey, late of 32 Corring Way, Parmelia 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 Stafford Patrick Baldrey, deceased, who died on the 26th day of July 2012 at Parmelia in the said State, are required by the personal representative [REDACTED] to send particulars of their claims to Peel Legal

Barristers & Solicitors of PO Box 1995, Mandurah WA 6210 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 claims of which he has then had notice.

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**ZX403**

**TRUSTEES ACT 1962**

DECEASED ESTATES

Notice to Creditors and Claimants

Vicki Lorraine Bankcroft, late of 28 Macquarie Drive, Coodanup 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 15 July 2012, are required by the personal representative to send particulars of their claims to him/her care of Clement & Co, Lawyers, Unit 2, 12 Sutton Street, Mandurah WA by 27 February 2013, after which date the personal representative may convey or distribute the assets having regard to the claims of which he/she then has notice.

CLEMENT & CO, as solicitors for the personal representative.

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**ZX404**

**TRUSTEES ACT 1962**

DECEASED ESTATES

Notice to Creditors and Claimants

Luigi Corica, late of Italian Aged Care, Marangaroo, Western Australia, Retired Builder, 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 11 September 2012, are required by the Trustee ANZ Trustees Limited ACN 006 132 332 of Level 42, 55 Collins Street, Melbourne VIC 3000 to send particulars of their claim to them by 8 March 2013, after which date the Trustee may convey or distribute the assets having regard only to the claims of which he then has notice.

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**ZX406**

**TRUSTEES ACT 1962**

DECEASED ESTATES

Notice to Creditors and Claimants

Walter John Morris, late of Regents Gardens Residential Care, 33 Drovers Place, Wanneroo 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 18 September 2012, are required by the personal representative to send particulars of their claims to him care of Clement & Co, Lawyers, Unit 2, 12 Sutton Street, Mandurah WA by 4 March 2013, after which date the personal representative may convey or distribute the assets having regard to the claims of which he then has notice.

CLEMENT & CO, as solicitors for the personal representative.

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## **PUBLIC NOTICES**

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**ZZ401\***

**DISPOSAL OF UNCOLLECTED GOODS ACT 1970**

DISPOSAL OF UNCOLLECTED GOODS

To: Ms Charlotte Eades, 10 Andrew Street, Spencer Park WA 6330, Bailor.

You were given notice on 14 June 2012 that the following goods; 1 Maroon Nissan S14 200SX, registration 1DRJ464 situated at Duncan Nissan, 501 Albany Highway, Victoria Park WA 6100 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 their redelivery, Duncan Nissan, 501 Albany Highway Victoria Park WA 6100, Bailee, intends making an application to the Court for an order to sell or otherwise dispose of them in accordance with the Act.

DUNCAN NISSAN, Bailee.

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WESTERN AUSTRALIA

**MINES SAFETY AND INSPECTION  
ACT 1994**

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REGULATIONS 1995**

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WESTERN AUSTRALIA

**ROAD TRAFFIC CODE 2000**

**Price: \$44.15 plus postage**

\*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

**PAWNBROKERS AND SECONDHAND  
DEALERS ACT 1994**

**Price: \$29.15 plus postage**

\*Prices subject to change on addition of amendments.

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