

WESTERN
AUSTRALIAN
GOVERNMENT
Gazette
ISSN 1448-949X PRINT POST APPROVED PP665002/00041



PERTH, TUESDAY, 11 JUNE 2013 No. 87

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

© STATE OF WESTERN AUSTRALIA

CONTENTS

PART 1

	Page
Disability Services Act 1993—Disability Services Amendment Regulations 2013	2161
Proclamation—Disability Services Amendment Act 2012—No. 40 of 2012.....	2161

PART 2

Corrective Services	2166
Deceased Estates	2188
Fire and Emergency Services.....	2166
Fisheries.....	2170
Health.....	2171
Heritage.....	2171
Local Government.....	2172
Minerals and Petroleum	2172
Planning	2173
Premier and Cabinet.....	2186
Treasury and Finance.....	2186
Water/Sewerage	2187

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.*

ADVERTISING RATES AND PAYMENTS

EFFECTIVE FROM 1 JULY 2013 (Prices include GST).

Deceased Estate notices (per estate)—\$29.30

Articles in Public Notices Section—\$68.00 minimum charge (except items of an exceptionally large nature. In these instances arrangements will be made for pricing the notice at time of lodging).

All other Notices—

Per Column Centimetre—\$13.60

Bulk Notices—\$249.00 per page

Electronic copies of gazette notices sent to clients for lodgement with the Delegated Legislation Committee—\$44.70

Clients who have an account will only be invoiced for charges over \$50.

For charges under \$50, clients will need to supply credit card details at time of lodging notice (i.e. a notice under 4cm would not be invoiced).

Clients without an account will need to supply credit card details or pay at time of lodging the notice.

— PART 1 —

PROCLAMATIONS

AA101*

DISABILITY SERVICES AMENDMENT ACT 2012

No. 40 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*

[L.S.]

M. J. McCUSKER

Governor

I, the Governor, acting under the *Disability Services 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 14 May 2013.

By Command of the Governor,

H. MORTON, Minister for Disability Services.

DISABILITY SERVICES

DX301*

Disability Services Act 1993

Disability Services Amendment Regulations 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Disability Services 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* (***gazettal day***);

- (b) regulations 7, 8, and 9 — one year after gazettal day;
- (c) the rest of the regulations, on the later of —
 - (i) the day on which the *Disability Services Amendment Act 2012* section 4 comes into operation; and
 - (ii) the day after gazettal day.

3. Regulations amended

These regulations amend the *Disability Services Regulations 2004*.

4. Regulation 4A inserted

After regulation 3 insert:

4A. Disability Service Standards (s. 12)

The following Disability Service Standards, endorsed by the Commission in 1993 and 2004 and published by the Commission in 2005, are prescribed for the purposes of section 12(1)(i) of the Act —

- (a) Service Access;
- (b) Individual Needs;
- (c) Decision Making and Choice;
- (d) Privacy, Dignity and Confidentiality;
- (e) Participation and Integration;
- (f) Valued Status;
- (g) Complaints and Disputes;
- (h) Services Management;
- (i) Protection of Human Rights and Freedom from Abuse and Neglect.

5. Regulation 5 amended

In regulation 5(1) delete “23(4)” and insert:

23(1a)

6. Regulation 10 amended

In regulation 10(1):

- (a) delete “29E” and insert:

28(10)

(b) in paragraph (a) delete “1995; or” and insert:

1995; and

7. Schedule 1 replaced

Delete Schedule 1 and insert:

**Schedule 1 — Public authorities to which
Part 5 applies**

[r. 6]

1. A department established under the *Public Sector Management Act 1994* section 35.
2. An entity specified in the *Public Sector Management Act 1994* Schedule 2 column 2.
3. A local government.
4. A regional local government, but only when performing a public service that is not the responsibility of a particular participating local government.
5. Curtin University of Technology established under the *Curtin University of Technology Act 1966*.
6. Edith Cowan University established under the *Edith Cowan University Act 1984*.
7. Electricity Generation Corporation established by the *Electricity Corporations Act 2005*.
8. Electricity Networks Corporation established by the *Electricity Corporations Act 2005*.
9. Electricity Retail Corporation established by the *Electricity Corporations Act 2005*.
10. Forest Products Commission established by the *Forest Products Act 2000*.
11. Fremantle Hospital established under the *Hospitals and Health Services Act 1927*.
12. Heritage Council of Western Australia established under the *Heritage of Western Australia Act 1990*.
13. Information Commissioner established under the *Freedom of Information Act 1992*.
14. King Edward Memorial Hospital for Women established under the *Hospitals and Health Services Act 1927*.
15. Legal Aid Commission of Western Australia established under the *Legal Aid Commission Act 1976*.
16. Murdoch University established under the *Murdoch University Act 1973*.

17. Parliamentary Commissioner for Administrative Investigations appointed under the *Parliamentary Commissioner Act 1971*.
18. Princess Margaret Hospital for Children established under the *Hospitals and Health Services Act 1927*.
19. Regional Power Corporation established by the *Electricity Corporations Act 2005*.
20. Royal Perth Hospital established under the *Hospitals and Health Services Act 1927*.
21. Sir Charles Gairdner Hospital established under the *Hospitals and Health Services Act 1927*.
22. The University of Western Australia established under the *University of Western Australia Act 1911*.
23. Western Australian Health Promotion Foundation [*trading under the name "Healthway"*] established under the *Tobacco Products Control Act 2006*.
24. Western Australian Mint preserved and continued by the *Gold Corporation Act 1987*.
25. Water Corporation established by the *Water Corporation Act 1995*.

8. Schedule 2 amended

After Schedule 2 item 6 insert:

7. A disability access and inclusion plan must provide a means of reducing barriers to people with disability obtaining and maintaining employment.

9. Schedule 3 amended

After Schedule 3 item 6 insert:

7. People with disability have the same opportunities as other people to obtain and maintain employment with a public authority.

10. References to "disabilities" amended

Amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
r. 5(1)	disabilities	disability
Sch. 2 it. 1	disabilities	disability

Provision	Delete	Insert
Sch. 2 it. 2	disabilities	disability
Sch. 2 it. 3	disabilities	disability
Sch. 2 it. 4	disabilities	disability
Sch. 2 it. 5	disabilities	disability
Sch. 2 it. 6	disabilities	disability
Sch. 3 it. 1	disabilities	disability
Sch. 3 it. 2	disabilities	disability
Sch. 3 it. 3	disabilities	disability
Sch. 3 it. 4	disabilities	disability
Sch. 3 it. 5	disabilities	disability
Sch. 3 it. 6	disabilities	disability

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.

— PART 2 —

CORRECTIVE SERVICES

CS401*

PRISONS ACT 1981

PERMIT DETAILS

Pursuant to the provisions of section 15P of the *Prisons Act 1981*, the Commissioner of the Department of Corrective Services has **revoked** the following persons with a Permit to do High-Level Security Work—

Surname	Other Names	Permit No.	Revocation Date
Curtis	Frank	WAN007	13 May 2013
Jenkins	Matthew	WAN011	13 May 2013
Turnbull	Bradley	WAN018	13 May 2013
Patridge	Leonard John	WAN0024	13 May 2013
Turner	Brett	WAN0026	13 May 2013

This notice is published under section 15P of the *Prisons Act 1981*.

NATALIE SANGALLI, Contract Manager,
Wandoo Reintegration Facility.

FIRE AND EMERGENCY SERVICES

FE401*

FIRE AND EMERGENCY SERVICES ACT 1998

DETERMINATION AND ASSESSMENT OF LEVY

Pursuant to Section 36G(3) of the *Fire and Emergency Services Act 1998* (the Act), the Minister is to determine the Emergency Services Levy (ESL) that is payable for the next levy year on all land that is located in an ESL area.

Your approval is sought for a determination that the emergency services levy payable for the levy year **2013/14** is **\$271,184,000**. Pursuant to Section 36G(3) of the Act, that figure has been identified by reference to the following relevant matters—

	\$
• The estimate of the Department's expenditure for 2013/14, approved by the Under Treasurer on 21 May 2013	338,843,000
• Less Amounts appropriated by Parliament for the purposes of the services provided under the emergency services Acts as at 12 June 2013	(Nil)
• Less Other relevant considerations—	
o Estimate of amounts to be appropriated by Parliament for 2013/14 for the purposes of the services provided under the emergency services Acts, approved by the Under Treasurer on 21 May 2013	(41,402,000)
o Estimate of funding to be received by the Department from other sources	(26,257,000)
Emergency Services Levy Payable	\$271,184,000

Ministerial Approval

I, Joseph Francis, the Minister administering the *Fire and Emergency Services Act 1998*, hereby determine under section 36G of that Act that the emergency services levy payable for the levy year **2013/14** is **\$271,184,000**.

Hon JOSEPH FRANCIS MLA, Minister for Emergency Services.

Dated: 6 June 2013.

FE402*

FIRE AND EMERGENCY SERVICES ACT 1998
FIRE AND EMERGENCY SERVICES (DETERMINATION OF EMERGENCY
SERVICES LEVY) NOTICE 2013

1. Determination of levy for 2013/14 levy year [36G(1)]

(1) The Emergency Services Levy (ESL) that is payable for the 2013/14 levy year on land in ESL categories 1, 2, 3 and 4 is determined as a rate in the dollar of the gross rental value (GRV) of the land as follows—

- (a) for land in ESL category 1: 0.0127 dollars for each dollar of GRV;
- (b) for land in ESL category 2: 0.0093 dollars for each dollar of GRV;
- (c) for land in ESL category 3: 0.0062 dollars for each dollar of GRV; and
- (d) for land in ESL category 4: 0.0043 dollars for each dollar of GRV.

(2) The emergency services levy that is payable for the 2013/14 levy year on land in ESL category 5 is determined as a fixed charge of \$60.00.

(3) Subclauses (1) and (2) apply regardless of the purpose for which the land is used.

2. Determination of minimum and maximum amounts of levy [36I]

(1) The minimum amount of levy payable for the 2013/14 levy year on land in ESL categories 1, 2, 3 and 4 is determined as \$60.00.

(2) Subclause 1 applies regardless of the purpose for which the land is used.

(3) The maximum amount of levy payable for the 2013/14 levy year on land in ESL category 1 is determined as follows—

- (a) for vacant land and for land used for farming or single-unit residential purposes: \$310.00;
- (b) for land used for multi-unit residential purposes: \$310.00 multiplied by the relevant number of units; and
- (c) for land used for commercial, industrial or miscellaneous purposes: \$175,000.00.

(4) The maximum amount of levy payable for the 2013/14 levy year on land in ESL category 2 is determined as follows—

- (a) for vacant land and for land used for farming or single-unit residential purposes: \$230.00;
- (b) for land used for multi-unit residential purposes: \$230.00 multiplied by the relevant number of units; and
- (c) for land used for commercial, industrial or miscellaneous purposes: \$132,000.00.

(5) The maximum amount of levy payable for the 2013/14 levy year on land in ESL category 3 is determined as follows—

- (a) for vacant land and for land used for farming or single-unit residential purposes: \$154.00;
- (b) for land used for multi-unit residential purposes: \$154.00 multiplied by the relevant number of units; and
- (c) for land used for commercial, industrial or miscellaneous purposes: \$88,000.00.

(6) The maximum amount of levy payable for the 2013/14 levy year on land in ESL category 4 is determined as follows—

- (a) for vacant land and for land used for farming or single-unit residential purposes: \$110.00;
- (b) for land used for multi-unit residential purposes: \$110.00 multiplied by the relevant number of units; and
- (c) for land used for commercial, industrial or miscellaneous purposes: \$62,000.00.

Hon JOSEPH FRANCIS MLA, Minister for Emergency Services.

Dated: 6 June 2013.

FE403*

FIRE AND EMERGENCY SERVICES ACT 1998
LOCAL GOVERNMENT LEVY ADMINISTRATION FEES

I, Joseph Francis, the Minister administering the *Fire and Emergency Services Act 1998*, hereby determine that the fees to be paid by the FES Commissioner to local governments collectively for the 2013/14 levy year under section 36W(1) of that Act shall be an aggregate payment of \$2,250,000 and those fees shall be paid by 31 October 2013.

Hon JOSEPH FRANCIS MLA, Minister for Emergency Services.

Dated: 6 June 2013.

FE404***FIRE AND EMERGENCY SERVICES ACT 1998****LOCAL GOVERNMENTS NOT REQUIRED TO SUBMIT ESTIMATE OF EXPENDITURE**

I, Joseph Francis, the Minister administering the *Fire and Emergency Services Act 1998*, hereby give notice under section 36A(2) of that Act that an estimate of expenditure under section 36A(1) is not required from each of the following local governments for the levy year 2013/14—

Town of Cambridge;
Shire of Christmas Island;
Town of Claremont;
Shire of Cocos (Keeling) Islands;
Town of Cottesloe;
Town of East Fremantle;
City of Fremantle;
Shire of Halls Creek;
Town of Mosman Park;
City of Nedlands;
Shire of Ngaanyatjaraku;
Shire of Peppermint Grove;
City of Perth;
City of South Perth;
City of Subiaco;
Shire of Tammin;
Shire of Trayning; and
Town of Victoria Park.

Hon JOSEPH FRANCIS MLA, Minister for Emergency Services.

Dated: 6 June 2013.

FE405***FIRE AND EMERGENCY SERVICES ACT 1998****SPECIAL LEVY CHARGING ARRANGEMENTS**

I, Joseph Francis, the Minister administering the *Fire and Emergency Services Act 1998*, hereby determine the following matters for the 2013/14 levy year pursuant to section 36H(3) of the Act, after the required consultation under section 36H(4)—

1. The following Mining Tenement types (as classified by the Valuer-General) shall be levied a fixed charge of \$60.00 in the 2013/14 levy year by each local government in whose district that tenement or a portion of that tenement is located—
 - a. Coal Mining Lease (CML);
 - b. Gold Mining Lease (GML);
 - c. Mining Lease (M);
 - d. Mining Lease (Special Agreement) (AM);
 - e. Mineral Lease (ML);
 - f. Mineral Lease (Special Agreement) (AML);
 - g. General Purpose Lease (Special Agreement) (AG);
 - h. Tailing Lease (TL);
 - i. Licence to Treat Tailings (LTT);
 - j. Petroleum Production Licence (PPL); and
 - k. Special Licence (Special Agreement) (ASL).

This arrangement shall apply regardless of whether the Mining Tenement is in an area declared to be within ESL categories 1, 2, 3, 4 or 5 or any combination of those categories.

2. If, at 1 July 2013, a Gross Rental Valuation of land is not available for leviable land that is located in an area declared to be within ESL category 1, 2, 3 or 4, that land shall be charged the minimum annual amount of levy that applies to that land use type in the respective ESL category.
3. The levy payable for all Pad Mount Transformers and Pad Mount Sites owned by or vested in the Electricity Networks Corporation, the Regional Power Corporation or the Electricity Generation Corporation and located in an area declared to be within ESL category 1, 2, 3 or 4 shall be based solely on the Gross Rental Value of the property and no minimum levy threshold shall apply.

4. All Pad Mount Transformers and Pad Mount Sites owned by or vested in the Electricity Networks Corporation, the Regional Power Corporation or the Electricity Generation Corporation and located in an area declared to be within ESL category 5 shall be treated as one property for the purpose of levy assessment and charging.
5. The levy payable for all land owned by or vested in the Water Corporation that has an individual Gross Rental Valuation of less than \$2,000 and is located in an area declared to be within ESL category 1, 2, 3 or 4 shall be based solely on the Gross Rental Value of the property and no minimum levy threshold shall apply.
6. All land owned by or vested in the Water Corporation that has an individual Gross Rental Valuation of less than \$2,000 and is located in an area declared to be within ESL category 5 shall be treated as one property for the purpose of levy assessment and charging.
7. The levy payable on any land located in an area declared to be within ESL category 5 and included within the district of more than one local government shall be a fixed charge of \$60.00 for each local government in which the land is located.

Hon JOSEPH FRANCIS MLA, Minister for Emergency Services.

Dated: 6 June 2013.

FE406*

FIRE AND EMERGENCY SERVICES ACT 1998

ESL AGREEMENTS WITH LOCAL GOVERNMENTS

I, Joseph Francis, the Minister administering the *Fire and Emergency Services Act 1998*, hereby give approval for the FES Commissioner to enter into written agreements under section 36ZJ of the Act, commencing 1 July 2013, with the following local governments—

- Shire of Dumbleyung;
- Shire of Meekatharra; and
- Shire of Yilgarn.

Hon JOSEPH FRANCIS MLA, Minister for Emergency Services.

Dated: 6 June 2013.

FE407*

FIRE BRIGADES ACT 1942

FIRE BRIGADES (FIRE DISTRICTS) NOTICE 2013

Adjustment of Boundaries

Department of Fire and Emergency Services.

Correspondence No. 00378

Made by the Minister under section 5(2)(d) of the *Fire Brigades Act 1942*.

1. Citation

This notice is the *Fire Brigades (Fire Districts) Notice 2013*.

2. Adjustment of boundaries of fire districts

The boundaries of each fire district specified in the Table to this clause are adjusted so that those boundaries correspond to the boundaries of the area shown coloured yellow on the Landgate Deposited Plan specified in the Table opposite the name of the fire district.

Table	
Name of Fire District	Number of Landgate Deposited Plan
Bridgetown Fire District	35784 Sheet 1, Version 2
Karratha Fire District	35815 Sheet 1, Version 3
Port Hedland Fire District	35850 Sheets 1 to 4, Version 5

Hon JOSEPH FRANCIS MLA, Minister for Emergency Services.

FE408*

FIRE AND EMERGENCY SERVICES ACT 1998
FES (EMERGENCY SERVICES LEVY) (DECLARATIONS)
AMENDMENT NOTICE 2013

Made by the Minister under section 36F(2) of the Act.

1. Citation

This notice is the *FES (Emergency Services Levy) (Declarations) Amendment Notice 2013*.

2. Commencement

This notice comes into operation immediately after the *Fire Brigades (Fire Districts) Notice 2013* comes into operation.

3. The notice amended

The amendments in this notice are to the *Fire and Emergency Services Authority (Emergency Services Levy) (Declarations) Notice 2003**.

[* Published in Gazette 17 June 2003, p. 2210-2213. For amendments to 20 June 2006 see Western Australian Legislation Information Tables for 2009, Table 4.]

4. Clause 7 amended

Clause 7(1) is amended by inserting the following items in the appropriate alphabetical position in the table—

“Cowaramup Fire District”	“Wallcliffe Fire District”
“Witchcliffe Fire District”	“Yallingup Fire District”

5. Clause 7 amended

Clause 7(1) is amended by deleting the following item from the table—

““Dwellingup Fire District”

6. Clause 7 amended

Clause 7(2) is amended by deleting the following items from the table—

“Dampier ESL Boundary	35794”
“Tom Price ESL Boundary	35854”

and inserting the following items in the appropriate alphabetical position in the table—

“Bruce Rock ESL Boundary	77586”
“Dampier ESL Boundary	35794 Sheet 1, Version 2”
“Tom Price ESL Boundary	35854 Sheets 1-3, Version 2”

7. Declaration in respect of areas in different emergency services categories

(1) Subclause (2) applies to an area of Western Australia that, as a consequence of the operation of the *Fire and Emergency Services Authority (Emergency Services Levy) (Declarations) Notice 2003* after—

- (a) the amendment of that notice by either clause 4, 5 or 6; or
- (b) the amendment of the boundaries of a fire district by the *Fire Brigades (Fire Districts) Notice 2013*,

is in an emergency services category (the “new ESL category”) different from the emergency services category that the area was in immediately before that amendment was made.

(2) An area of Western Australia to which this subclause applies is declared to be in the new ESL category.

Hon JOSEPH FRANCIS MLA, Minister for Emergency Services.

FISHERIES

FI401*

FISH RESOURCES MANAGEMENT ACT 1994
PROHIBITION ON COMMERCIAL FISHING (SOUTH-WEST COAST BEACH NET)
AMENDMENT ORDER 2013
Order No. 1 of 2013

FD 5/13 [1131]

Made by the Minister under section 43.

1. Citation

This order may be cited as the *Prohibition on Commercial Fishing (South-West Coast Beach Net) Amendment Order 2013*.

2. Order amended

The amendments in this order are to the *Prohibition on Commercial Fishing (South-West Coast Beach Bait Net) Order 2010*.

3. Deletion of “bait” from order

Delete all occurrences of “bait”.

4. Clause 2 amended

In the definition of “**beach seine net**”, delete subclause (c) and renumber subclause (d) to (c).

5. Schedule 1 amended

Delete “All Western Australian waters” and insert—

All those waters of the Indian Ocean

6. Schedule 2 amended

Delete the description in Schedule 2 and insert—

All those waters of the Indian Ocean within 800m of the high water mark between 32° 39.08' south latitude (Tim's Thicket Point) and 33° 37.71' south latitude and 115° 23.625' east longitude excluding the area on the western side of the groyne that is closest to the intersection of Layman Road and Spinnaker Boulevard.

7. Schedule 3 amended

- (a) Delete “Fishing unit 4” from Column 1 and the corresponding Fishing boat licences from Column 2.
- (b) Delete “Fishing unit 6” from Column 1 and the corresponding Fishing boat licences from Column 2.

Dated this 28th day of May 2013.

T. BUSWELL, Minister for Fisheries.

HEALTH

HE401*

HEALTH ACT 1911

PERINATAL AND INFANT MORTALITY COMMITTEE (APPOINTMENT OF MEMBERS) INSTRUMENT 2013

Made by the Minister under section 340AB of the Act.

1. Citation

This instrument may be cited as the *Perinatal and Infant Mortality Committee (Appointment of Members) Instrument 2013*.

2. Appointment of Members

The appointments of Dr Corrado Minutillo and Dr Warren Andrew Thyer as members to the Perinatal and Infant Mortality Committee, pursuant to section 340AB(3)(d) and (4)(b) of the *Health Act 1911*, are approved for a term of three years commencing on 25 May 2013 and expiring on 24 May 2016.

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

Date: 7 May 2013.

HERITAGE

HR401*

HERITAGE OF WESTERN AUSTRALIA ACT 1990

ENTRY OF PLACES IN THE REGISTER OF HERITAGE PLACES

Proposed Permanent Registrations (Private)

Notice is hereby given in accordance with Section 49(1) of the *Heritage of Western Australia Act 1990* that, pursuant to a direction from the Minister for Heritage, it is proposed that the place described below be entered in the Register of Heritage Places on a permanent basis. The Heritage Council invites submissions on the proposal, which must be in writing and should be forwarded to the address below not later than 16 July 2013. The place will be entered in the Register on an interim basis with effect from today in accordance with section 50(1) of the *Heritage of Western Australia Act 1990*.

St Francis Xavier Church and Presbytery at 72 Coraling Street, Quairading; Lot 135 on DP 88346 being the whole of the land contained in C/T V 1813 F 871.

GRAEME GAMMIE, Executive Director,
State Heritage Office, Bairds Building,
491 Wellington Street, Perth WA 6000.

Dated: 4 June 2013.

LOCAL GOVERNMENT

LG401*

LOCAL GOVERNMENT ACT 1995

City of Armadale
(BASIS OF RATES)

Department of Local Government.

DLG: AK5-4#07

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the *Local Government Act 1995*, the Executive Director Governance and Legislation of the Department of Local Government, under delegation from the Hon Tony Simpson MLA, Minister for Local Government, being charged for the time being with the administration of the *Local Government Act 1995*, has determined that the method of valuing the land described in the Schedule hereunder shall be gross rental value for the purposes of rating with effect from 29 May 2013.

BRAD JOLLY, Executive Director Governance and Legislation.

SCHEDULE

ADDITIONS TO GROSS RENTAL VALUE AREA CITY OF ARMADALE

All those portions of land being Lot 60 as shown on Diagram 86148 and Lot 5072 as shown on Deposited Plan 30019.

MINERALS AND PETROLEUM

MP401*

PETROLEUM AND GEOTHERMAL ENERGY RESOURCES ACT 1967

RENEWAL OF PETROLEUM EXPLORATION PERMIT EP 453

Renewal of Petroleum Exploration Permit EP 453 has been granted to Goshawk Energy (Lennard Shelf) Pty Ltd to have effect for a period of five (5) years from and including 31 May 2013.

R. M. GABRIELSON, A/Executive Director Petroleum Division,
delegate of the Minister for Mines and Petroleum,
pursuant to the Instrument of delegation dated 14/04/13.

MP402*

PETROLEUM AND GEOTHERMAL ENERGY RESOURCES ACT 1967

RENEWAL OF PETROLEUM EXPLORATION PERMIT EP 444

Renewal of Petroleum Exploration Permit EP 444 has been granted to Rough Range Oil Pty Ltd to have effect for a period of five (5) years from and including 30 May 2013.

R. M. GABRIELSON, A/Executive Director Petroleum Division,
delegate of the Minister for Mines and Petroleum,
pursuant to the Instrument of delegation dated 14/04/13.

MP403***PETROLEUM AND GEOTHERMAL ENERGY RESOURCES ACT 1967****RENEWAL OF PETROLEUM EXPLORATION PERMIT EP 440**

Renewal of Petroleum Exploration Permit EP 440 has been granted to Empire Oil Company (WA) Limited to have effect for a period of five (5) years from and including 30 May 2013.

R. M. GABRIELSON, A/Executive Director Petroleum Division,
delegate of the Minister for Mines and Petroleum,
pursuant to the Instrument of delegation dated 14/04/13.

PLANNING

PL401***PLANNING AND DEVELOPMENT ACT 2005****METROPOLITAN REGION SCHEME MINOR AMENDMENT 1247/57**

Part Lot 1 Alexander Drive, Mirrabooka and Surrounds

Call for Public Submissions

The Western Australian Planning Commission (WAPC) intends to amend the Metropolitan Region Scheme (MRS) for land in the local government of Stirling and is seeking public comment.

The amendment proposes to transfer approximately 16.22 ha from the parks and recreation reservation to the industrial zone in the MRS. The amendment also removes approximately 7,099.16 m² of the MRS Bush Forever overlay from an existing road reservation (portion of Victoria Road).

The WAPC certifies that, in its opinion, the proposed amendment does not constitute a substantial alteration to the MRS.

The plans showing the proposed change and the WAPC amendment report which explains the proposal, will be available for public inspection from Tuesday 11 June 2013 to Friday 16 August 2013 at—

- Western Australian Planning Commission, Gordon Stephenson House, 140 William Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- City of Stirling
- City of Bayswater

Documents are also available from the PlanningWA website www.planning.wa.gov.au.

Any person who desires to make a submission to support, object or provide comment on any part of the proposed amendment should do so on a form 57. This submission form is available from the display locations, the amendment report and the internet.

Submissions must be lodged with the: Secretary, Western Australian Planning Commission, Locked Bag 2506, Perth WA 6001; on or before 5 pm **Friday 16 August 2013**.

Late submissions will not be considered.

NEIL THOMSON, Secretary,
Western Australian Planning Commission.

PL402***PLANNING AND DEVELOPMENT ACT 2005****APPROVED LOCAL PLANNING SCHEME AMENDMENT***City of Wanneroo*

District Planning Scheme No. 2—Amendment No. 117

Ref: TPS/0689

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 Wanneroo local planning scheme amendment on 27 May 2013 for the purpose of—

1. Inserting a definition for the use class 'Hardware Store' in Schedule 1—Interpretations:
2. Land Use Definitions' to read as follows—

Hardware Store: means premises used for the display and sale of goods and products primarily of a hardware nature used for house, garden, and industrial trade purposes being primarily tools, implements, fittings, trade supply items, paints, equipment, appliances, construction materials, furnishings, garden improvement products, plants, outdoor furniture and the like, and may include the incidental sale of food.

2. Modifying “Schedule 2—Section 1 (Clause 3.20)—Additional Uses” to include ‘Additional Use and Conditions (Where Applicable)’ for Lots 9111 and 9112 Gnangara Road, Darch as follows—

No.	Street/ Locality	Particulars of Land	Additional Use and Conditions (Where Applicable)
1-35	156 & 170 Gnangara Road, Darch	Lots 9111 and 9112	Hardware Store Conditions— 1. The Additional Use of ‘Hardware Store’ is restricted to the northern half of the subject lots. 2. The portion of the development(s) facing the intersection of Gnangara Road and Hartman Drive shall include architectural emphasis to achieve a landmark feature of appropriate amenity, to the satisfaction of Council.

T. ROBERTS JP, Mayor.
D. SIMMS, Chief Executive Officer.

PL403*

PLANNING AND DEVELOPMENT ACT 2005 APPROVED LOCAL PLANNING SCHEME AMENDMENT

City of Vincent

Town Planning Scheme No. 1—Amendment No. 32

Ref: TPS/0879

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 Vincent local planning scheme amendment on 27 May 2013 for the purpose of—

- Including the area generally bounded by Scarborough Beach Road, Brady Street, Powis Street and the Mitchell Freeway, ceded from the City of Stirling to the City of Vincent as part of the Local Government boundary changes in July 2007, and to incorporate Metropolitan Region scheme Amendment 1181/57 into the City's Town Planning Scheme No.1, by incorporating the area into Scheme Map 1—Mount Hawthorn Precinct and Scheme Map 15—Banks Precinct respectively;
- Amending clause 8 of the Town Planning Scheme No. 1, by adding clause (g) as follows—
“...

(g) City of Stirling District Planning Scheme No. 2 13 December 1985.”

- Including the following in the contents page of Town Planning Scheme No. 1 as follows—

PART 3 DEVELOPMENT REQUIREMENTS

DIVISION 1—GENERAL DEVELOPMENT REQUIREMENTS

22A Local Development Plan

22B Activity Centre Structure Plan

PART 7 SPECIAL CONTROL AREAS

54 Operation of Special Control Areas

55 Development Areas

56 Development Contribution Areas

Schedule 6—Development Areas

Schedule 7—Development Contribution Plan

Schedule 8—Statutory Static Feasibility Assessment Model

- Including an additional clause 22A and 22B into Part 3, Development Requirements, Division 1—General Development Requirements of the City's Town Planning Scheme No. 1, relating to Local Development Plan and Activity Centre Structure Plan as follows—

22A LOCAL DEVELOPMENT PLAN

- (1) The local government may require a local development plan in accordance with clause 55(15) of the Scheme prior to lodgement of a subdivision and/or development application.

- (2) A local development plan under clause 22A(1) is—
 - (i) required notwithstanding that the site may not be subject to Development Area provisions under Part 7 of the Scheme; and
 - (ii) to be prepared and submitted by an owner or a proponent, and processed accordingly under clause 55(15) of the Scheme.

22B ACTIVITY CENTRE STRUCTURE PLAN

- (1) Any application for major development on land in the Commercial and/or District Centre zones which is wholly or partly within an activity centre shall not be approved unless an activity centre structure plan has been prepared and adopted in accordance with State Planning Policy 4.2, Activity Centres for Perth and Peel, and the processes and procedures in clause 55 of the Scheme.
 - (2) Notwithstanding clause 22B(1), a local government may approve an application for major development before an activity centre structure plan has been prepared and adopted provided that the application for major development satisfies the provisions of State Planning Policy 4.2, Activity Centres for Perth and Peel.
 - (3) For the purpose of this Scheme, the following definitions apply—
 - activity centre** means an activity centre identified in the activity centres hierarchy of State Planning Policy 4.2, Activity Centres for Perth and Peel.
 - activity centre structure plan** means a structure plan for an activity centre prepared in accordance with State Planning Policy 4.2, Activity Centre for Perth and Peel, and the processes and procedures in clause 55 of the Scheme.
 - major development** in relation to an activity centre, has the same meaning as given to it by State Planning Policy 4.2, Activity Centres for Perth and Peel.
 - net lettable area** in relation to an activity centre, has the same meaning as given to it by State Planning Policy 4.2, Activity Centres for Perth and Peel.
5. Including additional clauses in subclause 38(5) of the City's Town Planning Scheme No. 1 as follows—
- (j) any approved activity centre structure plan where it is required for the proposed development; and
 - (k) any approved local development plan that applies to the site.
6. Including provisions relating to Special Control Areas by incorporating an additional Part 7—Special Control Area, in the City's Town Planning Scheme No. 1 as follows—

PART 7 SPECIAL CONTROL AREAS

54 OPERATION OF SPECIAL CONTROL AREAS

- (1) There are no special control areas which apply to the Scheme.
- (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.

55 DEVELOPMENT AREAS

- (1) Interpretation
 - In clause 55, unless the context otherwise requires—
 - 'Structure Plan' means a structure plan that has come into effect in accordance with clause 55(12)(a); and
 - 'owner' means an owner or owners of land in the Development Area.
- (2) Purpose of Development Areas
 - (a) The purposes of Development Areas are to—
 - (i) identify areas requiring comprehensive planning; and
 - (ii) coordinate subdivision and development in areas requiring comprehensive planning.
 - (b) Schedule 6 describes the Development Areas in detail and sets out the specific purposes and requirements that apply to the Development Area.
- (3) Subdivision and Development in Development Areas
 - (a) The development of land within a Development Area is to comply with Schedule 6.
 - (b) The subdivision and development of land within a Development Area is to generally be in accordance with any structure plan that applies to that land.
- (4) Structure Plan required—
 - (a) The local government is not to—
 - (i) consider recommending subdivision; or
 - (ii) approve developmentof land within a Development Area unless there is a structure plan for the Development Area or for the relevant part of the Development Area.

- (b) Notwithstanding clause 55(4)(a), a local government may recommend subdivision or approve development of land within a Development 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 of the Development Area.
- (5) Preparation of proposed structure plans
 - (a) A proposed structure plan may be prepared by—
 - (i) the local government; or
 - (ii) an owner.
 - (b) A proposed structure plan may be prepared for all, or part of, a Development Area.
- (6) Details of proposed structure plans
 - (a) A proposed structure plan is to contain the following details—
 - (i) a map showing the area to which the proposed structure plan is to apply;
 - (ii) a site analysis map showing the characteristics of the site including—
 - (aa) landform, topography and land capability;
 - (bb) conservation and environmental values including bushland, wetlands, damp lands, streams and water courses, foreshore reserves and any environmental policy areas;
 - (cc) hydrogeological conditions, including approximate depth to water table;
 - (dd) sites and features of Aboriginal and European heritage value;
 - (iii) a context analysis map of the immediate surrounds to the site including—
 - (aa) the pattern of neighbourhoods, and existing and planned neighbourhood, town and regional centres—
 - (bb) transport routes, including freeways, arterial routes and neighbourhood connector alignments, public transport routes, strategic cycle routes, bus stops and rail stations;
 - (cc) existing and future land uses;
 - (iv) for local structure plans a map showing proposals for—
 - (aa) neighbourhoods around proposed neighbourhoods and town centres;
 - (bb) existing and proposed commercial centres;
 - (cc) natural features to be retained;
 - (dd) street block layouts;
 - (ee) the street network including street types;
 - (ff) transportation corridors, public transport network, and cycle and pedestrian networks;
 - (gg) land uses including residential densities and estimates of population;
 - (hh) schools and community facilities;
 - (ii) public parklands; and
 - (jj) urban water management areas.
 - (v) a written report to explain the mapping and to address the following—
 - (aa) 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;
 - (bb) the site analysis including reference to the matters listed in clause 55(6)(a)(ii) above, and, in particular, the significance of the conservation, environmental and heritage values of the site;
 - (cc) the context analysis including reference to the matters listed in clause 55(6)(a)(iii) above;
 - (dd) how planning for the structure plan area is to be integrated with the surrounding land;
 - (ee) the design rationale for the proposed pattern of subdivision, land use and development;
 - (ff) traffic management and safety;
 - (gg) parkland provision and management;

- (hh) urban water management;
 - (ii) proposals for public utilities including sewerage, water supply, drainage, gas, electricity and communication services;
 - (jj) the proposed method of implementation including any cost sharing arrangements and details of any staging of subdivision and development.
 - (vi) The maps referred to in clause 55(6)(a) are to—
 - (aa) be drawn to a scale that clearly illustrates the details referred to in clause 55(6)(a); and
 - (bb) include a north point, visual bar scale, street names and a drawing title number.
 - (vii) 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 Design 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 Design Codes when recommending subdivision or approving development of land within a Development Area.
 - (viii) A proposed structure plan must, in the opinion of the local government, be consistent with orderly and proper planning.
- (7) Submission to local government and Commission
- (a) A proposed structure plan prepared by an owner is to be submitted to the local government.
 - (b) Within 7 days of preparing or receiving a proposed structure plan which proposes the subdivision of land, or any activity centre structure plan for a Secondary Centre or a District Centre where the shop-retail net lettable area exceeds 20000m², in accordance with State Planning Policy 4.2, Activity Centres for Perth and Peel, the local government is to forward a copy of the proposed structure plan to the Commission.
 - (c) The Commission is to provide comments to the local government as to whether it is prepared to endorse the proposed structure plan with or without modifications.
 - (d) The Commission must provide its comments to the local government within 30 days of receiving the proposed structure plan.
- (8) Advertising of structure plan
- (a) Within 60 days of preparing or receiving a proposed structure plan that conforms with clause 55(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—
 - (i) 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—
 - (aa) notice of the proposed structure plan published in a newspaper circulating in the Scheme area;
 - (bb) 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
 - (ii) give notice or require the owner who submitted the proposed structure plan to give notice, in writing to—
 - (aa) all owners whose land is included in the proposed structure plan;
 - (bb) 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;
 - (cc) such other public authorities as the local government nominates.
 - (b) The advertisement and notice are to—
 - (i) explain the scope and purpose of the proposed structure plan;
 - (ii) specify when and where the proposed structure plan may be inspected; andinvite 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.

(9) Adoption of proposed structure plan

- (a) 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—
 - (i) adopt the proposed structure plan, with or without modifications; or
 - (ii) 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.
- (b)
 - (i) In making a determination under clause 55(9)(a), the local government is to have due regard to the comments and advice received from the Commission in relation to the proposed structure plan.
 - (ii) 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 55(9)(a).
- (c) 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—
 - (i) readvertise the proposed structure plan; or
 - (ii) require the owner who submitted the proposed structure plan to readvertise the proposed structure plan;

and thereafter, the procedures set out in clause 55(8)(a) onwards are to apply.

- (d) If within the period referred to in clause 55(9)(a), 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 55(9)(a), the local government is deemed to have refused to adopt the proposed structure plan.

(10) Endorsement by Commission

- (a) If the proposed structure plan proposes the subdivision of land, or is an activity centre structure plan for a Secondary Centre or a District Centre where the shop-retail net lettable area exceeds 20000m², in accordance with State Planning Policy 4.2, Activity Centres for Perth and Peel, then within 7 days of making its determination under clause 55(9)(a), the local government is to forward the proposed structure plan to the Commission for its endorsement.
- (b) As soon as practicable after receiving the proposed structure plan, the Commission is to determine whether to endorse the proposed structure plan.
- (c) The Commission is to notify the local government of its determination under clause 55(10)(b).

(11) Notification of structure plan

- (a) As soon as practicable after adopting a proposed structure plan under clause 55(9)(a) and if clause 55(10) applies, as soon as practicable after being notified of the Commission's decision under clause 55(10)(c), the local government is to forward a copy of the structure plan to—
 - (i) any public authority or person that the local government thinks fit; and
 - (ii) where the structure plan was submitted by an owner, to the owner.

(12) Operation of structure plan

- (a) A structure plan comes into effect—
 - (i) where the structure plan proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 55(10)(b); or
 - (ii) on the day on which it is adopted by the local government under clause 55(9)(a) in all other cases.
- (b) 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.

(13) Inspection of structure plan

- (a) The structure plan and the Commission's notification under clause 55(10)(c) 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.

(14) Variation to structure plan

- (a) The local government may vary a structure plan—
 - (i) by resolution if, in the opinion of the local government, the variation does not materially alter the intent of the structure plan;
 - (ii) otherwise, in accordance with the procedures set out in clause 55(6) onwards.
- (b) 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.
- (c) 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.
- (d) As soon as practicable after receiving the copy of the variation referred to in clause 55(14)(c), the Commission is to determine whether to endorse the proposed variation.
- (e) The Commission is to notify the local government of its determination under clause 55(14)(d).
- (f) A variation to a structure plan by resolution comes into effect—
 - (i) where the variation proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 55(14)(d); or
 - (ii) on the day on which the local government resolves to make the variation under clause 55(14)(a)(i).

(15) Local Development Plan

- (a) Where it is considered desirable to enhance, elaborate or expand the details or provisions contained in a structure plan for a particular lot or lots, a local development plan may be prepared by—
 - (i) the local government; or
 - (ii) an owner.
- (b) A local development plan may include details as to—
 - (i) building envelopes;
 - (ii) distribution of land uses within a lot;
 - (iii) private open space;
 - (iv) services;
 - (v) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;
 - (vi) location, orientation and design of buildings and the space between buildings;
 - (vii) advertising signs, lighting and fencing;
 - (viii) landscaping, finished site levels and drainage;
 - (ix) protection of sites of heritage, conservation or environmental significance;
 - (x) special development controls and guidelines; and
 - (xi) such other information considered relevant by the local government.
- (c) When a local development plan is prepared under clause 55(15)(a), the local government is to—
 - (i) advertise, or require the owner who submitted the proposed local development plan to advertise the proposed local development plan for inspection by one or more of the following ways—
 - (aa) notice of the proposed local development plan published in a newspaper circulating in the Scheme area;
 - (bb) a sign or signs displaying notice of the proposed local development plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed local development plan applies; and
 - (ii) give notice or require the owner who submitted the proposed local development plan to give notice, in writing to—
 - (aa) all owners whose land is included in the proposed local development plan;
 - (bb) all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed local development plan;
 - (cc) such public authorities and other persons as the local government nominates.

- (d) The advertisement and notice are to—
 - (i) explain the scope and purpose of the proposed local development plan;
 - (ii) specify when and where the proposed local development plan may be inspected; and
 - (iii) 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.
 - (e) The local government is to consider all submissions received and—
 - (i) approve the local development plan with or without conditions; or
 - (ii) refuse to approve the local development plan and, where the proposed local development plan was submitted by an owner, give reasons for this to the owner.
 - (f) If within 60 days of receiving a local development plan prepared under clause 55(15)(a)(ii), 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 55(15)(e), the local government is deemed to have refused to approve the local development plan.
 - (g) Once approved by the local government, the local development plan constitutes a variation of the structure plan.
 - (h) The local government may vary a local development plan in accordance with the procedures set out in clause 55(15) onwards provided such variations do not prejudice the intention of any related structure plan.
- (16) Appeal
- (a) An owner who has submitted a proposed structure plan under clause 55(7)(a) may appeal, under Part 14 of the *Planning and Development Act 2005*—
 - (i) 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 55(8)(a);
 - (ii) any determination of the local government—
 - (aa) to refuse to adopt a proposed structure plan (including a deemed refusal); or
 - (bb) to require modifications to a proposed structure plan that are unacceptable to that owner.
 - (b) An owner who has submitted a local development plan in accordance with clause 55(15) may appeal, in accordance with Part 14 of the *Planning and Development Act 2005*, any discretionary decision made by the local government under clause 55(15).

56 DEVELOPMENT CONTRIBUTION AREAS

(1) Interpretation

In clause 56, 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 56(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 7.

“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 56 of the scheme (as incorporated in schedule 7 to this scheme).

“Development contribution plan report” means a report prepared and distributed in accordance with clause 56(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.

(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.

(3) Development contribution plan required

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

(4) Development contribution plan part of scheme

The development contribution plan is incorporated in schedule 7 as part of this scheme.

(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) 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.

- (7) Recommended content of development contribution plans
 - (a) The development contribution plan is to specify—
 - (i) the development contribution area to which the development contribution plan applies;
 - (ii) the infrastructure and administrative items to be funded through the development contribution plan;
 - (iii) the method of determining the cost contribution of each owner; and
 - (iv) the priority and timing for the provision of infrastructure.
- (8) Period of development contribution plan

A development contribution plan shall specify the period during which it is to operate.
- (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 Metropolitan 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 in the development contribution plan,

is to be excluded.
- (10) Development contribution plan report and cost apportionment schedule
 - (a) 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.
 - (b) 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.
 - (c) 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 56(11).
- (11) Cost contributions based on estimates
 - (a) 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.
 - (b) Where a cost apportionment schedule contains estimated costs, such estimated costs are to be reviewed at least annually by the local government—
 - (i) in the case of land to be acquired, in accordance with clause 56(12); and
 - (ii) 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.
 - (c) 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.
 - (d) Where any cost contribution has been calculated on the basis of an estimated cost, the local government—
 - (i) is to adjust the cost contribution of any owner in accordance with the revised estimated costs; and
 - (ii) may accept a cost contribution, based upon estimated costs, as a final cost contribution and enter into an agreement with the owner accordingly.
 - (e) Where an owner's cost contribution is adjusted under clause 56(11)(d), 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.
 - (f) 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.

- (g) If the independent expert does not change the cost contribution to a figure acceptable to the owner, the cost contribution is to be determined—
 - (i) by any method agreed between the local government and the owner; or
 - (ii) 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.

(12) Valuation

- (a) Clause 56(12) applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.
- (b) In clause 56(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 arm’s 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 8. 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.

- (c) 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.
- (d) 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—
 - (i) by any method agreed between the local government and the owner; or
 - (ii) 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*.

(13) Liability for cost contributions

- (a) An owner must make a cost contribution in accordance with the applicable development contribution plan and the provisions of clause 56.
- (b) An owner’s liability to pay the owner’s cost contribution to the local government arises on the earlier of—
 - (i) 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;
 - (ii) the commencement of any development on the owner’s land within the development contribution area;
 - (iii) 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
 - (iv) 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.

- (c) Notwithstanding clause 56(13)(b), 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.
- (d) Where a development contribution plan expires in accordance with clause 56(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.

(14) Payment of cost contribution

- (a) The owner, with the agreement of the local government, is to pay the owner’s cost contribution by—
 - (i) cheque or cash;

- (ii) transferring to the local government or a public authority land in satisfaction of the cost contribution;
 - (iii) the provision of physical infrastructure;
 - (iv) some other method acceptable to the local government; or
 - (v) any combination of these methods.
 - (b) 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.
 - (c) 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.
- (15) Charge on land
- (a) The amount of any cost contribution for which an owner is liable under clause 56(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.
 - (b) 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 56(15)(a) to permit a dealing and may then re-lodge the caveat to prevent further dealings.
 - (c) 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 56(15).
- (16) Administration of funds
- (a) 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.
 - (b) Interest earned on cost contributions credited to a reserve account in accordance with clause 56(16)(a) is to be applied in the development contribution area to which the reserve account relates.
 - (c) 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.
- (17) Shortfall or excess in cost contributions
- (a) 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—
 - (i) make good the shortfall;
 - (ii) enter into agreements with owners to fund the shortfall; or
 - (iii) raise loans or borrow from a financial institution,but nothing in paragraph 56(17)(a)(i) restricts the right or power of the local government to impose a differential rate to a specified development contribution area in that regard.
 - (b) 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.
- (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.

(19) Arbitration

Subject to clauses 56(12)(c) and 56(12)(d), 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*.

7. Including additional Schedules, Schedule 6, 7 and 8 to the City's Town Planning Scheme No. 1, relating to Development Areas; Development Contribution Plan; Statutory Static Feasibility Assessment Model as follows;

SCHEDULE 6, DEVELOPMENT AREAS

There are no development areas that apply to the Scheme.

SCHEDULE 7, DEVELOPMENT CONTRIBUTION PLAN

There are no development contribution plans that apply to the Scheme.

SCHEDULE 8, 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 & 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. & Input Tax Credit (3-6) \$ (7)

Less adjusted profit & risk allowance as per SPP 3.6

Market determined profit & risk allowance % (8)

Less fixed profit allowance per SPP 3.6 10% (9)

Risk rate applied (8-9) = % (10)

EXPLANATION: (10) to be expressed as a whole number eg. 15% = 15

ie Risk = (7) multiplied by (10)/((10)+(100)) \$ (11)

Balance after profit & 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 & interest (12-17) \$ (18)

Less interest on land value, rates & 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 & taxes

Balance after rates & taxes (20-21) \$ (21)

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.

Hon A. MacTIERNAN, Mayor.
J. GIORGI JP, Chief Executive Officer.

PREMIER AND CABINET

PR401**RETENTION OF THE TITLE HONOURABLE**

It is hereby notified for public information that the Governor, on behalf of Her Majesty the Queen, has approved of the retention of the title “Honourable” for the following former Ministers, Speaker and Members of the Legislative Council—

Simon McDonnell O’Brien MLC
Robyn Mary McSweeney MLC
Giovanni Mario Castrilli MLA
Grant Allen Woodhams MLA
Edmund Rupert Joseph Dermer MLC
Jonathan Robert Ford MLC
Giz Watson MLC

PETER CONRAN, Director General.

TREASURY AND FINANCE

TR401***TAXATION ADMINISTRATION ACT 2003****COMMISSIONER’S PRACTICE**

Under the provisions of section 127 of the *Taxation Administration Act 2003*, the following Commissioner’s practice is hereby published for public information—

DA 30.0 DUTIES—CALCULATION OF FIRST HOME OWNER CONCESSION INVOLVING EXCLUDED PERSONS UNDER THE FIRST HOME OWNER GRANT ACT

Full details of the Commissioner’s practice can be obtained from the Office of State Revenue website at www.finance.wa.gov.au.

B. SULLIVAN, Commissioner of State Revenue,
Department of Finance.

WATER/SEWERAGE

WA401*

WATER AGENCIES (POWERS) ACT 1984

PROPOSAL TO CONSTRUCT GENERAL WORKS

Nammuldi Below Water Table Project

In accordance with the *Water Agencies (Powers) Act 1984*, Hamersley Iron Pty Ltd (Hamersley) is required to provide this notice of its proposal to construct general works. The proposed works are described below.

Hamersley proposes to implement a dewatering system at its Nammuldi mining operation, with options for reuse or disposal of surplus water in an integrated scheme which will include dust suppression, agricultural pivots and contingency discharge locations.

Hamersley proposes to construct the following works—

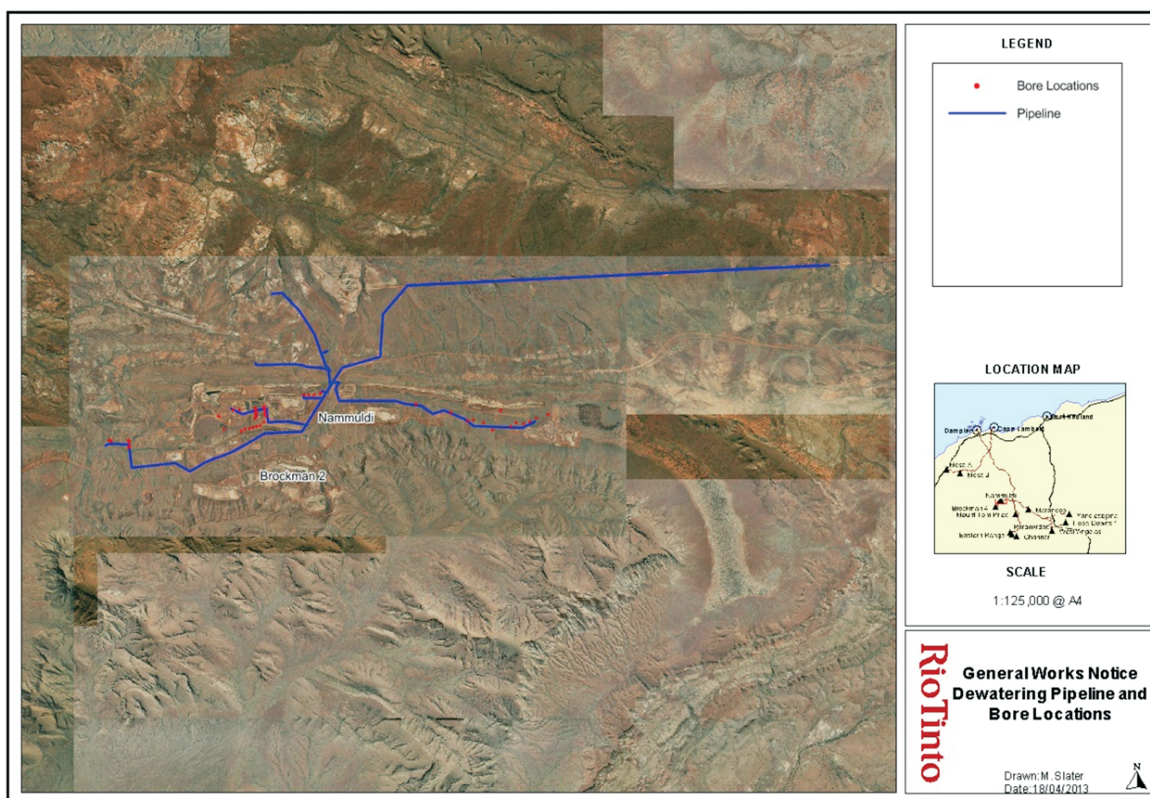
1. Approximately thirty one (31) new monitoring and production bores for the bore field at the Nammuldi mine site.
2. A trunk line (or water transfer pipe) from the Nammuldi mine to the pivots and discharge points. The total length of the pipeline will be approximately 50 km, with most of the pipeline being installed above ground.

Construction of the transfer pipeline will be completed by December 2013.

The location of the proposed works is as shown on the plan attached to this notice.

Further information may also be obtained by contacting the Project Manager, Brett McLeod, on 6213 9747.

Objections to the proposed works will be considered if lodged in writing, addressed to Brett McLeod, Project Manager, Nammuldi Below Water Table Project, Hamersley Iron Pty Ltd, 93-95 William Street, Perth WA 6000 by close of business on 25 June 2013.



DECEASED ESTATES

ZX401***TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Estate of Charles William Plummer, late of 93 Robinson Street, Gingin, 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 between 22 February 2013 and 23 February 2013, are required by the Executor Willem Johannes Furstenberg, c/- Furstenberg Solicitors, PO Box 3060, Joondalup WA 6027 to send particulars of their claims to him by 15 July 2013, after which date the Executor may convey or distribute the assets of the estate, having regard only to the claims of which he then has notice.

ZX402**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Benjamin Ancliffe, late of 2 Tremlett Street, Thornlie, in the State of Western Australia, Pensioner, 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 13th day of March 2012, are required by the Executor and Trustee, being Ms Jacqueline Mary Ancliffe, of c/- Mort & Associates, PO Box 20, Cannington WA 6987, to send particulars of their claims to her at Mort & Associates of PO Box 20, Cannington WA 6987, by the date being one month following the publication of this notice, after which date the Executor and Trustee may convey or distribute the assets, having regard only to claims of which she then has notice.

MORT & ASSOCIATES, as solicitor for the Executor and Trustee.

ZX403**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Shirley May Isaacs, late of Meath Care, 18 Hocking Road, Kingsley, in the State of Western Australia, Widow, 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 25th day of May 2012, are required by the Executor and Trustee, being Mr Mark Antony Isaacs, of c/- Mort & Associates, PO Box 20, Cannington WA 6987, to send particulars of their claims to him at Mort & Associates of PO Box 20, Cannington WA 6987, by the date being one month following the publication of this notice, after which date the Executor and Trustee may convey or distribute the assets, having regard only to claims of which he then has notice.

MORT & ASSOCIATES, as solicitor for the Executor and Trustee.

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* and amendments thereto relate) in respect of the estates of the undermentioned deceased persons are

required by the personal representatives care of Messrs Jackson McDonald, 25th Floor, 140 St Georges Terrace, Perth, Western Australia 6000 (GPO Box M971 Perth Western Australia 6843) to send particulars of their claims to them within one month from the date of publication of this notice at the expiration of which time the personal representatives may convey or distribute the assets having regard only to the claims of which they have then had notice—

Annette Carswell deceased late of 13 Russell Street, Fremantle, Western Australia, who died on 24 May 2013.

Elvein Elizabeth Gostelow deceased late of 109 Bruce Street, Nedlands, Western Australia, who died on 29 November 2012.

Dated this 27th day of May 2013.

JACKSON McDONALD.

WESTERN AUSTRALIA

YOUNG OFFENDERS ACT 1994

***Price: \$41.15 plus postage**

YOUNG OFFENDERS REGULATIONS 1995

***Price \$13.30 plus postage**

*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

FREEDOM OF INFORMATION ACT 1992

***Price: \$17.85 plus postage**

* Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

RETIREMENT VILLAGES ACT 1992

Price: \$38.15 plus postage

RETIREMENT VILLAGES REGULATIONS 1992

***Price: \$6.45 plus postage**

* Prices subject to change on addition of amendments.

STATE LAW PUBLISHER

SUBSCRIPTION RATES FOR 2013

All subscriptions are for the period from 1 January to 31 December 2013. Subject to certain limitations, refunds may be allowed if a subscription is cancelled during the year. The prices quoted include GST where applicable and postage by surface mail unless stated otherwise.

GOVERNMENT GAZETTE

General *Government Gazettes* are published on Tuesday and Friday of each week, unless disrupted by public holidays or unforeseen circumstances.

Special *Government Gazettes* are published periodically on any day.

All Gazettes	\$
Within WA	1,069.00
Interstate	1,088.00

Bound Volumes of full year 1,325.00

INDUSTRIAL GAZETTE

Industrial Gazette is published monthly.

	\$
Within WA	513.00
Interstate	611.00

HANSARD

Hansard is printed and distributed weekly during parliamentary sessions.

	\$
Within WA	1,013.00
Interstate	1,240.00

Bound Volumes of Hansard

	\$
Within WA	999.00
Interstate	1,013.00

STATUTES

Bound Statutes

Bound volumes are posted during March of the following year.

	\$
Within WA.....	361.00
Interstate	402.00
Overseas	467.00
Half Calf Bound Statutes	997.00

Loose Statutes

Statutes are posted weekly as they become available.

	\$
Within WA.....	388.00
Interstate	402.00

Sessional Bills

Bills are posted weekly as they become available.

	\$
Within WA	534.00
Interstate	561.00

CLAIMS FOR MISSING SUBSCRIPTION ITEMS

For a claim to be recognised as valid, written notification must be lodged at State Law Publisher, 10 William Street, Perth 6000 within 28 days of publication of the missing item.

Claims lodged after this period will not be recognised and will attract payment in full.

Please debit my: ☐ Visa Card ☐ Mastercard

Card Number:

Expiry date of card:...../.....

Name of card holder:.....