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— PART 1 —

TRANSPORT

TN301*

Government Railways Act 1904

Government Railways (Parking Stations) Amendment By-law 2013

Made by the Public Transport Authority of Western Australia under the *Government Railways Act 1904* section 23 and approved by the Governor in Executive Council under section 24.

1. Citation

This by-law is the *Government Railways (Parking Stations) Amendment By-law 2013*.

2. Commencement

This by-law comes into operation as follows —

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

3. By-law amended

This by-law amends the *Government Railways (Parking Stations) By-law 1997*.

4. Rule 1 amended

- (1) In rule 1(1) delete the definition of **ACROD permit**.
- (2) In rule 1(1) insert in alphabetical order:

ACROD permit means a current parking permit issued by National Disability Services Limited ABN 52 008 445 485, a company limited by guarantee, trading as National Disability Services WA;

bicycle has the meaning given in the *Road Traffic Code 2000* regulation 3(1);

designated means designated by a sign placed by the Authority;

motor cycle has the meaning given in the *Road Traffic Code 2000* regulation 3(1);

motorised scooter has the meaning given in the *Road Traffic Code 2000* regulation 3(1);

paid parking station means a parking station designated by the Authority for parking subject to the payment of a charge;

sign includes a marking on the ground or other surface;

vehicle has the meaning given in the *Road Traffic Act 1974* section 5(1).

- (3) In rule 1(1) in the definition of *parking space* delete “fee or”.
- (4) In rule 1(1) in the definition of *secured parking station* delete “locked gate or boomgate;” and insert:

gate that is locked between designated hours;

- (5) In rule 1(1) in the definition of *stand* delete “meaning.” and insert:

meaning;

- (6) In rule 1(2) delete “a designation” and insert:

an alphanumeric designation

5. **Rule 2 amended**

In rule 2(2) delete “erected” (each occurrence) and insert:

placed

6. **Rule 4 amended**

- (1) In rule 4(2):

- (a) in paragraph (c) delete “in respect of time, days, periods of the day, classes of persons or classes of vehicles” and insert:

or condition

- (b) in paragraph (d) delete “motor bicycle without a side-car,” and insert:

motor cycle without a side-car, motorised scooter

- (2) In rule 4(3) delete “motor bicycle without a side-car” and insert:

motor cycle without a side-car, motorised scooter

7. Rule 9 amended

In rule 9:

- (a) delete “motor bicycle” and insert:

motor cycle or motorised scooter

- (b) delete “bicycle or motor bicycle is” and insert:

motor cycle or motorised scooter and bicycle are

8. Rule 11 amended

Delete rule 11(1) and insert:

- (1) A parking space set aside for the parking of vehicles of persons with a disability is to be designated by the symbol described in Australian Standard 1428 as the international symbol for access, displayed in the manner set out in Australian Standard 2890.6.

Note: The heading to amended rule 11 is to read:

Designation of parking spaces for vehicles of persons with disability

9. Rule 14 replaced

Delete rule 14 and insert:

14. Parking charges

- (1) In this rule —

ticket vending machine means a machine at a paid parking station which, following payment by note, coin, card or token, issues a parking ticket for parking at the station.

- (2) A person must not park a vehicle in a paid parking station at any time when a charge applies unless the charge for the relevant time —

- (a) has been paid into a ticket vending machine and, during the relevant time, a parking ticket issued from the ticket vending machine is displayed in accordance with subrule (3); or

- (b) has been paid to the Authority in an alternative manner approved by the Authority under subrule (4).
- (3) The ticket must be displayed so that the date and an expiry time for permitted parking are clearly visible from outside the vehicle.
- (4) The Authority may approve an alternative manner of payment for the purposes of this rule by notice published in the *Gazette*.

10. Rule 15 amended

In rule 15:

- (a) delete “secured” and insert:

paid

- (b) delete “fee” and insert:

charge

Note: The heading to amended rule 15 is to read:

Payment of charge

11. Rule 16 amended

In rule 16:

- (a) delete “fee” and insert:

charge

- (b) delete “secured” and insert:

paid

12. Rule 17 amended

In rule 17:

- (a) delete “secured” and insert:

paid

- (b) delete “fee” and insert:

charge

13. Rule 18A inserted

After rule 17 insert:

18A. Removing vehicle from secured parking station between designated hours

- (1) A person who wishes to remove a vehicle from a secured parking station between the designated hours must pay to the Authority the charge set out in Schedule 1 item 2A to have the gate to the secured parking station unlocked and opened during those hours.
- (2) The Authority may reduce, waive or refund, in whole or in part, the charge prescribed under subrule (1) in a particular case.

14. Rule 18 amended

In rule 18(1)(b):

- (a) delete “secured”;
- (b) delete “hours without payment of the charge prescribed in item 1 of Schedule 1,” and insert:

hours,

Note: The heading to amended rule 18 is to read:

Removal of vehicles from parking station by Authority

15. Rule 21 amended

In rule 21 after “not” insert:

in

16. Rule 24 amended

In rule 24(a):

- (a) delete “mark, set up or exhibit” and insert:

place

- (b) delete “marked, set up or exhibited” and insert:

placed

17. Schedule 1 amended

- (1) In Schedule 1 item 1(1):
- (a) delete “secured” and insert:
- paid
- (b) delete “7 a.m.” and insert:
- 5 a.m.
- (2) After Schedule 1 item 1 insert:

2A.

The charge to be paid under rule 18A(1) is \$10.00.

18. Schedule 2 amended

- (1) In Schedule 2 Form 1 delete the passage that begins with “Payment” and ends with “business.” and insert:

Please see the reverse side of this form for payment options.

Note: If you require an extension of time to pay the modified penalty or if you believe you have good reason to request this Authority to consider withdrawing this infringement notice, you must send your written reasons to the Director Security Services, Public Transport Authority, P.O. Box 383, Northbridge 6865.

- (2) In Schedule 2 Form 1 delete “Authority No.” and insert:

Service Number

- (3) At the end of Schedule 2 Form 1 insert:

[Reverse side]

Cheques, Postal Notes or Money Orders should be made out to Public Transport Authority and addressed to Post Office Box 383 Northbridge WA 6865. Please ensure to include your name and infringement number with the payment to enable correct payment reconciliation.

Alternatively, the modified penalty may be paid personally by presenting this notice and the payment amount to the following offices:

Info Centre / Booking Office	Location	Opening hours
Perth Station	Platform 9, Perth Railway Station	Monday - Thursday: 7.00am - 6.30pm Friday: 7.00am - 6.30pm Saturday: 7.00am - 6.00pm Sunday: 8.30am - 6.00pm Public Holidays: 8.30am - 6.00pm

Info Centre / Booking Office	Location	Opening hours
Perth Underground Station	Platform 9, Perth Railway Station	Monday - Thursday: 7.00am - 6.00pm Friday: 7.00am - 6.00pm Saturday: 9.00am - 5.00pm Sunday: 11.00am - 3.00pm Public Holidays: 11.00am - 3.00pm (excluding Christmas Day and Boxing Day)
Esplanade Busport	Platform 9, Perth Railway Station	Monday - Thursday: 7.30am - 5.30pm Friday: 7.30am - 5.30pm Saturday: 10.00am - 2.00pm Sunday: 12.00pm - 4.00pm Public Holidays: Closed
Wellington Street Bus Station	Platform 9, Perth Railway Station	Monday - Thursday: 7.30am - 5.30pm Friday: 7.30am - 5.30pm Saturday: 8.00am - 1.00pm Sunday: Closed Public Holidays: Closed
Public Transport Centre	Platform 9, Perth Railway Station	Monday - Thursday: 6.30am - 5.00pm Friday: 6.30am - 6.00pm Saturday: 6.30am - 1.00pm Sunday: 7.30am - 3.30pm Public Holidays: Closed
Armadale Booking Office	Platform 9, Perth Railway Station	Monday - Friday: 8.30am - 12.30pm Saturday and Sunday: Closed Public Holidays: Closed
Midland Booking Office	Platform 9, Perth Railway Station	Monday - Friday: 8.30am - 12.30pm Saturday and Sunday: Closed Public Holidays: Closed
Transit Admin Office	Platform 9, Perth Railway Station	Monday - Friday: 8.30am - 12.30pm Saturday and Sunday: Closed Public Holidays: Closed

Payment by phone: Please call 1300 276 468 (credit card payments only)

Payment by internet: infringements.pta.wa.gov.au (credit card payments only)

Bill ID: 1001089 Ref: Please refer to the infringement serial number printed at the top right hand corner on the reverse side of this form.

Credit card only. Payments made online or over the phone must be made before 9.00pm Western Australian Standard Time **on the due date.**

The common seal of the Public
Transport Authority of Western
Australia was affixed, as authorised by
the Authority, in the presence of —

REECE WALDOCK, Chief Executive Officer.

Approved by the Governor,

R. KENNEDY, Clerk of the Executive Council.

TN302*

Public Transport Authority Act 2003

Public Transport Authority Amendment Regulations 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Public Transport Authority 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 *Public Transport Authority Regulations 2003*.

4. Regulation 3 amended

In regulation 3 insert in alphabetical order:

designated means designated by a sign placed by the Authority;

sign includes a marking on the ground or other surface;

5. Regulation 10 amended

In regulation 10 delete “by a sign”.

6. Regulation 21 amended

In regulation 21(e):

- (a) in the Modified penalty applicable to paragraphs (a) to (d) before \$200 insert:

a fine of

- (b) in the Modified penalty applicable to paragraph (e) before \$100 insert:

a fine of

(c) in the Penalty applicable to paragraphs (a) to (d) before
\$2 000 insert:

a fine of

(d) in the Penalty applicable to paragraph (e) before \$500
insert:

a fine of

7. Regulation 24 amended

(1) In regulation 24 delete the definitions of:

ACROD sticker
designated

(2) In regulation 24 insert in alphabetical order:

ACROD permit means a current parking permit issued
by National Disability Services Limited
ABN 52 008 445 485, a company limited by guarantee,
trading as National Disability Services WA;

(3) In regulation 24 in the definition of *parking space* delete
“fee or”.

(4) In regulation 24 in the definition of *ticket vending machine*
delete “insertion of a note, coin or token,” and insert:

payment by note, coin, card or token,

8. Regulation 25 amended

(1) In regulation 25(1):

(a) delete “erect or create signs or markings” and insert:

place signs

(b) delete “signs or markings.” and insert:

signs.

(2) In regulation 25(2):

(a) delete “or markings”;

(b) delete “erected or created” and insert:

placed

- (3) In regulation 25(3) delete “or marking”.
- (4) In regulation 25(4)(a):
- (a) delete “or marking erected or created” and insert:

placed
 - (b) delete “sign or marking;” and insert:

sign; or
- 9. Regulation 29 replaced**
- Delete regulation 29 and insert:
- 29. Designation of parking spaces for vehicles of persons with disability**
- A parking space in or on Authority property for the parking of vehicles of persons with a disability is to be designated by the symbol described in Australian Standard 1428 as the international symbol for access, displayed in the manner set out in Australian Standard 2890.6.
- 10. Regulation 30 amended**
- In regulation 30(1)(b) delete “sticker” and insert:
- permit
- 11. Regulation 32 replaced**
- Delete regulation 32 and insert:
- 32. Parking charges**
- (1) If an area of Authority property is designated for parking subject to the payment of a charge set out in Schedule 1 item 1, a person must not park a vehicle in such an area at any time when the charge applies unless the charge for the relevant time —
- (a) has been paid into a ticket vending machine and, during the relevant time, a parking ticket issued from the ticket vending machine is displayed in accordance with subregulation (2);
or

- (b) has been paid to the Authority in another manner approved by the Authority under subregulation (3).

Modified penalty: a fine of \$50.

Penalty: a fine of \$250.

- (2) The ticket must be displayed so that the date and an expiry time for permitted parking are clearly visible from outside the vehicle.
- (3) The Authority may approve an alternative manner of payment for the purposes of this regulation by notice published in the *Gazette*.

12. Regulation 33 amended

In regulation 33(2) delete “the case of a particular person.” and insert:

a particular case.

13. Schedule 1 amended

In Schedule 1 item 1 after “regulation 32” insert:

on a day other than Saturday or Sunday for any period between 5 a.m. and 9 p.m.

14. Schedule 2 amended

In Schedule 2 Form 1 delete item 5 and insert:

5. Please see the reverse side of this form for payment options.

Note: If you require an extension of time to pay the modified penalty or if you believe you have good reason to request this Authority to consider withdrawing this infringement notice, you must send your written reasons to the Director Security Services, Public Transport Authority, P.O. Box 383, Northbridge 6865.

[Reverse side]

Cheques, Postal Notes or Money Orders should be made out to Public Transport Authority and addressed to Post Office Box 383 Northbridge WA 6865. Please ensure to include your name and infringement number with the payment to enable correct payment reconciliation.

Alternatively, the modified penalty may be paid personally by presenting this notice and the payment amount to the following offices:

Info Centre / Booking Office	Location	Opening hours
Perth Station	Platform 9, Perth Railway Station	Monday - Thursday: 7.00am - 6.30pm Friday: 7.00am - 6.30pm Saturday: 7.00am - 6.00pm Sunday: 8.30am - 6.00pm Public Holidays: 8.30am - 6.00pm

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Public Transport Centre	Platform 9, Perth Railway Station	Monday - Thursday: 6.30am - 5.00pm Friday: 6.30am - 6.00pm Saturday: 6.30am - 1.00pm Sunday: 7.30am - 3.30pm Public Holidays: Closed
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Midland Booking Office	Platform 9, Perth Railway Station	Monday - Friday: 8.30am - 12.30pm Saturday and Sunday: Closed Public Holidays: Closed
Transit Admin Office	Platform 9, Perth Railway Station	Monday - Friday: 8.30am - 12.30pm Saturday and Sunday: Closed Public Holidays: Closed

Payment by phone: Please call 1300 276 468 (credit card payments only)

Payment by internet: infringements.pta.wa.gov.au (credit card payments only)

Bill ID: 1001089 Ref: Please refer to the infringement serial number printed at the top right hand corner on the reverse side of this form.

Credit card only. Payments made online or over the phone must be made before 9.00pm Western Australian Standard Time **on the due date.**

15. Various penalties amended

In the provisions listed in the Table:

(a) after "Modified penalty:" insert:

a fine of

(b) after "Penalty:" insert:

a fine of

Table

r. 6(1)	r. 7
r. 8	r. 9(1)
r. 10	r. 11(1) and (2)
r. 12(1)	r. 13
r. 14	r. 15

r. 16(1) and (2)	r. 17(1) and (2)
r. 18	r. 19
r. 20	r. 22
r. 23	r. 25(4)
r. 26	r. 27
r. 28(1)	r. 30(1) and (2)
r. 31	r. 33C(1) and (2)
r. 33D(3)	r. 37(2)
r. 38	r. 39
r. 40	r. 42

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

— PART 2 —

CONSERVATION

CO401*

CONSERVATION AND LAND MANAGEMENT ACT 1984

MANAGEMENT PLAN FOR THE LALANG-GARRAM/CAMDEN SOUND MARINE PARK

Under section 14(9) of the *Conservation and Land Management Act 1984* (CALM Act) notice is given that an indicative management plan, prepared in accordance with sections 13 and 14 of the CALM Act for the Lalang-garram/Camden Sound Marine Park, reserved on 19 June 2012, has been approved with modifications by the Minister for Environment.

The approved indicative management plan, namely the *Lalang-garram/Camden Sound Marine Park Management Plan 2013-2023* will come into operation on the day of publication of this notice in the Gazette.

Notice is given under sections 14(7) and 60(2) of the CALM Act of the following modifications approved by the Minister for Environment—

- Change of name for the marine park from Camden Sound Marine Park to the *Lalang-garram/Camden Sound Marine Park*.
- The Montgomery Special Purpose Zone (Wilderness Fishing) was removed and the whole of Montgomery Reef and surrounds changed to sanctuary zone, except for a small area of general use known as *the River*.
- A new Jungulu Special Purpose Zone (Wilderness Conservation) has been established in the waters north of Jungulu and Augustus islands.
- Pyrene Special Purpose Zone (Pearling) has been removed.
- Inclusion of new information on the park's cultural heritage values for the Traditional Owners.
- Inclusion of new information explaining the joint management arrangements of the marine park, and the inclusion of Joint Management Body(s) as a key responsible body for the implementation of strategies across all management programs.
- Amendments to text including objectives, management actions and targets for the ecological, cultural and social values.
- Other minor changes were made to the text of the indicative management plan that will not significantly affect management of the marine park (i.e. formatting and minor text amendments).

The *Lalang-garram/Camden Sound Marine Park Management Plan 2013-2023* and a summary of public submission can be viewed on the Department of Parks and Wildlife's website at <http://www.dpaw.wa.gov.au>.

JIM SHARP, Acting Director General,
Department of Parks and Wildlife.

TOM HATTON, Chairman,
Marine Parks and Reserves Authority.

CONSUMER PROTECTION

CP401*

RETAIL TRADING HOURS ACT 1987

City of Albany

RETAIL TRADING HOURS (CITY OF ALBANY) CHRISTMAS VARIATION ORDER 2013

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

1. Citation

This order is the *Retail Trading Hours (City of Albany) Christmas Variation Order 2013*.

2. Commencement

This order comes into operation as follows—

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

3. Variation of retail trading hours

General retail shops in the Albany local government district are authorised to be open at times when the shops would otherwise be required to be closed—

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

Table

Day	Hours
Sunday 1 December 2013	From 11.00am until 5.00pm
Monday 2 December 2013	From 6.00pm until 9.00pm
Tuesday 3 December 2013	From 6.00pm until 9.00pm
Wednesday 4 December 2013	From 6.00pm until 9.00pm
Friday 6 December 2013	From 6.00pm until 9.00pm
Sunday 8 December 2013	From 11.00am until 5.00pm
Monday 9 December 2013	From 6.00pm until 9.00pm
Tuesday 10 December 2013	From 6.00pm until 9.00pm
Wednesday 11 December 2013	From 6.00pm until 9.00pm
Friday 13 December 2013	From 6.00pm until 9.00pm
Sunday 15 December 2013	From 11.00am until 5.00pm
Monday 16 December 2013	From 6.00pm until 9.00pm
Tuesday 17 December 2013	From 6.00pm until 9.00pm
Wednesday 18 December 2013	From 6.00pm until 9.00pm
Friday 20 December 2013	From 6.00pm until 9.00pm
Sunday 22 December 2013	From 11.00am until 5.00pm
Monday 23 December 2013	From 6.00pm until 9.00pm
Thursday 26 December 2013	From 8.00am until 9.00pm
Friday 27 December 2013	From 6.00pm until 9.00pm
Sunday 29 December 2013	From 11.00am until 5.00pm
Wednesday 1 January 2014	From 8.00am until 5.00pm

M. MISCHIN, Minister for Commerce.

JUSTICE

JU401*

JUSTICES OF THE PEACE ACT 2004

RESIGNATION

It is hereby notified for public information that the Minister has accepted the resignation of—

Mr Lawrence George McDonald of Exmouth

from the Office of Justice of the Peace for the State of Western Australia.

RAY WARNES, Executive Director,
Court and Tribunal Services.

PLANNING

PL401*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Serpentine-Jarrahdale
 Town Planning Scheme No. 2—Amendment No. 167

Ref: TPS/0395

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 Serpentine-Jarrahdale local planning scheme amendment on 16 September 2013 for the purpose of—

1. Removing Clause 5.19 Development Contribution Areas from the Scheme.
2. Removing the following definitions from Appendix 1—Interpretations of the Scheme—
 - Common Infrastructure—means any components or services jointly required by all owners of land within a Structure Plan, which are, in the opinion of Council, essential to facilitate the subdivision or development of that land, and which are generally in accordance with the Commission's Policy on Developer Contributions for Infrastructure.
 - Common Infrastructure Cost—means the cost of a common infrastructure item of any area required to be contributed by the owner's subdividing or otherwise developing land within that area.
 - Contribution Agreement—means a set of provisions defining the common infrastructure costs applicable to an area and the method of apportioning those costs between owner's in the area, incorporated in the Appendix 16 as an amendment to the Scheme.
 - Cost Contribution—means the contribution to the cost of Infrastructure payable by an Owner under clause 5.19 and the applicable Development Contribution Plan.
 - Infrastructure—means services and facilities which, in accordance with the Commission's policy, it is reasonable for owners to make a Cost Contribution towards.
 - Owner—means an owner of land that is located within a Development Contribution Area.
3. Renumbering Clause 5.20 of the Scheme to—
 - 5.19
4. Renumbering Clause 5.20.1 of the Scheme to—
 - 5.19.1
5. Renumbering Clause 5.20.2 of the Scheme to—
 - 5.19.2
6. Renumbering Clause 5.20.3 of the Scheme to—
 - 5.19.3
7. Renumbering the reference to Clauses 5.20.1 in the text notes of Table 1—Zoning Table to—
 - 5.19.1
8. Renumbering the reference to Clauses 5.20.3 in the text notes of Table 1—Zoning Table to—
 - 5.19.3
9. Adding the symbol (a) prior to the text Poultry Farm Special Control Area under Clause 10.1.1 of the Scheme, to read—
 - (a) Poultry Farm Special Control Area
10. Adding the following text into sub-clause 10.1.1 of the Scheme after sub-clause 10.1.1(a) Poultry Farm Special Control Area—
 - (b) development contribution areas shown on the scheme map as DCA with a number and included in Appendix 16.
11. Adding the following text into the Scheme following Clause 10.2 Poultry Farm Special Control Area—
 - 10.3 Development contribution areas
 - 10.3.1 Interpretation
 - In clause 10.3, 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 10.3.10.

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

‘Development contribution area’ means an area shown on the scheme map as DCA with a number and included in Appendix 16.

‘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 10 of the scheme (as incorporated in Appendix 16 to this scheme).

‘Development contribution plan report’ means a report prepared and distributed in accordance with clause 10.3.10.

‘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.

10.3.2 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.

10.3.3 Development contribution plan required

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

10.3.4 Development contribution plan part of scheme

The development contribution plan is incorporated in Appendix 16 as part of this scheme.

10.3.5 Subdivision, strata subdivision and development

10.3.5.1 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 contribution towards the provision of community infrastructure.

10.3.5.2 Where a development contribution plan is required but not yet in effect, the local government may recommend conditions of subdivision or strata subdivision approval or impose conditions of development approval requiring the owner to make other interim arrangements, satisfactory to the local government, with respect to the owner’s contribution toward the provision of infrastructure, land and administrative items and costs in a development contribution area.

10.3.6 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.

10.3.7 Recommended content of development contribution plans

10.3.7.1 The development contribution plan is to specify—

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

10.3.8 Period of development contribution plan

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

10.3.9 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.

10.3.10 Development contribution plan report and cost apportionment schedule

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

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

10.3.10.3 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 10.3.11.

10.3.11 Cost contributions based on estimates

10.3.11.1 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.

10.3.11.2 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 10.3.12; 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.

10.3.11.3 The local government is to have such estimated costs independently certified by appropriate qualified persons and must provide such independent certification to an owner when requested to do so.

10.3.11.4 Where any cost contribution has been calculated on the basis of an estimated cost, the local government—

- (a) is to adjust the cost contribution of any owner in accordance with the revised estimated costs; and

- (b) may accept a cost contribution, based upon estimated costs, as a final cost contribution and enter into an agreement with the owner accordingly.

10.3.11.5 Where an owner's cost contribution is adjusted under clause 10.3.11.4, the local government, on receiving a request in writing from an owner, is to provide the owner with a copy of estimated costs and the calculation of adjustments.

10.3.11.6 If an owner objects to the amount of a cost contribution, the owner may give notice to the local government requesting a review of the amount of the cost contribution by an appropriate qualified person ('independent expert') agreed by the local government and the owner at the owner's expense, within 28 days after being informed of the cost contribution.

10.3.11.7 If the independent expert does not change the cost contribution to a figure acceptable to the owner, the cost contribution is to be determined—

- (a) by any method agreed between the local government and the owner; or
- (b) if the local government and the owner cannot agree on a method pursuant to (a) or on an independent expert, by arbitration in accordance with the *Commercial Arbitration Act 1985*, with the costs to be shared equally between the local government and owner.

10.3.12 Valuation

10.3.12.1 Clause 10.3.12 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.

10.3.12.2 In clause 10.3.12—

'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.

Valuation methodology will be defined for each particular arrangement by the applicable Development Contribution Plan Report.

'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.

10.3.12.3 If an owner objects to a valuation made by the valuer, the owner may give notice to the local government requesting a review of the amount of the value, at the owners expense, within 28 days after being informed of the value.

10.3.12.4 If, following a review, the valuer's determination of the value of the land is still not a figure acceptable to the owner, the value is to be determined—

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

10.3.13 Liability for cost contributions

10.3.13.1 An owner must make a cost contribution in accordance with the applicable development contribution plan and the provisions of clause 10.3.

10.3.13.2 An owner's liability to pay the owner's cost contribution to the local government arises on the earlier of—

- (a) the Western Australian Planning Commission endorsing its approval on the deposited plan or survey strata plan of the subdivision of the owner's land within the development contribution area;
- (b) the commencement of any development on the owner's land within the development contribution area;
- (c) the approval of any strata plan by the local government or Western Australian Planning Commission on the owner's land within the development contribution area; or
- (d) the approval of a change or extension of use by the local government on the owner's land within the development contribution area.

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

10.3.13.3 Notwithstanding clause 10.3.13.2, an owner's liability to pay the owner's cost contribution does not arise if the owner commences development of—

- (a) 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;
- (b) a single dwelling on a single lot and associated outbuildings;
- (c) a change of use where no development is proposed;
- (d) a development which is defined as 'public works' under the *Public Works Act 1902*, but excluding public housing;
- (e) a fence;

- (f) a home business;
- (g) a home occupation;
- (h) a home office; or
- (i) any development which is permitted and excluded from the requirement for planning consent pursuant to clause 5.1.2.

10.3.13.4 Where a development contribution plan expires in accordance with clause 10.3.8, 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.

10.3.14 Payment of cost contribution

10.3.14.1 The owner, with the agreement of the local government, is to pay the owner's cost contribution by—

- (a) cheque or cash;
- (b) transferring to the local government or a public authority land in satisfaction of the cost contribution;
- (c) the provision of physical infrastructure;
- (d) some other method acceptable to the local government; or
- (e) any combination of these methods.

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

10.3.14.3 Payment by an owner of the cost contribution, including a cost contribution based upon estimated costs in a manner acceptable to the local government, constitutes full and final discharge of the owner's liability under the development contribution plan and the local government shall provide certification in writing to the owner of such discharge if requested by the owner.

10.3.15 Charge on land

10.3.15.1 The amount of any cost contribution for which an owner is liable under clause 10.3.13, 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.

10.3.15.2 The local government, at the owner's expense and subject to such other conditions as the local government thinks fit, can withdraw a caveat lodged under clause 10.3.15.1 to permit a dealing and may then re-lodge the caveat to prevent further dealings.

10.3.15.3 If the cost contribution is paid in full, the local government, if requested to do so by the owner and at the expense of the owner, is to withdraw any caveat lodged under clause 10.3.15.

10.3.16 Administration of funds

10.3.16.1 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.

10.3.16.2 Interest earned on cost contributions credited to a reserve account in accordance with clause 10.3.16.1 is to be applied in the development contribution area to which the reserve account relates.

10.3.16.3 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.

10.3.17 Shortfall or excess in cost contributions

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

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

but nothing in paragraph 10.3.17.1(a) restricts the right or power of the local government to impose a differential rate to a specified development contribution area in that regard.

10.3.17.2 If there is an excess in funds available to the development contribution area when all cost contributions have been made or accounted for in a particular development contribution area, the local government is to refund the excess funds to contributing owners for that development contribution area. To the extent, if any, that it is not reasonably

practicable to identify owners and/or their entitled amount of refund, any excess in funds shall be applied, to the provision of additional facilities or improvements in that development contribution area.

10.3.18 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.

10.3.19 Arbitration

Subject to clauses 10.3.12.3 and 10.3.12.4, any dispute between an owner and the local government in connection with the cost contribution required to be made by an owner is to be resolved by arbitration in accordance with the *Commercial Arbitration Act 1985*.

12. Deleting the following text from Appendix 16 of the Scheme—

Area	Common Infrastructure	Details of Contribution Arrangement for Area
(see clause 5.19 and Appendix 16)	(see clause 5.19)	(see clause 5.19)

B. MOORE, Shire President.
R. GORBUNOW, Chief Executive Officer.

RACING, GAMING AND LIQUOR

RA401*

LIQUOR CONTROL ACT 1988

LIQUOR APPLICATIONS

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

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

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATION FOR EXTENDED TRADING PERMITS—LIQUOR WITHOUT A MEAL			
41041	Red Rock Consolidated Pty Ltd & Ian Alan Hutchinson	Application for the grant of an extended trading permit liquor without a meal in respect of premises situated in North Fremantle and known as Salt On The Beach	14/11/2013
APPLICATION TO ADD, VARY OR CANCEL A CONDITION OF LICENCE			
381443	Summer Honey Pty Ltd	Application for the variation of licence conditions in respect of premises situated in Hay and known as Willoughby Park	25/11/2013

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

B. A. SARGEANT, Director of Liquor Licensing.

Dated: 1 November 2013.

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Abdul Aziz Abdullah Harharah, late of 9 Park Road, Mount Pleasant, Company Director, died 8 July 2002.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the abovenamed deceased are required by Jamelah Salim Harharah, who has been granted Probate over the deceased's estate, to send particulars of their claims to her representatives at Robertson Hayles Lawyers of PO Box Z5403, Perth WA 6831 within one month of the date of publication hereof, after which date the personal representative may convey or distribute the assets, having regard only to the claims of which they then have notice.

Dated: 5 November 2013.

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