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## GOVERNMENT GAZETTE

### PUBLISHING DETAILS FOR CHRISTMAS 2015 AND NEW YEAR HOLIDAY PERIOD 2016

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<b>Publishing Dates and times</b>	<b>Closing Dates and Times for copy</b>
Friday, 18 December 2015 at 12 noon	Wednesday, 16 December 2015 at 12 noon
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Tuesday, 5 January 2016 at 12 noon	Thursday, 31 December 2015 at 12 noon



# — PART 1 —

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## PROCLAMATIONS

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AA101\*

Children and Community Services Legislation Amendment  
and Repeal Act 2015

### **Children and Community Services Legislation Amendment and Repeal Act 2015 Commencement Proclamation 2015**

Made under the *Children and Community Services Legislation  
Amendment and Repeal Act 2015* section 2(b) by the Governor in  
Executive Council.

**1. Citation**

This proclamation is the *Children and Community Services  
Legislation Amendment and Repeal Act 2015 Commencement  
Proclamation 2015*.

**2. Commencement of Act**

The *Children and Community Services Legislation Amendment  
and Repeal Act 2015*, other than Part 1, comes into operation on  
1 January 2016.

K. SANDERSON, Governor.

L.S.

H. MORTON, Minister for Child Protection.

Note: The *Children and Community Services Amendment Regulations (No. 3) 2015* come into operation on the day on which the *Children and Community Services Legislation Amendment and Repeal Act 2015* section 30 comes into operation.

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## COMMUNITY AND CHILD SERVICES

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CN301\*

Children and Community Services Act 2004

### Children and Community Services Amendment Regulations (No. 3) 2015

Made by the Governor in Executive Council.

#### 1. Citation

These regulations are the *Children and Community Services Amendment Regulations (No. 3) 2015*.

#### 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 on which the *Children and Community Services Legislation Amendment and Repeal Act 2015* section 30 comes into operation.

#### 3. Regulations amended

These regulations amend the *Children and Community Services Regulations 2006*.

#### 4. Regulation 20A amended

In regulation 20A:

- (a) delete “agencies are prescribed for the purposes of the definition of *prescribed authority* in section 24A(1) —” and insert:

public authorities are prescribed for the purposes of the definition of *prescribed authority* in section 28A —

- (b) in paragraph (p) delete “section 35.” and insert:

section 35;

- (c) after paragraph (p) insert:

- (q) a judge of the Family Court of Western Australia;

- (r) the Principal Registrar, a deputy registrar or a registrar of the Family Court of Western Australia;
- (s) a family law magistrate as defined in the *Family Court Act 1997* section 5(1);
- (t) a family consultant as defined in the *Family Court Act 1997* section 61.

Note: The heading to amended regulation 20A is to read:

**Prescribed authorities (Act s. 28A)**

K. H. ANDREWS, Clerk of the Executive Council.

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## LOCAL GOVERNMENT

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LG301\*

### LOCAL GOVERNMENT ACT 1995

*Shire of Lake Grace*

#### ACTIVITIES ON THOROUGHFARES AND PUBLIC PLACES AND TRADING AMENDMENT LOCAL LAW 2015

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Lake Grace resolved on the 18th November 2015 to make the following local law.

#### 1. Citation

This local law may be cited as the *Shire of Lake Grace Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2015*.

#### 2. Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

#### 3. Principal local law

This local law amends the *Shire of Lake Grace Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* as published in the *Government Gazette* on 27 March 2001.

#### 4. Preliminary

The principal local law is amended as follows—

- (a) delete “*Road Traffic Code 1975*” wherever it appears in the local law and insert—  
*Road Traffic Code 2000*
- (b) delete “*Liquor Licensing Act 1988*” wherever it appears in the local law and insert—  
*Liquor Control Act 1988*
- (c) delete “*Town Planning and Development Act 1928*” wherever it appears in the local law and insert—  
*Planning and Development Act 2005*

#### 5. Clause 1.2 amended

In clause 1.2 amend as follows—

- (a) in the definition “**authorized person**” delete “authorized by the local government” and insert—  
appointed by the local government
- (b) in the definition “**carriageway**” delete all the words and insert—  
“**carriageway**” has the meaning given to it in the *Road Traffic Code 2000*;

- (c) in the definition “**footpath**” delete all the words and insert—  
“**footpath**” has the meaning given to it in the *Road Traffic Code 2000*;

- (d) after the definition for “**sign**” insert—  
“**thoroughfare**” has the meaning given to it in the Act, but does not include a private thoroughfare which is not under the management or control of the local government;

**6. Clause 2.1 amended**

Delete clause 2.1(a) and insert—

- (a) plant any plant (except grasses or a similar plant) within 6 metres of an intersection;

**7. Clause 2.4 amended**

In clause 2.4 delete all the words after “surface,” and insert—  
and which appears in Schedule 2.

**8. Clause 2.5 amended**

In clause 2.5 delete “the townsite” and insert—  
a townsite

**9. Clause 2.6 amended**

- (1) In clause 2.6(2)(b)(ii) delete “metre” and insert—  
metres  
(2) Delete clause 2.6(2)(d) and insert—  
(d) a combination of any of the above.

**10. Clause 3.2 amended**

- (1) In clause 3.2(2) delete the words “infrequent or”.  
(2) In clause 3.2(3)(c) delete the words “or within 3 metres of”.

**Clause 4.1 amended**

In clause 4.1(2) after “hour” insert—  
and provided with an ample and accessible supply of water for the time it is tethered

**11. Clause 5.1 amended**

In clause 5.1 delete all the words after “**Roadside Conservation Committee**” and insert—  
means the Roadside Conservation Committee appointed by the Minister for Environment.

**12. Clause 5.4 amended**

In clause 5.4 delete the words ‘Code of Practice for Roadside Conservation and Road Maintenance’ and insert—  
‘Handbook of Environmental Practice for Road Construction and Road Maintenance Works’ (April 2005)’

**14. Clause 5.11 deleted**

Delete clause 5.11.

**15. Clause 5.12 deleted**

Delete clause 5.12

**16. Clause 5.16 replaced**

Delete clause 5.16 and insert—

**5.16 Prohibitions on burning**

Notwithstanding anything to the contrary in this local law, an application for a permit for the purpose of clause 5.13 is not to be approved by the local government for burning between 31 August and 1 May of the following year where the intensity of the burn could damage native flora and fauna.

**17. Clause 6.2 amended**

- (1) In clause 6.2(1)(b) delete all the words after “assistant” and insert—  
authorised by the holder of a valid stallholder’s permit.  
(2) Delete clause 6.2(2)(b);  
(3) In clause 6.2(2)(e) delete “; and” and insert a full stop;  
(4) Delete clause 6.2(2)(f).

**18. Clause 6.6 amended**

In clause 6.6 (1)(l) after “insurance” insert—

including public liability insurance, vehicle third party insurance under the provisions of the *Motor Vehicle (Third Party Insurance) Act 1943* and where employees are engaged workers compensation insurance under the provisions of the *Workers Compensation and Injury Management Act 1981*

**19. Clause 6.7 amended**

In clause 6.7(2) after “waive” insert—

the requirements of clause 6.6(1)(l) of this local law and

**20. Clause 6.8 amended**

In clause 6.8(1)(c) delete “*Weights and Measures Act 1915*” and insert—

*National Measurement Act 1960* (Cth)

**21. Clause 6.11 amended**

(1) In clause 6.11(b) delete “*Heath Act 1911*” and insert—

*Food Act 2008*

(2) Delete clause 6.11(c).

**22. Clause 6.12 amended**

(1) Delete clause 6.12(1)(a).

(2) In clause 6.12(1)(d) delete “and” after “Facility;”.

(3) In clause 6.12(1)—

(a) in paragraph (e) delete the full stop and insert—

; and

(b) after paragraph (e) insert—

(f) provide a certificate of currency of public liability insurance to an amount of \$10,000,000.

**23. Clause 7.7 amended**

In clause 7.7(2) delete “*mutatis mutandis*” and insert—

with the necessary modifications

**24. Clause 8.1 amended**

In clause 8.1 delete “regulations 33 and 34” and insert—

regulation 33

**25. Schedule 1 amended**

Delete Schedule 1 and insert—

**Schedule 1—Prescribed Offences**

Item	Clause	Description	Modified Penalty \$
1	2.1(a)	Plant any plant within 6 metres of the intersection	150
2	2.1(b)	Damaging lawn or garden	150
3	2.1(c)	Plant (except grass) on thoroughfare within 2m of carriageway	150
4	2.1(d)	Placing hazardous substance on footpath	150
5	2.1(e)	Damaging or interfering with signpost or structure on thoroughfare	450
6	2.1(f)	Playing games so as to impede vehicles or persons on thoroughfare	150
7	2.1(g)	Riding of skateboard or similar device on mall or verandah of shopping centre	150
8	2.2(1)(a)	Digging a trench through a kerb or footpath without a permit	150
9	2.2(1)(b)	Throwing or placing anything on a verge without a permit	150
10	2.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	150
11	2.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	300
12	2.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	300

Item	Clause	Description	Modified Penalty \$
13	2.2(1)(f)	Damaging a thoroughfare	150
14	2.2(1)(g)	Lighting a fire on a thoroughfare without a permit	450
15	2.2(1)(h)	Felling tree onto thoroughfare without a permit	150
16	2.2(1)(i)	Installing pipes or stone on thoroughfare without a permit	150
17	2.2(1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	450
18	2.2(1)(k)	Creating a nuisance on a public place without a permit	150
19	2.2(1)(l)	Placing a bulk rubbish container on a thoroughfare without a permit	150
20	2.2(1)(m)	Interfering with anything on a thoroughfare without a permit	150
21	2.3(1)	Consumption or possession of liquor on thoroughfare	150
22	2.7(1)	Installation of verge treatment other than permissible verge treatment	300
23	2.8	Failure to maintain permissible verge treatment or placement of obstruction on verge	150
24	2.9	Failure to comply with notice to rectify default	150
25	2.15(2)	Failure to comply with sign on public place	150
26	2.17(1)	Driving or taking a vehicle on a closed thoroughfare	450
27	3.2(1)	Placing advertising sign or affixing any advertisement on a thoroughfare without a permit	150
28	3.2(3)	Erecting or placing of advertising sign in a prohibited area	150
29	4.1(1)	Animal or vehicle obstructing a public place or local government property	150
30	4.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	150
31	4.2(2)(b)	Animal on public place with infectious disease	150
32	4.2(2)(c)	Training or racing animal on thoroughfare in built-up area	150
33	4.2(3)	Horse led, ridden or driven on thoroughfare	150
34	5.6(1)	Driving a vehicle other than on the carriageway of a flora road	300
35	5.9	Planting in thoroughfare without a permit	300
36	5.13	Burning of thoroughfare without a permit	500
37	5.17	Construction of firebreak on thoroughfare without a permit	500
38	5.19	Commercial harvesting of native flora on thoroughfare	500
39	5.20(1)	Collecting seed from native flora on thoroughfare without a permit	450
40	6.2(1)	Conducting of stall in public place without a permit	450
41	6.3(1)	Trading without a permit	450
42	6.8(1)(a)	Failure of stallholder or trader to display or carry permit	150
43	6.8(1)(b)	Stallholder or trader not displaying valid permit	150
44	6.8(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	150

Item	Clause	Description	Modified Penalty \$
45	6.8(2)	Stallholder or trader engaged in prohibited conduct	150
46	6.10	Establishment or conduct of outdoor eating facility without a permit	450
47	6.12	Failure of permit holder of outdoor eating facility to comply with obligations	150
48	6.14(1)	Use of equipment of outdoor eating facility without purchase of food or drink from facility	100
49	6.14(2)	Failure to leave outdoor eating facility when requested to do so by permit holder	100
50	7.5	Failure to comply with a condition of a permit	150
51	7.9	Failure to produce permit on request of authorized person	150
52	10.1	Failure to comply with notice given under local law	150

**25. Schedule 2 inserted**

After Schedule 1 insert—

**Schedule 2—Acceptable Materials**

[Clause 2.4]

**1. General**

All forms of loose aggregate materials such as pebbles, stones, crushed brick and gravel are acceptable. The materials shall be no larger than 50mm and no smaller than 10mm in diameter. The material must be contained within the verge area at all times.

**2. Paving**

The verge may be fully paved subject to a street tree being planted in the verge if one does not already exist. Where street trees are present there must be an area of open space a minimum of one metre in diameter from the edge of the tree to the edge of the paving.

Paving is to consist of porous pavers or similar material is to be installed in a manner that can easily be removed to access underground services.

In situations where it is found by the local government that 100% paving of the verge is causing flooding the Shire may require the area of paving to be reduced.

Dated 10th December 2015.

The Common Seal of the Shire of Lake Grace was hereunto affixed by authority of its Council in the presence of—

Cr ANDREW WALKER, Shire President.  
PETER BRADBROOK, Chief Executive Officer.

LG302\*

**BUSH FIRES ACT 1954  
LOCAL GOVERNMENT ACT 1995**

*Shire of Lake Grace*

**BUSH FIRE BRIGADES AMENDMENT LOCAL LAW 2015**

Under the powers conferred by the *Bush Fires Act 1954*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Lake Grace resolved on the 18th November 2015 to make the following local law.

**1. Citation**

This local law may be cited as the *Shire of Lake Grace Bush Fire Brigades Amendment Local Law 2015*.

**2. Commencement**

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

### 3. Principal local law

In this local law the *Shire of Lake Grace Bush Fire Brigades Local Law* as published in the *Government Gazette* on 27 March 2001.

### 4. Clause 1.2 amended

In clause 1.2—

- (a) delete the definition “**Authority**”;
- (b) insert in alphabetical order the following definitions—

“**Department**” has the meaning given by section 3 of the *Fire and Emergency Services Act 1998*;

“**district**” means the district of the local government;
- (c) in definition “**Rules**” delete all the words after “Schedule”.

### 5. Clause 2.3 replaced

Delete clause 2.3 and insert—

#### 2.3 Ranks within the bush fire brigade

(1) Where under the Act and Bush Fire Operating Procedures members of the bush fire brigade have command of a fire, unless a bushfire control officer is in attendance at the fire, the Captain has full control over other persons fighting the fire, and is to issue instructions as to the methods to be adopted by the firefighters.

(2) In the absence of the Captain, the Fire Control Officer, in the order of seniority determined, is to exercise all the powers and duties of the Captain.

(3) Where a bushfire control officer is in attendance at a fire which the members of the bush fire brigade have command of under the Act and the Bush Fire Operating Procedures, the most senior bushfire control officer has full control over other persons fighting the fire and is to issue instructions as to the methods to be adopted by the firefighters.

### 6. Clause 2.5 deleted

Delete clause 2.5.

### 7. Clause 4.4 amended

In clause 4.4(f) delete “Authority’s” and insert—  
Department’s

### 8. Clause 6.2 amended

In clause 6.2 delete “31 May” and insert—  
28 February

### 9. First Schedule clause 2.6 amended

In clause 2.6 of the First Schedule—

- (a) in the title delete “**FESA**” and insert—  
**Department**
- (b) delete all instances of the word “Authority” and insert—  
Department

### 10. First Schedule clause 3.3 amended

In clause 3.3(1)(e) of the First Schedule delete all instances of the word “Authority” and insert—  
Department

### 11. First Schedule clause 5.1 amended

In clause 5.1(1) of the First Schedule after “Chief” insert “Bush”.

### 12. First Schedule clause 5.4 amended

In clause 5.4(1) of the First Schedule—

- (a) delete “offices” and insert—  
officers
- (b) delete “of member” and insert—  
or members

### 13. First Schedule clause 7.1 amended

In clause 7.1(2) of the First Schedule delete “1 May” and insert—  
31 May

**14. First Schedule clause 7.4 amended**

In clause 7.4(1) of the First Schedule delete all the words after “drawn” and insert—  
by whatever means is considered by the Bush Fire Brigade to be the most convenient including the use of electronic fund transfers

**15. First Schedule clause 8.1 amended**

In clause 8.1 of the First Schedule—

- (a) in subclause (1) after “post” insert—  
or by electronic communication
- (b) in subclause (4)(c)—
  - (i) in subparagraph (ii) after the semi colon delete “or”;
  - (ii) in subparagraph (iii) after the semi colon insert—  
or
  - (iii) after subparagraph (iii) insert—  
(iv) an electronic communication;
- (c) in subclause (4)(d)
  - (i) in subparagraph (ii) after the semi colon delete “or”;
  - (ii) in subparagraph (iii) after the semi colon insert—  
or
  - (iii) after subparagraph (iii) insert—  
(iv) at the time when the electronic communication becomes capable of being retrieved by the addressee.

**16. First Schedule clause 8.2 amended**

In clause 8.2 of the First Schedule—

- (a) in subclause (1) after “form” delete the words “of that appearing in this clause” and insert—  
as determined by the local government
- (b) delete the form headed “**Proxy**” that follows subclause (7).

Dated 10th December 2015.

The Common Seal of the Shire of Lake Grace was hereunto affixed by authority of its Council in the presence of—

Cr. ANDREW WALKER, Shire President.  
PETER BRADBROOK, Chief Executive Officer.

LG303\*

**LOCAL GOVERNMENT ACT 1995**

**CEMETERIES ACT 1986**

*Shire of Lake Grace*

**CEMETERIES AMENDMENT LOCAL LAW 2015**

Under the powers conferred by the *Cemeteries Act 1986* the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Lake Grace resolved on the 18th November 2015 to make the following local law.

**1. Citation**

This local law may be cited as the *Shire of Lake Grace Cemeteries Amendment Local Law 2015*.

**2. Commencement**

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

**3. Principal local law**

In this local law the *Shire of Lake Grace Local Laws Relating to the Lake Grace, Newdegate, Lake King and Varley Public Cemeteries* published in the *Government Gazette* on 20 October 2000.

**4. Arrangement amended**

In item 8.2 delete “Guide Dogs” and insert “Assistance Animals”.

**5. Clause 1.2 amended**

In clause 1.2—

- (a) insert “(1)” before “In this”;
- (b) delete the definitions “mausoleum” and “vault”;
- (c) in the definition of “Board” delete “*insert name of Local Government or Board*” and insert—

Shire of Lake Grace
- (d) insert the following definitions in alphabetical order—

“Act” means the *Cemeteries Act 1986*;

“animal” means any animal;

“assistance animal” means an animal who is being used as an assistance animal as defined in the *Disability Discrimination Act 1992* (Commonwealth);

“burial” has the same meaning as given in the Act;

“cemetery” means the Shire of Lake Grace Cemeteries, which the Governor, by order, has placed under the care control and management of the Board;

“dead body” has the same meaning given to it in the Act;

“funeral” includes the burial of a dead body and all associated processions and ceremonials but does not include so much of the ceremonial that is solely a religious rite;

“grant” means a grant issued by the Board, of an exclusive right of burial in a grave;

“grave” means a specified area of the cemetery for burial;

“memorial” means a memorial plaque or memorial as described in this local law or as otherwise approved by the Board;
- (e) after subclause (1) insert—
  - (2) Unless otherwise defined herein the terms and expressions used in this local law shall have the same meaning given to them in the Act.
  - (3) Where a term is not defined in this local law or the Act, the term is to be taken from the Oxford Dictionary.

**6. Clause 1.3 inserted**

After clause 1.2 insert—

**1.3 Application**

This local law applies to the Lake Grace, Newdegate, Lake King and Varley Public Cemeteries.

**7. Clause 3.4 amended**

In clause 3.4 delete “at least twenty four hours” and insert—

not less than 2 working days

**8. Clause 4.1 amended**

In clause 4.1 delete “the 30th day of” and insert—

30

**9. Clause 5.3 amended**

In clause 5.3—

- (a) in the heading delete “Entry Restricted” and insert—

access and speed limitations
- (b) after subclause (2) insert—
  - (3) Vehicles shall proceed within the cemetery by the constructed roadway or other areas designated for the use of vehicles and shall not exceed the speed indicated by signs.

**10. Clause 5.4 deleted**

Delete clause 5.4.

**11. Clause 5.5 deleted**

Delete clause 5.5

**12. Clause 5.6 amended**

After clause 5.6(c) insert—

- (d) bury a dead body only when a permit to bury has been obtained for that body;.

**13. Clause 6.1 replaced**

Delete clause 6.1 and insert—

**6.1 Depth of graves**

(1) A person shall not bury a coffin within the cemetery so that the distance from the top of the coffin to the original surface of the ground is not less than 750 mm.

(2) A person, with the permission of the CEO or authorised officer may bury a coffin so that the distance from the top of the coffin to the original surface of the ground is not less than 600 mm.

(3) The permission of the authorised officer in subclause (2) will only be granted where in the opinion of the authorised officer exceptional circumstances require granting of that permission.

**14. Clause 6.2 replaced**

Delete clause 6.2 and insert—

**6.2 Re-opening a grave**

(1) Subject to subclause (2), if for the purpose of re-opening a grave in the cemetery, the Board finds it necessary to remove plants, grass, shrubs or other like matter from the grave, then the person ordering the re-opening of that grave shall bear the cost of the removal and any necessary reinstatement.

(2) If the Minister orders the exhumation of a body in accordance with section 58 of the Act, then the Minister may further order how and by whom the cost referred to in subclause (1) should be met.

(3) In this clause, the word “Minister” has the same meaning as is given to that expression in the Act.

**15. Clauses 6.3 and 6.4 inserted**

After clause 6.2 insert—

**6.3 Exhumation of a coffin**

(1) Subject to subclause (2), a person shall not exhume a coffin in the cemetery for the purposes of re-burial within twelve (12) months after the date of its interment.

(2) Subclause (1) shall not apply where the exhumation is ordered or authorised pursuant to the Act.

(3) Subject to subclause (1) and (2) prior to any other exhumation, the holder of a grant must have applied in writing to the Board requesting the exhumation and the Board has authorised the exhumation.

**6.4 Opening of coffin**

(1) A person shall not open a coffin in the cemetery unless—

(a) the coffin is opened for the purposes of the exhumation of a dead body;  
or

(b) that person has produced to the Board an order signed by the Commissioner of Police and the Board has approved the opening of that coffin.

(2) In this clause “**Commissioner of Police**” means a Commissioner of Police for the time being appointed under the *Police Act 1892* and includes a person for the time being acting in that capacity in the absence of the Commissioner of Police.

**16. Clause 7.7 amended**

In clause 7.7 delete “6pm” and insert—

6.00pm

**17. Clause 7.8 amended**

In clause 7.8 delete “, other than as a temporary marker and with” and insert—

without

**18. Clause 7.14 amended**

In clause 7.14 delete “the 30th day of” and insert—

30

**19. Clause 8.3 amended**

In clause 8.3 delete “8.4” and insert—

8.4(3)

**20. Clause 8.4 replaced**

Delete clause 8.4 and insert—

**8.4 Flowers**

- (1) All flowers must be placed in vases or receptacles.
- (2) No person shall plant trees, shrubs or plants in the cemetery without the prior approval of the Board.
- (3) A person may remove withered flowers from a grave or memorial and these are to be placed in a receptacle provided by the Board for that purpose.

**21. Clause 8.9 inserted**

After clause 8.8 insert—

**8.9 Fireworks or firearms**

- (1) A person shall not bring or discharge any fireworks within the cemetery.
- (2) A person shall not bring or discharge any firearms within the cemetery except members of the police service and in the case of a military funeral when firearms may be brought into the cemetery and discharged by members of the Australian Defence Force.

Dated: 10 December 2015.

The Common Seal of the Shire of Lake Grace was hereunto affixed by authority of its Council in the presence of—

Cr ANDREW WALKER, Shire President.  
PETER BRADBROOK, Chief Executive Officer.

**LG304\*****LOCAL GOVERNMENT ACT 1995****DOG ACT 1976**

*Shire of Lake Grace*

**DOGS AMENDMENT LOCAL LAW 2015**

Under the powers conferred by the *Dog Act 1976*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Lake Grace resolved on the 18th November 2015 to make the following local law.

**1. Citation**

This local law may be cited as the *Shire of Lake Grace Dogs Amendment Local Law 2015*.

**2. Commencement**

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

**3. Principal local law**

In this local law the *Shire of Lake Grace Dogs Local Law* published in the *Government Gazette* on 27 March 2001.

**4. Clause 1.3 amended**

In clause 1.3—

- (a) insert in alphabetical order—
  - “dangerous dog” has the meaning given to it in the Act;
  - “district” means the district of the local government;
  - “dog management facility” has the meaning given to it in the Act;
  - “Schedule” means a schedule to this local law;
  - “townsite” has the meaning given to it in the Act;
- (b) delete the definition “pound keeper”;
- (c) in the definition “Regulations” delete “1976” and insert—  
*2013*
- (d) in the definition “town planning scheme” delete “*Town Planning and Development Act 1928*” and insert—  
*Planning and Development Act 2005*

**5. Clause 2.2 amended**

In clause 2.2 delete “the pound keeper” wherever it appears and insert—  
an authorized person

**6. Clause 3.1 amended**

In clause 3.1—

- (a) delete paragraph (c) and insert—
  - (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises (unless the gate is temporarily opened in a manner that ensures that the dog remains confined) and is fitted with a proper latch or other means of fastening it;
- (b) delete “Penalty: Where the dog kept is a dangerous dog, \$2,000; otherwise \$1,000.”.

**7. Clause 4.9 amended**

In clause 4.9 delete “**Penalty:** Where a dog involved in the contravention is a dangerous dog, \$2,000 and a daily penalty of \$200; otherwise \$1,000 and a daily penalty of \$100.” and insert—

“**Penalty:** A fine of \$5,000 and for each and separate and further offence committed by the person under section 71 of the *Interpretation Act 1984* a fine of \$100.”

**8. Part 5 deleted**

Delete Part 5

**9. Clause 7.3 amended**

In clause 7.3 delete “Form 7 of the First Schedule” and insert—  
Form 8 of Schedule 1

**10. Clause 7.6 amended**

In clause 7.6 delete “Form 8 of the First Schedule” and insert—  
Form 9 of Schedule 1

**11. Schedule 3 amended**

Delete Schedule 3 and insert—

**SCHEDULE 3**

(clause 7.2)

**Offences in respect of which modified penalty applies**

Item No	Offence	Nature of offence	Modified penalty \$	Dangerous Dog Modified Penalty \$
1	3.1	Failing to provide means for effectively confining a dog	200	400
2	4.9	Failing to comply with the conditions of a licence	200	
3	6.1(2)	Dog excreting in prohibited place	60	

Dated: 10 December 2015.

The Common Seal of the Shire of Lake Grace was hereunto affixed by authority of its Council in the presence of—

Cr ANDREW WALKER, Shire President.  
PETER BRADBROOK, Chief Executive Officer.

LG305\*

**LOCAL GOVERNMENT ACT 1995**

*Shire of Lake Grace*

**EXTRACTIVE INDUSTRIES AMENDMENT LOCAL LAW 2015**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Lake Grace resolved on the 18th November 2015 to make the following local law.

**1. Citation**

This local law may be cited as the *Shire of Lake Grace Extractive Industries Amendment Local Law 2015*.

**2. Commencement**

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

**3. Principal local law**

In this local law the *Shire of Lake Grace Extractive Industries Local Law* published in the *Government Gazette* on 20 October 2000 is referred to as the principal local law. The principal local law is amended.

**4. Clause 1.1 amended**

Clause 1.1 is amended as follows—

- (a) insert the following definitions in alphabetical order—
  - “occupier” has the meaning given to it in the Act;
  - “owner” has the meaning given to it in the Act;
  - “person” does not include a Local Government;
  - “schedule” means the Schedule to this local law;
- (b) delete the definition “carry on an extractive industry” and insert—
  - “carry on an extractive industry” means quarrying and excavating for stone, gravel, sand, clay, limestone, loam and other material;

**5. Clause 2.3 amended**

In clause 2.3—

- (a) in subclause (1) delete “A person seeking” and insert—
  - Subject to subclause (3), a person seeking
- (b) in subclause (1) delete “both the applicant and the owner of the land to the CEO and supply such information as the Shire of Lake Grace may reasonably require which may include all or any of the conditions specified in Clauses 2.3(1)(a) through to 2.3(1)(d).” and insert—
  - each of the applicant, the owner of the land and any occupier of the land to the CEO together with—
- (c) delete subclause (1)(a)(i) and insert—
  - (i) where the proposed excavation surface area is—
    - (I) not to exceed 5ha, the existing and proposed land contours based on the Australian Height Datum and plotted at 1 metre contour intervals;
    - (II) to be greater than 5ha, the existing and proposed land contours based on the Australian Height Datum and plotted at 5 metre contour intervals;
- (d) after subclause (2) insert—
  - (3) Where in relation to a proposed excavation—
    - (a) the surface area is not to exceed 5000 square metres; and
    - (b) the extracted material is not to exceed 5000 cubic metres;the local government may exempt a person making application for a licence under subclause (1) from supplying any of the data specified in paragraphs (b), (d), (e) and (i) of subclause (1).

**6. Clause 3.1 amended**

In clause 3.1—

- (a) in subclause (4)(a) delete all the words after “fee to” and insert—
  - 30 June next, imposed and determined by the local government from time to time under and in accordance with section 6.16 to 6.19 of the Act;
- (b) in subclause (4)(b) delete “and”;
- (c) in subclause (4)(c) delete the full stop and replace with “; and”;
- (d) after subclause (4)(c) insert—
  - (d) a copy of the public liability insurance policy required under clause 7.1(1).
- (e) in subclause (5)(h) delete “roads” and insert—
  - thoroughfares

**7. Clause 3.2 amended**

Clause 3.2 is amended by deleting all the words after “before” and insert—

30 June in each year, a licensee must pay to the local government the annual licence fee, within 60 days determined by the local government from time to time under and in accordance with section 6.16 to 6.19 of the Act.

**8. Clause 5.2 amended**

Delete clause 5.2(1) and insert—

(1) If a licensee fails to carry out or complete the restoration and reinstatement works required by the licence conditions either—

- (a) within the time specified in those conditions; or
- (b) where no such time has been specified, within 60 days of the completion of the excavation or portion of the excavation specified in the licence conditions,

then, subject to the local government giving the licensee 14 days notice of its intention to do so—

- (i) the local government may carry out or cause to be carried out the required restoration and reinstatement work or so much of that work as remains undone; and
- (ii) the licensee shall pay to the local government on demand all costs incurred by the local government or which the local government may be required to pay under this clause.

**9. Clause 6.2 amended**

In clause 6.2(e) delete the words “Minerals and Energy” and insert—

Mines and Petroleum

**10. Clause 8.1 amended**

In clause 8.1 delete “regulations 33 and 34” and insert—

regulation 33

**11. Part 9—Modified Penalties inserted**

After Part 8 insert—

**PART 9—MODIFIED PENALTIES****Modified Penalties**

9.1 An offence against a clause specified in the Schedule is a prescribed offence for the purposes of section 9.16(1) of the Act.

9.2 The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in the Schedule.

**Forms**

9.3 For the purposes of this local law—

- (a) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of the notice sent under section 9.20 of the Act withdrawing an infringement notice is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

**12. Schedule—Prescribed Offences inserted**

After Part 9 insert the following—

**SCHEDULE**  
**Prescribed Offences**

[Clause 9]

Clause	Description	Modified Penalty \$
2.1	Carry on extractive Industry without licence or in breach of terms and conditions	300
6.1	Excavate not within boundary limits	200
6.2(a)	Remove trees or shrubs without approval	300
6.2(b)	Gateways not kept locked where required	300
6.2(c)	Warning signs not erected or maintained as required	300
6.2(d)	Excavation not drained as required	300
6.2(e)	Store without required approval explosives or explosive devices	300
6.2(f)	Fill or excavate in breach of licence	300
6.2(h)	Did not take reasonable steps to prevent the emission of dust, noise, vibration and other forms of nuisance from the excavation site	300
6.3(1)(a)	Blasting without approval of the local government	200

Clause	Description	Modified Penalty \$
6.3(1)(b)	Blasting outside times authorised	300
6.3(1)(d)	Blasting in breach of conditions imposed by the local government	300
6.3(2)	Blasting without approval on Saturday, Sunday or public holiday	200

Dated: 10 December 2015.

The Common Seal of the Shire of Lake Grace was hereunto affixed by authority of a resolution of its Council in the presence of—

Cr ANDREW WALKER, Shire President.  
PETER BRADBROOK, Chief Executive Officer.

## LG306\*

### LOCAL GOVERNMENT ACT 1995

*Shire of Lake Grace*

#### FENCING AMENDMENT LOCAL LAW 2015

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Lake Grace resolved on the 18th November 2015 to make the following local law.

#### 1. Citation

This local law may be cited as the *Shire of Lake Grace Fencing Amendment Local Law 2015*.

#### 2. Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

#### 3. Principal local law

In this local law the *Shire of Lake Grace Local Laws Relating to Fencing* as published in the *Government Gazette* on 27 March 2001.

#### 4. Clause 3 amended

In clause 3—

- (a) in alphabetical order insert—
  - (i) “occupier” has the meaning given to it in the *Local Government Act 1995*;
  - (ii) “owner” has the meaning given in the Act;
- (b) delete the definition of “AS” and insert—
 

“AS/NZS” means an Australian/New Zealand Standard published by the Standards Association of Australia;
- (c) In the definition of “sufficient fence” delete “clause 6” and insert—
 

clause 5
- (d) In the definition of “lot” delete “*Town Planning and Development Act 1928*” and insert—
 

*Planning and Development Act 2005*
- (e) In the definition of “town planning scheme” delete “*Town Planning and Development Act 1928*” and insert—
 

*Planning and Development Act 2005*

#### 5. Clause 4 amended

In clause 4—

- (a) in the heading delete “**Licence**”; and
- (b) delete “licence” where it appears.

#### 6. Clause 5 amended

In clause 5—

- (a) delete subclause (1) and insert—
  - (1) A person shall not erect a dividing fence or a boundary fence that is not a sufficient fence unless all owners of lands which adjoins the

relevant boundary agree to erect a fence which though different does not fail to comply with the requirements of a sufficient fence.

- (b) delete all reference to “First Schedule” and insert—  
Schedule 1
- (c) delete all reference to “Second Schedule” and insert—  
Schedule 2
- (d) delete all reference to “Third Schedule” and insert—  
Schedule 3

#### **7. Clause 6 amended**

Delete clause 6(2) and clause 6(3) and insert—

- (2) The Building Surveyor may approve the erection of a fence greater than 1200mm but not exceeding 1500mm in the front setback area of a Residential Lot.

#### **8. Clause 9 replaced**

Delete clause 9 and insert—

##### **9. General Discretion of the Local Government**

(1) Notwithstanding the provisions of clause 5, the local government may approve the erection or repair of a dividing fence which is not a sufficient fence where all of the owners of the lots to be separated by the dividing fence make an application for approval for that purpose.

(2) In determining whether to grant its approval under subclause (1), the local government may consider whether the erection or retention of the fence would have an adverse effect on—

- (a) the safe or convenient use of any land;
- (b) the safety or convenience of any person; or
- (c) the visual amenity of the locality.

#### **9. Clause 11 amended**

In clause 11(5) delete all the words after “remain” and insert—

as part of any fence or wall, whether internal or external, on that lot any broken glass.

#### **10. Clause 12 amended**

In clause 12—

- (a) in subclause (2)(b) delete “1994” and insert—  
2002
- (b) delete subclause (4) and insert—  
An application for a licence under this clause must—
  - (a) be in the form determined by the local government—
  - (b) be accompanied by any fee imposed by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*; and
  - (c) include—
    - (i) a written consent signed by the owner of the land on which the fence is located or proposed to be located— unless the applicant is the owner of that land; and
    - (ii) any further information which may be required by the local government.

#### **11. Clause 13 amended**

In clause 13—

- (a) delete “13” and insert—  
12
- (b) After the word “lot” insert—  
, except where the licence has been cancelled under clause 14

#### **12. Clause 14 amended**

In clause 14(a) delete “13” where it appears and insert—

12

#### **13. Clause 15 amended**

After clause 15(3) insert—

- (4) The provisions of this clause are subject to section 3.25 and item 12 of Division 1 of Schedule 3.1 of the *Local Government Act 1995* and any power of entry exercised by the local government under these local laws is subject to Part 3, Division 3 of the *Local Government Act 1995*.

**14. Clause 17 amended**

In clause 17(2) delete "\$100" and insert—  
\$200

**15. First Schedule amended**

In the title of the First Schedule, delete "First Schedule" and insert—  
Schedule 1

**16. Second Schedule amended**

In the title of the Second Schedule, delete "Second Schedule" and insert—  
Schedule 2

**17. Third Schedule amended**

In the title of the Third Schedule, delete "Third Schedule" and insert—  
Schedule 3

Dated: 10 December 2015.

The Common Seal of the Shire of Lake Grace was hereunto affixed by authority of its Council in the presence of—

Cr ANDREW WALKER, Shire President.  
PETER BRADBROOK, Chief Executive Officer.

**LG307\***

**BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007**  
**LOCAL GOVERNMENT ACT 1995**

*Shire of Lake Grace*

**BY-LAWS RELATING TO PEST PLANTS REPEAL LOCAL LAW 2015**

Under the powers conferred by *Biosecurity and Agriculture Management Act 2007*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Lake Grace resolved on the 18th November 2015 to make the following local law.

**1. Citation**

This local law may be cited as the *Shire of Lake Grace By-laws Relating to Pest Plants Repeal Local Law 2015*.

**2. Operation**

This local law will come into operation 14 days after the day on which it is published in the *Government Gazette*.

**3. Repeal**

The *By-laws Relating to Pest Plants* as published in the *Government Gazette* on 22 January 1982 is repealed.

Dated: 10 December 2015.

The Common Seal of the Shire of Lake Grace was hereunto affixed by authority of its Council in the presence of—

Cr ANDREW WALKER, Shire President.  
PETER BRADBROOK, Chief Executive Officer.

**LG308\***

**LOCAL GOVERNMENT ACT 1995**

*Shire of Trayning*

**LOCAL GOVERNMENT PROPERTY AND PUBLIC PLACES AMENDMENT**  
**LOCAL LAW 2015**

Under the powers conferred by the *Local Government Act 1995*, and all other powers enabling it, the Council of the Shire of Trayning resolved on 18 November 2015 to make the following local law—

**1. Citation**

This local law is cited as the *Shire of Trayning Local Government Property and Public Places Amendment Local Law 2015*.

**2. Commencement**

This local law comes into operation 14 days after its publication in the *Government Gazette*.

**3. Principal local law amended**

This local law amends the *Shire of Trayning Public Places and Local Government Property Local Law 2015* as published in the *Government Gazette* on 12 February 2015.

**4. Clause 6.3(3) amended**

Delete clause 6.3(3) and insert—

- (3) In this clause “acceptable material” means any material specified as acceptable for the purpose of this clause in a policy which has effect under Part 10.

**5. Part 10 Added**

Part 10 is added as follows—

**PART 10—POLICIES****10.1 Making policies**

The CEO may prepare a policy in respect of any matter related to this local law and so as to apply—

- (a) generally or for a particular class or classes of matters; and  
(b) throughout the district or in one or more parts of the district,

and may amend or add to or rescind the policy.

**10.2 Due regard to be had to policy**

A policy does not bind the CEO in respect of any application for a licence, but the CEO is to have due regard to the provisions of the policy and the objectives which the policy is designed to achieve before making its determination.

**10.3 Notice**

(1) If CEO resolves to prepare a policy, the CEO—

- (a) is to publish a notice of the proposed policy once a week for 2 consecutive weeks in a newspaper circulating in the district, giving details of—  
(i) where the draft policy may be inspected;  
(ii) the subject and nature of the draft policy; and  
(iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made; and  
(b) may publish a notice of the proposed policy in any manner and carry out any other consultation that the CEO considers appropriate.

(2) After the expiry of the period within which submissions may be made, the CEO is to—

- (a) review the proposed policy in the light of any submissions made; and  
(b) resolve to adopt the policy with or without modification, or not to proceed with the policy.

**10.4 Adoption**

(1) If the CEO decides to adopt the policy the CEO is to publish notice of the policy once in a newspaper circulating in the district.

(2) A policy has effect on publication of a notice under subclause (1).

(3) A copy of each policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.

**10.5 Amendment**

Clauses 10.1 to 10.4 with any necessary changes, apply to the amendment of a policy.

**10.6 Revocation**

A policy may be revoked by—

- (a) the adoption by CEO of a new policy made under clauses 10.1 to 10.4 that is expressed to supersede the existing policy; or  
(b) publication of a notice of revocation by the CEO once a week for 2 consecutive weeks in a newspaper circulating in the district.

6. The remaining Parts and clauses of the local law are renumbered accordingly.

7. In Schedule 2, '10.6' is replaced with '11.6' where it appears in the first column.

The Common Seal of the Shire of Trayning was affixed by authority of a resolution of the Council in the presence of—

Cr F. TARR, President.  
C. WATSON, Acting Chief Executive Officer.

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## PREMIER AND CABINET

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PR301\*

Supreme Court Act 1935

### Acting Attorney General Designation Order 2015

Made by the Governor in Executive Council.

**1. Citation**

This order is the *Acting Attorney General Designation Order 2015*.

**2. Minister designated**

Under the *Supreme Court Act 1935* section 154, the Honourable Anthony James Simpson MLA, the Minister for Local Government; Community Services; Seniors and Volunteering; Youth, is designated as the Minister of the State —

- (a) who may exercise the powers referred to in section 154(3) of that Act; and
- (b) by, to or with reference to whom acts may be done under section 154(4) of that Act,

during the period 21 December 2015 to 8 January 2016 (both dates inclusive).

K. H. ANDREWS, Clerk of the Executive Council.

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## — PART 2 —

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### AGRICULTURE AND FOOD

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AG401\*

**SOIL AND LAND CONSERVATION ACT 1945**  
ASHBURTON LAND CONSERVATION DISTRICT (APPOINTMENT OF  
MEMBERS OF DISTRICT COMMITTEE) INSTRUMENT 2015

Made by the Commissioner of Soil and Land Conservation.

**1. Citation**

This Instrument may be cited as the *Ashburton Land Conservation District (Appointment of Members) Instrument 2015*.

**2. Appointment of members**

Under section 23(2b) of the Act and clause 4(1) of the *Soil and Land Conservation (Ashburton Land Conservation District) Order 2007*, the following members are appointed to the land conservation district committee for the Ashburton Land Conservation District—

- (a) on the nomination of the Shire of Ashburton : Cr Douglas Ivan Dias of Paraburdo;
- (b) as nominee of the Pastoralists and Graziers Association WA : Andrew Nicholas Glenn of Paraburdo;
- (c) as persons actively engaged in, or affected by or associated with, land use in the district—
  - (i) Paul Matthew Watts of Rocklea Station
  - (ii) Evan Robert Pensini of Cheela Plains Station
  - (iii) Leanne Margaret Corker of Red Hill Station
  - (iv) Kylie Stammers of Kooline Station
  - (v) Peter Stammers of Kooline Station
  - (vi) Peter Van der Klip of Mininer Station
  - (vii) Wendy Harvey of Mininer Station
  - (viii) Regional Manager, Pilbara Region, Department of Parks and Wildlife

**3. Term of Office**

Members appointed to the committee under this instrument will hold office for a term expiring on 4th December 2018.

ANDREW WATSON, Commissioner of Soil and Land Conservation.

Dated this 4th day of December 2015.

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AG402\*

**SOIL AND LAND CONSERVATION ACT 1945**  
NYABING-PINGRUP LAND CONSERVATION DISTRICT (APPOINTMENT OF  
MEMBERS OF DISTRICT COMMITTEE) INSTRUMENT 2015

Made by the Commissioner of Soil and Land Conservation.

**1. Citation**

This Instrument may be cited as the *Nyabing-Pingrup Land Conservation District (Appointment of Members) Instrument 2015*.

**2. Appointment of members**

Under section 23(2b) of the Act and clause 5(1) of the *Soil and Land Conservation (Nyabing-Pingrup Land Conservation District) Order 1989*, the following members are appointed to the land conservation district committee for the Nyabing-Pingrup Land Conservation District—

- (a) on the nomination of the Shire of Kent : Megan Jane Tuffley and Gordon Davidson Browne both of Nyabing;
- (b) to represent the Western Australian Farmers Federation (Inc) : Trevor Badger of Pingrup; and

(c) as persons actively engaged in, or affected by or associated with, land use in the district—

- (i) Hilary Diane Willcocks of Pingrup
- (ii) John Wiltshire Skipsey of Pingrup
- (iii) Catherine Crosby of Nyabing
- (iv) Fiona Janet Martin of Nyabing

### 3. Term of Office

Members appointed to the committee under this instrument will hold office for a term expiring on 4 December 2018.

ANDREW WATSON, Commissioner of Soil and Land Conservation.

Dated this 4th day of December 2015.

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## HERITAGE

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HR401\*

### HERITAGE OF WESTERN AUSTRALIA ACT 1990

#### ENTRY OF PLACES IN THE REGISTER OF HERITAGE PLACES

##### Proposed Permanent Registration (Crown and Private)

Notice is hereby given in accordance with Section 47(5) of the *Heritage of Western Australia Act 1990*, that the Heritage Council has advised the Minister for Heritage regarding registration of crown property that it has resolved that—

1. the place listed below is of cultural heritage significance, and is of value for the present community and future generations;
2. the protection afforded by the *Heritage of Western Australia Act 1990* is appropriate; and
3. the place should be entered in the Register of Heritage Places on a permanent basis.

Notice is hereby given that the place below will be entered in the Register of Heritage Places on an interim basis with effect from today in accordance with section 50(1)(b) of the *Heritage of Western Australia Act 1990*. The place listed below is wholly or partly vested in the Crown, or in a person on behalf of the Crown, in right of the State.

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 27 January 2016.

**Albany Snake Run Skateboard Park** at 162 Hare St, Mount Clarence; Res 19778 being Lot 1213 on DP 174241 and being the whole of the land in CLT V 3009 F 370.

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

15 December 2015.

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## JUSTICE

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JU401\*

### PROFESSIONAL STANDARDS ACT 1997

#### THE RICS VALUERS LTD SCHEME

I, Michael Mischin MLC, Attorney General, pursuant to section 26 of the *Professional Standards Act 1997* (the Act), authorise the publication of The RICS Valuers Ltd Scheme (the Scheme) submitted to me by the Professional Standards Council of New South Wales, pursuant to the mutual recognition provisions of the New South Wales and Western Australian professional standards legislation. The Scheme is published with this authorisation and commences on 1 January 2016. The Scheme remains in force for a period of five years from its commencement unless the Scheme is revoked, extended, or its operation ceases as specified in the Act.

Hon MICHAEL MISCHIN MLC, Attorney General.

Dated: 3 December 2015.

*Professional Standards Act 1994 (NSW)***THE RICS VALUERS LTD SCHEME****Preamble**

- A. The RICS Valuers Limited (RICSV Ltd) is an occupational association.
- B. The RICSV Ltd has made an application to the Professional Standards Council, constituted by the *Professional Standards Act 1994* (NSW) (the Act), for a scheme under the Act.
- C. The scheme is prepared by the RICSV Ltd for the purposes of limiting occupational liability to the extent to which such liability may be limited under the Act.
- D. The RICSV Ltd has furnished the Council with a detailed list of the risk management strategies intended to be implemented in respect of its members and the means by which those strategies are intended to be implemented.
- E. The scheme is intended to commence on 1 January 2016 and remain in force for five (5) years from its commencement unless, prior to that time, it is revoked, its operation ceases, or it is extended pursuant to section 32 of the Act.
- F. The scheme is intended to apply in NSW, Victoria, South Australia, the Australian Capital Territory, the Northern Territory, Queensland and Western Australia.

**The RICSV Ltd Scheme***1. Occupational association*

1.1 The RICSV Ltd Scheme (the scheme) is a scheme under the *Professional Standards Act 1994* (NSW) (the Act) prepared by the RICS Valuers Ltd (RICSV Ltd) whose business address is—

Suite 1  
Level 9  
1 Castlereagh Street  
SYDNEY NSW 2000

*2. Persons to Whom the Scheme Applies*

2.1 The scheme applies to all members of RICS Valuers Ltd.

2.2 This scheme also applies to all persons to whom the scheme applied under clause 2.1 at the time of any act or omission giving rise to occupational liability.

*3. Limitation of liability*

3.1 This scheme only affects the liability for damages arising from a single cause of action to the extent to which the liability results in damages exceeding \$1,000,000.

3.2 If a person, who was at the time of the act or omission giving rise to occupational liability, a person to whom the scheme applied, against whom a proceeding relating to occupational liability is brought, is able to satisfy the court that such person has the benefit of an insurance policy—

- (a) of a kind which complies with the standards determined by the RICSV Ltd
- (b) insuring such person against that occupational liability, and
- (c) under which the amount payable in respect of that occupational liability is not less than the monetary ceiling specified in this scheme.

that person is not liable in damages in relation to that cause of action above the monetary ceiling specified in this scheme.

3.3 The monetary ceiling (maximum amount of liability) required for the purposes of limitation of liability under this scheme at the time at which the act or omission giving rise to the cause of action occurred is to be determined according to the following table—

<b>Class</b>	<b>Description</b>	<b>Band</b>	<b>Monetary Ceiling</b>
1	Property Value A	\$0.00 million to < \$3 million	\$1.0 million
2	Property Value B	\$3.0 million to < \$5 million	\$2.0 million
3	Property Value C	\$5 million to < \$10 million	\$3.0 million
4	Property Value D	\$10 million to < \$20 million	\$4.0 million

For properties valued at above \$20 million the ceiling will be 20% of the value of the property on the day of the valuation, up to \$10 million.

3.4 Clause 3.2 only affects liability for damages arising from a single cause of action to the extent to which the liability results in damages exceeding such amount as is specified in clause 3.1.

3.5 This scheme limits the occupational liability in respect of a cause of action founded on an act or omission occurring during the period when the scheme was in force of any person to whom the scheme applied at the time the act or omission occurred.

3.6 Notwithstanding anything to the contrary contained in this Scheme if, in particular circumstances giving rise to occupational liability, the liability of any person who is subject to this Scheme should be

capped both by this Scheme and also by any other Scheme under Professional Standards Legislation (whether of this jurisdiction or under the law of any other Australian state or territory) and, if the amount of such caps should differ, then the cap on the liability of such persons arising from such circumstances which is higher shall be the applicable cap.

#### 4. *Conferral of discretionary authority*

4.1 Pursuant to section 24 of the Act, this scheme confers to the RICS Valuers Ltd a discretionary authority to specify, on application by a person to whom the scheme applies, in relation to that person a higher monetary ceiling (maximum amount of liability) not exceeding \$20 million, in relation to the person either in all cases or in any specified case or class or case.

#### 5. *Duration*

5.1 This scheme will be in force for a period of 5 years from the date of commencement.

#### 6. *Definitions*

6.1 Relevant definitions for the purposes of the scheme are as follows—

“**RICSV**” means the RICS Valuers Ltd

“**RICSV Insurance standards**” mean the insurance standards approved by the RICSV from time to time

“**the Act**” means the *Professional Standards Act 1994* (NSW)

“**Property Value**” means the value of a property as at the date of the valuation as determined under Market Value as defined by the International Valuation Standards Council (IVSC)

“**Market Value**” means the estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm’s length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.

JU402\*

PROFESSIONAL STANDARDS ACT 1997  
THE AUSTRALIAN COMPUTER SOCIETY  
PROFESSIONAL STANDARDS SCHEME

I, Michael Mischin MLC, Attorney General, pursuant to section 26 of the *Professional Standards Act 1997* (the Act), authorise the publication of The Australian Computer Society Professional Standards Scheme (the Scheme) submitted to me by the Professional Standards Council of New South Wales, pursuant to the mutual recognition provisions of the New South Wales and Western Australian professional standards legislation. The Scheme is published with this authorisation and commences on 1 January 2016. The Scheme remains in force for a period of two years from its commencement unless the Scheme is revoked, extended, or its operation ceases as specified in the Act.

Hon MICHAEL MISCHIN MLC, Attorney General.

Dated: 4 December 2015.

*Professional Standards Act 1994 (NSW)*  
THE AUSTRALIAN COMPUTER SOCIETY  
PROFESSIONAL STANDARDS SCHEME

#### Preamble

- A. The Australian Computer Society (ACS) is an occupational association.
- B. The ACS has made an application to the Professional Standards Council, appointed under the *Professional Standards Act 1994* (NSW) (the Act), for a scheme under the Act.
- C. The scheme is prepared by the ACS for the purposes of limiting occupational liability to the extent to which such liability may be limited under the Act.
- D. The scheme propounded by the ACS is to apply to Certified Computer Professionals (CCP) of the ACS.
- E. The ACS has furnished the Council with a detailed list of the risk management strategies intended to be implemented in respect of its members and the means by which those strategies are intended to be implemented.

- F. The scheme is intended to commence on 1st January 2016 and remain in force for two (2) years from its commencement unless, prior to that time, it is revoked, its operation ceases, or it is extended pursuant to section 32 of the Act.
- G. The scheme is also intended to apply under the mutual recognition provisions of the Professional Standards Legislation, in Victoria, Queensland, Western Australia, South Australia, the Australian Capital Territory, and the Northern Territory.

### **The Australian Computer Society Professional Standards Scheme**

#### *1. Occupational association*

1.1 The Australian Computer Society Professional Standards Scheme (the scheme) is a scheme under the Act prepared by the Australian Computer Society Inc (ACS) whose national office address is Level 11, 50 Carrington Street, Sydney NSW 2000.

#### *2. Persons to Whom the Scheme Applies*

2.1 The scheme will apply to ACS members who qualify as Certified Computer Professionals unless exempted by ACS. A list of Certified Computer Professionals will be published on the ACS web site.

2.2 This scheme also applies to all persons to whom the scheme applied under clause 2.1 at the time of any act or omission giving rise to occupational liability.

#### *3. Limitation of liability*

3.1 If a person against whom a proceeding relating to occupational liability is brought was, at the time of the act or omission giving rise to occupational liability, a person to whom the scheme applied, and is able to satisfy the court that such person has the benefit of an insurance policy—

- (a) of a kind which complies with the standards determined by the ACS,
- (b) insuring such person against that occupational liability, and
- (c) under which the amount payable in respect of that occupational liability is not less than the monetary ceiling specified in this scheme,

then that person is not liable in damages in relation to that cause of action above the monetary ceiling specified in this scheme.

3.2 Pursuant to section 24(1)(a) of the Act, the monetary ceiling is \$1.5 million.

3.3 Pursuant to section 24(1)(b) of the Act, this scheme confers on the ACS a discretionary authority to specify, on application by a person to whom the scheme applies, in relation to that person, a monetary ceiling (maximum amount of liability) not exceeding \$10 million in relation to that person either in all cases or in any specified case or class of case

3.4 Pursuant to section 26 of the Act, this scheme only affects liability for damages arising from a single cause of action to the extent to which the liability results in damages exceeding such amount as is specified in clause 3.2.

3.5 This scheme limits the occupational liability in respect of a cause of action founded on an act or omission occurring during the period when the scheme was in force of any person to whom the scheme applied at the time the act or omission occurred.

3.6 Notwithstanding anything to the contrary contained in this Scheme if, in particular circumstances giving rise to occupational liability, the liability of any person who is subject to this Scheme should be capped both by this Scheme and also by any other Scheme under Professional Standards Legislation (whether of this jurisdiction or under the law of any other Australian state or territory) and, if the amount of such caps should differ, then the cap on the liability of such persons arising from such circumstances which is higher shall be the applicable cap.

#### *4. Duration*

4.1 This scheme will be in force for a period of 2 years from the date of commencement. The date of this scheme's commencement is 1st of January 2016.

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## **LOCAL GOVERNMENT**

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LG401\*

### **LOCAL GOVERNMENT ACT 1995**

### **LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996**

*Shire of Westonia*

#### **INTENT TO REVEST LAND IN THE CROWN FOR NON-PAYMENT OF OUTSTANDING RATES OR SERVICE CHARGES**

Notice is hereby given that under section 6.74 of the *Local Government Act 1995*, as rates and charges have been unpaid for a period of at least three years the Shire of Westonia intends to request the

Minister for Local Government to approve the revestment in the Crown of the land described below unless the rates and other charges outstanding are paid within 30 days from the date of this notice.

Signed for and on behalf of the Shire of Westonia this 10th day of December 2015.

JAMEON CRIDDLE, Chief Executive Officer.

Description of Land etc.

Names of Owners	Other persons appearing to have an estate or interest in the land	Description of Land
Mr Alex Peter Wahlsten and Kathleen Mary Wahlsten	Nil	Lot 56 on Deposited Plan 163274 on Certificate of Title, Volume 1349, Folio 611 and situated at 56 Great Eastern Highway, Walgoolan
Mr Alex Peter Wahlsten and Kathleen Mary Wahlsten	Nil	Lot 57 on Deposited Plan 163274 on Certificate of Title, Volume 1349, Folio 612 and situated at 57 Great Eastern Highway, Walgoolan

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## MINERALS AND PETROLEUM

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### MP401\*

#### PETROLEUM PIPELINES ACT 1969

##### GRANT OF LICENCE PL 111

Licence PL 111 for the Waitsia Pipeline was granted to AWE Perth Pty Ltd and Origin Energy Developments Pty Limited for an indefinite term on 20 November 2015.

J. H. HAWORTH, Executive Director, Petroleum Division.

### MP402\*

#### PETROLEUM AND GEOTHERMAL ENERGY RESOURCES ACT 1967

##### SURRENDER OF PETROLEUM EXPLORATION PERMIT EP 441

The surrender of petroleum exploration permit EP 441 has been registered and has effect on and from the date this notice is published in the *Government Gazette*.

J. H. HAWORTH, Executive Director, Petroleum Division.

### MP403\*

#### PETROLEUM (SUBMERGED LANDS) ACT 1982

##### SURRENDER OF EXPLORATION PERMIT TP/23

The surrender of exploration permit TP/23 has been registered and has effect on and from the date this notice is published in the *Government Gazette*.

J. H. HAWORTH, Executive Director, Petroleum Division.

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**PLANNING**

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**PL401\*****PLANNING AND DEVELOPMENT ACT 2005****METROPOLITAN REGION SCHEME MAJOR AMENDMENT 1291/41***Herdsman Glendalough Precinct*

## 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 seeks to rezone approximately 139.64 ha from the Industrial zone to the Urban, Urban Deferred and Central City Area zones in the MRS. The amendment also reserves Hutton Street as Other Regional Roads, from Howe Street to Jon Sanders Drive.

**Display locations**

The plans showing the proposed change and the WAPC's amendment report which explains the proposal, will be available for public inspection, free of charge from Tuesday 15 December 2015 to Friday 18 March 2016 at—

- Western Australian Planning Commission, 140 William Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- City of Perth
- City of Fremantle
- City of Stirling
- City of Vincent

Documents are also available from the PlanningWA website [www.planning.wa.gov.au](http://www.planning.wa.gov.au).

**Submissions**

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 41. 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 18 March 2016.

Late submissions will not be considered.

KERRINE BLENKINSOP, Secretary,  
Western Australian Planning Commission.

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**PL402\*****PLANNING AND DEVELOPMENT ACT 2005****METROPOLITAN REGION SCHEME MAJOR AMENDMENT 1298/41***West Mundijong Industrial Precinct*

## 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 Serpentine-Jarrahdale and is seeking public comment.

The amendment seeks to transfer approximately 448.81ha of land in West Mundijong from the Rural zone to the Industrial zone.

**Display locations**

The plans showing the proposed change and the WAPC's amendment report which explains the proposal, will be available for public inspection, free of charge from Tuesday 15 December 2015 to Friday 18 March 2016 at—

- Western Australian Planning Commission, 140 William Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- City of Perth
- City of Fremantle
- City of Armadale
- Shire of Serpentine-Jarrahdale

Documents are also available from the PlanningWA website [www.planning.wa.gov.au](http://www.planning.wa.gov.au).

**Submissions**

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 41. 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 18 March 2016.

Late submissions will not be considered.

KERRINE BLENKINSOP, Secretary,  
Western Australian Planning Commission.

**PL403\***

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**

*City of Belmont*

Local Planning Scheme No. 15—Amendment No. 1

Ref: TPS/0924

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 Belmont Local planning scheme amendment on 11 November 2015 for the purpose of—

- (A) Amending Table I (Use Class Table) of Local Planning Scheme No. 15 in relation to the following uses—

ZONES										
USE CLASSES	Residential	Town Centre	Commercial	Mixed Use	Mixed Business	Industrial	Service Station	Places of Public Assembly	Residential and Stables	Special Development Precinct
Aged or Dependent Persons Dwelling	D	A	D	D	A	X	X	X	D	D
Bed and Breakfast	D	X	X	A	X	X	X	X	A	A
Betting Agency	X	P	P	P	P	X	X	A	X	D
Civic Use	D	D	D	D	D	D	X	D	D	D
Club Premises	X	P	D	D	P	D	X	P	X	X
Consulting Rooms	X	P	P	P	P	D	X	A	X	A
Health Centre	X	A	X	D	D	D	X	X	X	X
Health Studio	X	D	D	D	D	X	X	A	X	D
Home Store	A	X	A	D	D	X	X	X	A	D
Medical Centre	X	A	X	D	D	D	X	X	X	A
Night Club	X	A	X	A	A	X	X	X	X	X
Pet Day Care	X	X	X	A	A	P	X	X	A	X
Serviced Apartments	D	A	A	D	A	X	X	X	X	D
Studio	X	A	D	P	P	P	X	X	D	D
Transport Depot	X	X	X	X	X	P	X	X	X	X

- (B) Amend Clause 5.3.2 to correct grammatical matters and clarify the development requirements, as follows—

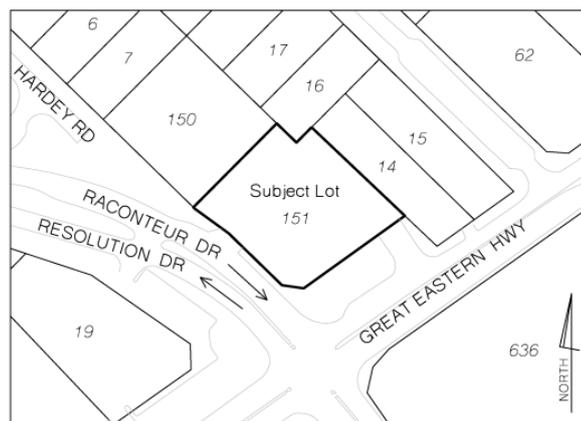
“5.3.2 Residential Zone

- (1) Where an existing R20 coded lot is 450m<sup>2</sup> or less, the City will—
  - (a) allow a minimum front setback of 2 metres and an average of 4 metres; and
  - (b) allow a minimum open space requirement of 45%.
- (2) The City may permit the development, or support the subdivision of, an existing R20-coded corner lot to a maximum density of R30 provided—
  - (a) The existing lot has frontage to two constructed roads; and

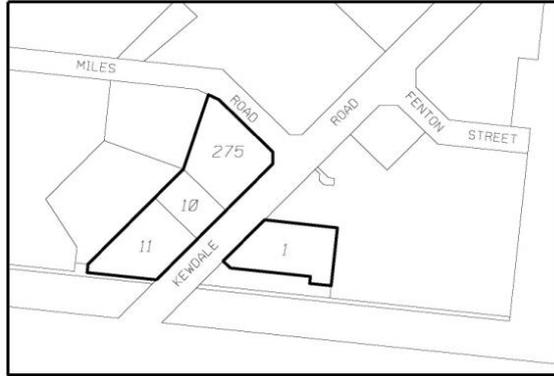
- (b) Any existing improvement/s which in the opinion of the City is—
      - (i) of low quality or incapable of being upgraded to a standard commensurate with new development; or
      - (ii) poorly sited and fails to maximise opportunities in relation to proposed lot boundaries;
    - is demolished; and
    - (c) The created lots are of a regular shape, or it can be demonstrated that a dwelling can be accommodated on any new lot.
  - (3) With the exception of minor boundary realignments, the amalgamation of abutting lots with an existing R20-coded corner lot in order to create a larger lot for the purpose of development and/or subdivision at a higher density is not consistent with the intent of the provisions of Clause 5.3.2.2 and the R20 code shall apply to the amalgamated lot.”
- (C) Inserting a new Clause 5.3.4 to correct grammatical matters, as follows—
  - “(2) The provisions of the R Codes relating to plot ratio may be varied at the discretion of the City on land within the Ascot Waters Special Development Precinct and The Springs Special Development Precinct where the City considers the development to be in accordance with the character and intent of the Ascot Waters or The Springs locality respectively.
  - (3) The City in exercising any such discretion, and in consideration of any application for Planning Approval, shall make its decision having regard to relevant Structure Plans and Council Policies adopted under this Scheme.”
- (D) Amending Clause 5.7.3 to correct grammatical matters, clarify Council’s requirements and insert a new subclause relating to side by side dwellings, as follows—
  - “5.7.3. In dealing with development applications involving or contemplating development of land within any of the flexible coded area up to a maximum density of R50 depicted on the Scheme Map, the base R20 code shall apply to any dwelling but may, at the discretion of City, be increased to a higher code up to the maximum specified provided—
    - (a) The frontage of the lot is not less than 16 metres.
    - (b) Any existing building or development which, in the opinion of the City, is of low quality and incapable of being upgraded to a standard commensurate with new development is demolished; and
    - (c) Development comprising of two or more dwellings in a front to rear arrangement achieves a minimum side setback of 6 metres between the side wall of the first dwelling fronting the public street and the side boundary of the parent lot.
    - (d) Rear dwellings are designed so that significant sections of the front elevations have an outlook to, and are visible from, the public street.
    - (e) A minimum of 50% of the total number of dwellings in the development are two storey where the density exceeds R30.
    - (f) Solid external or internal fencing is not permitted where, in the opinion of the City, views from dwellings to the public street will be limited.
    - (g) Dwellings located on the front portion of a lot, or where there is more than one street frontage, are oriented and designed to address all public street(s).
    - (h) Dwellings located adjacent to public open space, right of ways, pedestrian access ways and other public spaces are oriented and designed to provide views and surveillance of those public areas; and
    - (i) Solar design principles are incorporated in the design and orientation of each dwelling.
    - (j) Carports and garages visible from the street are incorporated into the dwelling design so that they are not the dominant feature of the appearance of the dwelling and the streetscape.
    - (k) Development on corner lots, or lots with more than one street frontage, have vehicle access provided from the street with lesser traffic.
    - (l) The number of crossovers for any development is minimised, having regard to the relevant local planning policy.
    - (m) Dwellings that are orientated in a side by side configuration comply with the vehicle access requirements contained within the relevant local planning policy”.
- (E) Amending Clause 5.7.6 to correct grammatical matters and clarify the City’s requirements, as follows—
  - “5.7.6. In dealing with development applications involving or contemplating development of land within any of the flexible coded areas other than those with a maximum density of R50 depicted on the Scheme Map, the base R20 code shall apply to any dwelling but may, at the discretion of the City, be increased to a higher code up to the maximum specified provided—
    - (a) compliance with the requirements of clause 5.7.3 above.
    - (b) in the opinion of the City there is a high degree of compliance with the performance-based criteria contained in the relevant local planning policy”.

- (F) Amending Table II as follows by—
- Deleting the land use category ‘Bank’.
  - Inserting the land use category ‘Health Studio’ with a minimum parking provision of “1 space for every 20m<sup>2</sup> of NLA”.
- (G) Amending Table III as follows by—
- Deleting the land use category ‘Bank’
  - Inserting the land use category ‘Health Studio’ with a minimum staff bicycle parking provision of “1 space for every 200m<sup>2</sup> of GFA” and a minimum visitor parking provision of “1 space for every 200m<sup>2</sup>”.
- (H) Amending Clause 6.3.1 to change the definition of ‘Infrastructure’ to—
- “Infrastructure’ means the standard infrastructure items (services and facilities set out in appendix 1 of the Western Australian Planning Commission State Planning Policy 3.6) 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 Western Australian Planning Commission State Planning Policy 3.6”.
- (I) Amending Clause 8.2 to clarify forms of development that are exempt from planning approval, as follows—
- “8.2 Except as otherwise provided in the Scheme, for the purposes of the Scheme the following development does not require the planning approval of local government—
- (1) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is—
    - (a) Located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*.
    - (b) The subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
    - (c) Included on the Heritage List under clause 7.1 of the Scheme;
  - (2) The erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where—
    - (a) The proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes; or
    - (b) The development will be located in a heritage area designated under the Scheme; or
    - (c) The lot is less than 260sqm; or
    - (d) The alterations and/or additions to an existing dwelling unit involve more than two habitable rooms and result in an increase exceeding 25% of habitable floorspace if the land subject of the application is partially or wholly within the 25-30 ANEF (Aircraft Noise Exposure Forecast) contours; or
    - (e) The proposal is located on land zoned ‘Commercial’, ‘Mixed Use’, ‘Mixed Business’ or ‘Special Development Precinct’; or
    - (f) The development is on land which is within, or abuts, the Swan River Trust Development Control Area, or, in the opinion of Council, is likely to impact the quality of waters in the Swan River Trust Development Control Area.
  - (3) The demolition of any building or structure except where the building or structure is—
    - (a) Located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*.
    - (b) The subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*.
    - (c) Included on the Heritage List under clause 7.1 of the Scheme; or
    - (d) Located within a heritage area designated under the Scheme.
  - (4) A home occupation.
  - (5) Any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees.
  - (6) Any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included in the Heritage List or in a heritage area.
  - (7) The erection of a boundary fence, provided—
    - (a) In the ‘Residential’ and ‘Residential and Stables’ zone, the boundary fence is—
      - (i) not located in the street setback area of the lot; and/or

- (ii) if located within the street setback area, the fence is not more than 1.8 metres in height when measured from natural ground level and visually permeable above 1.2 metres above natural ground level.
  - (b) In any zone other than 'Residential' and 'Residential and Stables', the boundary fence is located wholly behind the street setback area of the lot.
  - (8) The carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act.
  - (9) The carrying out of works urgently necessary in the public safety or for the safety or security of plant or equipment or for the maintenance of essential services.
  - (10) The continuation of an existing lawful use by a new owner/occupier provided the continuation does not involve the carrying out of any building or other works.
  - (11) Patios and pergolas for single, grouped or multiple dwellings irrespective of any variance to the Residential Design Codes, except where the patio or pergola is located within the front setback of the property.
  - (12) Carports—
    - (a) Located wholly behind the front setback of the lot; or
    - (b) Located within the primary street setback area provided—
      - (i) the structure is located a minimum setback of 2.0 metres from the front boundary.
      - (ii) the structure is open sided except to the extent where it abuts a dwelling and a property boundary on one side.
      - (iii) any door securing the carport is designed and constructed to allow for clear views through to a dwelling.
      - (iv) the pitch and colour of the roof matches that of the existing residence.
  - (13) Satellite dishes that—
    - (a) Have a diameter less than 1 metre.
    - (b) Are not visible from a public street.
    - (c) Are located behind the front setback.
    - (d) Do not project above the ridgeline of the building to which it is attached.
    - (e) Is a compatible colour with existing improvements.
  - (14) Microwave antennas that—
    - (a) Have a diameter less than 500mm.
    - (b) Do not project higher than 3 metres above the ridgeline of the roof to which it is attached.
  - (15) Security shutters and grills on non-residential buildings in the Commercial, Mixed Use, Mixed Business and Town Centre zones provided—
    - (a) The shutters or grills are visually permeable to a minimum of 50 percent when viewed from a street.
    - (b) The shutters or grills are a compatible colour with existing improvements.
    - (c) The shutter box is fixed internally.
  - (16) Cubby houses provided—
    - (a) The maximum wall height is not greater than 1.6 metres above natural ground level.
    - (b) The maximum floor area of the structure is not greater than 9 square metres.
    - (c) Any supporting stilts are no higher than 600mm above the natural ground level.”
- (J) Amending Schedule 2 to update the street number for Lot 151 Great Eastern Highway Ascot and Lot 1 Kewdale Road Kewdale, as follows—
- “11. On Lot 151 (210) Great Eastern Highway, Ascot as detailed in the below plan, Council may approve the additional uses of 'convenience store' and 'motor vehicle wash'



- 14. On Lots 11, 10, 275 and 1 (118, 126, 128 and 133) Kewdale Road, Kewdale as detailed in the plan below the City may approve the following additional use 'Office'."



- (K) Amend Schedule 6 to include the MRS Form 1 as the relevant Form of Application for Planning Approval, as follows—

**COUNCIL IS REQUESTED TO FORWARD THE ORIGINAL TO THE DEPARTMENT FOR PLANNING AND INFRASTRUCTURE ONLY WHEN THE APPROVAL OF THE WESTERN AUSTRALIAN PLANNING COMMISSION IS REQUIRED.**

**METROPOLITAN REGION SCHEME**  
Form 1

Office Use Only  
Serial No.....

City/Town Shire of.....

**APPLICATION FOR APPROVAL TO COMMENCE DEVELOPMENT**

Owner of land on which development proposed. } Surname.....  
Other Names.....  
Address in full.....  
Postcode.....

Submitted by.....

Address for Correspondence.....  
Post Code..... Phone.....

Locality of development (street, suburb, etc).....

Titles Office description of land: Lot No..... Location No.....

Plan or Diagram..... Certificate of Title Vol..... Folio.....

Nearest road junction or intersection.....

Description of proposed development.....

State nature of any existing buildings and/or land use.....

Approximate cost of proposed development \$.....

Estimated time of completion.....

Three copies of the Building Plan and Site Plan of the proposal are submitted with this application.

Signed by the owner of the land.....  
Date.....

**RECOMMENDATION OF COUNCIL**

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NOTE: Submit original and duplicate together with copies of the plans requested to the office of the Local Authority in whose area the development is proposed.

**ALL DETAILS MUST BE COMPLETED**

P. MARKS, Mayor.  
S. COLE, Chief Executive Officer.

PL404\*

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**

*City of Stirling*

Local Planning Scheme No. 3—Amendment No. 5

Ref: TPS/0574

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 Stirling Local planning scheme amendment on 11 November 2015 for the purpose of—

1. Inserting the following after clause 5.11—
 

“5.11A Where part of a lot within a Development Contribution Area has been transferred free of costs to the Crown for the purpose of widening a road or Right of Way, the area ceded shall be added to the area of the lot for the purpose of calculating the minimum and average site area in determining development potential.”
2. Deleting clauses 6B.1 to 6B.20 inclusive and substituting the following clauses—

**“6B.1 Interpretation**

In clause 6B, unless the context otherwise requires—

**‘Administrative costs’** means such costs as are reasonably incurred for the preparation and (with respect to standard infrastructure items as provided in State Planning Policy 3.6) 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 as provided in State Planning Policy 3.6) 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 6B.10

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

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

**‘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 6B of the scheme (as incorporated in schedule 11 and 11A to this scheme).

**‘Development contribution plan report’** means a report prepared and distributed in accordance with clause 6B.10.

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

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

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

**6B.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.

**6B.3 Development Contribution Plan Required**

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

**6B.4 Development Contribution Plan Part of Scheme**

The development contribution plan is incorporated in schedule 11 and 11A as part of this scheme.

**6B.5 Subdivision, Strata Subdivision and Development**

The Council 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.

**6B.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 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 contribution 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.

**6B.7 Recommended Content of Development Contribution Plans**

6B.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.

**6B.8 Period of Development Contribution Plan**

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

**6B.9 Land Excluded**

In calculating both the area of an owner's 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 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.

**6B.10 Development Contribution Plan Report and Cost Apportionment Schedule**

6B.10.1 Within 90 days of the development contribution plan coming into effect, the Council is to adopt and make available a development contribution plan report and cost apportionment schedule to all owners in the development contribution area.

6B.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.

6B.10.3 The development contribution plan report and the cost apportionment schedule do not form part of the scheme, but once adopted by the Council they are subject to review as provided under clause 6B.11.

**6B.11 Cost Contributions Based on Estimates**

6B.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 Council and adjusted accordingly, if necessary.

6B.11.2 Where a cost apportionment schedule contains estimated costs, such estimated costs are to be reviewed at least annually by the Council—

- (a) in the case of land to be acquired, in accordance with clause 6B.12; and
- (b) in all other cases, in accordance with the best and latest information available to the Council,

until the expenditure on the relevant item of infrastructure or administrative costs has occurred.

6B.11.3 The Council 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.

6B.11.4 Where any cost contribution has been calculated on the basis of an estimated cost, the Council—

- (a) is to adjust the cost contribution of any owner in accordance with the revised estimated costs; or
- (b) may accept a cost contribution, based upon estimated costs, as a final cost contribution and enter into an agreement with the owner accordingly.

6B.11.5 Where an owner's cost contribution is adjusted under clause 6B.11.4, the Council, 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.

6B.11.6 If an owner objects to the amount of a cost contribution, the owner may give notice to the Council requesting a review of the cost contribution by an appropriate qualified person ('independent expert') agreed by the Council and the owner at the owner's expense, within 28 days after being informed of the cost contribution.

6B.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 Council and the owner; or
- (b) if the Council 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 Council and owner.

### **6B.12 Valuation**

6B.12.1 Clause 6B.12 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.

6B.12.2 In clause 6B.12

'Value' means the fair market value of land, at a specified date, which is defined as the capital sum that would be negotiated in an arms length transaction in an open and unrestricted market, assuming the highest and best use of the land with all its potential and limitations (other than the limitation arising from the transaction for which the land is being valued), wherein the parties act knowledgeably, prudently and without compulsion to buy or sell.

The value of land is to be determined according to the methodology outlined in State Planning Policy 3.6 'Development Contributions for Infrastructure' and accompanying Guidelines."

'Valuer' means a licensed valuer agreed by the Council and the owner, or, where the Council 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.

6B.12.3 If an owner objects to a valuation made by a valuer, the owner may give notice to the Council requesting a review of the amount of the value, at the owner's expense, within 28 days after being informed of the value.

6B.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 Council and the owner; or
- (b) if the Council 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*.

### **6B.13 Liability for Cost Contributions**

6B.13.1 An owner must make a cost contribution in accordance with the applicable development contribution plan and the provisions of clause 6B.

6B.13.2 An owner's liability to pay the owner's cost contribution to the Council 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 Council 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 Council on the owner's land within the development contribution area.

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

6B.13.3 Notwithstanding clause 6B.13.2 and subject to a provision in a development contribution plan to the contrary, 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.

6B.13.4 Where a development contribution area expires in accordance with clause 6B.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 to any subsequent development contribution plan which includes the owner's land, subject to such liability.

#### **6B.14 Payment of Cost Contribution**

6B.14.1 The owner, with the agreement of the Council, is to pay the owner's cost contribution by—

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

6B.14.2 The owner, with the agreement of the Council, may pay the owner's cost contribution in a lump sum, by instalments or in such other manner acceptable to the Council.

6B.14.3 Payment by an owner of the cost contribution, including a cost contribution base upon estimated costs in a manner acceptable to the Council, constitutes full and final discharge of the owner's liability under the development contribution plan and the Council shall provide certification in writing to the owner of such discharge if requested by the owner.

#### **6B.15 Charge on Land**

6B.15.1 The amount of any cost contribution for which an owner is liable under clause 6B.13, but has not paid, is a charge on the owner's land to which the cost contribution relates, and the Council may lodge a caveat, at the owner's expense, against the owner's certificate of title to that land.

6B.15.2 The Council, at the owner's expense and subject to such other conditions as the Council thinks fit, can withdraw a caveat lodged under clause 6B.15.1 to permit a dealing and may then re-lodge the caveat to prevent further dealings.

6B.15.3 If the cost contribution is paid in full, the Council, if requested to do so by the owner and at the expense of the owner, is to withdraw any caveat lodged under clause 6B.15.

#### **6B.16 Administration of Funds**

6B.16.1 The Council 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.

6B.16.2 Interest earned on cost contributions credited to a reserve account in accordance with clause 6B.16.1 is to be applied in the development contribution area to which the reserve account relates.

6B.16.3 The Council 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.

#### **6B.17 Shortfall or Excess in Cost Contribution**

6B.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 Council 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 6B.17.1 (a) restricts the right or power of the Council to impose a differential rate to a specified development contribution area in that regard.

6B.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 Council 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.

#### 6B.18 Powers of the Council

The Council 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.

#### 6B.19 Arbitration

Subject to clauses 6B.12.3 and 6B.12.4, any dispute between an owner and the Council 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*.

3. Inserting the following after clause 10.3.2 (q)—  
“(r) the sealing and draining of a right of way or laneway to provide vehicular access to development regardless of whether alternative vehicular access already exists for the development.”
4. Deleting clause 2 “Payment of Development Costs” of area No. 2, Schedule 11 and substituting—  
“2. Payment of Development Costs  
2.1 Unless an agreement is entered into under clause 6B.14.2, the owner must pay the cost contribution within 60 days of the event which under clause 6B.13.2 gave rise to the liability to pay the cost contribution or at such other time as is specified by a condition of development approval issued by the City for the commencement of development.  
2.2 Payment is required in accordance with clause 6B.14 of the Scheme and in addition—  
(a) interest shall be paid on any cost contribution which is due at the maximum rate of interest prescribed for the purpose of section 6.13 of the *Local Government Act 1995*.  
(b) interest shall be paid from the date an owner becomes liable for a cost contribution to the date on which the cost contribution, or unpaid portion of the cost contribution (as the case may be) is paid.”
5. Inserting a new Schedule 11A “**Development Contribution Plan**” as follows—

Reference No.	<b>Development Contribution Plan for Rights of Way Improvement Works.</b>
Area Name:	Rights of Way Improvement Works Development Contribution Area: identified as DCA 5 on ROW Maps 1, 2 and 3 as included in this Schedule. DCA 5 includes all land situated adjacent to and sharing a common boundary with a right of way (ROW) or laneway (or any land set aside for the purpose of widening of such ROW or laneway) as identified on ROW Maps 1, 2 and 3 excluding land designated for public open space, right of way, public roads or other public uses.
Relationship with other planning instruments:	The development contribution plan generally conforms to the— <ul style="list-style-type: none"> <li>• City of Stirling Rights of Way Management Strategy (as amended).</li> <li>• City of Stirling Local Planning Policy 6.5 ‘Development Abutting Rights of Ways’.</li> <li>• Rights of Way Improvement Works Table as included in the Development Contribution Plan Report, and ROW Maps 1, 2 and 3.</li> </ul>
Infrastructure and administrative items to be funded:	The rights of way or laneways to be upgraded in this plan, together with the nature of upgrade works to be completed for each right of way or laneway, are shown delineated on the <i>Rights of Way Improvement Works Table</i> . The following infrastructure items are to be funded by cost contributions— <ul style="list-style-type: none"> <li>• Road construction;</li> <li>• Kerbing;</li> <li>• Site clearing and preparation;</li> <li>• Crossovers;</li> <li>• Retaining walls;</li> <li>• Stormwater drainage;</li> <li>• Street lighting and electrical;</li> <li>• Works incidental or ancillary to these other infrastructure items;</li> <li>• Borrowing costs;</li> </ul>

Reference No.	Development Contribution Plan for Rights of Way Improvement Works.
	<p>The infrastructure items referred to above include those carried out, contracted or undertaken by the City whether before or after the development contribution plan to which they relate is incorporated in Schedule 11A and those infrastructure items proposed to be carried out, contracted or undertaken by the City.</p>
<p>Method for calculating contributions:</p>	<p>In relation to development or subdivision or land within the Development Contribution Area, a cost contribution is not required to be paid in the following circumstances—</p> <ul style="list-style-type: none"> <li>• the Owner or preceding Owner of the land has constructed the ROW or laneway at its own expense to the City's satisfaction, in which case a cost contribution for Lighting Cost only is required;</li> <li>• the Owner or preceding Owner of the land has paid a cash contribution determined by the City based on the estimated cost of constructing the ROW or laneway at the time of the payment, in which case a cost contribution for Lighting Cost only is required;</li> <li>• the ROW or laneway adjacent to the land has been constructed to the City's satisfaction at the expense of neither the City nor the Owner, in which case a cost contribution for Lighting Cost only is required;</li> <li>• the development is a minor addition or modification to an existing development where the addition or modification is valued at \$100,000 or less which value shall be adjusted from time to time by Council to reflect construction cost inflation, and there is no proposed new access nor modification to an existing access to the ROW or laneway from the land;</li> <li>• the development is the erection of a patio or pergola (as defined in the R-Codes) or shade sail for residential purposes;</li> <li>• the development is the erection of or modification to a boundary fence or retaining wall;</li> <li>• the development is solely demolition.</li> </ul> <p><u>Corner Lots</u></p> <p>The Owner of land adjacent to and sharing a common boundary with more than one ROW or laneway identified in the Development Contribution Area shall only be required to make a cost contribution based on the ROW or laneway with which the Owner's land shares the rear boundary.</p> <p><u>Strata Lots</u></p> <p>Where land the subject of a strata plan or survey-strata plan is situated adjacent to and shares a common boundary with a ROW or laneway, the Owner of lots shown on the strata plan or survey-strata plan are liable to pay equal shares of the cost contribution for the land comprising the strata plan or survey-strata plan. Where a strata lot is the only land in the strata plan adjacent to and sharing a common boundary with a ROW or laneway, the Owner of that lot will be solely liable to pay the cost contribution.</p> <p><u>Cost Contribution calculation</u></p> <p>An Owner's cost contribution shall be determined on the basis of estimated infrastructure costs and calculated with reference to the "Nature of Upgrade" indicated for the relevant laneway abutting the development or subdivision on the <i>Rights of Way Improvement Works Table</i>, the <i>Construction Rate</i> and/or the <i>Lighting Rate</i> and the boundary of the Owner's lot abutting the laneway using the following method—</p> <p>Construction Cost (A)—</p> <p style="padding-left: 40px;">Length of Lot, strata plan or survey-strata plan boundary to laneway (m) x Construction Rate (\$ per linear m)</p> <p>Lighting Cost (B)—</p> <p style="padding-left: 40px;">Length of Lot, strata plan or survey-strata plan boundary to laneway (m) x Lighting Rate (\$ per linear m)</p> <p>Total Cost Contribution = (A) + (B)</p> <p>Where—</p> <p style="padding-left: 40px;">"Length of Lot, strata plan or survey-strata plan boundary to laneway (m)" is the surveyed boundary of the lot, strata plan</p>

Reference No.	Development Contribution Plan for Rights of Way Improvement Works.
	<p>or survey-strata plan abutting the laneway and shown on the relevant survey plan lodged at Landgate;</p> <p>“<i>Construction Rate</i>” is the estimated infrastructure cost, per linear metre of lot frontage, for constructing and draining a laneway;</p> <p>“<i>Lighting Rate</i>” is the estimated infrastructure cost, per linear metre of lot frontage, for installing lighting in a laneway.</p>
Payment of Cost Contribution:	Unless an agreement is entered into under clause 6B.14.2, an owner must pay a cost contribution within 60 days of the event which under clause 6B.13.2 gave rise to the liability to pay the cost contribution or at such other time as is specified by a condition of development approval issued by the City of the commencement of development.
Interest on Unpaid Cost Contributions:	<p>(a) Interest shall be paid on any cost contribution which is due at the maximum rate of interest prescribed for the purposes of section 6.13 of the <i>Local Government Act 1995</i>.</p> <p>(b) Interest payable on any cost contribution or portion of a cost contribution (as the case may be) shall be paid from the date an owner becomes liable.</p>
Period of operation:	20 years from the date of gazettal.
Priority and timing:	In accordance with the adopted Rights of Way Management Strategy and the laneway upgrade works program determined by the City.
Review process:	<p>The Development Contribution Plan will be reviewed when considered appropriate, but at a time that is no longer than 5 years after the date of gazettal of this amendment.</p> <p>The estimated infrastructure costs shown in the cost apportionment schedule will be reviewed at least annually in accordance with clause 6B.11 of LPS No. 3.</p>

6. Deleting the word “6B.20” from clause 3 of area No. 4, Schedule 11 and substituting “6B.19”.
7. Deleting clause 3(b) of area No. 4, Schedule 11 and substituting—
 

“(b) Interest shall be paid on any cost contribution which is due at the maximum rate of interest prescribed for the purposes of section 6.13 of the *Local Government Act 1995*. Interest shall be paid from the date on which Amendment No. 1 to the City of Stirling Local Planning Scheme No. 3 (Stirling City Centre) was published in the *Government Gazette*.”
8. Inserting the following after clause 3(b) of area No. 4, Schedule 11—
 

“3(c) Unless an agreement is entered into under clause 6B.14.2, an owner must pay the cost contribution within 60 days of the event which under clause 6B.13.2 gave rise to the liability to pay the cost contribution.”
9. Include the following wording after clause 3(c) of area No. 4, Schedule 11—
 

“Details relating to DCA 5 ‘Rights of Way Improvement Works Development Contribution Area’ are included in Schedule 11A.”
10. Amending the Scheme Map legend to include the following annotation—
 

“Refer to Schedule 11A for details of DCA 5 ‘Rights of Way Improvement Works Development Contribution Area’”.

G. ITALIANO JP, Mayor.  
S. JARDINE, Chief Executive Officer.

PL405\*

**PLANNING AND DEVELOPMENT ACT 2005**  
APPROVED LOCAL PLANNING SCHEME AMENDMENT  
*City of Stirling*  
Local Planning Scheme No. 3—Amendment No. 43

Ref: TPS/1323

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 Stirling Local planning scheme amendment on 11 November 2015 for the purpose of—

Amending the Scheme Map by rezoning House Number 98A, Lot 431, Tenth Avenue, Inglewood from ‘Civic’ to ‘Residential R30’.

G. ITALIANO, JP, Mayor.  
S. JARDINE, Chief Executive Officer.

**PL406\***

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**  
*City of Stirling*  
 Local Planning Scheme No. 3—Amendment No. 49

Ref: TPS/1405

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 Stirling local planning scheme amendment on 23 October 2015 for the purpose of—

1. Amending the Scheme Text by—

Adding Additional Use 77 to Schedule 2—Additional Uses as follows—

No.	Description of Land	Additional Uses	Conditions
A77	Lot 214, House Number 7, Erindale Road, Stirling  Lot 705, House Number 39, Erindale Road, Stirling  Lot 7, House Number 41, Erindale Road, Stirling	Retail Establishment	The gross floor area shall not be less than 300m <sup>2</sup>

2. Adding a new definition “Retail Establishment” to Schedule 1—Dictionary of Defined Words and Expressions (Cl 1.7) after “Restricted Premises” as follows—

Word/Expression	Definition
Retail Establishment	Any building where goods of a bulky or non-bulky character, not normally purchased on a daily basis, are kept for display, sale by retail or wholesale and the gross floor area shall not be less than 300m <sup>2</sup> . The definition excludes department stores, supermarkets and the display and sale of foodstuffs.

3. Adding a new use “Retail Establishment” in Table 1—Zoning Table after “Restricted Premises” and make it a ‘P’ use in the District Centre, Local Centre, Regional Centre and Special Beach Development Zones; and ‘X’ use in all other zones;
4. Amending the Scheme Map

G. ITALIANO JP, Mayor.  
S. JARDINE, Chief Executive Officer.

**PL407\***

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**  
*City of Stirling*  
 Local Planning Scheme No. 3—Amendment No. 55

Ref: TPS/1499

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 Stirling Local planning scheme amendment on 11 November 2015 for the purpose of—

Amending the Scheme Map by—

1. Rezoning Lot 1, House Number 9, Wrigley Street, Lots 2 and 3 House Numbers 17 and 13, Seabrook Street and Lots 4 and 5, House Numbers 2 and 4 Jervois Street, Dianella from ‘Civic’ To ‘Residential (R30)’.

G. ITALIANO JP, Mayor.  
S. JARDINE, Chief Executive Officer.

PL408\*

**PLANNING AND DEVELOPMENT ACT 2005**  
APPROVED LOCAL PLANNING SCHEME AMENDMENT

*Shire of Ashburton*

Town Planning Scheme No. 7—Amendment No. 21

Ref: TPS/1142

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 Ashburton local planning scheme amendment on 11 November 2015 for the purpose of—

1. Amend the Scheme Maps in accordance with the following—
  - 1.1 Reclassifying portions of Lots 712, 713, 350, 500 and 9002, as depicted on the Scheme Amendment Map, from ‘Conservation, Recreation and Nature Landscape’ reserve to ‘Urban Development’ zone.
  - 1.2 Reclassifying Lot 448 from ‘Conservation, Recreation and Nature Landscape’ reserve to ‘Urban Development’ zone.
  - 1.3 Reclassifying Lots 676, 9004, 79, 78, 75, 74, 73, 80, 71, 70 and 69 from ‘Rural Living’ zone to ‘Urban Development’ zone.
  - 1.4 Reclassifying the Eagle Nest Road Reserve from ‘Local Road’ reserve to ‘Urban Development’ zone.
  - 1.5 Reclassifying portions of Lots 302 and 203, as depicted on the Scheme Amendment Map, from ‘Public Purposes—Waste Disposal and Treatment’ reserve to ‘Urban Development’ zone.
  - 1.6 Reclassifying Lot 129 from ‘Public Purposes—Waste Disposal and Treatment’ reserve to ‘Urban Development’ zone.
  - 1.7 Reclassifying Lot 72 from ‘Public Purposes—Water and Drainage’ reserve to ‘Urban Development’ zone.

K. WHITE, President.  
NEIL HARTLEY, Chief Executive Officer.

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## PREMIER AND CABINET

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PR401\*

**INTERPRETATION ACT 1984**  
MINISTERIAL ACTING ARRANGEMENTS

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

Hon A. J. Simpson MLA to act temporarily in the office of Attorney General; Minister for Commerce in the absence of the Hon M. Mischin MLC for the period 21 December 2015 to 8 January 2016 (both dates inclusive).

D. SMITH, A/Director General,  
Department of the Premier and Cabinet.

PR402\*

**INTERPRETATION ACT 1984**  
MINISTERIAL ACTING ARRANGEMENTS

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

Hon Dr K. D. Hames MLA to act temporarily in the office of Premier; Minister for State Development; Science in the absence of the Hon C. J. Barnett MLA for the period 2 to 17 January 2016 (both dates inclusive).

D. SMITH, A/Director General,  
Department of the Premier and Cabinet.

**PR403\*****INTERPRETATION ACT 1984**  
**MINISTERIAL ACTING ARRANGEMENTS**

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

Hon L. M. Harvey MLA to act temporarily in the office of Minister for Finance; Mines and Petroleum in the absence of the Hon W. R. Marmion MLA for the period 2 to 24 January 2016 (both dates inclusive).

D. SMITH, A/Director General,  
Department of the Premier and Cabinet.

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**PR404\*****INTERPRETATION ACT 1984**  
**MINISTERIAL ACTING ARRANGEMENTS**

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

Hon H. M. Morton MLC to act temporarily in the office of Minister for Education; Aboriginal Affairs; Electoral Affairs in the absence of the Hon P. C. Collier MLC for the period 7 to 24 January 2016 (both dates inclusive).

D. SMITH, A/Director General,  
Department of the Premier and Cabinet.

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**PR405\*****INTERPRETATION ACT 1984**  
**MINISTERIAL ACTING ARRANGEMENTS**

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

Hon L. M. Harvey MLA to act temporarily in the office of Minister for Planning; Culture and the Arts in the absence of the Hon J. H. D. Day MLA for the period 2 to 24 January 2016 (both dates inclusive).

D. SMITH, A/Director General,  
Department of the Premier and Cabinet.

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**PR406\*****INTERPRETATION ACT 1984**  
**MINISTERIAL ACTING ARRANGEMENTS**

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

Hon H. M. Morton MLC to act temporarily in the office of Minister for Environment; Heritage in the absence of the Hon A. P. Jacob MLA for the period 4 to 24 January 2016 (both dates inclusive).

D. SMITH, A/Director General,  
Department of the Premier and Cabinet.

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**PR407\*****INTERPRETATION ACT 1984**  
**MINISTERIAL ACTING ARRANGEMENTS**

It is hereby notified for public information that the Governor, in accordance with Section 52(1)(b) of the *Interpretation Act 1984* has approved the following temporary appointments to the office of Minister for Health; Tourism in the absence of the Hon Dr K. D. Hames MLA—

- Hon H. M. Morton MLC from 18 to 24 January 2016 inclusive; and
- Hon A. P. Jacob MLA from 25 to 31 January 2016 inclusive.

D. SMITH, A/Director General,  
Department of the Premier and Cabinet.

**PR408\***

**INTERPRETATION ACT 1984**  
**MINISTERIAL ACTING ARRANGEMENTS**

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

Hon C. J. Holt MLC to act temporarily in the office of Minister for Water; Sport and Recreation; Forestry in the absence of the Hon M. J. Davies MLA for the period 4 to 22 January 2016 (both dates inclusive).

D. SMITH, A/Director General,  
 Department of the Premier and Cabinet.

**PR409\***

**INTERPRETATION ACT 1984**  
**MINISTERIAL ACTING ARRANGEMENTS**

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

Hon M. Mischin MLC to act temporarily in the office of Minister for Local Government; Community Services; Seniors and Volunteering; Youth in the absence of the Hon A. J. Simpson MLA for the period 10 to 15 January 2016 (both dates inclusive).

D. SMITH, A/Director General,  
 Department of the Premier and Cabinet.

## 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
<b>APPLICATIONS FOR THE GRANT OF A LICENCE</b>			
A000190755	Sunsurf Pty Ltd	Application for the grant of a Tavern Restricted licence in respect of premises situated in Scarborough and known as Ocean One Bar	15/01/2016
A000190986	Woolworths Limited	Application for the conditional grant of a Liquor Store licence in respect of premises situated in Falcon and known as BWS—Beer Wine Spirits Falcon	17/01/2016

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

B. A. SARGEANT, Director of Liquor Licensing.

Dated: 11 December 2015.

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**DECEASED ESTATES**

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

## Notice to Creditors and Claimants

Gaymechelle Scarborough, late of 4 Lilac Green, Halls Head in the State of Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased, who died on 21 September 2015, are required by the personal representative to send particulars of their claims to her care of Clement & Co, Lawyers, Unit 2, 12 Sutton Street, Mandurah by the 20th January 2016, after which date the personal representative may convey or distribute the assets having regard to the claims of which she then has notice.

CLEMENT & CO as solicitors for the personal representative.

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

## Notice to Creditors and Claimants

Moira Watson Coutts, late of 6 Church Street, Dwellingup, Western Australia.

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 23 April 2015, are required by the trustee of the late Moira Watson Coutts of care of Philip Wyatt Lawyer, PO Box 1026, Albany, Western Australia 6331 to send particulars of their claims to them within one (1) month from the date of publication of this notice, after which date the trustee may convey or distribute the assets, having regard only to the claims of which it then has notice.

Dated this 7th day of December 2015.

PHILIP WYATT LAWYER.

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

## Notice to Creditors and Claimants

Estate of the late Helen Margaret Watt of York Hospital, York in the State of Western Australia.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the above-named deceased, who died on 7 July 2015, are required to send particulars of their claims to the Executors, care of RSM (see address below) within one (1) month of the date of publication of this notice, after which date the Executor may convey or distribute the assets having regard only to claims of which notice has been given.

c/- ANDREW MARSHALL, RSM,  
GPO Box R1253, Perth WA 6844.  
Telephone: (08) 9261 9393  
Contact: Andrew Marshall

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

## Notice to Creditors and Claimants

Jean Allan Haynes, late of Agmaroy Nursing Home, 115 Leach Highway, Wilson in the State of Western Australia, Retiree, 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 23rd day of August 2015, are required by the Executor and Trustee, being Ms Adrienne O'Keefe, 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.

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**ZX405**

**TRUSTEES ACT 1962**

**DECEASED ESTATES**

Notice to Creditors and Claimants

Brendan John Lindsay, late of 40 Gild Street, Cloverdale, 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 said deceased, who died on 8 November 2014, are required by the Personal Representative, Amy Louise Bastian, c/- Carlo Primerano & Associates, Barristers and Solicitors, Suite 12, 443 Albany Highway, Victoria Park 6100 to send particulars of their claims to her by Friday 15 January 2016, after which date the Personal Representative may convey or distribute the assets having regard only to the claims of which she then has notice.

Dated this 15th day of December 2015.

CARMELO PRIMERANO,  
c/o Carlo Primerano & Associates, Barristers and Solicitors,  
Suite 12, 443 Albany Highway, Victoria Park WA 6100.

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**ZX406\***

**TRUSTEES ACT 1962**

**DECEASED ESTATES**

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the undermentioned deceased person are required by the Administrator of this estate to send particulars of their claims to the Administrator within one month from the date of publication of this notice, after which date the Administrator may convey or distribute the assets having regard only to the claims of which the Administrator then has notice.

Armitage, Heather Maud, late of Osboine Contemporary Aged Care, 39 Newton Street, Bayswater who died on the 17th July 2015.

HAYNES LEGAL, Solicitors for the Executors,  
Barristers & Solicitors,  
Suite 16, 56 Creaney Drive, Kingsley WA 6026.

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**ZX407\***

**TRUSTEES ACT 1962**

**DECEASED ESTATES**

Notice to Creditors and Claimants

Harold Moran, late of 10 Greenberry Close, Mount Claremont, Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased who died on 24 March 2015 are required by the executors, John Harold Moran Patricia Elizabeth Fish and Bernard Vesnaver all of care of of Unit 3, 24 Thorogood Street, Burswood to send particulars of their claims to them within 1 month of the date of publication of this notice, after which date the executor may convey or distribute the assets, having regard only to the claims of which they then have notice.

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**PUBLIC NOTICES**

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**ZZ401\*****ANGLICAN CHURCH OF AUSTRALIA****Alteration of the Constitution**

Notice is hereby given under section 67(2) of the Constitution of the Anglican Church of Australia that whereas on 18 September 2010 the General Synod of the Anglican Church of Australia duly made Canon No. 1 of 2010 being the Constitution Amendment (Diocesan Council) Canon 2010 to alter the Constitution of the Anglican Church of Australia by the amendment of the definition of "Diocesan Council" in sub-section 74 (1) therein.

And whereas on 20 November 2015 the President of the General Synod, the Most Rev'd Dr Philip Freier, Archbishop of Melbourne and Metropolitan of the Province of Victoria, determined that there is no condition remaining to which the coming of the Canon into effect is subject

The said President determined that the said Canon shall come into effect on 1 March 2016.

Dated: 10 December 2015.

ANNE HYWOOD, General Secretary,  
General Synod, Anglican Church of Australia

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