



WESTERN
AUSTRALIAN
GOVERNMENT
Gazette

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

893



PERTH, TUESDAY, 24 MARCH 2009 No. 45

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.30 PM

© STATE OF WESTERN AUSTRALIA

CONTENTS

PART 1

	Page
Energy Safety Act 2006—Energy Safety Levy Notice 2009.....	895

PART 2

Agriculture	899
Deceased Estates	910
Education	899
Electoral	899
Justice.....	900
Local Government.....	901
Minerals and Petroleum	901
Planning and Infrastructure	902

IMPORTANT COPYRIGHT NOTICE

© State of Western Australia

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

PUBLISHING DETAILS

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

Special *Government Gazettes* containing notices of an urgent or particular nature are published periodically.

The following guidelines should be followed to ensure publication in the *Government Gazette*.

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

Delivery address:

State Law Publisher
Ground Floor,
10 William St. Perth, 6000
Telephone: 9321 7688 Fax: 9321 7536

- Inquiries regarding publication of notices can be directed to the Editor on (08) 9426 0010.
- Lengthy or complicated notices should be forwarded early to allow for preparation. Failure to observe this request could result in the notice being held over.

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

ADVERTISING RATES AND PAYMENTS

EFFECTIVE FROM 1 JULY 2008 (Prices include GST).

Deceased Estate notices, (per estate)—\$25.60

Articles in Public Notices Section—\$59.70 minimum charge (except items of an exceptionally large nature. In these instances arrangements will be made for pricing the notice at time of lodging).

All other Notices

Per Column Centimetre—\$11.95

Bulk Notices—\$218.20 per page

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

For charges under \$50, clients will need to supply credit card details at time of lodging notice (i.e. notice under 5cm would not be invoiced).

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

— PART 1 —

ENERGY

EN301*

Energy Safety Act 2006

Energy Safety Levy Notice 2009

Made by the Minister for Commerce under section 14 of the Act.

1. Citation

This notice is the *Energy Safety Levy Notice 2009*.

2. Application

This notice applies in respect of the financial year commencing on 1 July 2009 and is made having regard to the business plan for that financial year.

3. Total amount to be raised by way of levy

- (1) The total amount to be raised by way of levy is \$6 152 000.
- (2) In accordance with the business plan and section 6(1)(d) and (2) of the Act —
 - (a) 67% of the total amount to be raised by way of levy is payable by those energy industry participants liable under clause 4(3); and
 - (b) 33% of the total amount to be raised by way of levy is payable by those energy industry participants liable under clause 5(4).

4. Electricity industry participants liable to pay levy

- (1) In this clause —

electrical installation has the meaning given in the *Electricity (Licensing) Regulations 1991* regulation 3(1);

network means —

- (a) a transmission system as defined in the *Electricity Industry Act 2004* section 3; or
 - (b) a distribution system as defined in the *Electricity Industry Act 2004* section 3.
- (2) For the purposes of this clause, a site containing multiple tenants (e.g. a residential retirement complex, office building, shopping centre or apartment block) but with only one point of direct connection to a network is to be treated as one consumer site.
- (3) An energy industry participant is liable to pay a levy if on 31 March 2009 —
- (a) the participant operates one or more networks; and
 - (b) there are 500 or more consumer sites that have an electrical installation connected directly to a network operated by the participant.
- (4) The amount of levy payable by an energy industry participant liable under subclause (3) is the proportion of the amount referred to in clause 3(2)(a) that —
- (a) the number of consumer sites that on 31 March 2009 have an electrical installation connected directly to a network operated by the participant; bears to
 - (b) the total number of consumer sites that on 31 March 2009 have an electrical installation connected directly to any of the networks operated by electricity industry participants liable under subclause (3) to pay a levy.

5. Gas industry participants liable to pay levy

- (1) In this clause —

distribution system has the meaning given in the *Energy Coordination Act 1994* section 3(1);

gas distributor means —

- (a) a holder of a distribution licence as defined in the *Energy Coordination Act 1994* section 3(1); or
- (b) a person exempted under the *Energy Coordination Act 1994* from the requirement to hold a licence referred to in paragraph (a); or
- (c) an entity, other than a primary producer or supplier of LP gas such as BP Refinery (Kwinana) Pty Ltd or Wesfarmers LPG Pty Ltd, distributing (whether directly, through an agent or as described in subclause (3)) LP gas —
 - (i) to consumers with onsite fixed LP gas storage facilities (**bulk tanks**); or
 - (ii) to consumers in portable cylinders;

gas installation has the meaning given in the *Gas Standards Act 1972* section 4;

LP gas means liquefied petroleum gas;

portable cylinder means a portable cylinder, other than one fixed to a motor vehicle, designed to hold 45 kg of LP gas when full.

- (2) For the purposes of this clause —
- (a) a site containing multiple tenants (e.g. a residential retirement complex, office building, shopping centre or apartment block) but with only one point of direct connection to a distribution system is to be treated as one consumer site; and
 - (b) a site containing multiple tenants (e.g. a residential retirement complex, office building, shopping centre or apartment block) that all consume LP gas from a single source supplied by a bulk tank or multiple interconnected portable cylinders is to be treated as one consumer; and
 - (c) a consumer to whom an entity distributes LP gas, whether to the consumer's bulk tank or in portable cylinders, on more than one occasion is to be treated as one consumer.
- (3) For the purposes of this clause, if —
- (a) an entity distributes LP gas in bulk, or portable cylinders, to a dealer who is authorised or permitted by the entity to distribute the gas; and
 - (b) the dealer distributes the LP gas to the bulk tanks of, or in portable cylinders to, consumers,
- the entity is to be taken to have distributed the LP gas to those consumers.
- (4) An energy industry participant is liable to pay a levy if —
- (a) on 31 March 2009 —
 - (i) the participant is a gas distributor; and
 - (ii) there are more than 500 consumer sites with a gas installation connected directly to a distribution system operated by the participant;
 - or
 - (b) in the financial year commencing on 1 July 2008 —
 - (i) the participant is or was a gas distributor; and
 - (ii) the participant distributes (whether directly, through an agent or as described in subclause (3)) LP gas to the bulk tanks of, or in portable cylinders to, more than 500 consumers.

- (5) The amount of levy payable by an energy industry participant liable under subclause (4) is the proportion of the amount referred to in clause 3(2)(b) that the sum of —
- (a) the number of consumer sites that on 31 March 2009 have a gas installation connected directly to a distribution system operated by the participant; and
 - (b) the number of consumers to whom the participant distributes LP gas, either to their bulk tanks or in portable cylinders, in the financial year commencing on 1 July 2008,

bears to the sum of —

- (c) the total number of consumer sites that on 31 March 2009 have a gas installation connected directly to any of the distribution systems operated by energy industry participants liable under subclause (4)(a) to pay a levy; and
- (d) the total number of consumers to whom energy industry participants liable under subclause (4)(b) to pay a levy distribute LP gas, either to their bulk tanks or in portable cylinders, in the financial year commencing on 1 July 2008.

6. Time for payment of levy

- (1) The levy is payable in quarterly instalments.
- (2) The first quarterly instalment is payable within 28 days of the issue of the notice of assessment.
- (3) The further quarterly instalments are payable on or before 1 October, 1 January and 1 April respectively, unless the notice of assessment provides for payment on a later date.

Dated 12 March 2009.

TROY BUSWELL, Minister for Commerce.

— PART 2 —

AGRICULTURE

AG401*

AGRICULTURAL PRODUCE COMMISSION ACT 1988

DECREASE IN CARNARVON BANANA FEE FOR SERVICE CHARGE FOR BIO-SECURITY

The Agricultural Produce Commission hereby notifies that the bio-security Fee for Service imposed on Carnarvon bananas will reduce to \$0.00 per 13kg equivalent effective from 1 April 2009. The Fee for Service for storm/cyclone compensation for Carnarvon bananas remains at 20 cents per 13 kilogram carton or equivalent.

The Fee for Service on Carnarvon bananas as of 1 April will be—

20 cents per 13 kilogram carton or equivalent

which converts to \$0.0154 per kilogram.

PETER WELLS, Chairman, Agricultural Produce Commission.

EDUCATION

ED401*

SCHOOL EDUCATION ACT 1999

HIGHER SCHOOL LEAVING AGE OPTIONS ORDER (1) 2009

Made by the Minister for Education and Training under Section 11B (2) and (3) of the *School Education Act 1999*.

1. Citation

This is the *Higher School Leaving Age Options Order (1) 2009*.

2. Prescribed courses and providers

(1) A course specified in column 1 of the table to this clause being a course that does not otherwise come within section 11B (1) of the *School Education Act 1999* is prescribed as a course for the purposes of that subsection.

(2) The person or body specified in column 2 of the table to this clause opposite and corresponding to a course referred to in column 1 of the table is specified as the provider for that course.

TABLE

<i>Column 1</i> Course	<i>Column 2</i> Provider	Location
Learning Engagement And Participation (LEAP)	Geraldton Regional Community Education Centre Association Inc	Geraldton

Dated this 16th day of March 2009.

Dr ELIZABETH CONSTABLE, MLA, Minister for Education; Tourism.

ELECTORAL

EC401*

ELECTORAL ACT 1907

REGISTRATION OF POLITICAL PARTIES

Proposal to Cancel Registration liberals for forests

Under section 62L(2)(c) of the *Electoral Act 1907* the Electoral Commissioner may cancel the registration of a political party if the Electoral Commissioner is satisfied on reasonable grounds that the candidates at a conjoint election held after the registration of the party did not include at least one candidate endorsed by the party.

The Electoral Commissioner is satisfied on reasonable grounds that the candidates at a conjoint election held after the registration of liberals for forests did not include at least one candidate endorsed by liberals for forests.

It is therefore proposed to cancel the registration of liberals for forests as a political party in Western Australia.

This action requires the Electoral Commissioner to—

- (a) give written notice of the proposed cancellation to the secretary of the party at the address shown in the register;
- (b) give notice of the proposed cancellation in—
 - (i) the *Gazette* (this notice); and
 - (ii) a newspaper circulating generally in the State;

Notice in accordance with (a) has been given and this gazettal is in accordance with (b)(i) above. A similar notice will appear in *The West Australian* on 28 March 2009.

Persons may, by 7 April 2009, object to the Electoral Commissioner in writing against the proposed cancellation.

Objections should be addressed to the Electoral Commissioner, Western Australian Electoral Commission, Level 2, 111 St George's Terrace, Perth WA 6000.

WARWICK GATELY AM, Electoral Commissioner.

JUSTICE

JU401*

COURT SECURITY AND CUSTODIAL SERVICES ACT 1999

REVOCATIONS

Pursuant to the provisions of section 51 of the *Court Security and Custodial Services Act 1999*, the Commissioner of the Department of Corrective Services has issued the following persons with Permits to do High-Level Security Work:

Surname	First Names(s)	Permit Number	Date Permit Issued	Permit Commence Date	Permit Expiry Date
Andre	Brodie James Gordon	CS9-414	20/03/2009	20/03/2009	30/07/2011
Abraham	David	CS9-413	20/03/2009	20/03/2009	30/07/2011
Campbell	Christine Anne	CS9-412	20/03/2009	20/03/2009	30/07/2011
Davies	Jennifer Lorraine	CS9-411	20/03/2009	20/03/2009	30/07/2011
Elston	David James	CS9-410	20/03/2009	20/03/2009	30/07/2011
Fox	Kevin	CS9-409	20/03/2009	20/03/2009	30/07/2011
Harling	Richard Keenan	CS9-408	20/03/2009	20/03/2009	30/07/2011
Mewhor	Paul William	CS9-407	20/03/2009	20/03/2009	30/07/2011
Mumba	Mumba	CS9-406	20/03/2009	20/03/2009	30/07/2011
Ngakoti	Janine	CS9-405	20/03/2009	20/03/2009	30/07/2011
Perkins	Helen Margaret	CS9-404	20/03/2009	20/03/2009	30/07/2011
Sawyer	Michael George	CS9-403	20/03/2009	20/03/2009	30/07/2011
Siviour	Tanya Fiona	CS9-402	20/03/2009	20/03/2009	30/07/2011
Ware	Paul Wayne	CS9-401	20/03/2009	20/03/2009	30/07/2011

This notice is published under section 57(1) of the *Court Security and Custodial Services Act 1999*.

BRIAN LAWRENCE, CSCS Contract Manager.

LOCAL GOVERNMENT

LG401*

DOG ACT 1976*Shire of Cuballing*

APPOINTMENT

It is hereby notified for public information that Lorraine Thomas and Lucille Van Wyk have been appointed as Dog Registration Officer's for the Shire of Cuballing.

The appointment of Peta Ellen Clark is hereby cancelled.

PETER NAYLOR, Chief Executive Officer.

MINERALS AND PETROLEUM

MP401*

PETROLEUM AND GEOTHERMAL ENERGY RESOURCES ACT 1967

SURRENDER OF EXPLORATION PERMIT EP 342

The surrender of Exploration Permit EP 342 has been registered and will take effect on the date this notice appears in the *Government Gazette*.

W. L. TINAPPLE, Executive Director,
Petroleum and Environment Division.

MP402*

Commonwealth of Australia

**OFFSHORE PETROLEUM AND GREENHOUSE GAS
STORAGE ACT 2006**

DECLARATION OF LOCATION

I, William Lee Tinapple, Executive Director Petroleum and Environment Division of the Department of Mines and Petroleum for the State of Western Australia, delegate of the Designated Authority, in respect of the area specified as being adjacent to the State of Western Australia by virtue of an instrument of delegation dated 25 July 2007, declare the block hereunder to be a location for the purpose of the Act.

Hamersley Range Map Sheet

Block No.	Field	Location No.
1231	Corowa	1SL/08-9

The block is the subject of Exploration Permit No. WA-264-P held by—

Santos Offshore Pty Ltd
Beach Petroleum Limited
Kufpec Australia Pty Ltd

Dated at Perth on this 17th day of March 2009.

W. L. TINAPPLE, Executive Director,
Petroleum and Environment Division.

MP403*

PETROLEUM AND GEOTHERMAL ENERGY RESOURCES ACT 1967

GRANT OF DRILLING RESERVATION

Drilling Reservation No. DR 12 has been granted to Red Mountain Energy Pty Ltd and Flamestar Corporation Pty Ltd to have effect for a period of three (3) years from 13 March 2009.

W. L. TINAPPLE, Executive Director,
Petroleum and Environment Division.

MP404*

PETROLEUM AND GEOTHERMAL ENERGY RESOURCES ACT 1967**GRANT OF DRILLING RESERVATION**

Drilling Reservation No. DR 13 has been granted to Red Mountain Energy Pty Ltd and Flamestar Corporation Pt Ltd to have effect for a period of three (3) years from 13 March 2009.

W. L. TINAPPLE, Executive Director,
Petroleum and Environment Division.

PLANNING AND INFRASTRUCTURE

PI401*

PLANNING AND DEVELOPMENT ACT 2005**APPROVED LOCAL PLANNING SCHEME AMENDMENT***Shire of Dandaragan*

Local Planning Scheme No. 7—Amendment No. 10

Ref: 853/3/6/8 Pt 10.

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 Dandaragan local planning scheme amendment on 14 February 2009 for the purpose of—

1. Modifying Clause 5.15.1 to reference the requirements of a new Clause 5.15.4 as follows—

“5.15.1 Development in the Special Development Zone on Victoria Locations 8837, 9302, 7950, 1556 and 7377 will be undertaken in accordance with the Permissibility of Uses and Special conditions set out in Schedule 12, and the requirements of Clause 5.15.4.”
2. Modifying Clause 5.15.2 to reference the requirements of a new Clause 5.15.4 as follows—

“5.15.2 Development in the Special Development Zone in the Dandaragan townsite will be undertaken in accordance with a Structure Plan and Detailed Site Plan, prepared and adopted in accordance with Clause 5.15.4.”
3. Delete Clauses 3, 4, 5, 6, 8, 9 and 10 from Schedule 12 and insert them as a new Clause 5.15.4, and replace the word ‘estate’ with the word ‘zone’, as follows—

“5.15.4 (a) Development Hierarchy

Future development and subdivision within the zone shall be carried out in accordance with a staged approval process as follows—

 - a. Structure Plan;
 - b. Development Plan; and
 - c. Detailed Site Plan.

(b) Structure Plan

 1. The Council shall not consider a Development Plan submitted to it for approval by a proponent until the Council has considered and the Western Australian Planning Commission has approved a Structure Plan in accordance with the following provisions of this paragraph.
 2. No new development or use of land within the zone shall be commenced or carried out until a Structure Plan has been approved in accordance with these provisions.
 3. Unless otherwise agreed by the Council any proposed Structure Plan presented to the Council for approval shall be prepared to a scale not greater than 1:5000 nor less than 1:10000.
 4. A proposed Structure Plan shall include such land as is necessary to satisfy the Council as to the orderly and proper planning of the locality generally and to that end shall not necessarily be limited to the land within the zone.
 5. A proposed Structure Plan should generally accord with any approved regional structure plan for the area and shall be sufficient in its detail to establish the urban form, and the proposals in general terms for land use dispositions and densities, movement systems, and services, and other matters which in the opinion of the Council are relevant to the orderly and proper planning of the zone, and where appropriate the Structure Plan should contain policy statements on the general aims and objectives to be achieved in the various components of the zone.
 6. A proposed Structure Plan shall show such detail as the Council requires to establish the orderly and proper planning and amenity of the zone, and without limiting the generality of the foregoing, shall include detailed information dealing with the following—
 - a. Major transportation and movement systems;
 - b. Hierarchy of Centres;

- c. Service commercial areas;
 - d. Landscape protection areas;
 - e. Major conservation and recreation areas;
 - f. Proposals for sewerage, drainage and other physical infrastructure services;
 - g. Details derived from any ethnographic, heritage or cultural study conducted in relation to the Zone.
7. A proposed Structure Plan should include information sufficient to demonstrate the contemplated method of implementation of its proposals.
8. The proposed Structure Plan when presented to the Council shall be accompanied by or shall include a Report or information in the nature of a Report which should so far as possible contain the information provided in a Local Planning Strategy, but in any event describing and explaining existing site conditions, the objectives of the Plan, policies, guidelines and development standards, and such other explanatory material as is necessary to provide the Council with a full understanding of the scope, purpose and intent of the Plan.
9. Where a proposed Structure Plan is, in the opinion of Council, lacking in detail on some aspect or component, Council shall, as soon as is practicable, notify the proponent of the deficiencies in the Plan.
10. The Council shall not approve a Structure Plan unless and until—
- a. The proposed Structure Plan has first been advertised for public inspection by one or more of the methods of advertising proposals for development involving an ‘A’ use as set out in Sub-clause 9.4 of the Scheme except that the period of advertising shall be 42 days;
 - b. The proponent of the Structure Plan shall convene a public meeting at the direction of Council to explain the intent of the plan to the public;
 - c. Such notification and information as the Council considers appropriate has been given by the Council or by the proponent at the direction of the Council to the Commission and to all public authorities or other bodies providing or likely to provide services to the area when developed and to such other authorities or persons as the Council nominates; and
 - d. The Council has considered all of the submissions received as a result of the advertising.
11. A proposed Structure Plan shall be deemed to be refused by the Council where a decision on the proposal has not been made by the Council within 5 months of the Council’s receipt of the proposal or within such further time as may be agreed in writing between the applicant and the Council.
- Where the Council in its opinion is not able to approve a proposed Structure Plan due to the requirements of some other written law, and subject to the consent of the proponent, the 5 month period shall not begin to run until such impediment has been removed or rectified.
12. The Council after considering all submissions and comments received by it in accordance with the preceding provisions of this clause may recommend refusal of the proposed Structure Plan, or may recommend approval of the Structure Plan with or without modifications.
13. The Council shall not make a final recommendation to refuse approval of a proposed Structure Plan until the proponent (if any) has been allowed an opportunity to provide a further submission to the Council. Any such further submission shall be lodged within 14 days of notification of Council’s intention to recommend refusal of approval. The Council shall proceed without delay to its determination if the proponent waives the right to make a further submission.
14. A summary of the submissions and Councils recommendations in relation to those submissions together with a copy of Council’s recommendation to approve the Structure Plan with or without modification or to refuse approval shall be forwarded to the Western Australian Planning Commission as soon as practical.
15. The Commission shall consider the submissions received and Council’s recommendations and decide to approve the Structure Plan with or without modification or refuse approval of the Structure Plan and convey its decision to the Council.
16. The Council shall give notice of approval or refusal to approve a proposed Structure Plan by such means as to the Council seems proper, but in any event shall publish notice of an approval in a newspaper circulating in the District and shall give notice in writing of the decision to the proponent as soon as practicable after the decision is made.
17. An approved Structure Plan shall be kept at the Council’s administrative offices and shall be made available for inspection by any member of the public during office hours.

18. The Council may approve or permit any change or departure from an approved Structure Plan which in the opinion of the Council—

- a. is minor;
- b. does not affect any State interest;
- c. has minimal impact upon any person other than the proponent;
- d. does not affect the interest of any authority or body providing or likely to provide services within the area of the Structure Plan.

but any other proposed change or departure shall be advertised and notified in accordance with sub-paragraph (10) and considered in accordance with the procedures outlined in sub paragraphs (11) to (17).

(c) Development Plan

1. The Council shall not approve any application for Development Approval and shall not support any application for subdivision of land within the zone until a Structure Plan has been approved in accordance with the preceding paragraph and until a Development Plan relating to the land has been approved in accordance with the provisions of this paragraph.

2. Any owner of land within the zone may submit to the Council for approval a Development Plan for that land, though the Council may require that the area dealt with by the Development Plan be reduced or expanded to reflect what the Council considers to be the relevant planning precinct.

3. The general purpose of a Development Plan is to refine the proposals in a Structure Plan affecting the same land to guide development of land to which the plan relates. Any such plan shall conform with the zoning and land use policies, guidelines, development standards and objectives contained in an approved Structure Plan.

4. Any proposed Development Plan presented to the Council for approval shall be prepared to a scale not greater than 1:5000 and not less than 1:2000.

5. A proposed Development Plan shall show such detail as the Council requires to ensure that the development of the land within the plan would be consistent with orderly and proper planning and the achievement of the highest appropriate level of amenity and without limiting the generality of the foregoing, shall include information or detail dealing with the following—

- a. the definition zones in accordance with the range of zones set out in clause 2.1 respectively of the Scheme;
- b. proposed residential densities within zones where residential use is permissible;
- c. proposed transportation systems, road layouts and vehicular traffic, cycle, and pedestrian networks, underpass locations, and public transport routes;
- d. provision for major land uses including residential, shopping, resorts, commercial, office, educational, civic, employment centre, open space, recreational, waterways and community facilities.;
- e. indicative lot pattern and general location of any major buildings; and
- f. the integration of land use and development.

6. A proposed Development Plan should include information sufficient to demonstrate the contemplated method of implementation of its proposals.

7. A proposed Development Plan when presented to the Council shall be accompanied by or shall include a Report or information in the nature of a Report which should so far as possible contain the information provided in a Local Planning Strategy, but in any event describing and explaining existing site conditions, the objectives of the plan, policies, guidelines and development standards and such other explanatory material and details as is necessary to provide the Council with a full understanding of the scope, purpose and intent of the plan.

8. Where a proposed Development Plan is, in the opinion of Council, lacking in detail on some aspect or component Council shall, as soon as is practicable, notify the proponent of the deficiencies in the Plan.

9. The Council shall not approve a Development Plan unless and until—

- a. The proposed Development Plan has first been advertised for public inspection by one or more of the methods of advertising proposals for development involving an "A use as set out in Sub- clause 9.4 of the Scheme except that the period of advertising shall be 42 days;
- b. The proponent of the Development Plan shall convene a public meeting at the direction of Council to explain the intent of the Development Plan;
- c. Such notification and information as the Council considers appropriate has been given by the Council or by the proponent at the direction of the Council to the Commission and to all public authorities or other bodies providing or likely to provide services to the area when developed and to such other authorities or persons as the Council nominates; and

d. The Council has considered all of the submissions received as a result of the advertising.

10. A proposed Development Plan shall be deemed to be refused by Council where a decision on the proposal has not been determined by the Council within 5 months of Councils receipt of the proposal or within such further time as may be agreed in writing between the applicant and the Council.

Where the Council, in its opinion, is not able to determine a proposed Development Plan due to the requirements of some other written law, and subject to the consent of the proponent, the 5 month period shall not begin to run until such impediment has been removed or rectified to the satisfaction of the Council.

11. The Council after considering all submissions and comments received by it in accordance with the preceding provisions of this clause may recommend refusal of the proposed Development Plan, or may recommend approval of the Development Plan with or without modifications.

12. The Council shall not make a final recommendation to refuse approval of a proposed Development Plan until the proponent (if any) has been allowed an opportunity to provide a further submission to the Council. Any such further submission shall be lodged within 14 days of notification of Councils intention to recommend refusal of approval. The Council shall proceed without delay to its determination if the proponent waives the right to make a further submission.

13. A summary of the submissions and Council's recommendations in relation to those submissions together with a copy of Council's recommendation to approve the Development Plan with or without modification or to refuse approval shall be forwarded to the Western Australian Planning Commission as soon as practical.

14. The Commission shall consider the submissions received and Council's recommendations and decide to approve the Development Plan with or without modification or refuse approval of the Development Plan and convey its decision to the Council.

15. The Council shall give notice of its approval or its refusal to approve a proposed Development Plan by such means as to the Council seems proper, but in any event shall publish notice of an approval in a newspaper circulating in the District and shall give notice in writing of its decision to the Commission and the proponent as soon as practicable after the decision is made. If the Council approves the Development Plan it shall request the Commission to adopt the Plan as a basis for its decision making.

16. An approved Development Plan shall be kept at the Council's administrative offices and shall be made available for inspection of any member of the public during office hours.

17. The Council may approve any change or departure from an approved Development Plan which in the opinion of the Council—

- a. is minor;
- b. does not affect any State interest;
- c. has minimal impact upon any persons other than the proponent;
- d. Does not affect the interest of any authority or body providing or likely to provide services within the area of the Development Plan; and
- e. is consistent with the Structure Plan for the area,

but any other proposed change or departure shall be advertised and notified in accordance with sub-paragraph (9) and considered in accordance with the procedures outlined in sub-paragraphs (10) and (16).

18. The Council when exercising its discretion in regard to the approval to a Development Plan shall have regard to the matters listed in Sub-clause 10.2 of the Scheme.

19. An approved Development Plan together with all approved amendments shall apply in relation to the land within the area of the Development Plan as if it was an Amendment of the Scheme and the Scheme provisions shall be given full effect within the area accordingly. Without limiting the generality of the foregoing, within the zones designated in the Development Plan the use classes referred to in the Zoning and Development Table shall have the same permissibility spread as set out in those Tables.

20. The Council and the Commission may deal simultaneously with a Structure Plan and a Development Plan but a Development Plan may not be approved without a Structure Plan first having been approved.

(d) Detailed Site Plan

1. (a) Where in the opinion of the proponent or the Council it is desirable to enhance, elaborate and expand the planning proposals or the provisions contained within a Structure Plan or Development Plan on a lot by lot basis, such proposal shall be depicted in such detail as is necessary within a Detailed Site Plan.

- (b) Once approved by Council a Detailed Site Plan shall be used as the basis for applications to the Commission to subdivide land within the zone.
- (c) In addition to the details required by the Commission with respect to subdivision applications, a Detailed Site Plan may, without limiting the generality of this paragraph, include—
- a. building envelopes either two or three dimensional;
 - b. non access areas;
 - c. natural vegetation preservation areas;
 - d. nil setback areas;
 - e. special development controls and policies;
 - f. other matters considered relevant by Council.
- (d) With the approval of the Council an approved Detailed Site Plan may be modified or varied provided such a modification or variation is in conformity with the Development Plan.
2. The proponent shall prior to seeking approval of the Commission to any diagram or plan of survey, provide to the Council a consolidated Detailed Site Plan at such a scale and format as the Council prescribes. A consolidated Detailed Site Plan shall supersede those Detailed Site Plans or parts of plans contained within any Detailed Site Plan for previously Consolidated Detailed Site Plan dealing with the same land.
- (e) Development and Subdivision
1. Development and subdivision of land within the zone shall be in accordance with the approved Development Plan and any approved Detailed Site Plan for the particular area and in particular shall comply with the permissibility of land uses under the Scheme, the permissible residential densities and any policy guidelines, development standards and conditions included within an approved Development and Detailed Site Plan.
- (f) Advertising
- Where a Structure Plan or Development Plan has been advertised before the gazettal of Amendment in a manner which would have complied with the provisions of sub-paragraph (b)(10) or (c)(9) respectively had those provisions been in operation at the time of the advertising, such advertising shall be deemed to satisfy the requirements hereof as if the gazettal had occurred before the advertising.
- (g) Right of Review
1. If a proponent is dissatisfied by a requirement of the Council for detail under any of sub-paragraphs (b)(vi), (c)(v) or (d)(i)(a), the proponent within 14 days of being notified of the requirement may request the Council in writing for a consideration of the requirement. A proponent who requests the Council to reconsider a requirement under this sub-paragraph shall not exercise the right of review hereinafter referred before the expiration of thirty five (35) days from the date of delivery to the Council of the request for consideration so as to allow an opportunity to the Council to consider the request at its next meeting.
 2. A proponent who is dissatisfied with a requirement whether it be the Council's original decision or the decision of the Council following a request for reconsideration under the preceding sub-paragraph, may make application for review against the decision imposing the requirement in accordance with Part 14 of the Planning and Development Act and the Rules and Regulations made pursuant to the Planning and Development Act.
 3. Without affecting the generality of Sub-clause 10.10 of the Scheme Text, it is the intent of this sub-paragraph that a right of review may be precipitated by a proponent in the following circumstances—
 - a. Where in respect of a Structure Plan or a Development Plan—
 - (i) a proposed Plan has been presented to the Council;
 - (ii) all required details have been supplied by the proponent and the Council is not precluded from approving by some written law;
 - (iii) the proposed Plan has been advertised and submitted to the Commission;
 - (iv) the Council is not waiting for the proponent to make a further submission under sub-paragraph (b)(13) or sub-paragraph (c)(12).
 - (v) the five (5) months deemed refusal period referred to in sub-paragraph (b)(11) or (c)(10) (as the case may be) or any extension of that period agreed by the proponent under those sub-paragraphs, has not expired; and
 - (vi) the Council has not decided to approve or refuse approval of the proposed Plan; or

- b. Where in respect of a proposed Detailed Site Plan the Council or the Principal Planner of the Shire (under delegated authority) has not made a decision to approve or refuse approval of the proposed Plan within sixty (60) days of the Councils receipt or the proposed Plan; or
- c. The Council within sixty (60) days of receiving a request by the proponent for approval of any change or departure from an approved Structure Plan or an approved Development Plan which change or departure the Council is able to approve under sub-paragraph (b)(18) or (c)(17) (as the case may be) has not approved or refused the request; or
- d. The Council has failed to make a decision within sixty (60) days after receiving a request by the proponent for the modification or variation of an approved Detailed Site Plan, being a modification or variation referred to in subparagraph (d)(1)(d).

THEN in any of those circumstances the proponent may serve notice on the Council that within a specified period being not less than sixty (60) days, the Council is required to make a decision on the matter, and thereafter if the Council—

1. refuses to approve the Structure Plan, Development Plan or Detailed Site Plan, or the requested change or departure or the requested modification or variation; or
2. approves the Structure Plan, development Plan or Detailed Site Plan or the change or departure or the modification or variation thereto subject to any condition that is acceptable to the proponent; or
3. fails to make a decision within the period specified in the notice given by the proponent as provided in this subparagraph.

The proponent may in any of those circumstances make application for review as provided in Sub-clause 10.10 of the Scheme Text.

In the case of the failure to make a decision, the decision or determination for the purpose of making application for review is deemed to be a refusal on the expiration of the notice period.

4. Inserting a new Clause 5.15.5 to enable the advertising and consideration of Structure Plans and Development Plans in a Special Development Zone, as follows—

“5.15.5 Where a Structure Plan or Development Plan has been advertised before the gazettal of an amendment in a manner which would have otherwise complied with the advertising provisions of the relevant Schedule had those provisions been in operation at the time of the advertising, such advertising shall be deemed to satisfy the requirements hereof as if the gazettal had occurred before the advertising.”

5. Delete Clauses 3, 4, 5, 6, 8, 9 and 10 from Schedule 12 and renumber the existing Clause 7 accordingly as follows—

“3. Environmental Requirements

3.1 Structure Plans, Development Plans and Detailed Site Plans shall be prepared and implemented in accordance with the following environmental objectives and requirements.

3.2 The key environmental objectives are—

- To promote environmental sustainability;
- To conserve biological diversity;
- To prevent adverse effects on interdependent elements of natural systems;
- To prevent pollution;

in creating a project which departs from conventional metropolitan styles of urbanisation in preference for nodes of development within a natural setting incorporating principles of environmental sustainability.

3.3 In meeting these objectives, the following environmental requirements apply—

(a) Implement and manage development in a manner that is consistent with the following documents and their updates—

- Strategy for Nature Conservation and Biodiversity (October 2001)
- Targeted Flora Survey (26 November 2001).
- Water Management Plan.
- Turquoise Coast Development—Jurien Bay

- (b) Implement and manage development in a manner that retains natural and semi natural areas in addition to those identified in the Strategy for Nature Conservation and Biodiversity, through the detailed planning process. Open spaces in this category may include some recreational space that retains bushland; semi natural areas required by management plans such as the Water Management Plan to protect key ecosystem processes; and, following more detailed planning studies, additional coastal foreshore reserves and wetland buffer areas and buffer areas around any dunes that are to be retained to accommodate any sand blow that may affect residential amenity, and movements, if any, of those dunes.
- (c) Implement and manage development in a manner that is consistent with the purposes of the Jurien Bay Marine Park.
- (d) Implement and manage development in a manner which—
- promotes reduced car use,
 - encourages public transport use,
 - creates activity nodes,
 - provides jobs near residences,
 - produces a lot layout conducive to solar energy utilisation and the provision of natural light,
 - maintains the healthy functioning of key ecological processes and key areas of natural ecosystems,
 - protects biodiversity,
 - limits greenhouse gas and other emissions damaging to air quality,
 - reduces the use of materials and energy in infrastructure, transport, communities, services, housing etc. compared with conventional development and promotes the use of renewable energy and recycled materials,
 - manages waste by minimising its production and promoting recycling, ensuring environmentally acceptable locations are available to process wastes from the development,
 - reduces the demand for fresh water compared with conventional development and promote the reuse of water,
 - protects the community from pollution and adverse amenity impacts and,
 - promotes a vision for environmentally sensitive development and the development of a community ethos that supports sustainable development and caring for the local environment.
- (e) Prepare and implement Management Plans for the Conservation Reserves in a timely fashion.”

S. LOVE, Shire President.
C. STRUGNELL, Chief Executive Officer.

PI402*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Town of Port Hedland
Town Planning Scheme No. 5—Amendment No. 15

Ref: 853/8/4/6 Pt 15

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 Town of Port Hedland local planning scheme amendment on 8 March 2009 for the purpose of—

1. Rezoning Lot 406 Acton Street, Port Hedland from ‘Other Public Purpose—Energy’ to ‘Tourism’ Zone and amending the Scheme Map accordingly.
2. Modifying Clause 5.2.1 of the Scheme Text by inserting “(f) Tourism zone”.

3. Include the following land uses into the Zoning Table under the heading “Residential”, in alphabetical order, with the permissibility of the land uses to be “AA” in the Tourism zone and “~” in all other zones—

Chalet
 Cabin
 Guesthouse
 Holiday Home
 Lodge
 Tourist Resort
 Serviced Apartment
 Short Stay Accommodation
 Tourism Development

4. Insert the following definitions into Appendix 1- Definitions of the Scheme Text, in alphabetical order—

chalet	means an individual self-contained unit usually comprising cooking facilities, ensuite, living area and one or more bedrooms designed to accommodate short-stay guests, forming part of a tourism facility and where occupation by any person is limited to a maximum of three months in any 12 month period.
cabin	means an individual self-contained unit similar to chalet but may lack ensuite facilities and may comprise only one room and is designed for short stay guests, forming part of a tourism facility and where occupation by any person is limited to a maximum three months in any 12 month period.
guesthouse	means an integrated premises for short-stay guests comprising serviced accommodation units and on-site tourism facilities such as reception, centralised dining, and management, and where occupation by any person is limited to a maximum three months in any 12 month period.
holiday home	means a residential building used to provide accommodation for short-stay guests, rather than permanent residency, and excluding those uses more specifically defined elsewhere.
lodge	means integrated premises for short-stay guests comprising serviced accommodation units and on-site tourism facilities such as reception, centralised dining, and management and where occupation by any person is limited to a maximum three months in any 12 months period.
tourist resort	means integrated, purpose built luxury or experiential premises for short-stay guests comprising accommodation units and on-site tourism facilities such as reception, restaurant and leisure facilities like swimming pool, gymnasium, tennis courts, and where occupation by any person is limited to a maximum three months in any 12 months period.
serviced apartment	means a complex where all units or apartments provide for self-contained accommodation for short-stay guests, where integrated reception and recreation facilities may be provided, and where occupation by any person is limited to a maximum three months in any 12 month period.
short-stay accommodation	means a building or group of buildings forming a complex, designed for the accommodation of short-stay guests and which provides on-site facilities for the convenience of guests and for the management of the development, where occupation by any person is limited to a maximum three months in any 12 month period.
tourism development	means a building or group of buildings forming a complex, designed for the accommodation of short-stay guests and which provides on-site facilities for the convenience of guests and for the management of the development, where occupation by any person is limited to a maximum three months in any 12 month period.

S. MARTIN, Mayor.

C. ADAMS, Chief Executive Officer.

PI502*

PLANNING AND DEVELOPMENT ACT 2005
METROPOLITAN REGION SCHEME AMENDMENT 1162/41
CLAREMONT NORTH EAST 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 Claremont and is seeking public comment.

The planning objective of this amendment is to rezone approximately 9.4 ha of land surrounding the Claremont Football Club Oval from the parks and recreation (restricted public access) reservation to primarily an urban zone and removes the other regional road roads reservation from Shenton Road and Claremont Crescent. Minor rationalisation of the northern portion of the railways reservation is also proposed.

Display locations

The plans showing the proposed change and the WAPC's amendment report which explains the proposal, will be available for public inspection from Tuesday 20 January 2009 to Friday 24 April 2009 at each of the following places—

- Western Australian Planning Commission
Wellington Street, Perth
- City of Perth
- City of Fremantle
- J S Battye Library
Level 3, Alexander Library Building
Perth Cultural Centre
- Town of Claremont
- Town of Cottesloe

Documents are also available from the WAPC's website www.wapc.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,
469 Wellington Street, PERTH WA 6000; on or before 5.00pm Friday, 24 April 2009.

Late submissions will not be considered.

TIM HILLYARD, Acting Secretary,
Western Australian Planning Commission.

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962
DECEASED ESTATES

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of Livio Nicolini, late of Myvista Aged Care, 11 Nugent Street, Balcatta, who died on 18 June.2008 are required by the personal representative to send particulars of their claims to her care of Irdi Legal, Solicitors of 248 Oxford Street, Leederville by 20 April 2009 after which date the personal representative may convey or distribute assets, having regard only to the claims of which she then has notice.

ZX402

TRUSTEES ACT 1962
DECEASED ESTATES

Notice to Creditors and Claimants

John Frederick Smith, late of Privett Road, Denmark in the State of Western Australia, Retired Farmer, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of John Frederick Smith, deceased who died on the 16th day of January 2009 at Albany, in the said State are required by the personal representative Gary John Philpott of 70-74 Frederick Street, Albany, Western Australia to send particulars of their claims to David Moss & Co of

PO Box 5744, Albany WA 6332 by the date one month following the publication of this notice after which date the personal representative may convey or distribute the assets having regard only to the claim for which he has then had notice.

ZX403

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Joan Mary Westaway, late of 17 Orchid Street, Joondanna, Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased, who died on the 5th day of August 2008 at Hollywood Private Hospital, Nedlands, Western Australia are required by the trustee, Michael John Lee of Suite 3, 150 Stirling Street, Perth, Western Australia to send particulars of their claims to him by the date being one month following 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 he then has notice.

ZX404

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Jocelyn Ann Desiree Brooks late of Clarence Estate, Hardie Road, Albany in the State of Western Australia, Widow, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of Jocelyn Ann Desiree Brooks deceased who died on the 25th day of October 2008 at Albany, in the said State are required by the personal representative David Malcolm Moss of 45 Duke Street, Albany, Western Australia to send particulars of their claims to David Moss & Co of PO Box 5744, Albany W.A. 6332 by the date one month following the publication of this notice after which date the personal representative may convey or distribute the assets having regard only to the claim for which he has then had notice.

WESTERN AUSTRALIA

**FAIR TRADING (RETIREMENT VILLAGES
CODE) REGULATIONS 2006**

***Price: \$9.80
(Plus Postage)**

* Prices subject to change on addition of amendments.

STATE LAW PUBLISHER SUBSCRIPTION RATES FOR 2009

All subscriptions are for the period from 1 January to 31 December 2009. Subject to certain limitations, refunds may be allowed if a subscription is cancelled during the year. The prices quoted include GST where applicable and postage by surface mail unless stated otherwise.

GOVERNMENT GAZETTE

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

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

All Gazettes	\$
Within WA	949.75
Interstate	966.80

Bound Volumes of full year 1,177.20

INDUSTRIAL GAZETTE

Industrial Gazette is published monthly.

	\$
Within WA	456.10
Interstate	543.50

HANSARD

Hansard is printed and distributed weekly during parliamentary sessions.

	\$
Within WA	900.80
Interstate	1,101.00

Bound Volumes of Hansard

Within WA	888.25
Interstate	902.00

STATUTES

Bound Statutes

Bound volumes are posted during March of the following year.

	\$
Within WA.....	320.75
Interstate	357.15
Overseas	415.65
Half Calf Bound Statutes	886.05

Loose Statutes

Statutes are posted weekly as they become available.

	\$
Within WA.....	345.75
Interstate	357.15

Sessional Bills

Bills are posted weekly as they become available.

	\$
Within WA	475.45
Interstate	498.20

CLAIMS FOR MISSING SUBSCRIPTION ITEMS

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

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