



# WESTERN AUSTRALIAN GOVERNMENT Gazette

ISSN 1448-949X PRINT POST APPROVED PP665002/00041



179

## PERTH, TUESDAY, 23 JANUARY 2007 No. 11

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

© STATE OF WESTERN AUSTRALIA

### CONTENTS

#### PART 1

	Page
Proclamations—Betting and Racing Legislation Amendment Act 2006— No. 70 of 2006.....	181
Hospitals and Health Services Act 1927—Hospitals (Services Charges) Amendment Regulations (No. 6) 2006 .....	181
Hospitals and Health Services Act 1927—Hospitals (Services Charges) Regulations 1984—Hospitals (Services Charges for Compensable Patients) Amendment Determination (No. 3) 2006.....	182
Medical Act 1894—Medical Amendment Rules 2007.....	183

#### PART 2

Agriculture .....	185
Housing and Works.....	186
Justice.....	186
Marine/Maritime.....	186
Planning and Infrastructure .....	189
Premier and Cabinet.....	203

## **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.*

## **GOVERNMENT GAZETTE PUBLISHING DETAILS FOR AUSTRALIA DAY 2007**

**Friday 26th January 2007**

There will not be a gazette published on Friday 26th January 2007.

For the gazette published on Tuesday 30th January 2007, copy must be received at State Law Publisher by noon Thursday 25th January 2007.

# — PART 1 —

---

---

## PROCLAMATIONS

---

---

AA301\*

**BETTING AND RACING LEGISLATION AMENDMENT ACT 2006**

No. 70 of 2006

PROCLAMATION

Western Australia

By His Excellency

*Doctor Kenneth Comminos Michael,  
Companion of the Order of Australia,  
Governor of the State of Western Australia*

[L.S.]

KENNETH COMMINOS MICHAEL  
Governor

I, the Governor, acting under the *Betting and Racing Legislation Amendment Act 2006* section 2 and with the advice and consent of the Executive Council, fix 29 January 2007 as the day on which sections 3, 5 to 8 and 10 come into operation.

Given under my hand and the Public Seal of the State on 16 January 2007.

By Command of the Governor,

JOHN BOWLER, Minister for Racing and Gaming.

---

---

## HEALTH

---

---

HE301\*

Hospitals and Health Services Act 1927

### **Hospitals (Services Charges) Amendment Regulations (No. 6) 2006**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Hospitals (Services Charges) Amendment Regulations (No. 6) 2006*.

**2. Commencement**

These regulations come into operation on the later of 1 January 2007 and the date on which these regulations are published in the *Gazette*.

**3. The regulations amended**

The amendments in these regulations are to the *Hospitals (Services Charges) Regulations 1984\**.

[\* Reprint 5 as at 11 August 2006.

For amendments to 5 December 2006 see Gazette 14 November 2006.]

**4. Schedule 1 amended**

Schedule 1 Division 3 item 5 is amended as follows:

- (a) in paragraph (b) by deleting "\$4.70" and inserting instead —  
“ \$4.90 ”;
- (b) in paragraph (c)(i)(I) by deleting "\$29.50" and inserting instead —  
“ \$30.70 ”;
- (c) in paragraph (c)(i)(II) and (ii) by deleting "\$23.60" and inserting instead —  
“ \$24.60 ”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

HE302\*

Hospitals and Health Services Act 1927  
Hospitals (Services Charges) Regulations 1984

## **Hospitals (Services Charges for Compensable Patients) Amendment Determination (No. 3) 2006**

Made by the Minister for Health under section 37(3)(af) of the Act and regulation 5(2) of the regulations.

**1. Citation**

This determination is the *Hospitals (Services Charges for Compensable Patients) Amendment Determination (No. 3) 2006*.

**2. Commencement**

This determination comes into operation on the later of 1 January 2007 and the date on which this determination is published in the *Gazette*.

**3. The determination amended**

The amendments in this determination are to the *Hospitals (Services Charges for Compensable Patients) Determination 2005\**.

[\* *Published in Gazette 28 June 2005, p. 2922-4.*  
*For amendments to 5 December 2006 see Gazette 28 February and 13 June 2006.*]

**4. Schedule 1 amended**

Schedule 1 Division 2 item 7 is amended as follows:

- (a) in paragraph (a)(i) by deleting “\$29.50” and inserting instead —  
“ \$30.70 ”;
- (b) in paragraphs (a)(ii) and (b) by deleting “\$23.60” and inserting instead —  
“ \$24.60 ”.

JIM MCGINTY, Minister for Health.

HE303\*

Medical Act 1894

## Medical Amendment Rules 2007

Made by the Medical Board and approved by the Governor in Executive Council.

**1. Citation**

These rules are the *Medical Amendment Rules 2007*.

**2. The rules amended**

The amendments in these rules are to the *Medical Rules 1987\**.

[\* *Reprint 2 as at 10 February 2006.*]

**3. Rule 17 amended**

Rule 17(3) is amended by deleting “Schedule 2” and inserting instead —

“ Schedule 1 ”.

**4. Rule 33 replaced**

Rule 33 is repealed and the following rule is inserted instead —

“

**33. Offences related to advertising medical services**

A person shall not advertise, or cause to be advertised, services that are provided by a medical practitioner in a manner that —

- (a) is false in a material particular; or
- (b) is misleading or deceptive or is likely to mislead or deceive; or
- (c) creates, or is likely to create, an unjustified expectation of beneficial treatment; or
- (d) promotes the unnecessary or inappropriate use of medical services; or
- (e) refers to, uses or cites actual or purported testimonials; or
- (f) offers a discount, gift or inducement to attract a person to use the services unless the advertisement also states the terms of the offer; or
- (g) compares those services with those provided by another medical practitioner other than on the basis of scientific comparison.

Penalty: \$2 000.

”.

**5. Rules 33A and 34 repealed**

Rules 33A and 34 are repealed.

**6. Schedule 2 repealed**

Schedule 2 is repealed.

Date:

CON MICHAEL, President of the Medical Board.

Approved by the Governor in Executive Council,

M. C. WAUCHOPE, Clerk of the Executive Council.

## — PART 2 —

---

### AGRICULTURE

---

AG401\*

**AGRICULTURAL PRODUCTS ACT 1929**  
**BEEKEEPERS ACT 1963**  
**STOCK (IDENTIFICATION AND MOVEMENT) ACT 1970**  
**STOCK DISEASES (REGULATIONS) ACT 1968**  
**INSPECTORS TO BE REVOKED**

Department of Agriculture and Food,  
SOUTH PERTH WA 6151.

The Governor hereby revokes the appointment of the following persons under—

Section 2A(1) of the *Agricultural Products Act 1929*

James Neil Simmons                      Tony Tully

Section 5 of the *Beekeepers Act 1963*

Millie Jane Baker	Christopher John Mayberry	Preston John Suijndorp
Stephen John Bell	Andrew Stewart McAllister	Janice Ann Trembath
Paul Dimitres Caltsounis	Peter Thomas Nielsen	Wayne Ronald Trembath
Richard Michael Clayton	Christopher Yorric Norwood	Tony Tully
Harald Paul Hoffman	Gary David Randall	Sandy Kaye Turton
Alison Jane Kingsbury	Andrew Timothy Sawyer	Janine Gaye Zomer
Ben Madin	Troy Michael Sinclair	
Elizabeth Anne Manera	James Neil Simmons	

Section 37 of the *Stock (Identification and Movement) Act 1970*

Debra May Carstairs	Elizabeth Anne Manera	Preston John Suijndorp
Bianca Jane Donald	Christopher John Mayberry	Janice Ann Trembath
Donald Ross Finlay	Andrew Stewart McAllister	Wayne Ronald Trembath
Kenneth Ronald Franklin	Peter Thomas Nielsen	Tony Tully
Peter William Lockwood	Troy Michael Sinclair	Dean Thomas Wainwright
Ben Madin	James Neil Simmons	

Section 8 (1) of the *Stock Diseases (Regulations) Act 1968*

Stephen John Bell	Ben Madin	James Neil Simmons
Debra May Carstairs	Elizabeth Anne Manera	Preston John Suijndorp
Bianca Jane Donald	Christopher John Mayberry	Wayne Ronald Trembath
Donald Ross Finlay	Andrew Stewart McAllister	Tony Tully
Kenneth Ronald Franklin	Troy Michael Sinclair	Dean Thomas Wainwright

KIM CHANCE MLC, Minister for Agriculture and Food.

AG402\*

**BEEKEEPERS ACT 1963**  
**STOCK (IDENTIFICATION AND MOVEMENT) ACT 1970**  
**STOCK DISEASES (REGULATIONS) ACT 1968**  
**APPOINTMENTS**

Department of Agriculture and Food,  
SOUTH PERTH WA 6151.

The Governor is pleased to appoint the following as Inspectors pursuant to—

Section 5 of the *Beekeepers Act 1963*

Natalie Sharon Bort

Section 37 of the *Stock (Identification and Movement) Act 1970* and

Section 8 (1) of the *Stock Diseases (Regulations) Act 1968*

Frances John Treasure

KIM CHANCE MLC, Minister for Agriculture and Food.

---

---

## HOUSING AND WORKS

---

---

HW401\*

**HOUSING ACT 1980****DETERMINATION OF STANDARD RATES OF INTEREST**Department of Housing and Works,  
(The Housing Authority), Perth.

Pursuant to Sections 33 and 42 being loans under Section 36 of the Housing Act 1980, The Housing Authority by this determination which was approved by the Honourable Minister for Housing and Works fixes the following maximum standard rates of interest to apply in respect of the various classes of loan granted by it—

1. Keystart Loans, Income Based Loans, Shared Equity (including Realstart, Access, and the Aboriginal Schemes), pre 1985 Variable Interest Schemes and Wisechoice under Sections 33 and 36 to 7.99% per annum.
2. In respect of Shared Equity 1997 (GoodStart—Subsidised Rate) Loans the standard rate of interest shall be 6.5% fixed per annum, until the borrower's income exceeds Homeswest maximum rental income eligibility limits. The rate will then move to the Commonwealth Bank's standard home loan variable interest rate subject to a minimum interest rate of 6.5% per annum.

This determination is effective from 1 January 2007.

BOB MITCHELL, Director General,  
Department of Housing and Works.

---

---

## JUSTICE

---

---

JU401\*

**JUSTICES OF THE PEACE ACT 2004****RESIGNATIONS**

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

Mr Robert James Pomeroy of 2 Seacrest Way, Drummond Cove  
from the Office of Justice of the Peace for the State of Western Australia.

ROBERT M. CARTER, A/Executive Director,  
Court and Tribunal Services.

---

---

## MARINE/MARITIME

---

---

MX401\*

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

Belmont Water Ski Area

Department for Planning and Infrastructure,  
Fremantle WA, 23 January 2007.

Acting pursuant to the powers conferred by Regulation 48A of the Navigable Waters Regulations, the Department by this notice temporarily revokes Notice TR401 as published in the *Government Gazette* on 10 September 2002 and hereby closes the Belmont Water Ski Area for water skiing from 1500 hrs to sunset on 26 January 2007.

DAVID HARROD, General Manager, Marine Safety,  
Department for Planning and Infrastructure.

MX402\*

**WESTERN AUSTRALIAN MARINE ACT 1982**  
**NAVIGABLE WATERS REGULATIONS**  
**PROHIBITION OF FREESTYLE DRIVING—PERSONAL WATERCRAFT**

Department for Planning and Infrastructure,  
 Fremantle WA, 23 January 2007.

Acting pursuant to the powers conferred by Section 66 paragraph (b) of the Western Australian Marine Act 1982, and Regulation 50A(1)(b) of the Navigable Waters Regulations, the department by this notice revokes sub paragraph (1) of the notice published in the *Government Gazette* on 3 December 1999 relating to the Narrows—Personal Watercraft Freestyle Driving Area.

Providing that this revocation will apply only on Friday 26 January 2007 between the hours of 1500 and sunset for the purpose of spectator craft mooring during **Lotterywest Skyworks 2007**.

DAVID HARROD, General Manager, Marine Safety,  
 Department for Planning and Infrastructure.

MX403\*

**WESTERN AUSTRALIAN MARINE ACT 1982**  
**NAVIGABLE WATERS REGULATIONS**  
**RESTRICTED SPEED AREAS—ALL VESSELS**  
**CLOSURE OF WATERS—ALL VESSELS**

Prohibited Swimming Area

Department for Planning and Infrastructure,  
 Fremantle WA, 23 January 2007.

Acting pursuant to the powers conferred by Section 66 and 67 of the Western Australian Marine Act 1982, and Regulation 10A(b) of the Navigable Waters Regulations, the department by this notice closes Perth Waters between the Narrows Bridge and Heirrisson Island and limits the speed of motor vessels to that of 8 knots, and prohibits bathing or swimming within the following area and during the following times—

**PORT OF PERTH—SWAN RIVER**

All the waters of the Swan River commencing at Quarry Point; thence due east to the Quarry Starboard Navigation Marker, then north east to Mill Point and extending upstream to the Causeway Bridge

Providing however that this speed restriction and prohibited bathing shall only apply between the hours of 1500 and 2300 on Friday 26 January 2007 and is not applicable to those bona fide vessels or persons involved in approved aquatic events or associated with the **Lotterywest Skyworks 2007**.

Furthermore, that the Closure of Waters will only apply between the hours of 1700 and 2145 on Friday 26 January 2007 and is not applicable to those bona fide vessels or persons involved in approved aquatic events or associated with the **Lotterywest Skyworks 2007**.

DAVID HARROD, General Manager, Marine Safety,  
 Department for Planning and Infrastructure.

MX404\*

**WESTERN AUSTRALIAN MARINE ACT 1982**  
**NAVIGABLE WATERS REGULATIONS**  
**PROHIBITED SWIMMING AREA**

Bunbury

Department for Planning and Infrastructure,  
 Fremantle WA, 23 January 2007.

Acting pursuant to the powers conferred by Regulation 10A(b) of the Navigable Waters Regulations, I hereby close all of the following waters to swimming, between 8.30 pm and 9.45 pm on Friday 26 January 2007—

**KOOMBANA CHANNEL**

All the waters within a 150 metre radius from the end of the western entrance point, at the Leschenault Inlet end of the Koombana channel.

This area is set aside for safety measures during the set up and display of pyrotechnics.

DAVID HARROD, General Manager, Marine Safety,  
 Department for Planning and Infrastructure.

MX405\*

**WESTERN AUSTRALIAN MARINE ACT 1982**  
**NAVIGABLE WATERS REGULATIONS**  
**WATER SKI AREAS**  
Swan River

Department for Planning and Infrastructure,  
Fremantle WA, 23 January 2007.

Acting pursuant to the powers conferred by Regulation 48A of the Navigable Waters Regulations, the department by this notice revokes the paragraph immediately inserted after item (1)(b)(1)(iii) of the *Government Gazette* dated 25 October 1991 and hereby defines and sets aside the following area of navigable water for the purpose of water skiing—

**Swan River:** At all times other than Saturdays, Sundays and Public Holidays water skiing is permitted on all waters of the Swan River downstream of the Narrows Bridge with the exception of gazetted speed limit areas, the Narrows Personal Watercraft Area and subjected to the provisions of the navigable water regulations.

DAVID HARROD, General Manager, Marine Safety,  
Department for Planning and Infrastructure.

MX406\*

**WESTERN AUSTRALIAN MARINE ACT 1982**  
**NAVIGABLE WATERS REGULATIONS**  
**PARASAILING AREAS**  
Swan River

Department for Planning and Infrastructure,  
Fremantle WA, 23 January 2007.

Acting pursuant to the powers conferred by Regulation 48A of the Navigable Waters Regulations, the department by this notice revokes Notice TR404 as published in the *Government Gazette* on 8 August 1997 and defines and sets aside the following area of Navigable Water for the purpose of parasailing—

**Swan River:** All those waters of the Swan River between the Narrows Bridge and a line drawn between Point Resolution and Point Walter Jetty excluding the area gazetted for use by a single commercial parasail vessel, the waters of the Swan Estuary Marine Park and the 8 knot speed restricted area east of Point Heathcote, providing however that such activities shall be restricted to the hours of 0800 to sunset on Monday to Friday excluding Public Holidays and that no vessel towing a parasailor is permitted within 100 metres of any foreshore, wharf or jetty or any person, vessel or object in the water.

DAVID HARROD, General Manager, Marine Safety,  
Department for Planning and Infrastructure.

MX407\*

**WESTERN AUSTRALIAN MARINE ACT 1982**  
**NAVIGABLE WATERS REGULATIONS**  
**PROHIBITED SWIMMING AREA**  
Port Hedland

Department for Planning and Infrastructure,  
Fremantle WA, 23 January 2007.

Acting pursuant to the powers conferred by Regulation 10A(b) of the Navigable Waters Regulations, I hereby close all of the following waters to swimming, between 9.15 pm and 11.15 pm on Friday 26 January 2007—

**Port Hedland:** All the waters within a 100 metre radius of a [fireworks] barge anchored in a position of [approximately] 20 degrees 18.5 minutes South—118 Degrees 34.3 minutes East. This area is set aside for safety measures during the set up and display of pyrotechnics.

DAVID HARROD, General Manager, Marine Safety,  
Department for Planning and Infrastructure.

## PLANNING AND INFRASTRUCTURE

PI401\*

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

*City of Armadale*

Town Planning Scheme No. 4—Amendment No. 12

Ref: 853/2/22/7 Pt 12

It is hereby notified for public information, in accordance with section 87 of the Planning and Development Act 2005 that the Minister for Planning and Infrastructure approved the City of Armadale local planning scheme amendment on 19 December 2006 for the purpose of—

- (a) Add a new primary table heading to Schedule 13 prior to column headings for Development Contribution Plan No.1 as follows—  
Schedule 13A—Development Contribution Plans  
(legacy plans from previous Town Planning Schemes Nos.2 and 3)
- (b) Add a new secondary table heading to Schedule 13 following Development Contribution Plan No.2 and prior to column headings for Development Contribution Plan No.3 as follows—  
Schedule 13B—Development Contribution Plans  
(newly adopted plans under Town Planning Scheme No.4)
- (c) Add the following new entry in Schedule 13B Development Contribution Plans, modified as follows, with text in strikethrough being deleted from the amendment and text underlined being included in the amendment—

No.	Description of land	Development Contribution Plan
3.	Development Contribution Area No.3 as identified on the Scheme Special Control Area Map 3	<p><b>3.1 Cost Contributions</b></p> <p>3.1.1 All Owners within the North Forrestdale First Stages Development Contribution Area shall make a proportional Cost Contribution to the cost of the Common Infrastructure Works identified in Schedule 13B, this Development Contribution Plan No.3 and the Infrastructure Cost Schedule.</p> <p>3.1.2 This Development Contribution Plan applies to the Development Contribution Area No.3 specified on the Scheme's supplementary Special Control Area Map 3.</p> <p>3.1.3 Where the provisions of Schedule 13B are inconsistent with the provisions of Part 6B of this Scheme, then the provisions of Schedule 13B prevails to the extent of any inconsistency.</p> <p><b>3.2 Definitions</b></p> <p>In this part unless the context requires otherwise—</p> <p>“<i>Assessed Value</i>” means a land value obtained in accordance with the procedures described in Clauses 3.12.3 and 3.12.4 of this Schedule.</p> <p>“<i>Credit</i>” means the amount of excess Cost Contribution which has been made either in money or Common Infrastructure works (including land), over and above the amount of Cost Contribution for which an owner is liable at any particular time.</p> <p>“<i>Estimated Lot Yield</i>” means at any particular time, the total potential number of lots including freehold title, survey strata and strata lots, which are capable of being produced from the land within the Development Contribution Area that remains to be subdivided or developed and which is calculated in accordance with the methods specified in Clause 3.4.1 of Schedule 13B.”</p> <p>“<i>Infrastructure Cost Schedule</i>” means a table appurtenant to the Scheme and the Development Contribution Plan, and containing the itemised estimates of costs of Common Infrastructure Works, as periodically reviewed under Schedule 13B and Part 6B.</p> <p>“<i>Nominal Contribution</i>” means a Cost Contribution in respect of an area of land specified by the City of Armadale for exclusive use by a private educational establishment, which is set at a lesser rate than the Cost Contribution that would apply for residential subdivision and development, in acknowledgement that private educational establishments contribute betterment to the Development Contribution Area by virtue of the services provided to the community and that a full Cost Contribution may act as a disincentive to the provision of such services.</p> <p>“<i>Potential Lots</i>” means the total number of lots, including freehold title, survey strata and strata lots, a particular parcel of land, which has been identified for group housing, aged persons housing, office, shop,</p>

No.	Description of land	Development Contribution Plan
		<p>showroom, place of worship or other commercial or non-residential uses approved in writing by the City, is capable of producing if subdivided or developed to the maximum capacity permitted under the Scheme as calculated in accordance with the methods specified in Clause 3.4 of Schedule 13B.</p> <p><i>“Preliminary Contribution”</i> means a claim amount agreed to by the City for carrying out the implementation of Common Infrastructure Works by an Owner and / or a payment made by an Owner pursuant to a condition of subdivision or development approval or a notice served upon an Owner by the City, prior to the gazettal of Amendment No.12 and adoption of the Infrastructure Cost Schedule under the Development Contribution Plan by the City.</p> <p><b>3.3 Calculation of Deductions from Development Contribution Area</b></p> <p>Pursuant to the land area calculations identified by Clause 6B.4.4(d) of the Scheme, the following areas are to be additionally excluded from the land area calculations of both the total land area in the Development Contribution Area and the Owners land—</p> <ul style="list-style-type: none"> <li>• Sites nominated by the relevant Structure Plan for exclusive use of private educational establishments and which have also been approved by the City of Armadale for a Nominal Contribution;</li> <li>• Conservation category wetlands;</li> <li>• Drainage reserves;</li> <li>• Public utility sites;</li> <li>• Public school and educational sites;</li> <li>• Community purpose sites;</li> <li>• Land required for Common Infrastructure Works; and</li> <li>• Any other areas specified in the Infrastructure Cost Schedule or its revisions and amendments.</li> </ul> <p><b>3.4 Calculation and Apportionment of Common Infrastructure Costs and Cost Contributions</b></p> <p>3.4.1 The City will, for the purposes of apportioning Common Infrastructure Costs to Owners, make an estimate of the lot yield for the Development Contribution Area called the ‘Estimated Lot Yield’. This will be calculated by determining the number of hectares in the Development Contribution Area, excluding those land uses in Clause 3.3 of Schedule 13B and Clause 6B.4.4, and multiplying that area by 10.</p> <p>3.4.2 The contribution to be made by each owner of land within the Development Contribution Area to the implementation of the Common Infrastructure Works shall be a Cost Contribution, based on a Cost Contribution Per Lot which is to be calculated by the City in the following manner—</p> <p>(a) The Cost Contribution Per Lot is determined by first deriving the Net Common Infrastructure Costs—</p> <p>(i) <math>A - B = C</math></p> <p>Where—</p> <p>A = gross cost of Common Infrastructure Works being the total of fixed actual and estimated future costs, which will be based on costs estimated no more than 12 months in advance. Such estimates may be based on an average for each Common Infrastructure work cost and shall recognise all factors affecting the development of the relevant Development Contribution Area and associated constraints the City will encounter in the provision of the Common Infrastructure Works. This shall include (but not be limited to) variable market conditions and the nexus between the time frame of development and provision of Common Infrastructure Works.</p> <p>B = payments made to date by owners of land who subdivide or develop land within the Development Contribution Area calculated on the basis of whichever is the lesser of—</p> <ol style="list-style-type: none"> <li>(1) the lots produced at the rate of 10 lots per hectare for the Area equivalent of the land holding of an owner; or</li> <li>(2) the actual number of lots produced by the land holding of an owner;</li> </ol> <p>C = Common Infrastructure work costs;</p> <p>and then dividing the Common Infrastructure work costs by the subdivision potential of the balance of the Area of the Development Contribution Area remaining unsubdivided, excluding those land</p>

No.	Description of land	Development Contribution Plan
		<p>uses in Clause 3.3 of Schedule 13B and Clause 6B.4.4, and multiplying that area by 10.</p> <p>(ii) <math>C \div D = E</math></p> <p>Where—</p> <p>D = the number of lots to be produced to achieve 10 lots per hectare for the area equivalent of the unsubdivided balance area of the Development Contribution Area, excluding those land uses in Clause 3.3 of Schedule 13B and Clause 6B.4.4;</p> <p>E = the Contribution Cost Per Lot.</p> <p>(b) The Cost Contribution payable by each owner of land in the Development Contribution Area is calculated by multiplying the number of freehold lots produced from the owner's land by the Contribution Cost Per Lot.</p> <p>(c) Cost Contributions shall not be payable for land that is used for government school sites, public open space and any other public purpose land uses approved by the City for exclusion from the Cost Contributions.</p> <p><b>3.4.3 Determination of Potential Lots to Which the Contribution Cost Per Lot Applies</b></p> <p>In addition to the number of lots on which the Cost Contribution payable by each owner pursuant to the Cost sharing arrangement included in Clause 3.4.2 of Schedule 13B is assessed, a further Contribution Cost Per Lot shall be payable on the potential lots/dwellings capable of being produced, assessed in accordance with the following provisions—</p> <p>(a) where land is identified by the City as having potential or the capability of being developed for Grouped Dwellings housing or Aged or Dependent Persons Dwellings development, the Contribution Cost Per Lot will be charged on the basis that the lot has residential subdivision potential at the time that lot is created. This shall be calculated by the City as follows—</p> <p>(i) for lots of 5,200m<sup>2</sup> or less, by dividing the total land area of the lot by 400m<sup>2</sup>; or</p> <p>(ii) for lots greater than 5,200m<sup>2</sup>, at a rate of 13 lots per hectare of land, rounded up or down to the nearest whole number of lots; to derive the number of lots the land has potential for or is capable of producing.</p> <p>(b) where the City is satisfied that an area of land is intended to be developed as a private educational establishment and the City considers it appropriate in the circumstances, the Cost Contribution may be charged a Nominal Contribution as per Clause 3.5 of Schedule 13B;</p> <p>(c) where land has been identified by the City to be used for a place of worship, commercial, office, shop, child care premises, showroom or any other non-residential use, the Contribution Cost will be calculated by multiplying the Contribution Cost Per Lot by the area of the lot and then dividing by 1000;</p> <p>(d) where a subdivision is proposed for land on which a dwelling exists and a smaller lot is created to contain the dwelling, the lot containing the dwelling ("the existing house lot") will be subject to a Contribution Cost Per Lot based on Clause 3.4.3(a) of Schedule 13B. If, however, the owner of such land can demonstrate that the size of the existing house lot is required to accommodate the dwelling, landscaping and other outbuildings associated with that dwelling and that the actual development potential of that lot may not exist without substantial cost and redevelopment, then the City may, at its discretion, reduce the Contribution Cost Per Lot payable for the existing house lot provided any future change of use, subdivision or development of the existing house lot will incur further contributions as outlined in Clauses 3.4.2 and 3.4.3(a) to (c) of Schedule 13B.</p> <p>(e) where a subdivision of the kind contemplated in Clause 3.4.3(d) of Schedule 13B is proposed the City may impose on the balance of the lot excluding the existing house lot ("the remaining land") a Contribution Cost Per Lot on the development potential of that lot as prescribed in Clause 3.4.3(a) of Schedule 13B. The City may reduce or defer such payment if—</p> <p>(i) the owner of such a lot can demonstrate that the subdivision was primarily carried out to create the existing house lot and to effect the sale of the remaining land; and</p>

No.	Description of land	Development Contribution Plan
		(ii) the size of the remaining land is such that it will be developed in stages or will be further subdivided.

### 3.5 Nominal Contributions

3.5.1 A Nominal Contribution applies to areas of land agreed by the City as being for the exclusive use of a private educational establishment at a rate of 0.3% of the full value of the educational establishment development approval. The Nominal Contribution will be required as a condition of development and / or subdivision.

3.5.2 Where a change of land use occurs for land for which previous development had been subject to a Nominal Contribution, an additional Cost Contribution will be required to bring the total Cost Contributions for that land at the date the liability for the additional Cost Contribution falls due, up to the equivalent rate for the new land use on the basis of the Contribution Cost Per Lot specified in Clause 3.4 of Schedule 13B.

3.5.3 Where a Cost Contribution has been paid by an Owner and the City subsequently approves a Nominal Contribution for a specified area of the land for which the Cost Contribution has been paid, the difference between the paid Cost Contribution and the subsequent Nominal Contribution shall be deemed a Credit to that Owner.

### 3.6 Common Infrastructure Works

3.6.1 The following are classified as Common Infrastructure Works which shall be paid for by the affected Owners located with the Development Contribution Area No.3 and are presented in the form of General Works and Specified Works below—

#### 3.6.2 General Works

- (a) All costs incurred by the City associated with the preparation, processing and gazettal of the North Forrestdale Development Contribution Plan, Infrastructure Cost Schedule and provisions under this scheme or former Town Planning Scheme No.2, including but not limited to any environmental assessment as required by the Department of Environmental Protection (DEP) and Environmental Protection Authority (EPA).
- (b) The acquisition of land, including associated infrastructure and structures, for the roads, intersections, sewerage pumping station(s), arterial drainage land for multiple use corridor, community facilities and Conservation Category Wetlands included in the Specific Works in Clause 3.6.3 of Schedule 13B.
- (c) Any compensation paid or payable for or in respect of the provision of any of the Common Infrastructure Works or facilities referred to in this Schedule, or in the administration of Part 6B and Schedule 13B of the Scheme for this Development Contribution Plan.
- (d) Any consulting fees agreed to by the City associated with designing and undertaking of the Common Infrastructure Works, including but not limited to surveying, engineering, planning, quotes and certification of estimated costs, environmental, project management and landscaping.
- (e) The provision of any road listed in the Specified Works in Clause 3.6.3 of Schedule 13B, including but not limited to land acquisition, earthworks, shared paths, cycleways, footpaths, traffic management devices, limited landscaping, stabilisation of verges, the formation, preparation, priming and sealing of the road and the provision of kerbing, drainage, service ducts, intersection treatments and lighting and costs associated with the relocation of existing services in connection with the road or in the road reserve.
- (f) Any environmental remediation or improvement including the removal of any contaminant and peat associated with the Specified Works referred to in Clause 3.6.3 of Schedule 13B.
- (g) All costs incurred by Council associated with the preparation, administration and management of the Development Contribution Plan and Infrastructure Cost Schedule including but not limited to bank charges, audit fees, office and sundry costs, legal expenses, valuation fees, reviews of land values and costs, caveat and conveyancing fees, Council staff salaries including a Co-ordinator/Manager of the Development Contribution Plan, any interest costs incurred by Council in respect to loan funds required to provide timely implementation of any of the listed Common Infrastructure Works or related costs, any claims for injurious affection and the costs of establishing any required system to

No.	Description of land	Development Contribution Plan
		facilitate the administration and the ongoing management of Development Contribution Plan and Infrastructure Cost Schedule along with the specific requirements of the Scheme pertaining thereto.
		3.6.3 <i>Specified Works</i>
		<i>Arterial Roads—</i>
		(1) Wright Road between Ranford Road and the northern boundary of Lot 50 Wright Road—
		(a) 100% of the total cost to acquire any road widenings for the ultimate road reserve, minus contributions from Lots 82, 106 and 107 Wright Road.
		(b) 100% of the total cost of all road works and structures between the northern boundary of Lot 50 and Ranford Road, minus contributions from Lots 82, 106 and 107 Wright Road and / or from any other developments or subdivisions with a nexus to the road works.
		(2) Warton Road between the southern boundary of Lot 201/northern boundary of Lot 388 and Armadale Road—
		(a) 100% of the total cost to acquire any road widenings for the ultimate road reserve for Warton Road and roundabout at the intersection of Warton Road and Mason Road, minus any contributions and grants from external sources.
		(b) 100% of the total cost of constructing the full earthworks, one carriageway, roundabout intersection, cycle facilities and all structures, minus any contributions and grants from external sources.
		(c) 100% of the cost of temporary intersection works/upgrading of the intersection of Armadale Road and Warton Road, including any road widenings, minus any contributions and grants from external sources.
		(3) Nicholson Road between Warton Road and Armadale Road—
		(a) 100% of the total cost to acquire any road widenings for the ultimate road reserve and the ultimate traffic signalised intersection in the proposed North Forrestdale town centre.
		(b) 100% of the total cost of constructing the full earthworks, two dual carriageways and all structures.
		(c) 100% of the total cost of upgrading the intersection and installing traffic signals in the proposed North Forrestdale town centre.
		(d) 100% of the cost of temporary intersection works/upgrading of the intersection of Armadale Road and Nicholson Road, including any road widenings, minus any contributions and grants from external sources.
		(e) A contribution towards landscaping works.
		(4) Mason Road between Warton Road and 550 metres east of Warton Road—
		(a) 100% of the total cost to acquire any road widenings for the ultimate road reserve.
		(b) 100% of the total cost of constructing the full earthworks, one carriageway and all structures.
		(5) Ranford Road and Wright Road Intersection—
		(a) 100% of the total cost to acquire any road widenings located within the City of Armadale for the ultimate traffic signalised intersection, except those areas ceded free of cost from Lots 106 and 107 Wright Road.
		(b) A contribution to the cost of upgrading the intersection and installing traffic signals.
		(6) Regional Path Network—
		(a) 100% of the total cost of constructing the Regional Path Network within Development Control Area No.3 as identified in the adopted Infrastructure Cost Schedule. .
		(b) 100% of the total cost of constructing the principal shared path on Wright Road between Nicholson Road and Ranford Road.
		(c) 100% of the cost of a shared path along Armadale Road.

No.	Description of land	Development Contribution Plan
		(7) Arterial Drainage and Water Management—
		(a) 100% of the cost of acquiring land for the arterial drainage multiple use corridors up to 10 year average recurrence interval event and the arterial drainage land for the open channel adjacent to Reilly Road.
		(b) 100% of the cost of constructing the open channel in the multiple use corridor and adjacent to Reilly Road.
		(c) 100% of the cost of constructing Skeet Road pipe work, culverts and pavement reconstruction and reinstatement of Nicholson Road, Mason Road and any other portion of road pavement modified to install arterial drainage.
		(d) Maintenance works in Ballanup Drain.
		(e) 100% of the cost of providing the predevelopment water quality data, monitoring and Water Management initiatives.
		(8) Community and Recreation Facilities—
		(a) A contribution to the cost of provision of sporting facilities for district sporting facilities, including change rooms, toilets, associated facilities and a multiple purpose sporting oval.
		(b) 100% of the total cost of a community facility on Lot 48 Nicholson Road including change rooms, toilets and associated facilities.
		(c) 100% of the total cost to acquire the land and existing building on Lot 49 Keane Road and 72% of the cost of the refurbishment of the existing homestead dwelling, car parking, playground and landscaping for a community facility.
		(d) Contribution towards the provision of sporting facilities at Carey Baptist College—Lot 1000 Wright Road to provide public sporting facilities including 50% of the cost of car parking, change rooms and toilets.
		(e) 100% of the total cost to construct change rooms, car parking and toilet block associated with active recreational uses on two sites of public open space identified on the Structure Plan abutting proposed primary schools.
		(f) 50% of the total cost to construct a senior multiple purpose sporting oval adjoining each of the public primary schools and on Lot 48 Nicholson Road.
		(9) Regional Sewer Infrastructure and 132KV Power Lines—
		(a) 100% of the total cost to acquire the land for the sewer pump station buffer zone (public open space that is non-creditable) on Lot 49 Keane Road and Lot 50 Wright Road.
		(b) Reimbursement of the portion of the cost of constructing the sewer pumping station and temporary pressure mains, which are not prefunded by the Water Corporation.
		(c) Contribution towards the cost to reconfigure the 132 KV power lines to an urban standard on current alignment as specified in the Infrastructure Cost Schedule. Other relocation costs to be met by individual subdividers.
		(10) Conservation Category Wetlands—
		(a) 100% of the total cost to acquire the core area of the rehabilitated conservation category wetlands on Lot 49 Wright Road.

### 3.7 Credits for Common Infrastructure Works

Where a credit is recorded in respect to any Owner it may be used as payment of future Cost Contribution required from that Owner or the Owner may apply for reimbursement, which shall be paid out without any interest payment, when the City deems sufficient funds have accumulated to cover any such claims and the outstanding and anticipated Common Infrastructure Works costs are estimated to be fully recoverable from the anticipated future subdivision and development. Where several subdividers have accumulated such credit, the City may satisfy refunds in staged payments in proportion to the credit amounts held by each subdivider.

### 3.8 Provision of Land for Common Infrastructure Works

Where the Infrastructure Cost Schedule includes a land component for a Common Infrastructure work on the relevant lot for which a Cost Contribution or Nominal Contribution is due, an Owner shall cede to the

No.	Description of land	Development Contribution Plan
		<p>Crown or transfer to the City the required Common Infrastructure work land at the first stage of subdivision and/or development for that particular landholding or by prior agreement at an alternative date agreed by the City. If the value of the land determined in accordance with this Schedule exceeds the total Cost Contribution for that Owner, the excess value shall be attributed as a credit to the Owner.</p> <p><b>3.9 Overdue Cost Contributions</b></p> <p>Any overdue Cost Contribution to Common Infrastructure Works shall be a liquidated debt due to the City of Armadale by the Owner of such land (including the subdivider of the land) and may be recovered by the City in a court of competent civil jurisdiction.</p> <p><b>3.10 Prefunding of Common Infrastructure Works</b></p> <p>3.10.1 An owner of land within the Development Contribution Area may, with the prior written approval of the City, undertake implementation of any of the Common Infrastructure Works referred to in Clause 3.6 of Schedule 13B. Where an owner wishes to undertake implementation of Common Infrastructure Works, with the exception of land required for a Common Infrastructure work, the owner shall, before commencing to carry out such works, first lodge a formal claim for the cost of the Common Infrastructure Works with the City, which reserves the right to review and accept or reject the claim, and to permit or prevent the owner from carrying out the works until such time as the owner's claim has been agreed. The City will endeavour to respond to an owner's claim within sixty (60) days.</p> <p>3.10.2 If the City agrees that an owner can pre-fund the Common Infrastructure Works, the owner shall at all times maintain proper and itemised records of all relevant expenditure, including receipts and invoices and provide copies of the same to the City on request. Where the cost of carrying out such works exceeds the amount of the claim originally agreed to by the City, the City may accept or reject the additional cost or any part thereof.</p> <p>Any dispute regarding the entitlement of the owner to additional reimbursement from the Development Contribution Area Account, except for any land required for a Common Infrastructure work, shall in the first instance be discussed at a meeting attended by the Owner and City representatives who shall endeavour to reach agreement.</p> <p>Any dispute not settled at the meeting regarding the entitlement of the owner to additional reimbursement from the Development Contribution Area Account, except for any land required for a Common Infrastructure work, shall be then referred to the arbitration of a single arbitrator in the manner provided by the Commercial Arbitration Act 1985 and if the parties are unable to agree upon the arbitrator he may be nominated by the President for the time being of the Law Society of Western Australia (or its successor) on the application of any party. The arbitrator shall be bound by the provisions of Part 6B, Schedule 13B the Development Contribution Plan and the Infrastructure Cost Schedule.</p> <p>3.10.3 Where the City accepts a claim for a credit or an entitlement to reimbursement for the carrying out the implementation of Common Infrastructure Works, the City shall record the extent of the claim and if necessary adjust the Infrastructure Cost Schedule accordingly.</p> <p>3.10.4 Where an owner seeks a credit for a contribution to Common Infrastructure Works (whether by the provision of land or the construction of any works) against his Cost Contribution liability and the City has previously agreed to the carrying out of such works by that owner on that basis, then the credit to be given to the owner will be calculated on the basis of the cost agreed by the City under Clauses 3.10.1 and 3.10.2 of Schedule 13B.</p> <p>3.10.5 Notwithstanding Clause 3.10.4 above, where an owner has pre-funded Common Infrastructure Works and the credit allowed by the City exceeds the obligation for payment towards Contribution Costs by the owner under this Development Contribution Plan and Infrastructure Cost Schedule, the owner should be refunded the excess after the City has received sufficient contributions from other owners in that Development Contribution Area towards meeting the anticipated Common Infrastructure Works and having regard to the priority of Common Infrastructure Works.</p> <p><b>3.11 Ability to Raise Loans to Undertake Common Infrastructure Works</b></p> <p>The City may raise loans for the purpose of providing the finance necessary for the implementation of Common Infrastructure Works at a timing and</p>

No.	Description of land	Development Contribution Plan
		<p>order of prioritisation determined by the City with any interest or charges incurred in raising loans or carrying out such work deemed to be a Common Infrastructure Work cost.</p> <p><b>3.12 Acquisition of Land for Common Infrastructure Works, Payment, Valuation, Compulsory Acquisition, and Assessed Value</b></p> <p>3.12.1 The provisions of Clauses 6B.9.2 to 6B.9.6 do not apply to the North Forrestdale Development Contribution Plan. The following variations apply to the acquisition of land for Common Infrastructure Works, calculation of Costs and valuation of land within Development Contribution Area No.3.</p> <p>3.12.2 Where land has been compulsorily acquired and a lawful claim for compensation has been served on the Council, the Council may claim compensation for betterment under Section 184 of the Planning and Development Act 2005 and the value attributed to the betterment of the land the subject of the claim shall be set off against any compensation otherwise payable to the claimant under the Land Administration Act 1997 or any re-enactment of its provisions related to compulsory acquisition and compensation.</p> <p>3.12.3 (a) The Council may at any time ascertain the value of any land in the Development Contribution Plan for the purpose of estimating Common Infrastructure Work costs, payments and Cost Contributions.</p> <p>(b) If it is necessary, for any purpose to ascertain the value of any land, such value should be determined by two licensed valuers appointed from time to time by the City herein referred to as "the Valuation Panel". The members of the Valuation Panel may confer as to value, and if they are unable to arrive at a consensus value, they shall confer with the Chief Executive Officer of the City ("CEO") or the officer to whom the CEO delegates that function from time to time. If the valuers with the officer cannot arrive at a consensus value then the officer shall select a value which represents the median value between the two values nominated by the valuers on the Valuation Panel and will be advertised under the next following paragraph (c) ("the Proposed Value").</p> <p>The Valuation Panel may determine more than one Assessed Value in the Development Contribution Plan area, where the City or the Panel identifies that there are significant differences in land values within areas of the Development Contribution Plan.</p> <p>(c) As soon as possible after the Proposed Value or Proposed Values have been ascertained it should be advertised for a period of not less than 21 days to allow for submissions to be made in regard to the Proposed Value or Proposed Values.</p> <p>An owner who lodges an objection under this clause shall submit with the objection supporting evidence from a suitably qualified person in the specific field being objected to.</p> <p>(d) The City shall as soon as possible consider all submissions made on the Proposed Value or Proposed Values and may refer any submission to the Valuation Panel for comment, but where a submission is accompanied by expert valuation advice based on the valuation principles contained in Schedule 13B, it should be referred by the City to the Valuation Panel for comment.</p> <p>Having considered the submissions and any comment from the Valuation Panel, the City shall fix upon the value or values to be applied under the Infrastructure Cost Schedule and Development Contribution Plan No.3 in Schedule 13B ("the Assessed Value or Assessed Values") until the next Assessed Value or Assessed Values has been determined.</p> <p>(e) It is intended that any Assessed Value or Assessed Values should apply for no more than 13 months but while an Assessed Value or Assessed Values remains current it shall stand as the value of land within the Development Contribution Plan and Infrastructure Cost Schedule for all purposes under Schedule 13B and Part 6B and the Infrastructure Cost Schedule.</p> <p>(f) Where land is ceded or acquired for a Common Infrastructure Work, otherwise than by compulsory taking, for the purpose of determining the amount to be paid to the owner from whom the land is acquired, the value of the land shall be calculated according to the same Assessed Value as was applied to the Cost Contribution paid or payable by that owner on the clearance by the City of the subdivision of land in the same deposited plan as contains the land acquired.</p>

No.	Description of land	Development Contribution Plan
3.12.4	In ascertaining the Assessed Value or Assessed Values under Clause 3.12.3 of Schedule 13B, all land shall be valued in its broad acre form as depicted on 1 January 2004, ignoring any services or infrastructure provided in accordance with the provisions of the relevant Local Structure Plan and applying the following principles—	<ul style="list-style-type: none"> <li>(a) regard is to be had to the land classifications and zonings existing at the date of valuation;</li> <li>(b) the date of valuation is to be the date on which the City nominates;</li> <li>(c) ignoring any improvements or works on the land;</li> <li>(d) the land should be valued without regard to the Common Infrastructure work and the purpose for which the land is acquired shall not be taken into consideration;</li> <li>(e) in selecting relevant sales evidence, regard should be had first to values derived from land in the same area, and if there is not adequate evidence, from nearby or similar land in the area, in priority to any other sales evidence;</li> <li>(f) the conservation category wetland land identified in Development Contribution Plan No.3 is to be valued at 62.5% of the Assessed Value of nearby Urban zoned land;</li> <li>(g) the method of valuation shall otherwise be in accordance with normal fair market valuation principles.</li> </ul>
3.12.5	Where land is acquired in the circumstances contemplated in Clause 3.12.3(f) of Schedule 13B, the Council shall pay to the owner an additional amount not more than 10% of the amount calculated under that Clause.	
3.12.6	Where land required for Common Infrastructure Works is ceded to the Crown or acquired by the City prior to the Minister for Planning and Infrastructure granting final approval and publication of Amendment No.12 in the <i>Government Gazette</i> , the appointment of the Valuation Panel by the City under of Schedule 13B, or adoption of the Infrastructure Cost Schedule by the Council, the land shall be valued in accordance with the Clauses 3.12.1 to 3.12.5 of Schedule 13B by the Valuation Panel and the date of valuation shall be the date the land for the Common Infrastructure Work is acquired by the City or the City issues its clearance to the deposited plan that contains the Common Infrastructure work land, whichever is the earlier.	
	<b>3.13 Revision of Infrastructure Cost Schedule, Contribution Costs, Estimated Lot Yields and Areas Capable of Being Developed</b>	
3.13.1	The City shall from time to time review Contribution Costs and the Infrastructure Cost Schedule provided such reviews are conducted at least on an annual basis.	
3.13.2	The City shall, at the time it reviews Contribution Costs and the Infrastructure Cost Schedule, review—	<ul style="list-style-type: none"> <li>(a) the Estimated Lot Yield;</li> <li>(b) the Contribution Cost per Lot;</li> <li>(c) the remaining area of the Development Contribution Plan which is capable of being developed;</li> </ul>
	having regard for the actual lots produced in the Development Contribution Plan since the last review, the remaining Common Infrastructure Works, any amendments to the Local Structure Plan and any other factors the City considers relevant.	
3.13.3	When calculating or reviewing Contribution Costs and the Infrastructure Cost Schedule in the Development Contribution Plan, the City will have regard to the value of the land required for Common Infrastructure Works and include an amount of 10% over and above the Assessed Value of such land, to ensure that the City has or will receive sufficient funds in the Development Contribution Plan Account to acquire land for Common Infrastructure Works to meet its obligations for appropriate payment to such owners, and ensure the Common Infrastructure Works can be completed in a manner that minimises the need for external borrowing. The City may also apply a further amount above the Assessed Value to recognize any compulsory taking of land and/or acquisition of structures.	
3.13.4	The City, in reviewing the various elements pursuant to subclauses 3.13.1 and 3.13.2 above, may revise or amend any of those elements and any Contribution Costs payable by an owner of land in the Development Contribution Plan Infrastructure Cost Schedule.	

No.	Description of land	Development Contribution Plan
		<p>3.13.5 Following revision or amendment of the elements mentioned in subclauses 3.13.1 to 3.13.3 inclusive, the City shall notify by way of public advertising the outcome of the review advising of the availability of details concerning the review and revisions and inviting comment.</p> <p>3.13.6 Following the issue of the invitation pursuant to subclause 3.13.5, a period of 28 days shall be allowed from the date such advertising commenced for an owner affected by the review to object to the revision of Contribution Costs and any other finding of the review, other than the Assessed Value which shall be dealt with under Clause 3.12 of Schedule 13B.</p> <p>An owner who lodges an objection under this clause shall submit with the objection supporting evidence from a suitably qualified person in the specific field of the cost revision being objected to and can only object to those elements that have been altered as part of the review.</p> <p>Any objection received by the City in accordance with this subclause during this period shall be—</p> <ul style="list-style-type: none"> <li>(i) discussed at a meeting between suitably qualified representatives of the Owner and the City who shall endeavour to reach agreement; then</li> <li>(ii) assessed and determined by the City; and</li> <li>(iii) if the objecting Owner objects to the City's determination it should be referred by the City or Owner to the arbitration of a single arbitrator in the manner provided by the Commercial Arbitration Act, 1985. The arbitrator shall be bound by the provisions of Part 6B and Schedule 13B of the Scheme, Development Contribution Plan and Infrastructure Cost Schedule.</li> </ul> <p>3.13.7 If the parties are unable to agree upon the arbitrator, the arbitrator may be nominated by the President for the time being of the Law Society of Western Australia (or its successor) on the application of any party. The costs of each party involved in the arbitration process will be borne by that party, however, in the case where the arbitrator believes an objection to be frivolous or where a party has unnecessarily frustrated the process of arbitration, the Arbitrator may at his discretion, award costs against the erring party.</p> <p>3.13.8 Upon final approval by the Minister for Planning and publication of Amendment No.12 in the <i>Government Gazette</i> and after adoption of the Infrastructure Cost Schedule, the City shall notify the estimate of Contribution Costs made by the City by way of an advertisement in a newspaper. A period of 35 days shall be allowed from the date of such notification for an owner in writing to object to the Cost Contribution.</p> <p>An owner who lodges an objection under this clause shall submit with the objection supporting evidence from a suitably qualified person in the specific field of the Contribution Cost and Common Infrastructure Work being objected to.</p> <p>Any objection received by the City during this period shall be—</p> <ul style="list-style-type: none"> <li>(i) discussed at a meeting between suitably qualified representatives of the Owner and the City who shall endeavour to reach agreement; then</li> <li>(ii) assessed and determined by the City; and</li> <li>(iii) if the objecting Owner objects to the City's determination it should be referred by the City or Owner to the arbitration of a single arbitrator in the manner provided by the Commercial Arbitration Act, 1985. The arbitrator shall be bound by the provisions of Part 6B and Schedule 13B of the Scheme and the Development Contribution Plan and the Infrastructure Cost Schedule.</li> </ul> <p>If the parties are unable to agree upon the arbitrator, subclause 3.13.7 shall apply.</p> <p>3.13.9 Where a dispute has been determined by arbitration under Clauses 13.3 or 3.13.8, the Infrastructure Cost Schedule shall be amended in accordance with the decision of the arbitrator and the Cost Contribution per lot recalculated.</p>

### 3.14 Expiration of Development Contribution Plan

This Development Contribution Plan should expire ten (10) years from the date of gazettal of Amendment No.12, however, may also be extended for further periods, with or without modification, by subsequent Scheme Amendments.

No.	Description of land	Development Contribution Plan
		<p><b>3.15 Preliminary Contribution Payments</b></p> <p>3.15.1 Where an owner or former owner of land in Development Contribution Area No.3 has made a Preliminary Contribution Payment towards their Cost Contribution, prior to the gazettal of Amendment No.12 to Town Planning Scheme No.4 and adoption of the Infrastructure Cost Schedule by the City under Part 6B and Schedule 13B, then the Preliminary Contribution Payment will be credited towards the Cost Contribution required under Clauses 6B.5 and 6B.6 and Schedule 13B.</p> <p>3.15.2 Should an owner's or former owner's Preliminary Contribution Payment be less than the required Cost Contribution, which is to be determined after the gazettal of Amendment No.12 to Town Planning Scheme No.4 and at the time the Council adopts the Infrastructure Cost Schedule, the City may seek a further payment from those owners who have made such Preliminary Contribution Payments, which represents the difference between such Preliminary Contribution Payments and the amount of the owner's Cost Contribution calculated as if the payment was made at the time the Infrastructure Cost Schedule is adopted by the City. Owners shall make the further payment stipulated by the City within thirty (30) working days of receiving a written request from the City, unless otherwise agreed by the City.</p> <p>3.15.3 Should an owner's or former owner's Preliminary Contribution Payment be more than the Cost Contribution required after the gazettal of Amendment No.12 to Town Planning Scheme No.4 and at the time the City adopts the Infrastructure Cost Schedule, then the Owner is entitled to a credit or refund, which represents the difference between such Preliminary Contribution Payments and the amount of the owner's Cost Contribution calculated as if the payment was made at the time the Infrastructure Cost Schedule is adopted by the Council. If the owner seeks a refund for the difference, the City shall endeavour to make such a payment within thirty (30) working days or as soon as the necessary funds are available in the relevant account.</p>
		<p>(d) Modify the Contents Pages and other Scheme references to Schedule 13 in the Scheme text to refer to Schedule 13A and 13B as follows—</p> <ul style="list-style-type: none"> <li>(i) In the Table of Contents and the list of Schedules following Clause 11.8, delete the words "Schedule 13" and substitute in their place the words "Schedule 13A (legacy plans from previous Town Planning Schemes No.2 and No.3)" and "Schedule 13B (newly adopted plans under Town Planning Scheme No.4)";</li> <li>(ii) In Clause 6B and 6B.3.1 and 6B.3.2 delete the words "Schedule 13" and substitute in their place the words "Schedule 13A and Schedule 13B";</li> <li>(iii) In Schedule 1 Point 1 under the general definitions of "contribution arrangement" and "development contribution area" delete the words "Schedule 13" and substitute in their place the words "Schedule 13A and Schedule 13B".</li> </ul> <p>(e) Modify Part 6B provisions as follows—</p> <ul style="list-style-type: none"> <li>(i) In clause 6B.4.2 (a) after the words "but in any event," delete the remaining words and substitute in their place the words "should not operate for more than 5 years, unless specified in Schedule 13 or by Council.";</li> <li>(ii) In clause 6B.4.2 (b) after the words "may be extended" insert the new words "by the City";</li> <li>(iii) In clause 6B.4.3 add the words ", unless otherwise specified in Schedule 13" after the words "following principles";</li> <li>(iv) In clause 6B.4.4 (b) after the words "existing public open space" insert the new words "and land reserved for Parks and Recreation under the Metropolitan Region Scheme";</li> <li>(v) In clause 6B.4.4 (c) after the words "government primary" delete the remaining words and substitute in their place the words "secondary schools and public utilities" and in (d) following the words "Development Contribution Plan;" delete the words "is to be excluded" substitute in their place the word "and";</li> <li>(vi) In clause 6B.4.4 add a new (e) as follows, "the land areas of any other developments, which in the opinion of the Council have a limited subdivision or development potential, is to be excluded";</li> <li>(vii) Under Clause 6B.4.2 (b) delete the Note;</li> <li>(viii) In clause 6B.5 (a) before the words "the City confirming" insert the new words "prior to" and after the words "application to subdivide" and before the words "the Owner's land" insert the new words "or amalgamate";</li> <li>(ix) In clause 6B.5 (b) after the words "approval on the" delete the remaining words and substitute in their place the words "relevant plan or deposited plan (Diagram of Survey) of the amalgamation, subdivision, survey strata or strata subdivision of the Owner's land within the Development Contribution Area";</li> <li>(x) In clause 6B.5 (d) after the words "Development Contribution Area;" delete the word "or";</li> </ul>

- (xi) In clause 6B.5 add a new (e) as follows, “prior to the City providing written advice to the Commission confirming that conditions relating to a survey strata or strata subdivision within a Development Contribution Area have been complied with;”;
- (xii) In clause 6B.5 add a new (f) as follows, “prior to the issue of a Building Licence for any development (including land use) on the land of an Owner within a Development Contribution Area have been complied with; or”;
- (xiii) Renumber clause 6B.5(e) to a new 6B.5(g);
- (xiv) In clause 6B.7.2 after the words “The City is to” and before the words “an audited annual statement” delete the words “provide to every Owner” and substitute in their place the words “make available” ;
- (xv) In clause 6B9.1(a) after the words “of this part” insert the words “, with the exception of Development Contribution Plan No.3, where land is valued in accordance with Schedule 13B. Clauses 6B.9.2 to 6B.9.6 do not apply to Development Contribution Plan No.3.”; and
- (xvi) In clause 6B.9.1(b) after the words “In clause 6B.9” insert the new words “, unless, Schedule 13 specifies the method of land valuation for a particular Development Contribution Area”.

**PI402\***

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**  
*City of Armadale*  
 Town Planning Scheme No. 4—Amendment No. 17

Ref: 853/2/22/7 Pt 17

It is hereby notified for public information, in accordance with section 87 of the Planning and Development Act 2005 that the Minister for Planning and Infrastructure approved the City of Armadale local planning scheme amendment on 19 December 2006 for the purpose of—

1. Rezoning Lot 82 Ottaway Street, Kelmscott from “Residential R15/40” to “District Centre, Restricted Use No 1” and amending the Scheme Maps accordingly.
2. Inserting the following in Schedule 3—Restricted Uses in the column ‘Description of Land’, “Lot 82 Ottaway Street” before the words “and 27 (No 15) Fancote Street”.

L. REYNOLDS, Mayor.  
 R. S. TAME, Chief Executive Officer.

**PI403\***

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**  
*City of Armadale*  
 Town Planning Scheme No. 4—Amendment No. 23

Ref: 853/2/22/7 Pt 23

It is hereby notified for public information, in accordance with section 87 of the Planning and Development Act 2005 that the Minister for Planning and Infrastructure approved the City of Armadale local planning scheme amendment on 19 December 2006 for the purpose of rezoning the portion of Reserve 38061 abutting Lot 51 Eugene Place, Karragullen from “Parks & Recreation (Local)” to “Rural Living 2”, and amending the Scheme Maps accordingly.

L. REYNOLDS, Mayor.  
 R. S. TAME, Chief Executive Officer.

**PI404\***

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

TOWN PLANNING SCHEME NO. 24—SCHEME AMENDMENT NO. 19

It is hereby noted for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning and Infrastructure approved the City of Bayswater local planning scheme amendment on 21 December 2006 for the purpose of—

1. Rezoning lots 3-5 Whatley Crescent, portion of Lots 8-10 Guildford Road and Lots 1, 2, 6 and 7 Central Avenue, Maylands, from ‘Private Institutions’ to ‘Medium and High Density Residential R60.’
2. Amending the Scheme Map by inserting a new symbol for ‘special control area’ under the ‘Other’ category and replacing ‘Medium Density Residential’ with ‘Medium and High Density Residential’ in the Scheme Map Legend.

3. Including lots 3-5 Whatley Crescent, portion of Lots 8-10 Guildford Road and Lots 1, 2, 6 and 7 Central Avenue, Maylands, within 'Special Control Area No. 3.'
4. Amending Clause 8.5.3 b) of the Scheme text to read 'Medium and High Density Residential – incorporating the R25, R30, R40, R50, R60, R80 and R100 Codes.'
5. Inserting a new part, Part 10, into the Scheme text as follows—
 

**“PART 10 SPECIAL CONTROL AREAS”**

  - 10.1 OPERATION OF SPECIAL CONTROL AREAS
    - 10.1.1 The following special control areas are shown on the Scheme Maps—
      - c) SCA 3 – Lots 3-5, Nos. 134-138 Whatley Crescent, Lots 8-10, Nos. 153-157 Guildford Road and Lots 1, 2, 6 & 7, No. 54 Central Avenue, Maylands.
    - 10.1.2 In respect of a Special Control Area shown on a Scheme Map, the provisions applying to a Special Control Area apply in addition to the provision applying to any underlying zone or reserve and any general provisions of the Scheme.
    - 10.1.3 Special Control Areas are shown on the Scheme Map as SCA with a number and included in Appendix 10 including a Precinct Location Plan.
    - 10.1.4 The purpose of Special Control Areas are to—
      - a) identify areas requiring comprehensive planning to allow redevelopment in an appropriate form;
      - b) coordinate subdivision and development in areas requiring comprehensive planning.
    - 10.1.5 Appendix 10 describes the Special Control Area(s) in detail and sets out the specific purposes and requirements that apply to the Special Control Area.
    - 10.1.6 The development and subdivision of land within a Special Control Area is to comply with the requirements of Appendix 10.”
6. Inserting a new appendix, Appendix 10, into the Scheme as follows—

**“APPENDIX 10****SPECIAL CONTROL AREAS****Special Control Area 3:**

Former Senses Foundation site, 134 Whatley Crescent, Maylands

**Site Particulars:**

Lots 3-5, Nos. 134-138 Whatley Crescent, Lots 8-10, Nos. 153-157 Guildford Road and Lots 1, 2, 6 & 7, No. 54 Central Avenue, Maylands

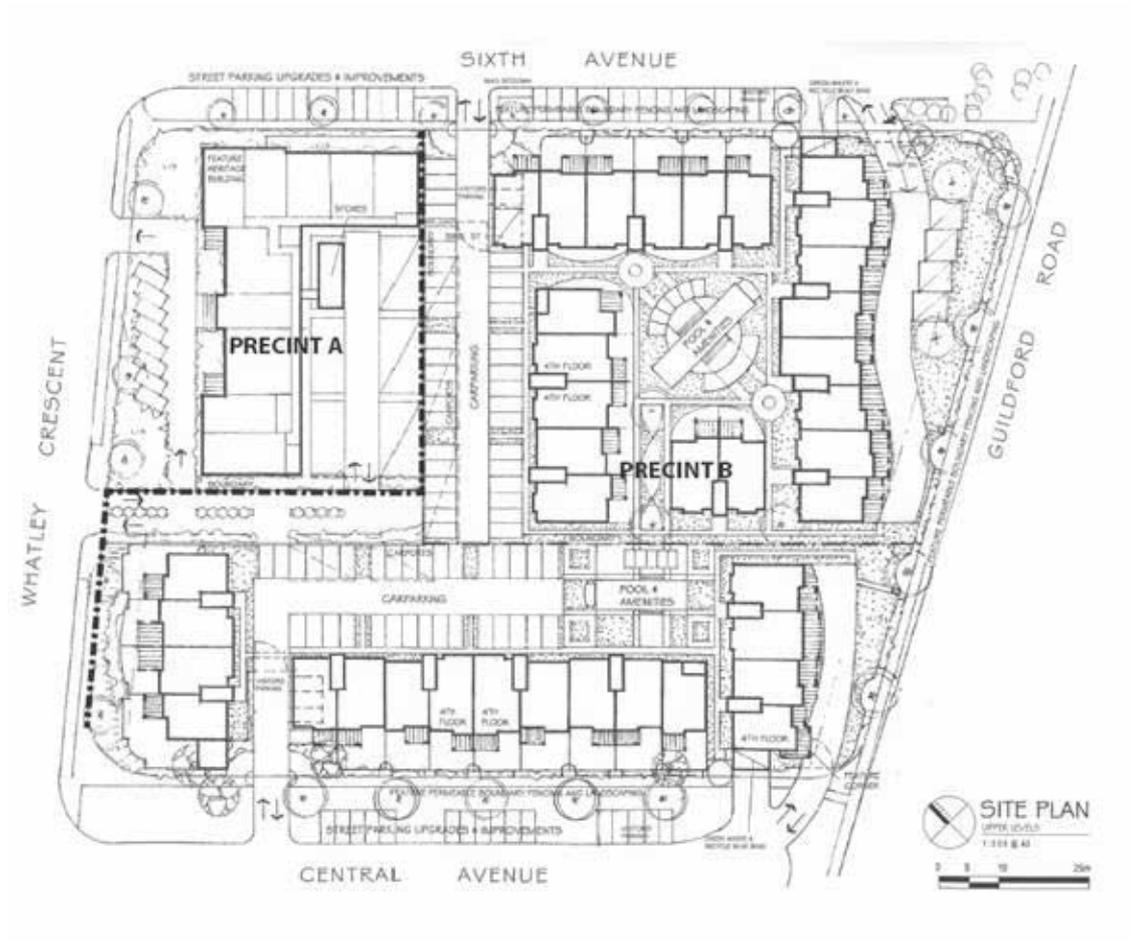
**Description:**

SCA 3 Area is bounded to the north by Whatley Crescent, to the east by Sixth Avenue, to the south by Guildford Road and to the west by Central Avenue, Maylands.

<b>Provisions</b>	
<b>Purpose:</b> To accommodate the redevelopment of the former Senses Foundation site with quality residential apartments, whilst protecting the heritage significance attributed to the site. The site is delineated into two precincts which are described as—	
<ul style="list-style-type: none"> <li>• Precinct A – Maximum 19 Multiple Dwellings (R80) incorporated within conserved Royal WA Institute and Industrial School for the Blind building;</li> <li>• Precinct B – Maximum 112 Multiple Dwellings (R100)</li> </ul>	
* Refer to Precinct Development Plan	
<b>Additional Discretionary Uses</b>	
<b>Precinct A</b>	<b>Precinct B</b>
Multiple Dwellings (R80)	Multiple Dwellings (R100)
<b>Development Requirements: General</b>	
<ul style="list-style-type: none"> <li>• Development shall be in accordance with the Precinct Development Requirements for the precincts as identified on the precinct development plan.</li> <li>• Vehicular access is not permitted to or from the site via Guildford Road.</li> <li>• Fencing along all street boundaries, including Guildford Road, shall be visually permeable above a height of 1.2metres</li> <li>• Service and storage areas are to be screened from public view.</li> <li>• A Tree Survey is to be undertaken to the satisfaction of Council. Trees identified for retention in the tree survey shall be retained unless the specific approval for removal is granted by the Council. The Tree Survey may be reviewed upon the written request of an applicant (at their cost).</li> <li>• Landscaping shall be of a very high standard and be carefully designed to reinforce the development character established for this site.</li> <li>• Part of the site is a Registered Place under the Heritage of WA Act.</li> </ul>	

<b>Precinct Development Requirements</b>	
Precinct A	Precinct B
i. A residential density of R80 and a maximum yield of 19 dwelling units shall apply.	i. A residential density of R100 and a maximum yield of 112 dwelling units shall apply.
ii. Notwithstanding Clause 8.3.1, development of the existing buildings with a maximum wall height of 12.0 metres with the entry feature to a maximum of 13.5 metres above natural ground level.	ii. Notwithstanding Clause 8.3.1, development with a maximum wall height of 12.0 metres above natural ground level fronting Guildford Road, including under-croft parking and a maximum wall height of 9.5 metres above natural ground level fronting Whatley Crescent, Central Avenue and Sixth Avenue, including any under-croft parking.
iii. The existing buildings are to be retained and conserved as Stage 1 of the development in accordance with the Conservation Plan endorsed by the Heritage Council in May 2006 and in accordance with advice issued by the Heritage Council from time to time under Section 78 of the Heritage of Western Australia Act.	iii. An iconic building shall be sited at the corner of Central Avenue and Guildford Road to create a landmark entry approach to the Maylands Town Centre with a maximum wall height of 14.0 metres and overall height of 17.0 metres above natural ground level.
iv. A minimum 50% open space shall be provided.	iv. Development of three storeys plus a loft shall be restricted to the locations nominated in the Precinct Development Plan.
v. Provision of 33 onsite car parking bays for residents and visitors.	v. Dwellings shall be designed and oriented to address and provide surveillance of the adjacent streets, by way of windows and courtyards for ground floor dwellings and balconies for upper floor dwellings.
vi. The Residential Design Code requirement for balconies or equivalent outdoor areas appurtenant to the dwelling shall be exempt to allow preservation of the heritage integrity of the former WA Institute for the Blind building.	vi. Dwellings fronting Central Avenue and Sixth Avenue shall be provided with a formal entrance point accessible from the street. Dwellings fronting Guildford Road and Whatley Crescent shall have common access.
	vii. Each dwelling unit shall be provided with an outdoor living area or balcony comprising a minimum area of 10m <sup>2</sup> with a minimum dimension of 3.0 metres in length and width.
	viii. Surveillance windows, balconies and courtyards shall be provided to overlook adjoining streets and communal open space.
	ix. Building facades shall be articulated and roof detail varied to contribute positively to the amenity of adjacent streetscapes and to create distinction between dwelling units. Feature elements will be encouraged, including variations to colours and building materials. Large blank facades to the adjacent streets will not be permitted.
	x. Roof pitches shall not exceed 30 degrees and roof materials shall be non-reflective.
	xi. Provision of a minimum 190 car parking bays for residents and visitors in a combination of onsite above ground and under-croft bays (180 bays) and additional on street bays (10 bays).

## Precinct Development Plan



T. G. KENYON, Mayor.  
M. J. CAROSELLA, Chief Executive Officer.

---

## PREMIER AND CABINET

---

PC401\*

### 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 K. M. Chance MLC to act temporarily in the office of Minister for Regional Development; Fisheries; the Kimberley, Pilbara and Gascoyne in the absence of the Hon J. R. Ford MLC for the period 3 to 18 February 2007 (both dates inclusive).

M. C. WAUCHOPE, Director General,  
Department of the Premier and Cabinet.

---

## **DID YOU KNOW ??**

Hard copies of consolidated Acts and Regulations,  
(as seen on our website at [www.slp.wa.gov.au](http://www.slp.wa.gov.au)),  
can be purchased from State Law Publisher.

Why pay for paper, ink or toner and  
wear out your printer when we can produce  
your documents for you.

Call us now on (08) 9321 7688 for a price.

### ***FREE!!* E-MAIL NOTIFICATION SERVICE *FREE!!***

State Law Publisher now offers a free email notification service for clients.

The “Information Bulletin” is published each Friday afternoon and contains up-to-date information regarding—

- new Acts of Parliament including proclamations;
- new Regulations
- progress of Parliamentary Bills;
- new subsidiary legislation gazetted;
- repealed legislation;
- reprinted legislation;
- titles of *Government Gazettes* published during the week; and
- miscellaneous items of interest.

All previous bulletins are also accessible from our website.

To subscribe, clients need to visit our home page and select “subscribe” under the heading Information Bulletin and follow the prompts.

Website Address: [www.slp.wa.gov.au](http://www.slp.wa.gov.au) to subscribe.

# Order your Bound Volumes of Government Gazette 2006

An attractively presented set of 4 Bound Volumes  
of Government Gazette

For Government Departments and private firms who presently arrange binding for their copies of Government Gazettes, the State Law Publisher is now offering a subscription covering 4 Quarterly Volumes at a cost of \$1,098.90.

The Gazettes will be bound in black cloth with gold foil lettering on the spine and personalised by the addition of the client's name in gold lettering on the front cover.

## **PLEASE NOTE**

On the rare occasion where extra gazettes are published in one quarter, a fifth volume may be required. In this instance the extra cost involved will be borne by the State Law Publisher and not passed on to clients.

For further information please contact:

**State Law Publisher**

**Telephone: 9321 7688**

## **WANTED!!!**

### **Old copies of the *Government Gazette***

State Law Publisher is in the process of scanning all *Government Gazettes* (back to the first one ever published in the 1840's) with the intention of adding the archived copies to our existing on-line service.

We are looking for **donations** of any copies (pre 1994) that are no longer required by clients and would be appreciative of any assistance you can offer in this undertaking.

The scanning process requires single pages, therefore we need to trim the spine off each gazette, which unfortunately ruins the gazettes for future use.

Our preference is for unwanted copies, however, if a client requires their gazettes returned, State Law Publisher will reprint and replace individual editions. If a bound copy is supplied and is to be returned we will reprint all gazettes and arrange to have them rebound for the client.

The benefits of having all the gazettes and indices on-line and searchable will be enormous. This service should remove the need for clients to retain hard copies and will free up valuable storage space.

Barring any unforeseen delays, it should take around a month to scan each year and then release on our website.

---

Please contact John Thompson on 9426 0010 if you can assist by supplying editions of the *Government Gazette*. For large quantities we will arrange for them to be collected.