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— PART 1 —

ENERGY

EN301*

Energy Safety Act 2006

Energy Safety Levy Notice 2016

Made by the Minister under the *Energy Safety Act 2006* section 14.

1. Citation

This notice is the *Energy Safety Levy Notice 2016*.

2. Term used: Act

In this notice —

Act means the *Energy Safety Act 2006*.

3. Application

This notice applies in respect of the financial year commencing on 1 July 2016 and is made having regard to the business plan for that financial year.

4. Total amount to be raised by way of levy

- (1) The total amount to be raised by way of levy is \$7 048 000.
- (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 5(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 6(4).

5. 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 (for example, 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 2016 —
 - (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 4(2)(a) that —
 - (a) the number of consumer sites that on 31 March 2016 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 2016 have an electrical installation connected directly to any of the networks operated by electricity industry participants liable under subclause (3) to pay a levy.

6. 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 on-site 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 (for example, 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 (for example, 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, an entity is to be taken to distribute LP gas to consumers 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.
- (4) An energy industry participant is liable to pay a levy if —
 - (a) on 31 March 2016 —
 - (i) the participant is a gas distributor; and
 - (ii) there are 500 or more 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 2015 —
 - (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 4(2)(b) that the sum of —
 - (a) the number of consumer sites that on 31 March 2016 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 2015,

bears to the sum of —

- (c) the total number of consumer sites that on 31 March 2016 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 2015.

7. Time for payment of levy

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

Date: 10 March 2016.

M. MISCHIN, Minister for Commerce.

LOCAL GOVERNMENT

LG301*

LOCAL GOVERNMENT ACT 1995

CEMETERIES ACT 1986

Shire of Sandstone

SANDSTONE PUBLIC CEMETERY AMENDMENT LOCAL LAW 2016

Under the powers conferred by the *Cemeteries Act 1986* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Sandstone resolved on 25 February 2016 to make the following local law.

1. Citation

This local law may be cited as the *Sandstone Public Cemetery Amendment Local Law 2016*.

2. Commencement

This local law will come into operation 14 days after publication in the *Government Gazette*.

3. Principal Local Law

This local law amends the *Shire of Sandstone Public Cemetery Local Law* as published in the *Government Gazette* on 23 March 2004.

4. Clause 1.3 amended

In clause 1.1,

- (a) delete the definitions of “Board” and of “Funeral Director”;
- (b) insert in alphabetical order—
 - “Act” Means the *Cemeteries Act 1986*;
 - “Board” means the local government;
 - “Funeral Director” means a person—
 - (a) holding current membership of the Australian Funeral Directors Association, or
 - (b) a person authorised by the personal representative of a deceased person, and approved by the Board;
 - “local government” means the Shire of Sandstone;
 - “monument” means a sculpture, statue, headstone, plaque, grave boundary marker, fence or cover, approved by the Board, commemorating a grave or placement of ashes;

5. Clause 3.1 amended

Delete subclause 3.1(1) and insert—

- (1) A person may apply for approval to bury a dead body in the cemetery.

6. Clause 3.3 amended

Delete clause 3.3 and insert—

3.3 Certificate of Identification

- (1) After a dead body is placed in a coffin and prior to a dead body being removed to the cemetery, a person who personally knew the deceased shall identify the dead body and shall complete a certificate of identification in the form of a statutory declaration, unless—
 - (a) in the opinion of the Funeral Director, the dead body is not in a fit state to be viewed; or
 - (b) after reasonable effort the Funeral Director is unable to arrange for a person to identify the dead body.
- (2) Where—
 - (a) in the opinion of the Funeral Director, the dead body is not in a fit state to be viewed; or
 - (b) after reasonable effort the Funeral Director is unable to arrange for a person to identify the dead body,then the Funeral Director shall complete a certificate in the form of a statutory declaration.

7. Clause 3.4 amended

In clause 3.4 delete the words “twenty four” and insert “72”.

8. Part 4 amended

In the title of Part 4 delete “FUNERAL DIRECTORS” and insert “FUNERAL PERMITS”.

9. Clauses 4.1 and 4.2 deleted

Delete clauses 4.1 and 4.2.

10. Clause 4.1 inserted

Insert as clause 4.1—

4.1 Single Funeral Permits

Every application for a single funeral permit made under section 20 or 21 of the Act shall include coffin specifications and other details as may be required by the Board.

11. Clause 4.3 amended

Re-number clause 4.3 as clause 4.2.

12. Clause 6.2 amended

Delete clause 6.2. and insert—

6.2 Mausoleum etc.

The construction of a brick grave, crypt, vault or mausoleum and the like is prohibited.

13. Part 7 amended

Delete the heading "*Division 1—General*".

14. Part 7 division 2 deleted

(a) Delete the heading "*Division 2—Licencing of Monumental Masons*".

(b) Delete clauses 7.13 to 7.17 inclusive.

15. Clauses 7.3 to 7.12 amended

Renumber clauses 7.3 to 7.12 inclusive as clauses 7.4 to 7.13 inclusive.

16. Clauses 7.1 and 7.2 amended

Delete clauses 7.1 and 7.2 and insert—

7.1 Application for Monumental Work

(1) A Board may require the written consent of the holder of the right of burial of the grave to accompany an application under section 30 of the Act.

(2) Where written consent is not able to be produced, the Board may approve with or without conditions or decline an application in its absolute discretion.

(3) Upon payment of the set fee, the Board may approve an application with or without conditions, including restricting use of materials such as wood, dimensions of monumental work etc, so as not to detract from the amenity of the cemetery.

7.2 Placement of Monumental Work

(1) All headstones and the like shall—

(a) be placed on proper and substantial foundations extending to a depth of 1 metre unless concrete beam foundations are provided;

(b) comply with the following specifications—

(i) the overall height of the monument above the original surface of the grave shall not exceed 1.05 metres;

(ii) the height of the base of the monument above the original surface of the grave shall not be less than 150 millimetres nor more than 450 millimetres;

(iii) the width of the base of the monument shall not exceed 1.20 metres;

(iv) the depth of the base of the monument shall not exceed 300 millimetres; and

(2) No part of a monument above its base shall extend horizontally beyond its base.

(3) A memorial plaque of suitable imperishable material may be attached to a monument erected or being erected in the cemetery.

(4) A person shall not display any trade names or marks upon any monument erected within the cemetery.

7.3 Requirements of a memorial plaque

(1) All memorial plaques shall—

(a) be made of an imperishable material or other material approved by the Board; and

(b) not be less than the dimensions 380 millimetres x 280 millimetres, nor more than 560 millimetres x 305 millimetres; and

(c) be placed on proper and substantial foundations extending to an adequate depth to ensure stability and security.

(2) All memorial plaques made of an imperishable material shall—

(a) not exceed 20 millimetres in thickness; and

(b) be placed upon a base mounting.

(3) All memorial plaques made of stone shall—

(a) not exceed 50 millimetres in thickness placed upon a base mounting;
or

(b) not be less than 100 millimetres in thickness if it is not to be placed upon a base mounting.

17. Clause 7.14 inserted

After the clause 7.13 insert—

7.14 Carrying out Monumental Work

A person shall not carry out monumental work within the cemetery unless that person is authorised by the Board to do so.

18. Clause 8.2 amended

Delete clause 8.2 and insert—

8.2 Assistance animals

This local law is subject to any written law and law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992 (Commonwealth)* section 9(2).

19. Clause 8.5 amended

Clause 8.5 is amended as follows—

- (a) Re-number paragraphs (a) and (b) as (b) and (c)
- (b) Insert—
 - (a) Damage, deface or interfere with any monument or gravesite in any manner whatsoever;

20. First Schedule amended

In the First Schedule—

- (a) In Item 3 amend the clause reference from “7.3” to “7.4”; and
- (b) In Item 4 amend the clause reference from “7.7” to “7.8”.

Dated this 25th day of February 2016.

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

B. L. WALTON, President.
S. K. FLETCHER, Acting Chief Executive Officer.

— PART 2 —

CORRECTIVE SERVICES

CS401*

COURT SECURITY AND CUSTODIAL SERVICES ACT 1999

PERMIT DETAILS

Pursuant to the provisions of section 56(1) of the *Court Security and Custodial Services Act 1999*, the Commissioner of the Department of Corrective Services has revoked the following Permits to do High-Level Security Work—

Surname	First Name(s)	Permit Number	Date Permit Revoked
Iwaskiw	Carolyn	12-0106	21 March 2016
Lee	Julianne	12-0126	21 March 2016
Welsh	Andrea	12-0229	21 March 2016
Holmes	Christine	12-0315	21 March 2016
Gomez	Andre	12-0353	21 March 2016
Hona	Alfred James	12-0448	21 March 2016
Maple	Zeela Annette	12-0456	21 March 2016
Diotte	Dave	12-0539	21 March 2016
Chaplin	Stephen	12-0544	21 March 2016
Arnol	James	12-0572	21 March 2016
Kahika	Marlena	12-0574	21 March 2016
Tcherkes	Victor	15-0580	21 March 2016
Anderson	Kenneth Gordon	15-0610	21 March 2016

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

SUE HOLT, Manager Court Security and
Custodial Services Contract.

FISHERIES

FI401*

FISH RESOURCES MANAGEMENT ACT 1994

SHARK BAY SCALLOP MANAGED FISHERY MANAGEMENT PLAN 1994

Clause 9 closures of areas within the Fishery

I, Heather Brayford, Chief Executive Officer of the Department of Fisheries, Western Australia, in accordance with the *Shark Bay Scallop Managed Fishery Management Plan 1994*, hereby give notice that I have cancelled *Determination of Areas Closed to Fishing for Scallops: Determination No.1 of 2015* which set out the dates, times and areas that fishing is prohibited in the Shark Bay Scallop Managed Fishery.

I hereby give notice that a new determination (*Determination of Areas Closed to Fishing for Scallops in the Shark Bay Scallop Managed Fishery: Determination No. 1 of 2016*) has been made in accordance with clause 9 of the *Shark Bay Scallop Managed Fishery Management Plan 1994*, which sets out the dates, times and areas that fishing is prohibited in the Shark Bay Scallop Managed Fishery during the period commencing from the date of gazettal of this notice and ending on 1 June 2017.

A copy of this determination which is signed by me may be obtained from, or inspected at the Head Office of the Department of Fisheries located at 168 St Georges Terrace Perth or the offices of the Department of Fisheries located at 83 Olivia Terrace, Carnarvon and Knight Terrace, Denham or can be viewed online at www.fish.wa.gov.au

HEATHER BRAYFORD, Chief Executive Officer.

Dated this 24th day of March 2016

FI402*

FISH RESOURCES MANAGEMENT ACT 1994
SHARK BAY PRAWN MANAGED FISHERY MANAGEMENT PLAN 1993

Clause 10 closures of areas within the Fishery

I, Heather Brayford, Chief Executive Officer of the Department of Fisheries Western Australia, in accordance with the *Shark Bay Prawn Managed Fishery Management Plan 1993*, hereby give notice that I have cancelled *Determination of Areas Closed to Fishing for Prawns in the Shark Bay Prawn Managed Fishery for 2016: Determination No.1 of 2016* which set out the dates, times and areas that fishing is prohibited in the Shark Bay Prawn Managed Fishery.

I hereby give notice that a new determination (*Determination of Areas Closed to Fishing for Prawns in the Shark Bay Prawn Managed Fishery: Determination No. 2 of 2016*) has been made in accordance with clause 10 of the *Shark Bay Prawn Managed Fishery Management Plan 1993*, which sets out the dates, times and areas that fishing is prohibited in the Shark Bay Prawn Managed Fishery during the period commencing from the date of gazettal of this notice and ending on 1 June 2017.

A copy of this determination which is signed by me may be obtained from, or inspected at the Head Office of the Department of Fisheries located at 168 St Georges Terrace Perth or the offices of the Department of Fisheries located at 59 Olivia Terrace, Carnarvon and Knight Terrace, Denham or can be viewed online at www.fish.wa.gov.au

HEATHER BRAYFORD, Chief Executive Officer.

Dated this 24th day of March 2016

JUSTICE

JU401*

PROFESSIONAL STANDARDS ACT 1997

LAW INSTITUTE OF VICTORIA LIMITED SCHEME

I, Michael Mischin MLC, Attorney General, pursuant to section 26 of the *Professional Standards Act 1997* (the Act), authorise the publication of the Law Institute of Victoria Limited Scheme (the Scheme) submitted to me by the Professional Standards Council of Victoria pursuant to the mutual recognition provisions of the Victorian and Western Australian professional standards legislation. The Scheme is published with this authorisation and commences on 1 July 2016. The Scheme remains in force from the date of its commencement until 30 June 2021, unless the Scheme is revoked, extended, or its operation ceases as specified in the Act.

MICHAEL MISCHIN MLC, Attorney General.

Dated: 21 March 2016.

PROFESSIONAL STANDARDS ACT 2003 (VIC)
LAW INSTITUTE OF VICTORIA LIMITED SCHEME

PREAMBLE

- A. The Law Institute of Victoria Limited (“the LIV”) is a voluntary occupational association for legal practitioners (solicitors) in Victoria.
- B. The LIV has made an application to the Professional Standards Council (“Council”), appointed under the *Professional Standards Act 2003* (Vic) (“the Act”) for approval of a scheme under the Act, and this document comprises the scheme (“the Scheme”).
- C. The Scheme has been prepared by the LIV for the purposes of limiting Occupational Liability of Participating Members to the extent to which such liability may be limited under the Act.
- D. The Scheme is to apply to all Participating Members.
- E. The LIV has furnished the Council with a risk management program intended to be implemented in respect of its Participating Members and the means by which those strategies are intended to be implemented.

- F. The Scheme is intended to remain in force for a period of five (5) years from its commencement, subject to s34 of the Act
- G. The Scheme commences on 1 July 2016.

LAW INSTITUTE OF VICTORIA SCHEME

1. Preparation of the Scheme

- 1.1. This Scheme is a scheme under the Act prepared by the LIV, whose business address is 470 Bourke Street, Melbourne, Victoria.
- 1.2. The Scheme is intended to operate as a scheme of Victoria, New South Wales, Queensland, South Australia, Western Australia, the Northern Territory and the Australian Capital Territory.
- 1.3. Relevant definitions for the purpose of this Scheme are as follows—
- “Australian Practising Certificate” has the same meaning as it has in the Legal Uniform Law (Victoria)¹;
- “Corporate Legal Practitioner” has the same meaning as it has in the Legal Profession Uniform Law (Victoria)²;
- “Court” has the same meaning as it has in the Act;
- “Damages” has the same meaning as it has in the Act;
- “Financial Year” means a financial accounting period ending 30 June;
- “Full Member” means an Australian legal practitioner who is a full member of the Law Institute of Victoria;
- “Government Legal Practitioner” has the same meaning as it has in the Legal Profession Uniform Law (Victoria)³;
- “Incorporated Legal Practice” means an incorporated legal practice within the meaning of the Legal Profession Uniform Law (Victoria) that is a member of the Law Institute of Victoria⁴;
- “Law Practice” has the same meaning as it has in the Legal Profession Uniform Law (Victoria)⁵;
- “Legal Services” has the same meaning as it has in the Legal Profession Uniform Law (Victoria)⁶;
- “Occupational Liability” has the same meaning as it has in the Act⁷;
- “Participating Members” means those persons specified in clause 2.1 of the Scheme;
- “Principal” has the same meaning as it has in the Legal Profession Uniform Law (Victoria)⁸;
- “Relevant Time” means the time at which an act or omission in relation to the provision of legal services occurred, upon which a cause of action was founded; and
- “Total Annual Fee Income” means the amount charged during a Financial Year for services provided by or on behalf of a Law Practice some of whose members are Participating Members.

2. Persons to whom the Scheme applies

- 2.1. The Scheme applies to—
- 2.1.1. Full Members who hold a current Australian Practising Certificate who are not excluded or exempted under clauses 2.2. or 2.3. of the Scheme;
- 2.1.2. Incorporated Legal Practices;
- 2.1.3. all persons to whom, by virtue of sections 20, 21 or 22 of the Act⁹, the Scheme applies;
- 2.1.4. all persons to whom clause 2.1.1. applied at the Relevant Time but no longer applies;
- 2.1.5. all corporations to which clause 2.1.2. applied at the Relevant Time but no longer applies;
- 2.1.6. all persons to whom clause 2.1.3 applied at the Relevant Time but no longer applies.
- 2.2. Despite clause 2.1, the Scheme does not apply to a Corporate Legal Practitioner or to a Government Legal Practitioner.
- 2.3 A person or corporation referred to in clause 2.1 may, on application, be exempted from participation in the Scheme by the LIV. This clause does not apply to persons to whom the Scheme applies by virtue of sections 20 or 21 of the Act.

¹ Refer Legal Profession Uniform Law Application Act 2014 s4

² Refer Legal Profession Uniform Law Application Act 2014 s4

³ Refer Legal Profession Uniform Law Application Act 2014 s4

⁴ Refer Legal Profession Uniform Law Application Act 2014 s4

⁵ Refer Legal Profession Uniform Law Application Act 2014 s4

⁶ Refer legal Profession Uniform Law Application Act 2014 s4

⁷ Refer Legal Profession Uniform Law Application Act 2014 s4

⁸ Refer *Legal Profession Uniform Law Application Act, 2014*, (Vic)

⁹ Sections 20 and 21 of the Act provide that if the Scheme applies to a body corporate, the Scheme also applies to each officer of the body corporate and if the Scheme applies to a person, the Scheme also applies to each partner of a person, and if the Scheme applies to a person, the Scheme also applies to each employee of that person, provided that if such officer of the corporation or partner of the person or employee of the person is entitled to be a member of the same occupational association, such officer, partner or employee is a member of the occupational association. Section 22 provides that the Scheme also applies to other persons prescribed by the regulations for the purposes of s 31(4) as being associated with persons to whom a scheme applies.

3. Limitation of liability

3.1. The Scheme limits the Occupational Liability of a Participating Member for Damages¹⁰—

- 3.1.1 arising from a single claim founded on the act or omission in relation to the provision of legal services; and
- 3.1.2. to the extent those Damages exceed \$1.5 million for Participating Members in Class 1 or Class 2 of the table in clause 3.3, or as the case may be, \$10 million for Participating Members in Class 3 or Class 4 of the table in clause 3.3.
- 3.1.3. the Scheme does not limit liability in respect of damages arising from the death of or personal injury to a person, any negligence or other fault of an Australian legal practitioner in acting for a client in a personal injury claim; a breach of trust or fraud or dishonesty or matters which may be the subject of proceedings under s110 of the *Transfer of Land Act 1958* (Vic).

3.2. If a Participating Member against whom a claim relating to Occupational Liability is brought, is able to satisfy the Court that—

- 3.2.1 the Participating Member has the benefit of an insurance policy or policies insuring him or her against the Occupational Liability to which the claim relates; and
- 3.2.2 the amount payable under the policy or policies in respect of that Occupational Liability¹¹ is not less than the amount of the monetary ceiling (maximum amount of liability) specified in the third column of the table in clause 3.3 as applying to such Participating Member to which the cause of action relates—

the Participating Member is not liable in Damages in relation to that claim above the amount of that monetary ceiling.

3.3 The monetary ceiling applicable for the purposes of limitation of liability under the Scheme at the Relevant Time is to be determined according to the table below—

Class	Description	Monetary ceiling
1	Participating Members who were at the Relevant Time in a Law Practice consisting of up to and including 20 Principals and where the Law Practice generated Total Annual Fee Income for the Financial Year at the Relevant Time up to and including \$10 million.	\$1.5 million
2	Any Participating Member which was at the Relevant Time an Incorporated Legal Practice consisting of up to and including 20 Principals and where the Law Practice generated Total Annual Fee Income for the Financial Year at the Relevant Time up to and including \$10 million.	\$1.5 million
3	(a) Participating Members who were at the Relevant Time in a Law Practice consisting of greater than 20 Principals; or (b) Participating Members who were at the Relevant Time in a Law Practice where the Law Practice generated Total Annual Fee Income for the Financial Year at the Relevant Time greater than \$10 million.	\$10 million
4	(a) Any Participating Member which was at the Relevant Time an Incorporated Legal Practice consisting of greater than 20 Principals; or (b) Any Participating Member which was at the Relevant Time a Law Practice where the Law Practice generated Total Annual Fee Income for the Financial Year at the Relevant Time greater than \$10 million.	\$10 million

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

¹⁰ Damages as defined in section 4 of the Act means:

- a. damages awarded in respect of a claim or counter-claim or by way of set-off; or
- b. costs in or in relation to the proceedings ordered to be paid in connection with such an award (other than costs incurred in enforcing a judgment or incurred on an appeal made by a defendant); or
- c. any interest payable on the amount of those damages or costs.

¹¹ Section 4(2) of the Act provides that a reference in the Act 'to the amount payable under an insurance policy in respect of an occupational liability includes a reference to—

'defence costs payable in respect of a claim, or notification that may lead to a claim (other than reimbursement of the defendant for the time spent in relation to the claim), but only if those costs are payable out of the one sum insured under the policy in respect of the occupational liability; and the amount payable under or in relation to the policy by way of excess'.

However, see also section 28A of the Act and its note, which has the effect that s 4(2) does not reduce the cap on the liability of the Participating Member to the client.

4. Conferral of discretionary authority

4.1 The LIV has discretionary authority, on application by a Participating Member, to specify in relation to the Participating Member, a higher maximum amount of liability (monetary ceiling) than would otherwise apply under the Scheme in relation to him, her or it either in all cases or in any specified case or class of case.

4.2 If, in the exercise of its discretion under clause 4.1, the LIV has specified a higher maximum amount of liability (monetary ceiling) than would otherwise apply under the Scheme in relation to a Participating Member, the maximum amount of liability (monetary ceiling) in relation to that Participating Member is that higher maximum amount.

5. Duration

5.1. The Scheme is intended to remain in force for a period of five (5) years from its commencement, subject to s34 of the Act.

LOCAL GOVERNMENT

LG401*

LOCAL GOVERNMENT ACT 1995

Shire of Serpentine-Jarrahdale

(BASIS OF RATES)

This notice, which is for public information only, is to confirm that—

I, Brad Jolly, being delegated by the Minister of the Crown to whom the administration of the *Local Government Act 1995* is committed by the Governor, and acting pursuant to section 6.28 (1) of that Act, hereby, and with effect from the date of Gazettal, determined that the method of valuation to be used by the Shire of Serpentine-Jarrahdale as the basis for a rate in respect of the land referred to in the Schedule is to be the gross rental value of the land;

Schedule

	Designated Land
UV to GRV	All those portions of land being Lots 99 to 104 inclusive and Lots 113 to 118 inclusive as shown on Deposited Plan 406590.

BRAD JOLLY, Executive Director Sector Regulation and Support,
Department of Local Government and Communities.

LG402*

LOCAL GOVERNMENT ACT 1995

City of Wanneroo

(BASIS OF RATES)

This notice, which is for public information only, is to confirm that—

I, Brad Jolly, being delegated by the Minister of the Crown to whom the administration of the *Local Government Act 1995* is committed by the Governor, and acting pursuant to section 6.28 (1) of that Act, hereby, and with effect from the 14 March 2016, determined that the method of valuation to be used by the City of Wanneroo as the basis for a rate in respect of the land referred to in the Schedule is to be the gross rental value of the land;

Schedule

	Designated Land
UV to GRV	All those portions of land being Lot 1 as shown on Deposited Plan 30990 and Lots 74 to 113 inclusive as shown on Deposited Plan 406024.

BRAD JOLLY, Executive Director Sector Regulation and Support,
Department of Local Government and Communities.

LG403*

LOCAL GOVERNMENT ACT 1995*Shire of Northam*

(BASIS OF RATES)

This notice, which is for public information only, is to confirm that—

I, Brad Jolly, being delegated by the Minister of the Crown to whom the administration of the *Local Government Act 1995* is committed by the Governor, and acting pursuant to section 6.28 (1) of that Act, hereby, and with effect from, 1 July 2016, determined that the method of valuation to be used by the Shire of Northam as the basis for a rate in respect of the land referred to in the Schedule is to be the gross rental value of the land;

Schedule

	Designated Land
UV to GRV	All those portions of land being Lot 2 as shown on Plan 1183 and Lots 101 to 116 inclusive, Lots 144 to 153 inclusive and Lot 183 as shown on Plan 19013.

BRAD JOLLY, Executive Director Sector Regulation and Support,
Department of Local Government and Communities.

LG404*

LOCAL GOVERNMENT ACT 1995*City of Rockingham*

(BASIS OF RATES)

This notice, which is for public information only, is to confirm that—

I, Brad Jolly, being delegated by the Minister of the Crown to whom the administration of the *Local Government Act 1995* is committed by the Governor, and acting pursuant to section 6.28 (1) of that Act, hereby, and with effect from 14 March 2016, determined that the method of valuation to be used by the City of Rockingham as the basis for a rate in respect of the land referred to in the Schedule is to be the gross rental value of the land;

Schedule

	Designated Land
UV to GRV	All those portions of land being Lots 390 and 391 as shown on Deposited Plan 406861.

BRAD JOLLY, Executive Director Sector Regulation and Support,
Department of Local Government and Communities.

LG405*

SHIRE OF KATANNING

APPOINTMENTS

It is hereby notified for public information that the following persons have been appointed as authorised persons for the Shire of Katanning—

Dog Act 1976Authorised Registration Officers

Julian Murphy

Taryn Human

Andrew Holden

Sam Davis

Sue Eascott

Diana Marsh

Adela Collins

Mohammed Aeson

Melissa Binning

Rondah Toms

Uwe Striepe

Richard Bralich

Kel Vann

Ernie Polis

Cherrie Campbell

Michelle Toms

Kayla Warschauer

Tessa Flugge

Asher Tussler

Cat Act 2011Authorised Registration Officers

Julian Murphy	Uwe Striepe
Taryn Human	Richard Bralich
Andrew Holden	Kel Vann
Sam Davis	Ernie Polis
Sue Eascott	Cherrie Campbell
Diana Marsh	Michelle Toms
Adela Collins	Kayla Warschauer
Mohammed Aeson	Tessa Flugge
Melissa Binning	Asher Tussler
Rondah Toms	

Caravan Parks and Camping Grounds Act 1995Authorised Persons

Julian Murphy	Ernie Polis
Andrew Holden	Darryle Baxter
Sam Davis	Maurice Walsh
Uwe Striepe	Delma Baesjou
Richard Bralich	Cynthia Pearce
Kel Vann	

Control of Vehicles (Off-road Areas) Act 1978Authorised Persons

Julian Murphy	Ernie Polis
Andrew Holden	Darryle Baxter
Sam Davis	Maurice Walsh
Uwe Striepe	Delma Baesjou
Richard Bralich	Cynthia Pearce
Kel Vann	

Litter Act 1979Authorised Persons

Julian Murphy	Ernie Polis
Andrew Holden	Darryle Baxter
Sam Davis	Maurice Walsh
Uwe Striepe	Delma Baesjou
Richard Bralich	Cynthia Pearce
Kel Vann	

Local Government (Miscellaneous Provisions) Act 1960Authorised Persons and Pound Keepers

Julian Murphy	Ernie Polis
Andrew Holden	Darryle Baxter
Sam Davis	Maurice Walsh
Uwe Striepe	Delma Baesjou
Richard Bralich	Cynthia Pearce
Kel Vann	

Local Government Act 1995Authorised Persons

Julian Murphy	Ernie Polis
Andrew Holden	Darryle Baxter
Sam Davis	Maurice Walsh
Uwe Striepe	Delma Baesjou
Richard Bralich	Cynthia Pearce
Kel Vann	

Bush Fires Act 1954 and Bush Fires Regulations 1954Authorised Persons

Julian Murphy	Ernie Polis
Andrew Holden	Darryle Baxter
Sam Davis	Maurice Walsh
Uwe Striepe	Delma Baesjou
Richard Bralich	Cynthia Pearce
Kel Vann	

All Shire of Katanning Local LawsAuthorised Persons

Julian Murphy	Ernie Polis
Andrew Holden	Darryle Baxter
Sam Davis	Maurice Walsh
Uwe Striepe	Delma Baesjou
Richard Bralich	Cynthia Pearce
Kel Vann	

Dog Act 1976Authorised Persons

Darryle Baxter	Delma Baesjou
Maurice Walsh	Cynthia Pearce

Cat Act 2011Authorised Persons

Darryle Baxter	Delma Baesjou
Maurice Walsh	Cynthia Pearce

The above appointments replace Council previous appointments of Bushfire Control Officers.

JULIAN MURPHY, Chief Executive Officer.

LG406*

BUSH FIRES ACT 1954*Shire of Katanning*

APPOINTMENTS

It is hereby notified for public information that the following persons have been appointed under the provisions of the *Bush Fires Act 1954* by the Shire of Katanning as Fire Control Officers—

Chief Fire Control Officer—Ian Knapp

Deputy Chief Fire Control Officer—Timothy Clegg

Deputy Chief Fire Control Officer—Geoffrey Stade

Cynthia Pearce	Anthony Richardson
Richard Marshall	Norman Flugge
Barry Kowald	Gregory Garlick
Jeffrey Baxter	Cameron Mills
Matthew Kitchens	Shane Butterworth
Cameron Beeck	Matthew Kerin
Ian Coleman	Timothy Harris
Alan Wilson	Ernie Polis
Robert Conning	Christopher Quartermaine
Alistair Dusting	Kim Kowald

The above appointments replace Council previous appointments of Bushfire Control Officers.

JULIAN MURPHY, Chief Executive Officer.

MARINE/MARITIME

MA401*

WESTERN AUSTRALIAN MARINE ACT 1982**NAVIGABLE WATERS REGULATIONS 1958**

RESTRICTED SPEED AREAS—ALL VESSELS

City of Belmont Autumn River Festival 2016

Department of Transport,
Fremantle WA, 29 March 2016.

Acting pursuant to the powers conferred by Section 67 of the *Western Australian Marine Act 1982* the department by this notice revokes Notice MA401 as published in the *Government Gazette* on 27 March 2012 relating to the 5 knot speed restriction applicable from 400m downstream of Ron Courtney Island to 400m upstream of Ron Courtney Island, Swan River.

Also, acting pursuant to the powers conferred by Regulation 48A of the *Navigable Waters Regulations 1958*, the department by this notice permits water skiing within the same designated area as stated above.

Also, acting pursuant to the powers conferred by Regulation 10A(b) of the *Navigable Waters Regulations 1958*, the department by this notice prohibits swimming within the same designated area as stated above.

These amendments are only applicable between the hours of 11:00 am and 3:30 pm on Sunday 3rd April 2016 and the speed limit change is only applicable to bona fide vessels associated with the City of Belmont Autumn River Festival 2016 water ski display.

CHRISTOPHER MATHER, Director Waterways Safety Management,
Department of Transport.

MINERALS AND PETROLEUM

MP401*

MINING ACT 1978

INSTRUMENT OF EXTENSION OF EXEMPTION OF LAND

The Minister responsible for Mines and Petroleum, pursuant to the powers conferred on him by section 19 of the *Mining Act 1978*, hereby extends the term of exemption, initially declared on 26 March 2002 and published in the *Government Gazette* dated 5 April 2002, for a further period of two (2) years from 26 March 2016 to 25 March 2018.

Description of Land

Land designated s19/169 in the geospatial description at page 121 of the Department of Mines and Petroleum file 1338-00 Vol 4.

Locality: Kalbarri National Park

Period of Extension: 26 March 2016 to 25 March 2018

Dated at Perth this 16th day of March 2016.

Hon BILL MARMION MLA, Minister for Finance;
Mines and Petroleum.

PARLIAMENT

PA401*

PARLIAMENT OF WESTERN AUSTRALIA

Royal Assent to Bills

It is hereby notified for public information that the Governor has Assented in the name and on behalf of Her Majesty the Queen, on the dates shown, to the undermentioned Act passed by the Legislative Council and the Legislative Assembly during the First Session of the Thirty-Ninth Parliament.

Title of Act	Date of Assent	Act No.
Western Australian Health Promotion Foundation Act 2016	21 March 2016	3 of 2016

NIGEL PRATT, Clerk of the Parliaments.

22 March 2016.

PA402*

PARLIAMENT OF WESTERN AUSTRALIA

Royal Assent to Bills

It is hereby notified for public information that the Governor has Assented in the name and on behalf of Her Majesty the Queen, on the dates shown, to the undermentioned Acts passed by the Legislative Council and the Legislative Assembly during the First Session of the Thirty-Ninth Parliament.

Title of Act	Date of Assent	Act No.
Anzac Day Amendment Act 2016	21 March 2016	4 of 2016
Anzac Day Amendment Act (No. 2) 2016	21 March 2016	5 of 2016

NIGEL PRATT, Clerk of the Parliaments.

22 March 2016.

PLANNING

PL401*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED TOWN PLANNING SCHEME AMENDMENT
City of Gosnells
Town Planning Scheme No. 6—Amendment No. 147

Ref: TPS/1481

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Gosnells Town Planning Scheme amendment on 4 March 2016 for the purpose of—

1. Rezoning part of Lot 5007 Mills Road West and a portion of Lot 66 Tonkin Highway (on Plan 7071), Martin from Mixed Business to Highway Commercial and amending the Scheme Maps accordingly.
2. Modifying No. 7 in 'Schedule 3' Restricted Uses of the Scheme Text, as follows—

No.	Description of Land	Restricted Use	Conditions
7.	Part Lot 5007 Mills Road West and a portion of Lot 66 Tonkin Highway on Plan 7071, Martin.	Uses permissible in the Highway Commercial zone, but excluding the following uses— Aged or Dependent Person's Dwelling; Cinema/Theatre; Community Purpose; Educational Establishment; Family Day Care; Grouped Dwelling; Home Occupation; Home Office; Home Store; Hospital; Hotel; Market; Motel; Multiple Dwelling; Place of Worship; Residential Building; Single House; Tavern; Ancillary Accommodation.	<ol style="list-style-type: none"> 1. The following land use restrictions apply— <ol style="list-style-type: none"> A. A limit of two Fast Food Outlets attached to a Convenience Store or Local Centre; B. Office—maximum 1,000sqm NLA; C. Shop/Retail—maximum of 1,500sqm NLA excluding any liquor store floor area. 2. A Local Development Plan shall be prepared and approved by the Council prior to approval of the development or subdivision of the site.

D. GRIFFITHS, Mayor.
CHRIS TERELINCK, A/Chief Executive Officer.

PL402*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED TOWN PLANNING SCHEME AMENDMENT
City of Subiaco
Town Planning Scheme No. 4—Amendment No. 24

Ref: TPS/1440

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Subiaco Town Planning Scheme amendment on 4 March 2016 for the purpose of—

GENERAL (proposal 1)

1. Replace all references to "*Town Planning and Development Act*" and "*Town Planning and Development Act 1928*" with "*Planning and Development Act*" and "*Planning and Development Act 2005*";
2. Replace all references to "Residential Planning Codes" with "R-Codes";

3. Replace all references to “*Liquor Licensing Act 1988*” with “*Liquor Control Act 1988*”;
4. Replace all references to “Subiaco Redevelopment Authority” with “Metropolitan Redevelopment Authority”
5. Replace all references to “*Subiaco Redevelopment Act 1994*” with “*Metropolitan Redevelopment Authority Act 2011*”;
6. Delete all references to “*Metropolitan Region Town Planning Scheme Act 1959*” and “*Western Australian Planning Commission Act 1985*”.
7. Replace references to “Council” with “local government”.

CLAUSE 6—PURPOSE OF THIS SCHEME (proposal 2)

Delete clause 6 in its entirety and replace with new clause 6 as shown—

6. PURPOSES OF SCHEME

The purposes of the Scheme are to—

- (a) set out the local government’s planning aims and intentions for the Scheme area;
- (b) set aside land as reserves for public purposes;
- (c) zone land within the Scheme area for the purposes defined in the Scheme;
- (d) control and guide land use and development;
- (e) set out procedures for the assessment and determination of planning applications;
- (f) make provision for the administration and enforcement of the Scheme; and
- (g) address other matters set out in the Seventh Schedule to the *Planning and Development Act 2005*.

CLAUSE 12—DEFINITIONS (proposal 3)

Delete clause 12 in its entirety and replace with new clause 12 ‘Definitions’ as shown—

12 DEFINITIONS

- (1) Unless the context otherwise requires, words and expressions used in the Scheme have the same meaning as they have—
 - (a) in the *Planning and Development Act 2005*; or
 - (b) if they are not defined in that Act—
 - (i) in the Dictionary of defined words and expressions in Schedule 1; or
 - (ii) in the Residential Design Codes.
- (2) If there is a conflict between the meaning of a word or expression in the Dictionary of defined words and expressions in Schedule 1 and the meaning of that word or expression in the Residential Design Codes—
 - (a) in the case of a residential development, the definition in the Residential Design Codes prevails; and
 - (b) in any other case the definition in the Dictionary prevails.
- (3) Notes and instructions printed in italics do not form part of the Scheme.

CLAUSE 14—ZONING TABLE (proposal 4)

1. Delete clause 14(2) in its entirety and replace with the following—
 - (2) The symbols used in the cross-reference in the Zoning Table have the following meanings—
 - “P” means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;
 - “D” means that the use is not permitted unless the local government has exercised its discretion by granting planning approval taking into consideration the whether the nature of the use is consistent with the planning objectives of the Scheme and the planning policies with respect to that zone;
 - “A” means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 26 and taking into consideration whether the nature of the use is consistent with the planning objectives of the Scheme and the planning policies with respect to that zone;
 - “X” means a use that is not permitted by the Scheme.
2. Amend the uses permitted in Table 1 Zoning Table by—
 - (a) Replacing “AA” with “D” in all instances;
 - (b) Replacing “SA” with “A” in all instances;
 - (c) Replacing “SA(1)” with “A(1)” in all instances; and
 - (d) Replacing “SA(2)” with “A(2)” in all instances.
3. Delete the text associated with the notes immediately following Table 1 and replace with the following—
 - P(1) “P” where permitted by Table 1 of the R-Codes, “X” in all other cases.
 - A(1) “A” only in respect of relevant residential zones within the University Precinct 13, “X” in respect of all other residential zones.

- X(3) “A” only in respect of relevant residential zones within the University Precinct 13 for Research and Development related to the University of Western Australia, “X” in all other cases.
- X(4) The local government may consider the above as an “A” use only in respect of land and buildings registered on the City’s Heritage List as per Clause 58 of the Scheme. “X” use in respect of all other land and buildings.
4. In Table 1 ‘Zoning Table’ modify the permissibility of the use class ‘Research and Development’ to ‘X(3)’ in the ‘Residential R15 and R20’ zone and the ‘Residential R30, R35, R40, R50 and R60 zone.
5. Inserting the following use classes and permissibility—

USE CLASSES	RESIDENTIAL R15 AND R20	RESIDENTIAL R30, R35, R40, R50, R60	RESIDENTIAL R80	TOWN CENTRE	COMMERCIAL/ RESIDENTIAL	NEIGHBOURHOOD MIXED USE	LOCAL CENTRE	TOWN CENTRE DEVELOPMENT (proposed by Amt 18)
Animal establishment	X	X	X	X	X	A	X	Refer to Schedule 8
Auction mart	X	X	X	D	A	A	A	
Market	X	X	X	A	A	A	A	
Motor vehicle, boat or caravan sales	X	X	X	A	A	A	X	
Motor vehicle repair	X	X	X	A	A	A	X	
Motor vehicle wash	X	X	X	A	A	A	X	

6. Add new clause 14(6) to read—

- (6) Unless otherwise exempted, a use includes all ancillary activities that would normally be necessary for the proper functioning of the predominant use.

CLAUSE 15—NON-CONFORMING USES (proposal 5)

Delete clause 15 in its entirety and replace with new clause 15 as shown—

15 NON-CONFORMING USES

- (1) Unless specifically provided, this Scheme does not prevent—
- the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
 - the carrying out of development on land if—
 - before the commencement of this Scheme, the development was lawfully approved; and
 - the approval has not expired or been cancelled
- (2) Subclause (1) does not apply if—
- the non-conforming use of the land is discontinued; and
 - a period of 6 months, or a longer period approval by a local government, has elapsed since the discontinuance of the non-conforming-use.
- (3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government—
- purchases the land; or
 - pays the compensation to the owner of the land in relation to the non-conforming use
- (4) A person must not, without development approval—
- alter or extend a non-conforming use of land; or
 - erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or

- (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
- (d) change the use of land from a non-conforming use to another non-conforming use.
- (5) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.
- (6) A local government may only grant development approval for a change of use of land referred to in subclause (4)(d) if, in the opinion of the local government, the proposed use—
 - (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
 - (b) is closer to the intended purpose of the zone in which the land is situated.
- (7) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- (8) A register prepared by the local government must set out the following—
 - (a) a description of each area of land that is being used for a non-conforming use;
 - (b) a description of any building on the land;
 - (c) a description of the non-conforming use;
 - (d) the date on which any discontinuance of the non-conforming use is noted.
- (9) If the local government prepares a register under subclause (7) the local government—
 - (a) must ensure that the register is kept up-to-date; and
 - (b) must make a copy of the register available for public inspection during business hours at the offices of the local government; and
 - (c) may publish a copy of the register on the website of the local Government.
- (10) An entry in the register in relation to the land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

CLAUSE 28—DETERMINATION OF NON-COMPLYING APPLICATIONS FOR DEVELOPMENT APPROVAL (proposal 6)

Delete clause 28 in its entirety and replace with the following—

28 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

- (1) Except for development in respect of which the R-Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit;
- (2) In considering an application for planning approval under this clause, where, in the opinion of the local government, the non-compliance is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the non-compliance, the local government is to—
 - (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 64(3) of the deemed provisions; and
 - (b) have due regard to any expressed views prior to making its determination to grant the non-compliance.
- (3) The power conferred by this clause shall only be exercised if the local government—
 - (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 67 of the deemed provisions; and
 - (b) the non-compliance would not be detrimental to the amenity of adjoining properties or the locality generally, and
 - (c) the non-compliance would not be detrimental to the conservation of the cultural heritage values of buildings on-site and on adjoining sites, and
 - (d) where the non-compliance concerns building height, the degree to which the proposed overall height effectively graduates the scale between existing buildings of varying heights within the locality, and
 - (e) the non-compliance will not have an adverse effect upon—
 - (i) the occupiers or users of the development,
 - (ii) the property in or the inhabitants of the locality, or
 - (iii) the likely future development of the locality, and
 - (f) any other relevant matter outlined in the local government's local planning policies.
- (4) This clause 28 does not apply to subclauses 42(1), 42(3), 45(1), 45(4), 48(4) and 51(4).
- (5) The powers conferred by clause 28 shall not apply to vary the requirements of any land use definition in Schedule 1.

CLAUSE 37—PRECINCTS (proposal 7)

Delete clauses 37(1) and (2) and replace with the following—

- (1) The Scheme Area is divided into the precincts identified on the Scheme Map and set out in adopted precinct planning policies. Land is then assigned a zone. Zones are outlined in Part 2 of this Scheme.

- (2) For each precinct listed below, the local government may prepare a precinct planning policy which shall be prepared and amended in accordance with the provisions of Part 2 of the deemed provisions.
- 1 Jolimont
 - 2 Darglish
 - 3 North Subiaco
 - 4 Town Centre
 - 5 Hay Street East
 - 6 Rokeby Road South
 - 7 Civic and Cultural
 - 8 Triangle
 - 9 West Subiaco
 - 10 Shenton Park
 - 11 Queen Elizabeth II Medical Centre
 - 12 Hollywood
 - 13 University
 - 14 Centro Precinct

CLAUSE 39—RESIDENTIAL DESIGN CODES (proposal 8)

Delete clause 39 in its entirety and replace with the following—

39 RESIDENTIAL DESIGN CODES

- (1) The local government—
 - (a) must make a copy of the R-Codes available for public inspection during business hours at the offices of the local government; and
 - (b) may publish a copy of the R-Codes on the website of the local government.
- (2) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme map.
- (3) The R-Codes apply to an area if the area has a coding number superimposed on it in accordance with subclause (3).

CLAUSE 42—SPECIAL APPLICATION OF RESIDENTIAL DESIGN CODES (proposal 9)

Amend clause 42 as shown—

1. Delete the title of clause 42 and replace with the following

42 SPECIAL APPLICATION OF RESIDENTIAL DESIGN CODES
2. Amend clause 42(2) by inserting the text of sub-clause 42(5)(a) as sub-clause 42(2)(a) and the text of sub-clause 42(8)(a) as sub-clause 42(2)(b) as shown—
 - (2) Residential Zone: R30, R35, R40, R50 and R60

Notwithstanding any provisions of the R-Codes or adopted planning policy to the contrary, buildings on land within the residential zone having an R code density of R30, R35, R40, R50 and R60 shall not exceed 9 metres overall height and 6 metres wall height.

 - (a) **Western side of Rupert Street between Bagot and Hamersley Roads, having an R Code Density R50**

In considering an application for development approval in this area, the local government in addition to any other aims or objectives of the Scheme and to any other matter it is required or permitted to consider, shall have regard to the following objectives—

 - (i) the preservation of the amenity and existing character of the precinct and adjacent areas by ensuring that the scale of new development is consistent with the scale of existing development in the immediate locality;
 - (ii) the encouragement of development, or the protection of existing development, which will form a suitable transition between the residential development to the east and the adjoining commercial/residential development to Rokeby Road.
 - (b) **Residential lots bounded by Roberts Road, Hamilton Street, York Street and Catherine Street and having an R Code Density R50**

In considering an application for development approval in this area, the local government in addition to any other aims or objectives of the Scheme and to any other matter it is required or permitted to consider, shall have regard to the following—

 - (i) the preservation of the amenity and existing character of the precinct and adjacent areas by ensuring that new development is of a similar scale.
3. Delete sub-clause 42(5) and 42(8) accordingly.
4. Delete sub-clause 42(3)

5. Amend the title of clause 42(4) as shown—
 - (3) Residential Zone: R80
6. Amend clause 42(6)(d) as shown—
 - (d) Unless access is provided via a right of way the local government shall not grant approval for development having a density in excess of R20 unless the lot has a frontage of at least 25 metres.
7. Re-number the sub-clauses of clause 42 accordingly.

DIVISION 7: PLACES OF CULTURAL HERITAGE SIGNIFICANCE (proposal 10)

1. Replace all references to “Register of Places of Cultural Heritage Significance” in Part 5, Division 7 with “Heritage List”; and
2. Replace all references to “conservation area” in Part 5, Division 7 with “heritage area”.

CLAUSE 66—DEFINITIONS (proposal 11)

Delete Clause 66 in its entirety and include the definitions, with minor modification, in Schedule 1.

SCHEDULE 1—DEFINITIONS (proposal 12)

Amend Schedule 1 definitions by—

1. Amend Schedule 1 definitions by adding the following definitions and including in the list of definitions in alphabetical order—

Animal establishment: means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include a veterinary centre.

Auction mart: means any land or building on or in which goods are exposed or offered for sale by auction, but does not include a place used for the sale by auction of fresh food, fruit, vegetables, livestock or motor vehicles.

Building envelope: means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained.

Natural Ground level: has the same meaning given to it as in the R-codes.

Motor vehicle wash: means a structure or structures where the primary use is the washing or cleaning of motor vehicles.

Permeability: means, in terms of public space, the capacity to access a given point from alternative routes for all modes of traffic including pedestrian. The term relates to both visual and physical access.

Public work: has the same meaning as it has in the *Public Works Act 1902*.

Vehicle: has the same meaning as in the *Road Traffic Act 1974*.
2. Modify the wording of the following Schedule 1 definitions to read as follows—

Ancillary dwelling: has the same meaning given to it as in the R-codes.

Betting agency: means premises operated as a totalisator agency as defined under the *Racing and Wagering Western Australia Act 2009*.

Chief Executive Officer: Means the Chief Executive Officer of the local government.

Development: has the same meaning as is given to it in the Act.

Frontage: when used in relation to a building that is used for—

 - (a) residential purposes, has the same meaning as in the R-codes; and
 - (b) purposes other than residential purposes, means the road alignment at the front of a lot and, if the lot abuts 2 or more roads, the one to which the building or proposed building faces.

Gazetted date: in relation to a Scheme, means the date on which notice of the Minister’s approval of the Scheme is published in the *Government Gazette*.

Hotel: means any land or buildings providing accommodation for the public the subject of a hotel licence granted under the provisions of the *Liquor Control Act 1988* and may include a betting agency operated in accordance with the *Racing and Wagering Western Australia Act 2009* but does not include a motel, tavern or lodging house the subject of a limited hotel licence or other licence granted under that Act.

Land: shall have the same meaning given to the term in and for the purposes of the Act.

NOTE: Section 4(1) of the *Planning and Development Act 2005* defines “land” to include: “land, tenements and hereditaments and any interest therein, and also houses, buildings, and other works and structures”.

Landscaped area or landscaping: means any area developed by the planting of lawns, garden beds, shrubs or trees and includes any area developed with rockeries, ornamental ponds, swimming pools, public art, barbecue areas or playgrounds and includes any other area approved by the Council as landscaped area.

Lot: has the same meaning as in the Act.

Night club: means any land or buildings used for entertainment and/or eating facilities and to which a licence under the provisions of the *Liquor Control Act 1988* has been granted.

Parking station: means any land or building or part of a building open to the public generally for the parking of vehicles for which payment of a fee or charge may be required, and includes the use of the land or building for that purpose but does not include—

- (a) parking provided for the sole use of tenants of the building where the parking bays are not metered or ticketed bays; or
- (b) any premises in which cars are displayed solely for sale or lease

Plot ratio: in the case of—

- (a) residential dwellings has the same meaning as in the R-Codes;
- (b) for all other development, means the ratio of the floor area of a building to the area of land within the boundaries of the lot on which that building is located, including the floor area of basements where more than 50% of the basement storey is above ground level but shall not include lift shafts, stairs or stair landings, machinery rooms, air conditioning, equipment rooms, non-habitable floor space in basements, areas used exclusively for the parking of wheeled vehicles at or below ground level or common lobbies.

Public authority: shall have the same meaning given to it in and for the purposes of the Act.

Restaurant: means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the *Liquor Control Act 1988* but does not include Hotel, Tavern, Small Bar, Licensed Premises or Night Club.

Special (licensed) facility: means a facility established for the purposes in section 46 of the *Liquor Control Act 1988* or for another purpose in respect of which the relevant Liquor Licensing Authority in Western Australia grants a Specific Purpose Licence within the meaning of that Act;

Tavern: means premises licensed as a tavern under the *Liquor Control Act 1988* and used to sell liquor for consumption on the premises.

Proposal 13

Delete Schedule 4 'Notice of the Council's decision' in its entirety and replace with a new Schedule 4 as shown—

Schedule 4—Notice of determination on application for planning approval

<p>[cl. 31] <i>Planning and Development Act 2005</i> City of Subiaco Determination on Application For Planning Approval</p>	
Owner:	
Address:	
Applicant:	
Address:	
Description of proposed development:	
Location: Lot (Street Number) Street, Suburb	
Application date: Received on:	
The application for planning approval is:	
<input type="checkbox"/> granted subject to the following conditions:	
<input type="checkbox"/> refused for the following reasons(s):	
Conditions/reasons for refusal:	
<p>Note 1: If the development the subject of this approval is not substantially commenced within a period of two (2) years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.</p> <p>Note 2: Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.</p> <p>Note 3: If an applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the <i>Planning and Development Act 2005</i>. An application must be made within 28 days of the determination.</p> <p>Note 4: This planning decision is confined to the authority of the <i>Planning and Development Act 2005</i> and the City of Subiaco Town Planning Scheme No. 4. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements or encumbrances are adhered to.</p>	
Signed:	Dated:
.....

H. HENDERSON, Mayor.
 D. BURNETT, Chief Executive Officer.

PL403*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED DISTRICT PLANNING SCHEME AMENDMENT
City of Wanneroo
District Planning Scheme No. 2—Amendment No. 151

Ref: TPS/1681

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Wanneroo District Planning Scheme amendment on 9 March 2016 for the purpose of—

Rezoning Lot 5483 (41) Park Lane, Alexander Heights from Civic and Cultural zone to Parks and Recreation Reserve in accordance with the Scheme Amendment map.

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

PL404*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED TOWN PLANNING SCHEME AMENDMENT
Shire of Serpentine Jarrahdale
Town Planning Scheme No. 2—Amendment No. 196

Ref: TPS/1766

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Serpentine Jarrahdale Town Planning Scheme amendment on 22 March 2016 for the purpose of—

- (a) Amending Clause 5.4.2(a) to read “Where no Residential Density Code area is depicted on the Scheme Map, residential development shall be in accordance with the R2 Density code for Special Rural, Rural Living A, Rural Living B, Farmlet and Rural.”

J. ERREN, President.
R. GORBUNOW, Chief Executive Officer.

PL405*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED TOWN PLANNING SCHEME AMENDMENT
City of Rockingham
Town Planning Scheme No. 2—Amendment No. 156

Ref: TPS/1594

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Rockingham Town Planning Scheme amendment on 9 March 2016 for the purpose of—

- (i) clause 5.6.1(a) is amended by deleting, “but does not apply to Development Contribution Area No. 1”;
- (ii) clause 4(2) of Schedule No. 12 is amended by—
- (a) deleting “(b) the Waterfront Village Zone”;
 - (b) Inserting the following—
 - (b) the Primary Centre Waterfront Village Zone;
 - (c) the Primary Centre Urban Village Zone;
 - (d) the Primary Centre City Living Zone;
 - (e) the Commercial Zone, and
 - (c) renumbering paragraphs (c), (d), (e), (f), (g) and (h) respectively.

B. SAMMELS, Mayor.
A. HAMMOND, Chief Executive Officer.

PL406*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Capel

Town Planning Scheme No. 7—Amendment No. 60

Ref: TPS/1532

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 Capel Town Planning Scheme amendment on 23 February 2016 for the purpose of—

1. Introducing and re-numbering PART II—RESERVED LAND to insert the following words in regards to the Greater Bunbury Scheme Reserves—

2.1 RESERVES

Certain lands within the Scheme area are classified as—

- (a) Regional Reserves; or
- (b) Local Reserves.

2.2 REGIONAL RESERVES

2.2.1 The lands shown as “Regional Reserves” on the Scheme Map are lands reserved under the Greater Bunbury Region Scheme and are shown on the Scheme Map for the purposes of the *Western Australian Planning Commission Act 1985*. These lands are not reserved under the Scheme.

2.2.2 The approval of the local government under the Scheme is not required for the commencement or carrying out of any use of development on a Regional Reserve.

Note: The provisions of the Greater Bunbury Region Scheme continue to apply to such Reserves and approval is required under the Greater Bunbury Region Scheme from the Commission for the commencement or carrying out of any use or development on a Regional Reserve unless specifically excluded by the Region Scheme.

2. Re-numbering and including the following words in regards to Local Scheme Reserves clause 2.1 to insert the following sentence at the start of the existing text—

2.3 LOCAL RESERVES

2.3.1 “Local Reserves” are delineated and depicted on the Scheme map according to the legend on the Scheme map.

3. Re-numbering Clauses 2.1 to 2.8 to 2.3.1 to 2.3.8 of the Scheme Test;
4. Modifying and making additions to the Scheme map legend as follows—
 - (a) Insert new heading ‘Greater Bunbury Region Scheme Reserve’s’ and two new Reservations including notations for: REGIONAL OPEN SPACE and PRIMARY REGIONAL ROADS within the Scheme map legend;
 - (b) Introduce new text to the Legend ‘Local Scheme Reserves’;
 - (c) Delete reference to ‘Major Road’ text and notation under ‘Other Notations’;
 - (d) Re-order the Legend headings as follows: Scheme Boundary, Greater Bunbury Region Scheme Reserves, Local Scheme Reserves, Zones and Other Notations as depicted on the Proposed Scheme map legend.
5. Amending the Scheme map by—
 - (a) Recoding from ‘R10/R15’ density code to the ‘R20’ density code all lots bounded by Spurr Street, Reid Avenue, Capel Drive, West Road and Properjohn Road as depicted on the Scheme Amendment map.
 - (b) Recoding from the ‘R10/R15’ density code to the ‘R20’ density code Lots 50, 59, 60, 61 and 66 West Road; Lots 51-58 (inclusive) Dilleys Rest and Lots 62-65 (inclusive) Capel Drive, Capel as depicted on the Scheme Amendment map.
 - (c) Recoding from the ‘R10/R15’ density code to a ‘R20’ density code all lots bounded by Range Road, Prowse Road, Spurr Street and the railway reserve as depicted on the Scheme Amendment map.
 - (d) Recoding from the ‘R10/R15’ density code to a ‘R20’ density code all lots bounded by Prowse Road, Spurr Street, Goodwood Road and the southern boundary of all lots on the southern side of Brockman Street and all lots in Busher Place as depicted on the Scheme Amendment map.
 - (e) Recoding from the ‘R10/R15’ density code to a ‘R20’ density code Lots 1 and 3 Prowse Road as depicted on the Scheme Amendment map.
 - (f) Recoding from the ‘R10/R15’ density code to a ‘R20’ density code all lots bounded by Goodwood Road, lots adjoining the north and south side of Berkshire Street and lots adjoining the east and west side of Upson Road, Lots 9, 10 and 70 Barlee Road as depicted on the Scheme Amendment map.
 - (g) Recoding from the ‘R10/R15’ density coding to a ‘R30’ density code Lots 201—206 Barlee Road as depicted on the Scheme Amendment map.
 - (h) Recoding from the ‘R10/R15’ density coding to a ‘R20’ density code Lots 39, 40, portion of Lot 6 Scott Road; 1-7 (inclusive) Hutton Road and Pt Lot 1 and Pt Lot 2 Hutton Road as depicted on the Scheme Amendment map.

- (i) Recoding from the 'R2.5' density coding to a 'R20' density code Lot 18 Weld Road as depicted on the Scheme Amendment map.
 - (j) Including Lot 18 Weld Road within 'Residential Precinct—5' area (RP5) as depicted on the Scheme Amendment map.
 - (k) Recoding from the 'R10/R15' density coding to a 'R10/R30' density code Lots bounded by Maitland Road, Capel Drive, Dunkley Street and the Capel River as depicted on the Scheme Amendment map.
 - (l) Including a portion of the West Road road reservation into the Local Scheme Reserve for 'Recreation' as depicted on the Scheme Amendment map.
 - (m) Rezoning Lots 210, 211, 212, Pt Lot 28, 8-11 (inclusive) and Pt Lot 165 Roe Road from 'Residential' zone to 'Town Centre' zone as depicted on the Scheme Amendment map.
 - (n) Including a portion of Lot 276 Buchanan Road within the 'Town Centre' zone as depicted on the Scheme Amendment Map.
 - (o) Removing the Residential zoning and R10/15 coding for Lot 144 Range Road and include within a Local Scheme Reserve 'Recreation' as depicted on the Scheme Amendment map.
 - (p) Removing the Residential zoning and R10/15 coding for Lot 145 Waddingham Loop and include within a Local Scheme Reserve 'Public Purpose' as depicted on the Scheme Amendment map.
 - (q) Rezoning Lot 2 Goodwood Road from 'Rural' zone to 'Residential' zone coded R20 as depicted on the Scheme Amendment map.
 - (r) Including a portion of Goodwood Road road reserve (located between Lot 1 and 2) into the 'Residential' zone coded 'R30' for part Lot 1 and 'Residential' zone coded 'R20' for part Lot 2 as depicted on the Scheme Amendment map.
 - (s) Zoning a portion of the Goodwood Road road reserve 'Residential' (located between Lot 1 and Lot 2) and applying the density codings of 'R20' and 'R30' as depicted on the Scheme Amendment map.
 - (t) Recoding Lot 1 Goodwood Road and Lots 1-6 (inclusive) Kookaburra Way to the 'R30' density code from the 'R10/R15' and 'R20' density codes as depicted on the Scheme Amendment map.
 - (u) Rezoning part Lot 1181 and Part Lot 9001 from 'Rural' zone to 'Residential' zone coded 'R30' as depicted on the Scheme Amendment map.
 - (v) Removing the Residential zoning and R10/15 coding for Lot 245 Turner Street and include within Local Scheme Reserve 'Recreation' as depicted on the Scheme Amendment map.
 - (w) Including a portion of land at Capel Drive within the Capel Drive road reservation as depicted on the Scheme Amendment map.
 - (x) Changing the purpose of Lot 69 Railway (Reserve 3249) from 'Public Purpose' to 'Recreation' as depicted on the Scheme Amendment map.
 - (y) Changing the purpose of Lots 371, 375 and 376 Weld Road (Reserve 21929) from 'Public Purpose' to 'Recreation' as depicted on the Scheme Amendment map.
6. Amending Appendix 15 of the Scheme Text by including the words "Lots 18 Weld Road, Capel" under the 'Description of Land and Precinct Number' column for Precinct No. 5.
7. Modifying the Scheme Text in Clause 5.3.4.1 of the Scheme Text to insert 'and R10/R30' after the words 'In the areas coded R10/15'.
8. Modify the Scheme Text to insert the following provision—
 "5.3.8 Connection to Reticulated Sewerage system
 The Council may refuse to permit the erection of any grouped or multiple dwelling unit in any zone unless it can be connected to a reticulated sewerage system."

M. SCOTT, President.
 P. SHEEDY, Chief Executive Officer.

PL407*

PLANNING AND DEVELOPMENT ACT 2005

AMENDMENT TO INSTRUMENT OF DELEGATION—POWERS AND FUNCTIONS OF OFFICERS

Notice of amendment to the instrument of delegation to officers of certain powers and functions of the Western Australian Planning Commission, gazetted on 16 October 2015, and as amended.

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act), the Western Australian Planning Commission (WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a member, committee or officer of the WAPC or to a public authority or to a member or officer of a public authority.

In accordance with section 16 (4) of the Act, a reference in this instrument to a function or power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred on the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 29 March 2016, pursuant to section 16 of the Act, the WAPC resolved—

- A. To delegate to the Chairperson the powers and functions of the WAPC to accept or reject variations to projects funded by the WAPC pursuant to the Service Delivery Agreement, up to the value of \$50,000;
- B. To amend Schedule 9 of the Instrument of Delegation to officers of certain powers and functions of the Western Australian Planning Commission, published in the *Government Gazette* on 16 October 2015 (and as amended) to replace the reference to a discretionary allowance with the term “Project Planning Contingency Fund;”
- C. To amend the said delegation as set out in Schedule 1 below, to give effect to this resolution.

KERRINE BLENKINSOP, Secretary,
Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005
AMENDMENT TO INSTRUMENT OF DELEGATION
Schedule 1

1. Instrument of delegation amended

The amendments within this Schedule are to the Instrument of Delegation to officers of certain powers and functions of the Western Australian Planning Commission, gazetted on 16 October 2015, and as amended.

2. Clauses amended—

- (a) Column 3 for clauses 9.3 and 9.13 of the table is amended by deleting the words—
“Chairman’s discretionary annual allowance”
And inserting the words—
“Project Planning Contingency Fund.”
- (b) Schedule 9 is amended by the insertion of a new row after clause 9.24 where—
Column 1 reads “9.25 Power to accept or reject project variations for projects funded under the Service Delivery Agreement.”
Column 2 reads “• Chairman of the WAPC” and
Column 3 reads “Up to the value of \$50,000.”

PL408*

PLANNING AND DEVELOPMENT ACT 2005

AMENDMENT TO INSTRUMENT OF DELEGATION—POWERS AND FUNCTIONS OF OFFICERS

Notice of amendment to the instrument of delegation to officers of certain powers and functions of the Western Australian Planning Commission, gazetted on 16 October 2015, and as amended.

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act), the Western Australian Planning Commission (WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a member, committee or officer of the WAPC or to a public authority or to a member or officer of a public authority.

In accordance with section 16 (4) of the Act, a reference in this instrument to a function or power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred on the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 29 March 2016, pursuant to section 16 of the Act, the WAPC resolved—

- A. To delegate to the Principal Planning Officer, Central Regions the powers and functions identified at clauses 2.1-2.5, 3.6, 4.1 and 5.1 of the Instrument of Delegation to officers of certain powers and functions of the Western Australian Planning Commission, gazetted on 16 October 2015, and as amended;
- B. To amend the Interpretation section of the said delegation to clarify that a reference to the *Planning and Development (Local Planning Schemes) Regulations 2015* includes a reference to the schedules to those regulations.
- C. To amend the said delegation as set out in Schedule 1 below, to give effect to this resolution.

KERRINE BLENKINSOP, Secretary,
Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005
AMENDMENT TO INSTRUMENT OF DELEGATION
Schedule 1

1. Instrument of delegation amended

The amendments within this Schedule are to the Instrument of Delegation to officers of certain powers and functions of the Western Australian Planning Commission, gazetted on 16 October 2015, and as amended.

2. Clauses amended—

- (a) Column 2 for clauses 2.1-2.5, 3.6, 4.1 and 5.1 of the table is amended by the insertion of the title “Principal Planning Officer, Central Regions.”
- (b) The Interpretation Section is amended by inserting the following text—
“10. A reference to the “LPS Regulations” includes a reference to the Schedules to those regulations, being the *Planning and Development (Local Planning Schemes) Regulations 2015*.”

PL409*

PLANNING AND DEVELOPMENT ACT 2005
METROPOLITAN REGION SCHEME MAJOR AMENDMENT 1210/41
Rationalisation of Stirling Highway Reservation
Outcome of Submissions

The Western Australian Planning Commission (WAPC) has considered all the submissions received in respect of the amendment proposal for the Rationalisation of Stirling Highway Reservation Amendment 1210/41. This proposal was first published in the *Government Gazette* on 20 March 2012. The amendment is shown on WAPC plan number 2.0801/2.

The amendment, with modifications, has been presented to and approved by the Governor in accordance with the requirements of the *Planning and Development Act 2005*. It will now be tabled in both Houses of Parliament, where it must remain for 12 sitting days. During this time either House may, by resolution, disallow the amendment. As soon as the amendment is no longer subject to disallowance it becomes legally effective in the Metropolitan Region Scheme.

Copies of the amendment and the accompanying report on submissions are available for public inspection from Tuesday 5 April 2016 at—

- Western Australian Planning Commission, Level 2, 140 William Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- Library, Main Roads WA, Don Aitken Building, Waterloo Crescent, East Perth
- City of Perth
- City of Fremantle
- City of Nedlands
- City of Subiaco
- Town of Claremont
- Town of Cottesloe
- Town of Mosman Park
- Shire of Peppermint Grove

Copies of the report on submissions are also available from the PlanningWA website www.planning.wa.gov.au.

KERRINE BLENKINSOP, Secretary,
Western Australian Planning Commission.

POLICE

PO401*

ROAD TRAFFIC ACT 1974
ROAD TRAFFIC CODE 2000
AUTHORISED PERSONS

Appointment of Accredited Pilots as Authorised Persons

I hereby declare that each person who is an accredited pilot pursuant to Regulation 3 of the *Road Traffic Code 2000* named in the attached lists are ‘authorised persons’ within the meaning of and in accordance with Regulation 271 of the *Road Traffic Code 2000* for the purposes of

Regulations 272(1)(a), 272(1)(d), 282(2) and 286 of the *Road Traffic Code 2000*—whilst performing their functions in the facilitating the safe movement of an oversize vehicle escorted by an accredited pilot.

Dated this Friday, 26 February 2016.

KARL J. O'CALLAGHAN APM, Commissioner of Police.

Surname	First Name	State	Accredited Number	Training Provider
Duncan	William	WA	12304	WARTA
Heel	Jay	WA	12275	WARTA
Wheeler	Alec	WA	12249	WARTA
Williams	Darren	VIC	12232	WARTA

RACING, GAMING AND LIQUOR

RA401*

LIQUOR CONTROL ACT 1988

LIQUOR APPLICATIONS

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

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

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE GRANT OF A LICENCE			
A000196411	ALDI Foods Pty Limited	Application for the conditional grant of a Liquor Store licence in respect of premises situated in Wattle Grove and known as ALDI Wattle Grove Liquor Store.	28/04/2016
A000196766	Tillbrook Nominees Pty Ltd	Application for the grant of a Tavern licence in respect of premises situated in Middleton Beach and known as Hybla.	25/04/2016

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

B. A. SARGEANT, Director of Liquor Licensing.

Dated: 24 March 2016.

TRANSPORT

TN401*

ROAD TRAFFIC ACT 1974

ROAD TRAFFIC CODE (PROTECTIVE HELMETS) NOTICE 2016

(RTA—2016—201127)

Given by the Driver and Vehicle Services, General Manager under the *Road Traffic Code 2000*, regulation 244.

1. Citation

This notice is the *Road Traffic Code (Protective Helmets) Notice 2016*.

2. Commencement

This notice comes into operation as follows—

- clauses 1 and 2—on the day on which this notice is published in the *Gazette*;
- the rest of the clauses—on the day after that day.

3. Previous notice superseded

This notice supersedes those parts of the *Road Traffic Code (Protective Helmets) Notice 2007* by which the Director General approved standards under regulation 244.

4. Protective helmets (motorcycles—regulation 244)

For the purposes of the *Road Traffic Code 2000* regulation 244(1), I approve the standard set by one or more of—

- (a) Regulation No. 22 of the United Nations “Uniform Provisions Concerning the Approval of Protective Helmets and their Visors for Drivers and Passengers of Motor Cycles and Mopeds” Revision 4 of 24 September 2002 (also known as ECE22.05);
- (b) AS 1698:1988;
- (c) AS/NZS 1698:2006,

as a protective helmet standard for helmets that bear a certifying mark, sticker or label as to the relevant standard referred to in sub-clause (a), (b), or (c).

ANN KING, General Manager,
Driver and Vehicle Services.

Dated: 22 March 2016.

DECEASED ESTATES

ZX401*

TRUSTEES ACT 1962**DECEASED ESTATES**

Notice to Creditors and Claimants

Estate of the late Verdun Griffith William Jones, late of Howard Solomon Nursing Home, 91 Hybanthus Road, Ferndale, 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 12 September 2015, are requested by the Executor Murray Noel Thornhill, care of HHG Legal Group, Level 1, 16 Parliament Place, West Perth, Western Australia to send particulars of their claims to the address stated herein within 30 days of this notice, after which date the personal representatives may convey or distribute the assets having regard only to the claims of which they then have notice.

ZX402*

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 Estates of the undermentioned deceased persons, are required by Perpetual Trustee Company Limited, Level 12, 123 Pitt Street, Sydney NSW, to send particulars of such claims to the Company by the undermentioned date, after which date the said company may convey or distribute the assets, having regard only to the claims of which the Company then has notice.

Claims for the following estates expire one month after the date of publication hereof.

Estate Late Yvonne Bruce Mcguigan

Late of 13 Windy Ridge Lane, Kalamunda WA, Medical Receptionist
Died 8 January 2016

Estate Late Edward Ryan

Late of Peter Arney Home, 1 Gentilli Way, Salter Point WA, Barber
Died 29 September 2015

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

Notice to Creditors and Claimants

Take notice all creditors, beneficiaries or persons otherwise having a claim (to which Section 63 of the *Trustees Act 1962*, relates) against the Estate of the late Caterina Lucchesi, late of Carinya Apartments, 41 Bristol Avenue, Bicton, Western Australia, who died on 13 November 2015, are required to send particulars to the Executor by no later than 1 May 2016. After such time the Executor will proceed to distribute the Estate having regard only to the claims of which the Executor had notice.

Executor's Details: c/- BNT Legal, PO Box 2129, Subiaco WA 6904
Phone: (08) 6380 7490 Fax: (08) 6380 7489

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

Notice to Creditors and Claimants

Katrina Fay Novacsek, late of Unit 9, 28 Peninsula Road, Maylands, 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 31 October 2015, are required by the executor of the deceased, Chrisanti Novacsek, c/- PO Box 110, Inglewood WA 6932 to send particulars of their claim to her within one month of the date of the publication hereof, after which date the executor may convey or distribute the assets having regard only to claims of which she then has notice.

ZX405***TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the Estate of the undermentioned deceased are required by the personal representative John Douglas Campbell Burrige of care of Newton Vincent, Barristers and Solicitors, PO Box Z5715 St Georges Terrace, Perth WA 6831 to send particulars of their claims to him within one month from the date of publication of this notice at the expiration of which time he may convey or distribute the assets, having regard only to the claims of which he then has notice.

Laurence George Walliss, late of Dale Cottages, 31 The Grove, Armadale. Date of Death: 22 December 2014.

ZX406***TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the undermentioned deceased person are required by the personal representative, Leo Anthony Tsaknis, of care of Culshaw Miller Lawyers, Level 1, 16 St Georges Terrace, Perth, Western Australia to send particulars of their claims to him by the 4th of May, 2016, after which date the personal representatives may convey or distribute the assets having regard only to the claims of which they then have notice.

Lilburne: Geoffrey Douglas Roland, late of Koh-I-Noor Nursing Home, Pangbourne Street, Wembley, Western Australia. Died 25 July 2006.

ZX407*

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 Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before 1 May 2016 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

- Austin, Vivien, late of 5 The Outlook, Coogee, died 9.02.2016 (DE19991647 EM38)
 Chaloner, Gwenyth Rae, late of 8 Sears Court, Morley, died 23.01.2016 (DE19973001 EM36)
 Coles, Cecil Roy, late of 17a Kerior Street, Mullaloo, died 10.12.2015 (DE33035863 EM13)
 Cragg, Sydney Kevin, late of RAAFA Estate, Unit 45 19 Hughie Edwards Drive, Merriwa, died 18.01.2016 (DE33094704 EM13)
 De Ruiter, Renee, late of 12 Gell Court, Kelmscott, died 6.2.2016 (DE33057751 EM110)
 Dreger, Elaina Meena, also known as Elaine DREGER, late of Wanneroo Community Nursing Home, 9 Amos Road, Wanneroo, died 15.01.2016 (DE19703610 EM17)
 Gay, Amy Cullmer, late of Aegis Hilton Park, 19 Laidlaw Street, Hilton, formerly of 3 Boyd Street, Palmyra, died 15.02.2016 (DE19611302 EM23)
 Hambling, Frank, late of Unit 10 / 33 Joseph Street, Maylands, died 18.10.2015 (DE33042011 EM110)
 Hill, John Mccombe, late of 2 Hellenic Drive, Dianella, died 8.01.2016 (DE19812956 EM13)
 Howard, James Emery, late of 69 Cornwall Street, Dianella, died 31.10.2015 (DE19842470 EM38)
 O'Dwyer, Joy Mary, late of Meath Retirement Village, Unit 17 / 10 Williamson Way, Trigg, died 18.02.2016 (DE19611406 EM32)
 Paiva, Manuel Joaquim, late of Unit 9 9-11 Egeus Way, Coolbellup, died 3.09.2013 (DE33110703 EM32)
 Peardon, Beryl Rose, late of 150 Cobb Street, Doubleview, died 1.02.2016 (DE19950082 EM37)
 Rogers, Patricia Lorraine, late of 48 Vellgrove Avenue, Parkwood, died 17.01.2016 (DE20010115 EM32)
 Sanford, Archibald David, late of Second Avenue Hostel, 51-53 Second Avenue, Mount Lawley, died 6.10.2015 (PM33073174 TM52)
 Smart, Wyndham Glyndwr, late of 17-19 Lawley Crescent, Mount Lawley, died 19.09.2011 (PM33078072 TM52)
 Stewart, May Evelyn, late of Peter Arney Nursing Home, 1 Gentilli Way, Salter Point, died 5.02.2016 (DE19982663 EM38)
 Stroblova, Libuse Marie, late of David Butterfield Centre, 649 North Beach Road, Gwelup, died 8.01.2016 (PM33125067 TM53)
 Thompson, Mavis Olga, late of 15 Portsmouth Place, Waikiki, died 20.02.2016 (DE33114476 EM22)
 Whitehouse, Edwin John, late of Unit 2 / 3 Andrew Street, Mandurah, died 2.02.2016 (DE19921839 EM35)
 Williams, William Knight, also known as William Knight Donaldson, late of 74 King Street, Coolgardie, died 24.03.2012 (DE33126938 EM37)

BRIAN ROCHE, Public Trustee,
 553 Hay Street, Perth WA 6000.
 Telephone: 1300 746 212

ZX408*

PUBLIC TRUSTEE ACT 1941**ADMINISTERING OF ESTATES**

Notice is hereby given that pursuant to Section 14 of the *Public Trustee Act 1941* and amendments the Public Trustee has elected to administer the estates of the undermentioned deceased persons.

Dated at Perth 1 April 2016.

BRIAN ROCHE, Public Trustee,
 553 Hay Street, Perth WA 6000.
 Telephone: 1300 746 212

Name of Deceased	Address	Date of Death	Date Election Filed
Donna Lee Steel DE30302992 EM37	Quadriplegic Centre 10 Selby Street Shenton Park	16 November 2015	16 March 2016

PUBLIC NOTICES

ZZ401***DISPOSAL OF UNCOLLECTED GOODS ACT 1970****DISPOSAL OF UNCOLLECTED GOODS**

The Salvation Army Bridge Programme, Bridge House and Harry Hunter Centre wishes to advise that any items left on the property by ex-clients and visitors between 1 February 2015 to 31 January 2016 will be disposed of under the Part III of the *Disposal of Uncollected Goods Act 1970*.

Any items belonging to such a person may be picked up from our premises before 17 April 2016. Items include Clothing, Personal items, Books, Furniture, Tools, Bicycles and Electrical items.

ZZ402***DISPOSAL OF UNCOLLECTED GOODS ACT 1970****NOTICE UNDER PART VI OF INTENTION TO APPLY TO COURT FOR AN ORDER TO SELL OR OTHERWISE DISPOSE OF GOODS VALUED IN EXCESS OF \$300**

To Patrick Patariki Mamaku ("You"), of 83A Lyndale Avenue, Parkwood or 46 Wittering Crescent, Balga (last known addresses), Bailor.

1. You were given notice on 28th of August 2015 that the following goods: 2005 HSV Clubsport, Unregistered, VIN number 6G1ZK54UX5L393938 situated at Brian Gardner Motors Pty Ltd ("BGM") 1308-1324 Albany Highway, Cannington 6107 were ready for redelivery. Subsequent to that date, you have been uncontactable.
2. BGM claims an amount of \$6,350 is due to BGM, being charges in relation to repair work and storage of the vehicle. BGM also claims that storage costs will accrue until you comply with this notice.
3. Unless not more than one month after the date of the giving of this notice you either take redelivery of the goods or give directions for their redelivery, BGM of 1308-1324 Albany Highway, Cannington 6107, bailee, intends making an application to the Court for an order to sell or otherwise dispose of them in accordance with the Act.

29 March 2016.

BRIAN GARDNER MOTORS PTY LTD, Bailee.
