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GOVERNMENT  
**Gazette**

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CONTENTS

PART 1

	Page
Dog Act 1976—City of Fremantle—Dog (Exercise Areas) Amendment Local Law 2012 .....	148
Fire Brigades Act 1942—Fire Brigades Amendment Regulations (No. 3) 2012 .....	147
Local Government Act 1995—City of Fremantle—Dog (Exercise Areas) Amendment Local Law 2012 .....	148

PART 2

Conservation .....	149
Consumer Protection .....	149
Corrective Services .....	152
Deceased Estates .....	183
Health .....	152
Justice .....	153
Marine/Maritime .....	153
Minerals and Petroleum .....	155
Planning .....	157

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# — PART 1 —

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## FIRE AND EMERGENCY SERVICES

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FE301\*

Fire Brigades Act 1942

### Fire Brigades Amendment Regulations (No. 3) 2012

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

**1. Citation**

These regulations are the *Fire Brigades Amendment Regulations (No. 3) 2012*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

**3. Regulations amended**

These regulations amend the *Fire Brigades Regulations 1943*.

**4. Regulation 132B amended**

In regulation 132B(2)(a) delete “FES Commissioner” and insert:

chief executive officer

**5. First Appendix and Third Appendix deleted**

Delete the First Appendix and the Third Appendix.

By Command of the Lieutenant-Governor and deputy of the Governor,

N. HAGLEY, Clerk of the Executive Council.

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## LOCAL GOVERNMENT

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LG301\*

**DOG ACT 1976**  
**LOCAL GOVERNMENT ACT 1995**

*City of Fremantle*

**DOG (EXERCISE AREAS) AMENDMENT LOCAL LAW 2012**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Fremantle resolved on [date] to adopt the following local law.

**1. Citation**

This local law may be cited as the *City of Fremantle Dog (Exercise Areas) Amendment Local Law 2012*.

**2. Commencement**

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

**3. Principal Local Law**

In this local law, the *City of Fremantle Local Law Relating to Dogs*, as published in the *Government Gazette* on 25 September 1998 is referred to as the principal local law. The principal local law is amended as follows—

**4. Seventh Schedule amended.**

After the entry relating to Stevens Street Reserve, in the left hand column titled “Reserve” add a new item as follows—

“Gilbert Fraser Reserve (Oval), bounded by John Street, Johannah Street, and the western side of Reserve 36420 (being Fremantle Town Lot number 300), except during an organised sporting and/or school activity upon the Reserve”;

and in the right hand column, titled “Lot No.”, opposite, add the numerals “478”.

Dated 19th day of December 2012.

\_\_\_\_\_

The Common Seal of the City of Fremantle was affixed by the authority of a resolution of the Council in the presence of—

BRAD PETTITT, Mayor.  
GRAEME MACKENZIE, Chief Executive Officer.

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## — PART 2 —

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### CONSERVATION

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CO401\*

**CONSERVATION AND LAND MANAGEMENT ACT 1984**  
**MURUJUGA NATIONAL PARK MANAGEMENT PLAN**  
Final Management Plan

The Murujuga Park Council advises that the *Murujuga National Park Management Plan 2013* is available.

The management plan covers freehold land on the Burrup Peninsula that is held by the Murujuga Aboriginal Corporation (MAC). The land will be jointly managed as the Murujuga National Park by MAC and the Department of Environment and Conservation (DEC) under the guidance of the Murujuga Park Council.

The management plan was prepared in accordance with Part V of the *Conservation and Land Management Act 1984* (the CALM Act). The Murujuga National Park will be managed under section 8A of the CALM Act.

The management plan was approved by the Minister for Environment on 14 January 2013. No modifications were made to the management plan in accordance with section 60(2) of the CALM Act. The management plan comes into operation with this *Government Gazette* notice.

The management plan is available from the DEC website at—

[www.dec.wa.gov.au/landmanagementplanning](http://www.dec.wa.gov.au/landmanagementplanning)

Copies of the management plan can be obtained from the following DEC offices—

- State Operational Headquarters, 17 Dick Perry Avenue, Technology Park, Western Precinct, Kensington 6151;
- The Atrium, Level 4, 168 St Georges Terrace, Perth 6000; and
- Pilbara Regional Office, Lot 3 Anderson Road, Karratha Industrial Estate, Karratha 6714.

PETER HICKS, Chairman, Murujuga Park Council.

KEIRAN McNAMARA, Director General,  
Department of Environment and Conservation.

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### CONSUMER PROTECTION

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CP401\*

**FAIR TRADING ACT 2010**

**CONSUMER GOODS (PORTABLE SWIMMING POOLS) SAFETY STANDARD 2013**

The following instrument is published under the *Fair Trading Act 2010* section 21.



**CONSUMER GOODS (PORTABLE SWIMMING POOLS) SAFETY STANDARD 2013**

**COMPETITION AND CONSUMER ACT 2010**

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I, David Bradbury, Assistant Treasurer, make the following safety standard under subsection 104 (1) of the Australian Consumer Law, set out in Schedule 2 to the *Competition and Consumer Act 2010*.

Dated: 4 January 2013.

DAVID BRADBURY, Assistant Treasurer.

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### 1 Name of safety standard

This safety standard is the *Consumer Goods (Portable Swimming Pools) Safety Standard 2013*.

### 2 Commencement

This safety standard commences on 30 March 2014.

### 3 Purpose

This safety standard sets out mandatory labelling requirements for portable swimming pools and packaging for portable swimming pools.

### 4 Definitions

In this safety standard—

*Act* means the *Competition and Consumer Act 2010*.

*portable swimming pool* has the meaning given by section 5.

*Note Australian Consumer Law* is defined in subsection 4 (1) of the Act.

### 5 Portable swimming pools

In this safety standard, a *portable swimming pool* is a swimming pool that is—

- (a) intended for personal, domestic or household use; and
- (b) one of the following—
  - (i) an inflatable swimming pool, of any depth;
  - (ii) a soft-sided swimming pool, of any depth;
  - (iii) a rigid-sided swimming pool that is not deeper than 300 mm.

### 6 Warning message on portable swimming pools

(1) For paragraph 104 (2) (c) of the Australian Consumer Law, a portable swimming pool must display a permanent warning message.

(2) If the depth of the portable swimming pool is less than 300 mm, the warning message must include the following statement—

“WARNING!

Children have drowned in portable swimming pools.

Ensure active adult supervision at all times.

Do not leave children unsupervised in or around the pool—keep them within arms’ reach.

Empty and store safely after use.”

(3) If the depth of the portable swimming pool is 300 mm or more, or if the portable swimming pool is capable of being filled to a depth of 300 mm or more, the warning message must include the following statement—

“WARNING!

Children have drowned in portable swimming pools.

Ensure active adult supervision at all times.

Do not leave children unsupervised in or around the pool—keep them within arms’ reach.

Pool fencing laws apply to this pool. Consult your local government authority for fencing requirements.”

(4) The statement mentioned in subsections (2) and (3) must be—

- (a) permanently printed or embossed on the portable swimming pool; and
- (b) legible, to a person aged more than 18 years with normal visual acuity, from a distance of 3 metres; and
- (c) in letters not less than—
  - (i) for “WARNING!”—10 mm high; and
  - (ii) for the other words—6 mm high; and
- (d) in a contrasting colour to the background colour on which the warning is printed or embossed; and
- (e) visible to a person who is—
  - (i) standing outside of the portable swimming pool; and
  - (ii) supervising a child who is in or near the portable swimming pool.

(5) If words additional to the words mentioned in the statement set out in subsections (2) and (3) are printed or embossed on a portable swimming pool, the additional words must not—

- (a) be interposed in the words in the statement; or
- (b) contradict, qualify or modify the words in the statement.

### 7 Warning message on retail packaging for portable swimming pools

(1) For paragraph 104 (2) (c) of the Australian Consumer Law, the retail packaging for a portable swimming pool must display a permanent warning message that is conspicuous and visible to a purchaser of the portable swimming pool when the portable swimming pool is purchased.

(2) If the depth of the portable swimming pool is less than 300 mm, the warning message must include the following statement—

“WARNING!

Children have drowned in portable swimming pools.

Ensure active adult supervision at all times.

Do not leave children unsupervised in or around the pool—keep them within arms’ reach.

Empty and store safely after use.”

(3) If the depth of the portable swimming pool is 300 mm or more, or if the portable swimming pool is capable of being filled to a depth of 300 mm or more, the warning message must include the following statement—

“WARNING!

Children have drowned in portable swimming pools.

Ensure active adult supervision at all times.

Do not leave children unsupervised in or around the pool—keep them within arms’ reach.

Pool fencing laws apply to this pool. Consult your local government authority for fencing requirements.”

(4) The statement mentioned in subsections (2) and (3) must be—

(a) permanently printed on—

(i) the retail packaging for the portable swimming pool; or

(ii) a label affixed to the retail packaging for the portable swimming pool; and

(b) legible, to a person aged more than 18 years with normal visual acuity, from a distance of 3 metres; and

(c) in letters not less than—

(i) for “WARNING!”—10 mm high; and

(ii) for the other words—6 mm high; and

(d) in a contrasting colour to the background colour on which the warning message is affixed to, or printed on; and

(e) displayed on the front of the retail packaging.

(5) If words additional to the words mentioned in the statement set out in subsections (2) and (3) are permanently affixed to, or printed on, the retail packaging for a portable swimming pool, or on a label affixed to the retail packaging for the portable swimming pool, the additional words must not—

(a) be interposed in the words in the statement; or

(b) contradict, qualify or modify the words in the statement.

### 8 Safety sign on portable swimming pools

(1) For paragraph 104 (2) (c) of the Australian Consumer Law, a portable swimming pool must display a safety sign.

(2) The safety sign is—



*Note* The safety sign is WSM002, included in both the International Organization for Standardization standard *ISO 20712-1:2008 Water safety signs and beach safety flags—Part 1: Specifications for water safety signs used in workplaces and public areas* and Australian/New Zealand Standard *AS/NZS 2416.1:2010 (incorporating amendment No. 1) Water safety signs and beach safety flags Part 1: Specifications for water safety signs used in workplaces and public areas (ISO 20712-1:2008,MOD)*.

- (3) The safety sign must be—
- not less than 40 mm in diameter; and
  - in blue and white colours, as depicted in subsection (2); and
  - permanently printed or embossed on the portable swimming pool, on a background that provides a distinct contrast to the colour of the background of the safety sign; and
  - placed next to the warning message.
- (4) The safety sign must not be distorted.

#### Note

- All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See [www.comlaw.gov.au](http://www.comlaw.gov.au).

## CORRECTIVE SERVICES

CS401\*

### COURT SECURITY AND CUSTODIAL SERVICES ACT 1999

#### PERMIT DETAILS

Pursuant to the provisions of section 56 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
Lange	Robert	11-0347	10/01/2013
Taylor	Michael	11-0357	10/01/2013
Arnol	James	12-0010	10/01/2013
Lawrence	Daniel	12-0124	10/01/2013

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.

## HEALTH

HE401\*

### RADIATION SAFETY ACT 1975

#### RADIOLOGICAL COUNCIL (APPOINTMENT OF MEMBER AND DEPUTY MEMBER) INSTRUMENT (No. 2) 2012

Made by His Excellency the deputy of the Governor, in Executive Council, under sections 13 and 15 of the Act.

#### 1. Citation

This instrument may be cited as the Radiological Council (Appointment of Member and Deputy Member) Instrument (No. 2) 2012.

#### 2. Appointment of Member

The appointment of Dr Geoffrey Norman Groom pursuant to section 13(2)(b)(ii) of the *Radiation Safety Act 1975* as a member to the Radiological Council is approved for a period commencing on 1 March 2013 and expiring on 29 February 2016.

#### 3. Appointment of Deputy Member

The appointment of Dr Elizabeth Louise Thomas as deputy to Dr Geoffrey Norman Groom, to the Radiological Council pursuant to section 15 of the *Radiation Safety Act 1975* is approved for a period commencing on 1 March 2013 and expiring on 29 February 2016.

By Command of the deputy of the Governor,

N. HAGLEY, Clerk of the Executive Council.



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**JUSTICE**

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JU401\*

**JUSTICES OF THE PEACE ACT 2004**  
APPOINTMENT

It is hereby notified for public information that His Excellency the Governor in Executive Council has approved of the following to the Office of Justice of the Peace for the State of Western Australia—

Marilyn Janet Ryan of 3 Riviera Way, Canals Estate, Bunbury WA

RAY WARNES, Executive Director,  
Court and Tribunal Services.

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**MARINE/MARITIME**

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MA401\*

**WESTERN AUSTRALIAN MARINE ACT 1982**  
**NAVIGABLE WATERS REGULATIONS 1958***City of Busselton*

## PROHIBITED SWIMMING AREA

Department of Transport,  
Fremantle WA, 18 January 2013.

Acting pursuant to the powers conferred by Regulation 10A(b) of the *Navigable Waters Regulations 1958*, I hereby close all of the following waters to swimming, between the hours of 7.30pm and 8.30pm on Saturday 19th January 2013.

**Busselton Jetty**

All the waters within a 100 metre radius around the firing point; located on the Busselton Jetty at approximately 33° 38.671'S, 115° 20.700'E, approximately 185 metres along the Jetty from the foreshore.

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

RAYMOND BUCHHOLZ, Marine Safety Operations Director,  
Department of Transport.

MA402\*

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

## PROHIBITED SWIMMING AREA

*Attadale, Swan River*

Department of Transport,  
Fremantle WA, 18 January 2013.

Acting pursuant to the powers conferred by Regulation 10A(b) of the *Navigable Waters Regulations 1958*, I hereby close the following area of water to swimming between 9.00 pm and 9.55 pm on Saturday 19th January 2013.

**Attadale, Swan River**

All the waters within a 100 metre radius of the firing point; located on a barge anchored offshore of the Attadale foreshore at a position of approximately 32° 0.710'S, 115° 47.861'E.

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

RAYMOND BUCHHOLZ, Marine Safety Operations Director,  
Department of Transport.

**MA403\***

**WESTERN AUSTRALIAN MARINE ACT 1982**  
**NAVIGABLE WATERS REGULATIONS 1958**  
RESTRICTED SPEED AREAS—ALL VESSELS  
Prohibited Swimming Area

Department of Transport,  
Fremantle WA, 18 January 2013.

Acting pursuant to the powers conferred by Section 67 of the *Western Australian Marine Act 1982*, and 10A(b) of the *Navigable Waters Regulations 1958*, the department by this notice limits the speed of motor vessels to 8 knots and prohibits swimming or bathing between 1500 and 2300 hours on Saturday 26 January 2013, in all of Perth Waters from the Narrows Bridge to the Causeway Bridges; excluding the existing Five (5) knot area in the vicinity of the Barrack Street Jetty Complex, as published in Notice MA401 of the *Government Gazette* dated 11 September 2012.

The above swimming closure and speed restriction is not applicable to approved vessels or persons involved in approved aquatic events or associated with the City of Perth Australia Day Skyworks 2013.

RAYMOND BUCHHOLZ, Marine Safety Operations Director,  
Department of Transport.

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**MA404\***

**WESTERN AUSTRALIAN MARINE ACT 1982**  
**NAVIGABLE WATERS REGULATIONS 1958**  
CLOSURE—BELMONT WATER SKI AREA

Department of Transport,  
Fremantle WA, 18 January 2013.

Acting pursuant to the powers conferred by Regulation 48A of the *Navigable Waters Regulations 1958*, the Department by this notice temporarily revokes Notice MA410 as published in the *Government Gazette* on 27 November 2012 and hereby closes the Belmont Water Ski Area for water skiing from 1500 hrs to sunset on Saturday 26 January 2013.

RAYMOND BUCHHOLZ, Marine Safety Operations Director,  
Department of Transport.

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**MA405\***

**WESTERN AUSTRALIAN MARINE ACT 1982**  
**NAVIGABLE WATERS REGULATIONS 1958**  
PROHIBITED SWIMMING AREA  
Perth Waters  
Swan River

Department of Transport,  
Fremantle WA, 18 January 2013.

Acting pursuant to Regulation 10A(b) of the *Navigable Waters Regulations 1958*, I hereby close the following areas of water to swimming from 8:00 am on Monday 21st January 2013 to 12 Noon Monday 28th January 2013.

**Area 1**

All the waters enclosed in-shore of two (2) marker buoys adjacent to the Riverside Drive Navigation Channel. Positions of the buoys are 31°57.746'S, 115°51.927'E and 31°57.843'S, 115°52.233'E.

**Area 2**

All the waters within a 25 metre radius of two (2) barges located in Perth Waters outside of the Riverside Drive Navigation Channel. Positions of the barges are 31°57.830'S, 115°52.007'E and 31°57.872'S, 115°52.147'E.

RAYMOND BUCHHOLZ, Marine Safety Operations Director,  
Department of Transport.

MA406\*

**WESTERN AUSTRALIAN MARINE ACT 1982**  
**NAVIGABLE WATERS REGULATIONS 1958**  
 RESTRICTED SPEED AREAS—ALL VESSELS  
 Riverside Drive Navigation Channel  
 Swan River

Department of Transport,  
 Fremantle WA, 18 January 2013.

Acting pursuant to the powers conferred by Section 67 of the *Western Australian Marine Act 1982*, the department by this notice limits the speed of motor vessels to Five (5) knots within the Riverside Drive Navigation Channel, Perth Waters and extending to the Causeway Bridge, between 5:00 am and 12:00 pm on Sunday 20 January 2013.

RAYMOND BUCHHOLZ, Marine Safety Operations Director,  
 Department of Transport.

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## MINERALS AND PETROLEUM

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MP401\*

**MINING ACT 1978**  
 FORFEITURE

Department of Mines and Petroleum,  
 PERTH WA 6000.

I hereby declare in accordance with the provisions of sections 96A and 97 of the *Mining Act 1978* that the undermentioned mining tenements are forfeited for breach of covenant, being non-payment of rent.

NORMAN MOORE MLC, Minister for Mines  
 and Petroleum.

Number	Holder	Mineral Field
	Exploration Licence	
29/734	Mongolian Resource Corporation Ltd	North Coolgardie
52/2366	Australian Outback Mining Pty Ltd	Peak Hill
53/1431	Mongolian Resource Corporation Ltd	East Murchison
63/1151	Wear Services Pty Ltd	Dundas
63/1152	Wear Services Pty Ltd	Dundas
63/1153	Wear Services Pty Ltd	Dundas
77/1270	Quarry Park Pty Ltd Global Exploration Pty Ltd	Yilgarn
80/4040	Australian Precious Gems Pty Ltd	Kimberley
80/4041	Australian Precious Gems Pty Ltd	Kimberley
80/4066	Aussie Diamond Group Pty Ltd	Kimberley
80/4067	Aussie Diamond Group Pty Ltd	Kimberley
80/4073	West Australian Gold Investments Pty Ltd	Kimberley
80/4074	West Australian Gold Investments Pty Ltd	Kimberley
80/4077	Australian Diamond Group Pty Ltd	Kimberley
80/4078	Australian Diamond Group Pty Ltd	Kimberley
80/4079	Australian Diamond Group Pty Ltd	Kimberley
80/4080	Australian Diamond Group Pty Ltd	Kimberley
	Mining Lease	
77/1125	TW Mining Services Pty Ltd	Yilgarn

**MP402\*****MINING ACT 1978****INSTRUMENT OF EXEMPTION OF LAND—EXTENSION OF PERIOD**

The Minister for Mines and Petroleum pursuant to the powers conferred on him by Section 19 of the *Mining Act 1978*, hereby further extends the exemption declared on 8 February 2001 and published in the *Government Gazette* dated 16 February 2001, for the area described hereunder (not being private land or land that is the subject of a mining tenement or an application therefor) from Divisions 1 to 5 of Part IV of the *Mining Act 1978*, for a further period of two years expiring on 7 February 2015.

**Description of Land**

Land designated S19/153 in the Tengraph electronic plan of the Department of Mines and Petroleum.

**Locality**

Burrup Peninsular

**Area of Land**

Approximately 46674.64 hectares

Dated at Perth this 11th day of January 2013.

NORMAN MOORE MLC, Minister for Mines and Petroleum.

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**MP403\*****MINING ACT 1978****INSTRUMENT OF EXEMPTION OF LAND—EXTENSION OF PERIOD**

The Minister for Mines and Petroleum pursuant to the powers conferred on him by Section 19 of the *Mining Act 1978*, hereby further extends the exemption granted on 23 March 2011 and published in the *Government Gazette* dated 1 April 2011, for the area described hereunder (not being private land or land that is the subject of a mining tenement or an application therefor) from Divisions 1 to 5 of Part IV of the *Mining Act 1978*, for a further period of two years expiring on 22 March 2015.

**Description of Land**

Land designated S19/323 in the Tengraph electronic plan of the Department of Mines and Petroleum. A geospatial description is filed at Document Id Number 2156794 on the Department of Mines and Petroleum File A1014/200801.

**Locality**

Boodarie west of Port Hedland

**Area of Land**

Approximately 14,291.42 ha

Dated at Perth this 7th day of January 2013.

NORMAN MOORE MLC, Minister for Mines and Petroleum.

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**MP404\*****MINING ACT 1978****INSTRUMENT OF VARIATION TO EXEMPTION OF LAND**

The Minister responsible for the *Mining Act 1978*, pursuant to the powers conferred on him by Section 19 of the *Mining Act 1978*, hereby varies the exemption of land designated S19/323 in Tengraph to that portion of land described hereunder (not being private land or land that is the subject of a mining tenement or an application for a mining tenement).

**Description of Land**

Land designated S19/323 in the Tengraph electronic plan of the Department of Mines and Petroleum. A geospatial description is filed at Document Id Number 2156794 on the Department of Mines and Petroleum File A1014/200801.

**Locality**

Boodarie west of Port Hedland

**Area of Land**

Approximately 14,291.42 ha

Dated at Perth this 7th day of January 2013.

NORMAN MOORE MLC, Minister for Mines and Petroleum.

## MP405\*

**MINING ACT 1978**  
INTENTION TO FORFEIT

Department of Mines and Petroleum,  
Perth WA 6000.

In accordance with Regulation 50(b) of the *Mining Regulations 1981*, notice is hereby given that unless the rent due on the under mentioned mining tenements are paid on or before 18 February 2013 it is the intention of the Minister for Mines and Petroleum under the provisions of sections 96A(1) and 97(1) of the *Mining Act 1978* to forfeit such for breach of covenant, being non-payment of rent.

DIRECTOR GENERAL

Number	Holder	Mineral Field
Exploration Licence		
E 27/368	Legendre, Bruce Robert TE Johnston & Associates Pty Ltd Corporate & Resource Consultants Pty Ltd	N. E. Coolgardie
E 27/398	Legendre, Bruce Robert TE Johnston & Associates Pty Ltd Corporate & Resource Consultants Pty Ltd	N. E. Coolgardie
E 28/2051	Heron Resources Limited	N. E. Coolgardie
E 31/849	Pilkington, Anthony Gerald	North Coolgardie
E 45/3670	Whim Creek Mining Pty Ltd	Pilbara
E 45/3671	Whim Creek Mining Pty Ltd	Pilbara
E 70/2413	Iluka Resources Limited	South West
E 70/3878	Heron Resources Limited	South West
E 77/1490-I	Southern Cross Goldfields Ltd	Yilgarn
E 77/1640	Hill, Adam Frank	Yilgarn
Mining Lease		
M 04/441	Roe, Joseph Edward	West Kimberley
M 27/145	Kanowna Mines Ltd (ACN 053 530 037)	N. E. Coolgardie
M 28/373-I	Fairstar Resources Ltd	N. E. Coolgardie
M 37/771	Altia Resources Pty Ltd	Mt Margaret
M 37/772	Altia Resources Pty Ltd	Mt Margaret
M 38/463	UCABS Pty Ltd	Mt Margaret
M 38/464	UCABS Pty Ltd	Mt Margaret
M 38/1039	UCABS Pty Ltd	Mt Margaret
M 38/1040	UCABS Pty Ltd	Mt Margaret
M 40/138	FMR Investments Pty Limited	North Coolgardie
M 70/208	McLean, Trevor Gerald McLean, Jan Maree	South West

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## PLANNING

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## PL401\*

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

*City of Fremantle*

Local Planning Scheme No. 4—Amendment No. 49

Ref: TPS/0710

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 Fremantle local planning scheme amendment on 8 January 2013 for the purpose of—

- Amending clause 12.12—Schedule 12 Local Planning Areas (Height Requirements) as follows—

Delete the words “(Height Requirements)” and replace with “(Development Requirements)”.

2. Amending clause 12.12—Schedule 12 Local Planning Areas (Development Requirements)—Local Planning Area 1—City Centre, as follows—  
 Reword clause 1.3 ‘Specific Height Controls for Sub Areas’ to read ‘Specific Development Controls for Sub Areas’.
3. Amending clause 12.12—Schedule 12 Local Planning Areas (Development Requirements)—Local Planning Area 1—City Centre, as follows—  
 Amend Sub Area 1 West End to read ‘Sub Area 1.3.1 West End’ and insert the modified map of Sub Area 1.3.1 West End.
4. Amending clause 12.12—Schedule 12 Local Planning Areas (Development Requirements)—Local Planning Area 1—City Centre, as follows—

1.3	SPECIFIC DEVELOPMENT CONTROLS FOR SUB AREAS		
Sub Area 1.3.2	<p>Map as shown in the amending documents.</p> <p>Land Use and location specific design requirements—</p> <p>(a) Notwithstanding the provisions of Table 2—Zoning—</p> <ul style="list-style-type: none"> <li>(i) Residential uses will not be permitted in new buildings at ground level adjacent to Queen Street, Adelaide Street and Kings Square;</li> <li>(ii) Land uses at ground level adjacent to Queen Street, Adelaide Street and Kings Square shall contribute to generating interest and activity within the adjacent public realm; and</li> <li>(iii) A minimum of 15% of the net lettable area within all new development on sites with a development site area greater than 3000sqm shall be provided for Office use.</li> </ul> <p>(b) New development fronting Queen Street, Adelaide Street and Kings Square shall incorporate design measures to—</p> <ul style="list-style-type: none"> <li>(i) Provide continuous weather protection at ground level for pedestrians along these streets and public spaces; and</li> <li>(ii) Generate interest and activity within the adjacent public realm.</li> </ul> <p>(c) New development at ground level adjacent to other streets and public areas not identified in a) and b) above may incorporate a mix of land uses and shall incorporate design measures to contribute to an interesting and diverse public realm.</p> <p>Building Height and Setbacks—</p> <p>(d) Clause 1.2 ‘Matters to be considered in applying general and specific height controls’ does not apply to Sub Area 1.3.2.</p> <p>(e) Building heights shall be in accordance with the requirements set out in the table below—</p>		
	Site	Permitted Building Height (Metres)	Minimum Façade Height (Metres)
		Building Height (Metres) which may be permitted subject to the development satisfying both of the following criteria— <ul style="list-style-type: none"> <li>(i) The portion of building exceeding the Permitted Building Height being sufficiently set back from the street facade so as to not be visible from the street(s) and/or public open space(s) adjoining the site; and</li> <li>(ii) The design of the portion of building exceeding the Permitted Building Height being integrated with the design of the overall building.</li> </ul>	that fronts a public street(s) and/or public open space(s)

1	21	24.5	10
2	17.5	21	10
3a	17.5	0	10
3b	21	24.5	10
4	21	24.5	10
5a	21	24.5	10
5b	14	17.5	10
6a	21	24.5	10
6b	14	0	10
6c	17.5	0	10
7	17.5	21	10
8	17.5	21	10
9	19	22.5	10
10a	17.5	21	10
10b	14	17.5	10
11	14	17.5	10
12	14	17.5	10

Notwithstanding the building heights in the above table, Council may impose a lesser building height on the part of development within Areas 2, 6a and 6b, 7, 8, 10a and 10b, 11 and 12 that directly adjoins a heritage listed building where the Council is of the view that a lesser building height on that part of the development is necessary to ensure the compatibility of the development with that building.

(f) Where a specific Local Planning Policy has been adopted to enable this provision, the Council may, at its discretion—

- permit up to 14.4 metres additional building height on Site 1;
- permit up to 10.8 metres additional building height on Site 4;
- permit up to 7.2 metres additional building height on Sites 2, 6a, 6b and 6c; and
- permit up to 5.7 metres additional building height on Site 9,

where—

- (i) the development site is 3000sqm in area or greater; and
- (ii) the footprint of the portion of the development with additional building height occupies no more than 40% of the total development site area; and
- (iii) there are no more than 9 storeys above ground level within the development, with the exception of development on Site 1;

And where, in addition to any specific requirement outlined in the specific Local Planning Policy, the development satisfies all of the following criteria—

- (i) The development is of distinctive architecture befitting its location and exceptional design quality meeting at the highest possible standard the principles of good design listed under clause 11.8.6.3 of this Scheme, and including, but not limited to—
  - the development demonstrating a selection of high quality building materials, sustainable building measures and building longevity;
  - the design addressing the relationship of taller components to lower levels (podium);
  - the impact of the development on distant views;
  - the visual permeability of the development with the streetscape; and
  - the roofscape aspect of the design.
- (ii) The development demonstrates best practice in environmentally sustainable design, incorporating into the building fabric measures to minimise energy consumption, water usage, emissions and waste;
- (iii) The development causes no significant adverse impact on the amenity of the surrounding public realm in terms of, but not limited to, building scale, shadows and potential wind tunnelling;

(iv) The development provides a high quality landscaped and publicly accessible pedestrian environment at ground level, including where appropriate—

- East-west mid-block pedestrian links that are convenient, legible, attractive, safe and activated as an integrated component of any development concept and linked to a broader pedestrian network in the area. Ongoing public access arrangements are to be determined by and be to the satisfaction of the City and set as a condition of planning approval; and
- The area of the required street setbacks to Queen Street for Sites 1 and 2, being transferred at no cost to Council for the purposes of a road widening.

(v) Where the net lettable area within the development for residential purposes is greater than 1000sqm, a minimum of 15 per cent of the residential net lettable area shall be provided for 'affordable housing'. Council may, at its discretion, consider the provision of the required amount of affordable housing on an alternative development site(s) within the general locality of the development site.

The setback from the street façade required in (e) for any additional height above the Permitted Building Height does not apply on these sites if additional height is granted in accordance with the requirements and criteria under (f), including any specific requirement outlined in the specific Local Planning Policy.

- (g) In the front elevation of all new development the ground floor level must be no greater than 600mm above the level of the adjacent footpath and the first floor level must be at least 4.5 metres above the level of the footpath adjacent to the site.
- (h) Building setbacks shall be in accordance with the requirements set out in the table below. Council may vary the prescribed setbacks where it is satisfied that the design outcome will be improved.

Site	Frontage to:	Minimum Street Setback (Metres)	Maximum Street Setback up to building height of 10m (Metres)	Minimum side and rear Setback (Metres)
1	Queen St	3.65	5.65	Nil
1	All streets other than Queen St	Nil	2	Nil
2	Queen St	6.35	8.35	Nil
2	All streets other than Queen St	Nil	2	Nil
All other sites	All streets	Nil	2	Nil

(i) The maximum aggregate width of spaces between buildings at ground floor level at street frontage may be no more than 8 metres at any one location.

Other Development Standards—

(j) The General site requirements specified in Table 4 of the Residential Design Codes for development at R-AC 3 density do not apply to any type of residential development in Sub Area 1.3.2.

Car Parking—

- (k) The provisions of clauses 5.7.1 to 5.7.4 inclusive do not apply for Office land uses where located above ground floor level.
- (l) The provisions of clause 5.7.3 (a) (i) and (ii) of the Scheme do not apply in Sub Area 1.3.2.

Special Conditions of Planning Approval—

(m) The Council may impose a condition on planning approval for any new development in Sub Area 1.3.2 requiring a memorial to be placed on the property title advising of the potential for future development on adjoining land to be constructed in accordance with the building height and setback requirements applicable to Sub Area 1.3.2, which include zero minimum side and rear setbacks.



5. Amending clause 12.1 Schedule 1—Dictionary of Defined Words and Expressions, as follows—

Adding a definition for the new term ‘Visible from the street’, to follow the definition of ‘Vehicle’, to read—

*‘Visible from the street’ will be based on an assumed line of sight measured at a perpendicular angle to the boundary of the development site and the street or public open space, at an assumed point of 1 metre less than the street width and 1.6 metres above ground level. An area of public open space will be considered to have an assumed street width of 20 metres for the purpose of this definition.*

6. Amending clause 5.4—Residential Development, as follows—

Adding a new clause 5.4.5 to read—

5.4.5 In development comprising of ten or more Multiple Dwellings, a minimum of 25 per cent of the total number of dwellings must have a maximum floor area of 60 square metres or less and no more than 40 per cent of the total number of dwellings may have a floor area of 120 square metres or more.

7. Amending clause 5.8—Variations to site and development standards and requirements, as follows—

Adding a new sub clause 5.8.1.3 to read—

5.8.1.3 Excluding development within the Residential zone, Council may permit a minor projection above the highest part of a development, subject to the development satisfying both of the following criteria—

- (a) The minor projection being no more than 4 metres above the highest part of the main building structure; and
- (b) The cumulative area of the minor projection being no more than 10 per cent of the total roof area of the building.

For the purpose of this clause, ‘minor projection’ will be interpreted as including plant and equipment such as air conditioning units, lift overrun rooms, flagpoles, aerials and decorative architectural features, but not rooms or other facilities intended for regular human use such as rooftop decks or swimming pools.

8. Amending clause 5.7.3—Relaxation of Parking Requirements, as follows—

- (i) Insert a new sub clause number 5.7.3.1 in front of the words ‘Council may—...’
- (ii) Add a new sub clause 5.7.3.2 to read—

5.7.3.2 Excluding development within the Residential zone, Council may waive car parking requirements for residential development under clause 5.7.3 in cases where the development is expressly designed and marketed as a zero parking development that incorporates such elements as the following—

- (i) Provision of parking on site for bicycles / scooters;
- (ii) Operation of a formal shared vehicle ownership scheme amongst the residents.

In any cases where such development is granted planning approval the Council may require, as a condition of planning approval, provision to be made to include notification on the property title(s) that owners and/or occupiers will not be entitled to on-street residential parking permits.

9. Amending clause 12.12—Schedule 12 Local Planning Areas (Development Requirements)—Local Planning Area 2—Fremantle, as follows—

Deleting the following words from clause 2.3.1 (e)—

Note: ‘Visible from the street’ will be based on an assumed line of sight measured at a perpendicular angle from the streets adjoining the subject land, at an assumed point of 1 metre less than the street width and 1.6 metres above ground level.

10. Amending clause 12.12—Schedule 12 Local Planning Areas (Development Requirements)—Local Planning Area 2—Fremantle, as follows—

Deleting the following words from clause 2.3.1 (g)—

Council may permit a minor projection above the highest part of a development, subject to the development satisfying both of the following criteria—

- (a) The minor projection being no more than 4 metres above the highest part of the main building structure; and
- (b) The cumulative area of the minor projection being no more than 10 per cent of the total roof area of the building.

For the purpose of this clause, ‘minor projection’ will be interpreted as including plant and equipment such as air conditioning units, lift overrun rooms, flagpoles, aerials and decorative architectural features, but not rooms or other facilities intended for regular human use such as rooftop decks or swimming pools.

11. Amending clause 12.12—Schedule 12 Local Planning Areas (Development Requirements)—Local Planning Area 2—Fremantle, as follows—

Deleting the following words from clause 2.3.1 (k)—

In development comprising of ten or more Multiple Dwellings, a minimum of 25 per cent of the total number of dwellings must have a maximum floor area of 60 square metres or less and no more than 40 per cent of the total number of dwellings may have a floor area of 120 square metres or more.

12. Amending clause 12.12—Schedule 12 Local Planning Areas (Development Requirements)—Local Planning Area 2—Fremantle, as follows—

Deleting the following words from clause 2.3.1 (p)—

Notwithstanding (o) above, Council may waive car parking requirements for residential development under clause 5.7.3 in cases where the development is expressly designed and marketed as a zero parking development that incorporates such elements as the following—

- (i) Provision of parking on site for bicycles / scooters;
- (ii) Operation of a formal shared vehicle ownership scheme amongst the residents.

In any cases where such development is granted planning approval the Council may require, as a condition of planning approval, provision to be made to include notification on the property title(s) that owners and/or occupiers will not be entitled to on-street residential parking permits.

13. Amending clause 12.12—Schedule 12 Local Planning Areas (Development Requirements)—Local Planning Area 2—Fremantle, as follows—

Reletter the subsequent paragraphs from (h) to (r) inclusive of clause 2.3.1 to read in order from (g) to (o).

14. Amending clause 12.1 Schedule 1—Dictionary of Defined Words and Expressions, as follows—

Adding a definition for the new term ‘Affordable housing’, to follow the definition of ‘Advertisement’, to read—

‘Affordable housing’ refers to dwellings which households on low-to-moderate incomes can afford, while meeting other essential living costs. It includes public housing, not-for-profit housing, other subsidised housing under the National Rental Affordability Scheme together with private rental and home ownership options for those immediately outside the subsidised social housing system.

15. Amending clause 11.8—Advisory Committees, as follows—

Adding a new clause 11.8.6 to read—

11.8.6 The Council will establish and maintain a Design Advisory Committee, subject to the requirements of clauses 11.8.1 to 11.8.5 inclusive, to advise it on any matters related to the design quality of development.

11.8.6.1 The Council shall prepare and adopt a Local Planning Policy in accordance with clause 2.4 that details the type and scale of development applications and planning proposals that will be referred to the Design Advisory Committee.

11.8.6.2 Notwithstanding the provisions of any Local Planning Policy prepared under clause 11.8.6.1, the Council shall not determine a development application that proposes a building with a building height of 11 metres or greater in any zone other than the Residential or Industrial zones without first referring the application to the Design Advisory Committee for advice and having regard to the advice provided by the Design Advisory Committee.

11.8.6.3 In providing advice to the Council, the Design Advisory Committee shall have due regard to the following matters, in association with the local planning policy prepared under clause 11.8.6.1, to assist in determining the design quality of the development—

- (a) Character

Whether the development promotes character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, landscape and culture.

- (b) Continuity and enclosure

Whether the development promotes the continuity of street frontages and the enclosure of space by development which clearly defines private and public areas.

- (c) Quality of the public realm

Whether the development promotes public spaces and routes that are attractive, safe, uncluttered and work effectively for all in society, including disabled and elderly people.

- (d) Ease of movement  
Whether the development promotes accessibility and local permeability by making places that connect with each other and are easy to move through, putting people before traffic and integrating land uses and transport.
- (e) Legibility  
Whether the development promotes legibility through development that provides recognisable routes, intersections and landmarks to help people find their way around.
- (f) Adaptability  
Whether the development promotes adaptability through development that can respond to changing social, technological and economic conditions.
- (g) Diversity  
Whether the development promotes diversity and choice through a mix of compatible developments and uses that work together to create viable places that respond to local needs.

Dr B. PETTITT, Mayor.  
G. MacKENZIE, Chief Executive Officer.

PL402\*

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

Town Planning Scheme No. 6—Amendment No. 25

Ref: TPS/0619

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 South Perth local planning scheme amendment on 8 January 2013 for the purpose of—

1. Clause 1.5 (d) is amended by deleting the number “14” and inserting number “15”.
2. Clause 1.6 (1) is amended by deleting the number “14” and inserting number “15”.
3. Clause 3.2 is amended by—
  - (a) deleting the number “14” in the first line and inserting number “15”;
  - (b) deleting paragraphs (m) and (n) and inserting the following—
    - “(m) Precinct 13 : Salter Point;
    - (n) Precinct 14 : Waterford; and
    - (o) Precinct 15: South Perth Station.”
4. Clause 3.3 is amended by inserting the following new sub-clause—
 

“(9) For all comprehensive new development within Special Control Area SCA1 South Perth Station Precinct, land use controls are contained within Schedule 9.”
5. Clause 4.3 (1) is amended by inserting the following new paragraph—
 

“(m) For any dwellings within comprehensive new development in Special Control Area SCA1 South Perth Station Precinct, the applicable development requirements are contained within Schedule 9 and provisions of the Codes do not apply except to the extent specified in that Schedule.”
6. Clause 4.7 is amended by inserting the following new sub-clause—
 

“(3) For any dwellings within comprehensive new development in Special Control Area SCA1 South Perth Station Precinct, the applicable setbacks are contained within Schedule 9 and the provisions of clause 4.7 and Table 2 do not apply.”
7. Clause 5.1 is amended by inserting the following new sub-clause—
 

“(6) For all comprehensive new development within Special Control Area SCA1 South Perth Station Precinct, development requirements are contained within Schedule 9 and the provisions of clause 5.1 and Table 3 do not apply.”
8. Clause 5.2 is amended by inserting the following new sub-clause—
 

“(3) For all comprehensive new development within Special Control Area SCA1 South Perth Station Precinct, development requirements are contained within Schedule 9 and the provisions of clause 5.2 and Table 4 do not apply.”
9. Clause 5.3 is amended by inserting the following new sub-clause—
 

“(3) For any dwellings within comprehensive new development in Special Control Area SCA1 South Perth Station Precinct, the applicable setbacks are contained within Schedule 9 and the provisions of clause 5.3 and Table 5 do not apply.”

10. Clause 5.4 (1) is deleted.
11. Clause 5.4 (6) is deleted.
12. Clause 6.2 (1) Building Height Limits is amended by adding the following new paragraph—
  - “(e) Notwithstanding the provisions of subparagraphs (b) (iv) and (v), on any land which has been assigned a Building Height Limit of 25.0 metres, height shall be measured to the finished floor level of the highest storey of the building.”
13. Clause 6.2 Building Height Limits is amended by adding the following new sub-clause—
  - “(4) (a) The Building Height Limit Scheme Map for Precinct 15: South Perth Station shall only apply to development which Council determines to be a minor alteration, addition or extension to an existing development.
  - (b) For all comprehensive new development in Precinct 15: South Perth Station, Building Height Limits shall be as shown on Plan 3 Building Heights contained in Schedule 9 unless otherwise approved by Council for development complying with the provisions of Table B of Schedule 9.”
14. Clause 6.3 is amended by inserting the following new sub-clause—
  - “(13) For all comprehensive new development within Special Control Area SCA1 South Perth Station Precinct, the provisions of sub-clauses (1) and (2) do not apply. Car parking ratios for such development are prescribed in Table A of Schedule 9.”
15. Clause 6.4 is amended by inserting the following new sub-clause—
  - “(6) For all comprehensive new development within Special Control Area SCA1 South Perth Station Precinct, requirements relating to bicycle parking are contained in Schedule 9 and the provisions of clause 6.4 do not apply.”
16. Clause 7.8 (2) is amended by deleting paragraphs (b) and (c) and inserting the following—
  - “(b) development requirements for the Sites referred to in clause 5.4;
  - (c) the requirements prescribed under the Residential Design Codes; and
  - (d) the provisions contained in Schedule 9 applicable to comprehensive new development within Special Control Area SCA1 South Perth Station Precinct.”
17. A new “Part X Special Control Areas” is inserted immediately following Part IX of the Scheme Text, as follows—

**“Part X**

**Special Control Areas**

**“10.1 Operation of special control areas**

- (1) The following special control areas are shown on the Scheme Map—
  - (a) Development Contribution Areas shown on the Scheme Map as DCA with a number and included in Schedule 10.
  - (b) Special Control Area 1—South Perth Station Precinct as included in Schedule 9.
- (2) In respect of a special control area or a development contribution area shown on a Scheme Map, the provisions applying to these areas apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

**10.2 Development contribution areas**

**(1) Interpretation**

In clause 10.2, unless the context otherwise requires—

**‘administrative costs’:** means such costs as are reasonably incurred for the preparation and (with respect to standard infrastructure items) implementation of the development contribution plan.

**‘administrative items’:** means the administrative matters required to be carried out by or on behalf of the Council in order to prepare and (with respect to standard infrastructure items) implement the development contribution plan, including legal, accounting, planning engineering, and other professional advice.

**‘cost apportionment schedule’:** means a schedule prepared and distributed in accordance with clause 10.2 (10).

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

**‘Development Contribution Area’:** means the area shown on the Scheme Map as DCA with a number and included in Schedule 10.

**‘development contribution plan’:** means a development contribution plan prepared in accordance with the provisions of *State Planning Policy 3.6 Development Contributions for Infrastructure* and the provisions of this clause of the Scheme (as incorporated in Schedule 10 to this Scheme).

**‘development contribution plan report’:** means a report prepared and distributed in accordance with clause 10.2 (10).

**‘infrastructure’**: means the standard infrastructure items (services and facilities set out in Schedule 10) and community infrastructure, including sporting and recreational facilities; community centres; child care and after school centres; libraries and cultural facilities and such other services and facilities for which development contributions may reasonably be requested having regard to the objectives, scope and provisions of the Western Australian Planning Commission State Planning Policy 3.6 Development Contributions for Infrastructure.

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

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

## **(2) Purpose**

The purpose of having development contribution areas is to—

- (a) provide for the equitable sharing of the costs of infrastructure and administrative costs between owners;
- (b) ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the development contribution area; and
- (c) coordinate the timely provision of Infrastructure.

## **(3) Development contribution plan required**

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

## **(4) Development contribution plan part of scheme**

The development contribution plan is incorporated in Schedule 10 as part of the Scheme.

## **(5) Subdivision, strata subdivision and development**

The Council shall not withhold its support for subdivision, strata subdivision or refuse to approve a development solely for the reason that a development contribution plan is not in effect, there is no approval to advertise a development contribution plan, or that there is no other arrangement with respect to an owner’s contribution towards the provision of community infrastructure.

## **(6) Guiding principles for development contribution plans**

The development contribution plan for any development contribution area is to be prepared in accordance with the following principles—

### **(a) Need and the nexus**

The need for the infrastructure included in the plan must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).

### **(b) Transparency**

Both the method for calculating the development contribution and the manner in which it is applied should be clear, transparent and simple to understand and administer.

### **(c) Equity**

Development contributions should be levied from all developments within a development contribution area, based on their relative contribution to need.

### **(d) Certainty**

All development contributions should be clearly identified and methods of accounting for cost adjustments determined at the commencement of a development.

### **(e) Efficiency**

Development contributions should be justified on a whole of life capital cost basis consistent with maintaining financial discipline on service providers by precluding over recovery of costs.

### **(f) Consistency**

Development contributions should be applied uniformly across a development contribution area and the methodology for applying contributions should be consistent.

### **(g) Right of consultation and review**

Owners have the right to be consulted on the manner in which development contributions are determined. They also have the opportunity to seek a review by an independent third party if they believe the calculation of the costs of the contributions is not reasonable.

### **(h) Accountable**

There must be accountability in the manner in which development contributions are determined and expended.

## **(7) Recommended content of development contribution plans**

The development contribution plan is to specify—

- (a) the development contribution area to which the development contribution plan applies;
- (b) the infrastructure and administrative items to be funded through the development contribution plan;

- (c) the method of determining the cost contribution of each owner; and
- (d) the priority and timing for the provision of infrastructure.

**(8) Period of development contribution plan**

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

**(9) Land excluded**

In calculating both the area of an owner's land and the total area of land in a development contribution area, the area of land provided in that development contribution area for—

- (a) roads designated under the Metropolitan Region Scheme as primary regional roads and other regional roads;
- (b) existing public open space;
- (c) existing government primary and secondary schools; and
- (d) such other land as is set out in the development contribution plan;

is to be excluded.

**(10) Development contribution plan report and cost apportionment schedule**

- (a) Within 90 days of the development contribution plan coming into effect, the Council is to adopt and make available a development contribution plan report and cost apportionment schedule to all owners in the development contribution area.
- (b) The development contribution plan report and the cost apportionment schedule shall set out in detail the calculation of the cost contribution for each owner in the development contribution area, based on the methodology provided in the development contribution plan, and shall take into account any proposed staging of the development.
- (c) The development contribution plan report and the cost apportionment schedule do not form part of the scheme, but once adopted by the Council they are subject to review as provided under clause 10.2 (11).

**(11) Cost contributions based on estimates**

- (a) The determination of infrastructure costs and administrative costs is to be based on amounts expended, but when expenditure has not occurred, it is to be based on the best and latest estimated costs available to the Council and adjusted accordingly, if necessary.
- (b) Where a cost apportionment schedule contains estimated costs, such estimated costs are to be reviewed at least annually by the Council—
  - (i) in the case of land to be acquired, in accordance with clause 10.2(12); and
  - (ii) in all other cases, in accordance with the best and latest information available to the Council, until the expenditure on the relevant item of infrastructure or administrative costs has occurred.
- (c) The Council is to have such estimated costs independently certified by appropriate qualified persons and must provide such independent certification to an owner when requested to do so.
- (d) Where any cost contribution has been calculated on the basis of an estimated cost, the Council—
  - (i) is to adjust the cost contribution of any owner in accordance with the revised estimated costs; and
  - (ii) may accept a cost contribution, based upon estimated costs, as a final cost contribution and enter into an agreement with the owner accordingly.
- (e) Where an owner's cost contribution is adjusted under clause 10.2 (11)(d), the Council, on receiving a request in writing from an owner, is to provide the owner with a copy of estimated costs and the calculation of adjustments.
- (f) If an owner objects to the amount of a cost contribution, the owner may give notice to the Council requesting a review of the amount of the cost contribution by an appropriate qualified person ('independent expert') agreed by the Council and the owner at the owner's expense, within 28 days after being informed of the cost contribution.
- (g) If the independent expert does not change the cost contribution to a figure acceptable to the owner, the cost contribution is to be determined—
  - (i) by any method agreed between the Council and the owner; or
  - (ii) if the Council and the owner cannot agree on a method pursuant to clause 10.2 (11)(i) or on an independent expert, by arbitration in accordance with the *Commercial Arbitration Act 1985*, with the costs to be shared equally between the Council and owner.

**(12) Valuation**

- (a) This clause 10.2 (12) applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.

- (b) In this clause 10.2 (12)—

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

The net land value is to be determined by a static feasibility valuation model using the working sheet model attached to this Scheme as Schedule 11. As part of that feasibility an appropriate profit and risk factor is to be determined from which a 10 per cent profit factor is to be excluded from the calculation.

**‘valuer’:** means a licensed valuer agreed by the Council and the owner, or, where the Council and the owner are unable to reach agreement, by a valuer appointed by the President of the Western Australian Division of the Australian Property Institute.

- (c) If an owner objects to a valuation made by the valuer, the owner may give notice to the Council requesting a review of the amount of the value, at the owner’s expense, within 28 days after being informed of the value.
- (d) If, following a review, the valuer’s determination of the value of the land is still not a figure acceptable to the owner, the value is to be determined—
- (i) by any method agreed between the Council and the owner; or
  - (ii) if the Council and the owner cannot agree, the owner may apply to the State Administrative Tribunal for a review of the matter under part 14 of the *Planning and Development Act 2005*.

**(13) Liability for cost contributions**

- (a) An owner must make a cost contribution in accordance with the applicable development contribution plan and the provisions of clause 10.2.
- (b) An owner’s liability to pay the owner’s cost contribution to the Council arises on the earlier of—
- (i) the Western Australian Planning Commission endorsing its approval on the deposited plan or survey strata plan of the subdivision of the owner’s land within the development contribution area;
  - (ii) the commencement of any development on the owner’s land within the development contribution area;
  - (iii) the approval of any strata plan by the Council or Western Australian Planning Commission on the owner’s land within the development contribution area; or
  - (iv) the approval of a change or extension of use by the Council on the owner’s land within the development contribution area.

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

- (c) Notwithstanding clause 10.2 (13)(b), an owner’s liability to pay the owner’s cost contribution does not arise if the owner commences development of the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided or strata subdivided since the coming into effect of the development contribution plan.
- (d) Where a development contribution plan expires in accordance with clause 10.2 (8), an owner’s liability to pay the owner’s cost contribution under that development contribution plan shall be deemed to continue in effect and be carried over into any subsequent development contribution plan which includes the owner’s land, subject to such liability.

**(14) Payment of cost contribution**

- (a) The owner, with the agreement of the Council, is to pay the owner’s cost contribution by—
- (i) cheque or cash;
  - (ii) transferring to the Council or a public authority land in satisfaction of the cost contribution;
  - (iii) the provision of physical infrastructure;
  - (iv) some other method acceptable to the Council; or
  - (v) any combination of these methods.
- (b) The owner, with the agreement of the Council, may pay the owner’s cost contribution in a lump sum, by instalments or in such other manner acceptable to the Council.
- (c) Payment by an owner of the cost contribution, including a cost contribution based upon estimated costs in a manner acceptable to the Council, constitutes full and final discharge of the owner’s liability under the development contribution plan and the Council shall provide certification in writing to the owner of such discharge if requested by the owner.

**(15) Charge on land**

- (a) The amount of any cost contribution for which an owner is liable under clause 10.2 (13), but has not paid, is a charge on the owner's land to which the cost contribution relates, and the Council may lodge a caveat, at the owner's expense, against the owner's certificate of title to that land.
- (b) The Council, at the owner's expense and subject to other conditions as the Council thinks fit, can withdraw a caveat lodged under clause 10.2 (15)(a) to permit a dealing and may then re-lodge the caveat to prevent further dealings.
- (c) If the cost contribution is paid in full, the Council, if requested to do so by the owner and at the expense of the owner, is to withdraw any caveat lodged under clause 10.2 (15).

**(16) Administration of funds**

- (a) The Council is to establish and maintain a reserve account in accordance with the *Local Government Act 1995* for each development contribution area into which cost contributions for that development contribution area will be credited and from which all payments for the infrastructure costs and administrative costs within that development contribution area will be paid.  
The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that development contribution area.
- (b) Interest earned on cost contributions credited to a reserve account in accordance with clause 10.2 (16)(a) is to be applied in the development contribution area to which the reserve account relates.
- (c) The Council is to publish an audited annual statement of accounts for that development contribution area as soon as practicable after the audited annual statement of accounts becomes available.

**(17) Shortfall or excess in cost contributions**

- (a) If there is a shortfall in the total of cost contributions when all cost contributions have been made or accounted for in a particular development contribution area, the Council may—
  - (i) make good the shortfall;
  - (ii) enter into agreements with owners to fund the shortfall;
 or
  - (iii) raise loans or borrow from a financial institution.

But nothing in clause 10.2 (17)(a)(i) restricts the right or power of the Council to impose a differential rate to a specified development contribution area in that regard.

- (b) If there is an excess in funds available to the development contribution area when all cost contributions have been made or accounted for in a particular development contribution area, the Council is to refund the excess funds to contributing owners for that development contribution area. To the extent, if any, that it is not reasonably practicable to identify owners and/or their entitled amount of refund, any excess in funds shall be applied, to the provision of additional facilities or improvements in that development contribution area.

**(18) Powers of the Council**

The Council in implementing the development contribution plan has the power to—

- (a) acquire any land or buildings within the scheme area under the provisions of the *Planning and Development Act 2005*; and
- (b) deal with or dispose of any land which it has acquired under the provisions of the *Planning and Development Act 2005* in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

**(19) Arbitration**

Subject to clause 10.2 (12)(c) and (12)(d), any dispute between an owner and the Council in connection with the cost contribution required to be made by an owner is to be resolved by arbitration in accordance with the *Commercial Arbitration Act 1985*."

## 18. Schedule 1 Definitions is amended by—

- (a) in the definition of **'Act'**, deleting the words "Town Planning and Development Act, 1928" and substituting the words "Planning and Development Act, 2005".
- (b) in the definition of **'height'**, deleting paragraph (b), and inserting the following—
  - "(b) for the purpose of determining compliance of a building with the prescribed Building Height Limit, means the vertical dimension of the building measured in accordance with the provisions of clause 6.2."
- (c) in the definition of **'precinct'**, deleting the number "14" and inserting number "15";
- (d) in the definition of **'Precinct Plan'**, deleting the number "14" and inserting number "15";



19. A new Schedule 9 ‘Special Control Area SCA1 South Perth Station Precinct’ is inserted as follows:

“Schedule 9

**Special Control Area SCA1—South Perth Station Precinct**

Purpose of SCA1: To introduce very specific development requirements relating to comprehensive new development within the Special Control Area for South Perth Station Precinct which will encourage future development in the area to focus on a more intensive and mixed use form where a variety of daily activities are closely integrated with substantial growth for an increasingly dense commercial centre.

Ref No	Area	Provisions
SCA1	South Perth Station Precinct as delineated on the Scheme Map including portions or all of the following streets: Bowman Street, Charles Street, Darley Street, Ferry Street, Frasers Lane, Hardy Street, Harper Terrace, Judd Street, Labouchere Road, Lyall Street, Melville Parade, Mends Street, Mill Point Road, Ray Street, Richardson Street, Scott Street, South Perth Esplanade, and Stone Street.	The following documents are contained within this Schedule— (a) Table A: Development Controls (b) Table B: Performance Criteria (c) Plan 1 Sub-Precincts (d) Plan 2 Special Design Area (e) Plan 3 Building Heights All development which is determined by the Council to be a minor alteration, addition or extension to an existing development is not subject to the provisions contained within this Schedule but shall be subject to the other provisions of this Scheme. All comprehensive new development within the development area requires planning approval and shall comply with the provisions of this Schedule.

**Definitions**

In this Schedule, the following definitions apply—

“**active street frontage**” means a street frontage on the ground floor of a building that enables direct visual and physical contact between the street and the interior of the building to ensure casual surveillance of the public domain. Clearly defined entrances, windows and shop fronts are elements of the building façade that contribute to an active street frontage.

“**comprehensive new development**” means a development which is determined by Council not to be a minor alteration, addition or extension to an existing development and therefore is subject to the provisions of this Schedule.

“**discretionary land use**” means a land use which the Council may consider suitable for the Sub-Precinct in which the use is proposed if it can be demonstrated that the use would not detract from the Sub-Precinct intent, guidance statements and the amenity of the locality.

“**Heritage Building**” means a building that is listed on the City of South Perth Heritage List or on the State Register of Heritage Places established under the *Heritage of Western Australia Act 1990*.

“**podium**” means the lower levels of a building, which are to have lesser setbacks than the upper levels as detailed in Element 6 and Element 7 of Table A of this Schedule.

“**preferred land use**” means land uses which are considered to contribute to the vision of the Sub-Precinct.

“**Special Design Area**” means the area identified as a special design area on the Plan 2—Special Design Area forming part of this Schedule.

“**Specialty Retail**” means a shop or retail outlet but does not include a supermarket, department store, showroom, convenience store, local shop, take away food outlet, service station or restricted premises.

**Table A: Development Controls**

Element	Guidance Statements	Development Requirements
1. Land use	(a) It is intended that this development area is to consolidate its role as an employment destination. (b) Non-residential uses should predominantly comprise office and commercial land uses, educational establishments, tourist oriented development and small scale and specialty retail.	<b>Preferred and Discretionary Land Uses</b> <b>1.1 Mends Sub-Precinct</b> 1.1.1 <i>Preferred land uses</i> for the Mends Sub-Precinct are: Cafe/Restaurant, Cinema/ Theatre, Convenience Store, Hotel, Local Shop, Mixed Development, Office, Tourist Accommodation, Specialty Retail, Multiple Dwelling, Grouped Dwelling, Aged or Dependent Persons Dwelling, Single Bedroom Dwelling and Residential Building. 1.1.2 <i>Discretionary land uses</i> for the Mends Sub-Precinct are: Consulting Rooms, Educational Establishments and Public Parking Station.

Element	Guidance Statements	Development Requirements
	<p>(c) <b>Mends Sub-Precinct</b> For the Mends Sub-Precinct, small-scale commercial/retail uses are encouraged to retain Mends Street's traditional function as the main retail and lifestyle area in South Perth. Land uses with higher intensity visitation should be located on the ground floor, with non-residential land uses encouraged on the lower floors and residential on the upper floors.</p> <p>(d) <b>Scott-Richardson Sub-Precinct</b> For the Scott-Richardson Sub-Precinct the traditional office and small scale commercial/retail uses are encouraged on the ground and lower floors with residential on the upper floors.</p> <p>(e) <b>South Perth Esplanade Sub-Precinct</b> For the South Perth Esplanade Sub-Precinct, land uses which preserve a residential character are encouraged.</p> <p>(f) <b>Stone-Melville Sub-Precinct</b> For the Stone-Melville Sub-Precinct, land uses which preserve a residential character are encouraged, with limited commercial development.</p>	<p><b>1.2 Scott-Richardson Sub-Precinct</b></p> <p>1.2.1 <i>Preferred land uses</i> for the Scott-Richardson Sub-Precinct are: Café/Restaurant, Mixed Development, Office, Take Away Food Outlet, Tourist Accommodation, Multiple Dwelling, Grouped Dwelling, Single Bedroom Dwelling, Aged or Dependent Persons Dwelling and Residential Building.</p> <p>1.2.2 <i>Discretionary land uses</i> for the Scott-Richardson Sub-Precinct are: Civic Use, Consulting Rooms, Educational Establishment, Hotel, Public Parking Station, Reception Centre, and Specialty Retail.</p> <p><b>1.3 South Perth Esplanade Sub-Precinct</b> <i>Preferred land uses</i> for the South Perth Esplanade Sub-Precinct are: Multiple Dwelling, Grouped Dwelling, Single Bedroom Dwelling, Aged or Dependent Persons Dwelling, Residential Building and Tourist Accommodation.</p> <p><b>1.4 Stone-Melville Sub-Precinct</b></p> <p>1.4.1 <i>Preferred land uses</i> for the Stone-Melville Sub-Precinct are: Multiple Dwelling, Grouped Dwelling, Single Bedroom Dwelling, Aged or Dependent Persons Dwelling, Residential Building.</p> <p>1.4.2 <i>Discretionary land uses</i> for the Stone-Melville Sub-Precinct are: Café/Restaurant, Consulting Rooms, Local Shop, Mixed Development, and Tourist Accommodation.</p> <p><b>1.5 Uses not listed</b> Any use not listed in clauses 1.1, 1.2, 1.3 and 1.4 is not permitted unless the Council is satisfied that the use is consistent with the applicable guidance statements.</p> <p><b>1.6 Interaction of Elements 1 and 2</b> With respect to ground floor uses, the provisions of 'Element 2 Ground Floor Uses' will prevail over the provisions of 'Element 1 Land Use' in the event of any inconsistency.</p>
<p><b>2. Ground Floor Uses</b></p>	<p>(a) The ground floors of buildings are the most important in engendering interaction between the public and private realms. As such, for the Mends and Scott Richardson Sub-Precincts, non-residential uses are expected at the ground floor level to enhance the public / private interface.</p>	<p><b>Preferred and Discretionary Land Uses</b></p> <p><b>2.1 Mends Sub-Precinct</b></p> <p>2.1.1 No residential dwellings are permitted on the ground floor.</p> <p>2.1.2 <i>Preferred ground floor land uses</i> for the Mends Sub-Precinct are: Cafe/Restaurant, Convenience Store, Hotel, Local Shop, Office, Tourist Accommodation and Specialty Retail.</p> <p>2.1.3 <i>Discretionary ground floor land uses</i> for the Mends Sub-Precinct are: Consulting Rooms, Educational Establishment.</p> <p><b>2.2 Scott-Richardson Sub-Precinct</b></p> <p>2.2.1 No residential dwellings are permitted on the ground floor.</p> <p>2.2.2 <i>Preferred ground floor land uses</i> for the Scott-Richardson Sub-Precinct are: Office, Café/Restaurant, Specialty Retail, and Take Away Food Outlet.</p> <p>2.2.3 <i>Discretionary land uses</i> for the Scott-Richardson Sub-Precinct are: Consulting Rooms and Educational Establishment.</p>

Element	Guidance Statements	Development Requirements
		<p><b>2.3 South Perth Esplanade Sub-Precinct</b>  <i>Preferred ground floor land uses</i> for the South Perth Esplanade Sub-Precinct are: Grouped Dwelling, Multiple Dwelling, Aged or Dependent Persons Dwelling, Single Bedroom Dwelling, Residential Building and Tourist Accommodation.</p> <p><b>2.4 Stone-Melville Sub-Precinct</b>  <i>Preferred ground floor land uses</i> for the Stone-Melville Sub-Precinct are: Multiple Dwelling, Grouped Dwelling, Single Bedroom Dwelling, Aged or Dependent Persons Dwelling, Residential Building, Café/Restaurant, Consulting Rooms, Local Shop, Mixed Development and Tourist Accommodation.</p> <p><b>2.5 Uses not listed</b>  Any land use not listed in clauses 2.1, 2.2, 2.3 and 2.4 is not permitted unless the use is consistent with the applicable guidance statements.</p>
<p><b>3. Plot Ratio and Land Use Proportions</b></p>	<p>(a) With the exception of the South Perth Esplanade and Stone-Melville Sub-Precincts, any comprehensive new development should consist of predominantly non-residential uses to ensure the precinct consolidates its role as an employment destination.</p> <p>(b) To ensure that all developments that include a residential component provide diversity in dwellings, including single bedroom dwellings.</p> <p>(c) Provision made for amenity facilities for residential dwellings.</p>	<p>3.1 There is no maximum plot ratio within the precinct.</p> <p>3.2 All comprehensive new development to have a non-residential component with a minimum plot ratio of 1.0.</p> <p>3.3 Where the total plot ratio is 3.0 or less, the residential plot ratio area is not to exceed 50% of the total plot ratio area of the development; and</p> <p>3.4 Where the total plot ratio exceeds 3.0, the residential plot ratio is not to exceed 1.5 unless the Council approves a higher plot ratio under Table B of this Schedule.</p> <p>3.5 The provisions of the Codes relating to dwelling size in activity centres shall apply.</p> <p>3.6 For comprehensive new development that includes residential dwellings, the provisions of the Codes relating to essential facilities in activity centres shall apply.</p> <p><b>3.7 South Perth Esplanade and Stone-Melville Sub-Precincts</b>  Clauses 3.2, 3.3 and 3.4 do not apply to the South Perth Esplanade Sub-Precinct and the Stone-Melville Sub-Precinct.</p>
<p><b>4. Podium Height</b></p>	<p>(a) The scale of the podium is an important contributory factor to the character and perceived integrity of the street.</p> <p>(b) Corner podium with architectural design features is encouraged.</p>	<p>4.1 The podium height shall be 9 metres minimum and 13.5 metres maximum.</p> <p>4.2 For properties that contain or abut a Heritage Building, the podium height shall be a minimum of 7 metres and a maximum of 10.5 metres unless otherwise approved by the Council after giving due consideration to Element 13 of Table A of this Schedule.</p> <p>4.3 On a corner site, the Council may permit a variation from the prescribed maximum podium height in clause 4.1 in order to accommodate an architectural design feature, giving due consideration of the guidance statement.</p>
<p><b>5. Building Height</b></p>	<p>(a) The building height limits that define the allowable building envelope are shown on Plan 3 Building Heights. For sites identified in Plan 2 as being in the Special Design Area, variations from the height limits may be approved where the performance criteria in Table B of Schedule 9 are met.</p>	<p>5.1 Building heights shall be limited to the heights shown on Plan 3 Building Heights contained in this Schedule unless the Council approves a variation as provided for elsewhere in this Schedule.</p> <p>5.2 The height limit for sites within the Special Design Area may be varied subject to all of the relevant performance criteria in Table B of this Schedule being met.</p>

Element	Guidance Statements	Development Requirements
<p><b>6. Relationship to the Street</b></p>	<p>(a) With the exception of streets listed in clauses 6.3 and 6.5, to achieve a high degree of continuity of the street edge, the podium is to be constructed with a nil setback to the street with the upper levels above being set back in accordance with Element 7 of this Table.</p> <p>(b) Ground floor commercial tenancies adjacent to any street should maximize active street frontages and provide a public entrance directly accessible from the street.</p> <p>(c) The extent of blank or solid wall at ground level adjacent to the street should be minimised.</p> <p>(d) Deep and poorly illuminated recesses are to be avoided at ground level adjacent to pedestrian paths.</p> <p>(e) Where cafés or restaurants are proposed, alfresco dining is encouraged.</p>	<p>6.1 The street setbacks apply to both residential and non-residential components of buildings.</p> <p>6.2 With the exception of development on sites fronting the streets listed below in clauses 6.3 and 6.5, all development shall incorporate a podium with a nil setback to the street.</p> <p>6.3 For properties fronting the following streets, the street setback for any part of the building including the podium, if any, shall be 4 metres unless otherwise approved by the Council—</p> <ul style="list-style-type: none"> <li>(a) Darley Street</li> <li>(b) Ferry Street</li> <li>(c) Frasers Lane</li> <li>(d) Judd Street (north side)</li> <li>(e) Melville Parade, north of Judd Street</li> <li>(f) Ray Street</li> <li>(g) Scott Street</li> <li>(h) Stone Street</li> </ul> <p>6.4 Inclusion of a podium is optional for development on sites fronting the streets listed above.</p> <p><b>6.5 South Perth Esplanade Sub-Precinct</b></p> <p>6.5.1 The street setback to the South Perth Esplanade shall be 6 metres unless otherwise approved by the Council.</p> <p>6.5.2 Inclusion of a podium is optional.</p> <p><b>6.6 Scott-Richardson and Mends Sub-Precincts</b></p> <p>6.6.1 For properties in all streets not listed in clause 6.3 and 6.5, the street setback to the podium shall be zero for a minimum of 60% of the street frontage unless otherwise approved by the Council, where the development meets the intent of the guidance statement.</p> <p>6.6.2 For storeys above the podium, the minimum street setback shall be 4.0 metres.</p> <p>6.6.3 Ground floor street facades shall comprise at least one pedestrian entrance and a minimum of 60% clear glass with a maximum sill height of 450mm above the floor level, and no obscure screening is permitted higher than 1.2 metres above the ground floor level.</p> <p>6.6.4 Ground level walls with no openings and adjacent to the street must not exceed 5 metres in length, unless otherwise approved by the Council, where the development is consistent with the guidance statements.</p> <p>6.6.5 The above development requirements of clause 6.5 shall apply, unless otherwise approved by Council, where the development meets the intent of the relevant guidance statement(s) of Element 6.</p>
<p><b>7. Side and Rear Setbacks</b></p>	<p>(a) To ensure a high degree of continuity of the street edge, zero side and rear setbacks will be permitted for the podium/lower levels.</p> <p>(b) Setbacks for upper levels or levels above the podium are required to enable a reasonable degree of light and solar penetration between buildings.</p>	<p>7.1 The requirements for side and rear setbacks apply to both residential and non-residential components of buildings.</p> <p>7.2 The setbacks to side and rear boundaries for podium walls shall be zero for both residential and non-residential components. The Council has discretion to permit variations from this requirement, where the development is consistent with the guidance statement.</p> <p>7.3 Side and rear setbacks above the podium, or where there is no podium on sites fronting streets listed in Element 6, shall—</p> <ul style="list-style-type: none"> <li>(a) be 3 metres minimum for non-residential development; and</li> </ul>

Element	Guidance Statements	Development Requirements
	(c) Side and rear setbacks to properties containing or adjacent to a heritage building shall preserve the character of the heritage building.	(b) in respect of all residential development above the podium, be in conformity with Table 5 of the Codes which shall apply to both side and rear setbacks. 7.4 For development on a lot containing or on a lot adjacent to a Heritage Building, the Council has discretion to require greater side and rear setbacks in order to preserve the character of the Heritage Building.
<b>8. Parking</b>	(a) In an urban area with excellent public transport and a highly walkable environment, there is a strong rationale not to apply the high levels of parking provision associated with suburban environments. Maximum car parking requirements may be applied in the future.	8.1 The minimum provision of on-site car parking shall be— (a) 0.75 bays per dwelling for Single Bedroom Dwellings; (b) 1 occupier bay per dwelling; (c) 1 bay per 50 square metres of gross floor area for non-residential land uses; (d) 0.5 bays per Tourist Accommodation unit; (e) 1 visitor bay per 6 dwellings; (f) for non-residential land uses, 2 bays for visitors or 10% of the required occupiers' bays, whichever is the greater, marked for the exclusive use of visitors; (g) 1 bicycle bay per 3 dwellings in addition to the required car parking bays; and (h) 1 bicycle bay per 200 square metres of gross floor area of non-residential plot ratio area, together with end-of-trip lockers and showers. 8.2 The on-site car parking requirements of Clause 8.1 shall apply unless the Council approves a lesser number of car or bicycle bays on the basis of reciprocal parking, or due to existing off-street parking being under-utilised, where the development is consistent with the guidance statement. 8.3 <i>Reciprocal Parking</i> For non-residential uses only, the Council may approve reciprocal parking arrangements where it is demonstrated that— (a) existing car parking is under-utilised and demand is unlikely to increase in the foreseeable future; or (b) proposed land uses have different periods of peak demand.
<b>9. Canopies</b>	(a) Where a building abuts the street boundary, a canopy should be provided that extends sufficiently over the footpath to provide a reasonable degree of shade and shelter to pedestrians.	9.1 Where a building abuts the street boundary, a canopy with a minimum projection depth of 2.5 metres shall be provided over the street footpath.
<b>10. Vehicle Crossovers</b>	(a) The quality of the pedestrian experience should take precedence over the quality of the driver's experience by minimising the number of vehicle/pedestrian conflict points, in order to create a safer and more attractive pedestrian environment (b) Shared crossovers are strongly encouraged.	10.1 Only one vehicle crossover per lot per street is permitted. 10.2 Two-way crossovers to a maximum width of 6 metres are permitted for parking areas containing 30 car bays and parking areas predominantly providing for short-term parking. 10.3 For comprehensive new development that includes residential dwellings, the provisions of the Codes relating to sight lines at vehicle access points and street corners in activity centres shall apply. <b>10.4 Mends Sub-Precinct</b> For the Mends Sub-Precinct, the above requirements for vehicle crossovers shall apply except in the following circumstances— (a) where appropriate alternative vehicle access is available from a rear lane or other right of way, no vehicle crossover is permitted; and

Element	Guidance Statements	Development Requirements
<b>11. Landscape and Outdoor Living Areas</b>	<p>(a) Where a street setback is provided, landscaping in the setback area, should incorporate water sensitive design principles, minimise water consumption and maximise retention and re-use of water and have due consideration to Element 14. 'Designing Out Crime', of this Schedule.</p> <p>(b) Outdoor living areas to be provided for residential dwellings.</p> <p>(c) The Mends Sub-Precinct is to be reinforced as the 'Town Centre' by highlighting the heritage character and developing the urban form of the public realm with continuation of mature trees.</p>	<p>(b) where appropriate alternative vehicle access is available from another street, no vehicle access from Mends Street is permitted.</p> <p>11.1 Any landscaping works proposed for the development requires a landscape plan to be submitted as part of the application for comprehensive new development. Any proposed landscaping works shall be consistent with the guidance statement.</p> <p>11.2 For comprehensive new development that includes residential dwellings, the provisions of the Codes relating to outdoor living areas in activity centres shall apply.</p>
<b>12. Heritage</b>	<p>(a) The precinct contains a number of places which are recognised for their heritage value. The streetscape character in the near vicinity is influenced by the scale and form of these Heritage Buildings.</p> <p>(b) Any comprehensive new development on a site containing or abutting a Heritage Building should respect the scale of that building, particularly as viewed from the street.</p> <p>(c) Any new development on or abutting a site containing a Heritage Building should be located so as to ensure that the character of the Heritage Building is not adversely affected.</p> <p>(d) New development should be complementary to and supportive of the Heritage Buildings without copying or mimicking them.</p>	<p>12.1 All applications for a development on or adjacent to a site containing a Heritage Building, shall be accompanied by a heritage impact statement which will detail the appropriate built form response, including specific reference to the impact of the proposed—</p> <p>(a) podium height; and</p> <p>(b) overall building height.</p> <p>12.2 In the case of a site containing a Heritage Building, the proposed development shall retain, re-use and maintain the integrity of the existing Heritage Building.</p> <p>12.3 The design and siting of any development adjacent to a site containing a Heritage Building, shall respect and not overwhelm or adversely affect the heritage-listed building having regard to its design, size, scale, setbacks and proportion, particularly as viewed from the street.</p>
<b>13. Special Design Area</b>	<p>(a) The lots comprising the Special Design Area front onto streets which have a high degree of visibility, either by virtue of their aspect or proximity to high volumes of movement. As such, these lots offer the potential to</p>	<p>13.1 For sites within the Special Design Area comprising lots depicted on Plan 2 Special Design Area, the requirements of Element 3. 'Plot Ratio and Land Use Proportions' and Element 5. 'Building Height' of this Table A may be varied where it can be demonstrated to the satisfaction of the Council that the development—</p> <p>(a) is consistent with the Guidance Statements applicable to those Elements; and</p>

Element	Guidance Statements	Development Requirements
	<p>establish buildings with a strong visual presence and landmark qualities.</p> <p>(b) Subject to satisfying Performance Criteria relating to exceptional design quality, sustainability and community benefit, the properties within the Special Design Area are provided with the potential to achieve greater development yields than permissible by the requirements of Table A of this Schedule.</p>	<p>(b) specifically meets all of the relevant Performance Criteria in Table B of this Schedule.</p>
<b>14. Designing Out Crime</b>	<p>(a) Design should, as far as practicable, enhance natural surveillance, natural access control and territorial reinforcement.</p> <p>(b) The design of developments should avoid creation of areas of entrapment in recesses, alleyways or other areas providing no alternative means of escape.</p>	<p>14.1 Primary pedestrian access points shall be visible from buildings and the street.</p> <p>14.2 Comprehensive new developments shall, when relevant, incorporate illumination in accordance with the following Australian Standards—</p> <ul style="list-style-type: none"> <li>(a) AS 1680 regarding safe movement;</li> <li>(b) AS 1158 regarding lighting of roads and public spaces; and</li> <li>(c) AS 4282 Control of obtrusive effects of outdoor lighting.</li> </ul> <p>14.3 Storage areas shall be sited in a location that will not facilitate access to upper level windows and balconies.</p> <p>14.4 Public and Private areas shall be differentiated by the use of differing materials.</p> <p>14.5 Any fence on the perimeter of the public realm shall be—</p> <ul style="list-style-type: none"> <li>(a) no higher than 0.9 metres; or</li> <li>(b) no higher than 1.5 metres provided that the portion above 0.9 metres comprises open grille panels between piers with the solid portions comprising not more than 20% of its face in aggregate.</li> </ul> <p>14.6 Security grilles and other security devices that have potential to adversely affect the streetscape are not permitted unless the Council is satisfied that the device meets the intent of the guidance statement.</p>
<b>15. Road and Rail Transport Noise</b>	<p>Development in proximity to the Kwinana Freeway should be designed having regard to noise mitigation measures.</p>	<p>15.1 On sites having a frontage to Melville Parade or other streets as determined by the Council, in the case of an application for planning approval for comprehensive new development containing noise sensitive land uses—</p> <ul style="list-style-type: none"> <li>(a) a noise assessment shall be undertaken and the findings shall be submitted to the Council with the application;</li> <li>(b) if required by Council, the application shall include a noise management plan;</li> <li>(c) the noise assessment and noise management plan shall be prepared in accordance with Western Australian Planning Commission's State Planning Policy 5.4 'Road and Rail Transport Noise and Freight Consideration in Land Use Planning';</li> <li>(d) where noise limits referred to in State Planning Policy 5.4 are likely to be exceeded, the solution identified in the noise management plan shall be detailed and justified.</li> </ul>

**Table B: Performance Criteria**

- For properties that are contained within the Special Design Area as identified in Plan 2 'Special Design Area' of Schedule 9, the Council may permit a variation from the development requirements of Element 3 'Plot Ratio and Land Use Proportions' and Element 5 'Building Height' of Table A of this Schedule, where every relevant Performance Criterion in Table B is met to the Council's satisfaction.
- Applicants seeking variation of the development requirements of Elements 3 and 5 are required to submit a report demonstrating how the relevant guidance statements and performance criteria are met. A variation of those development requirements will not be permitted unless the proposed development satisfies every performance criterion which applies to the proposed development.

<b>Design Consideration</b>	<b>Performance Criteria</b>
1. Minimum lot area and frontage	The development site is to have a minimum area of 1700m <sup>2</sup> and a minimum lot frontage of 25 metres unless otherwise approved by the Council as a minor variation.
2. Design Quality	The proposed development is of an exceptional architectural design quality as determined by Council.
3. Overshadowing	The proposed development has been designed with regard for solar access for neighbouring properties taking into account ground floor outdoor living areas, major openings to habitable rooms, solar collectors and balconies.
4. Dwelling Density and Type	Residential development must have a minimum residential density of 100 dwellings per gross hectare or provide a minimum of 20% single bedroom dwellings (rounded up to the next whole number of dwellings).
5. Vehicle Management	The applicant shall submit a traffic engineer's impact assessment report confirming that additional traffic and on-street parking demand resulting from the additional floor space produced by the variation of Elements 3 and 5 does not cause an unacceptable impact on the surrounding street network.
6. Car Parking	(a) The development site shall not have car parking bays at the ground level within 10 metres of a road frontage, unless allowed by Council. (b) At least 60% of the primary street frontage is to be an active street frontage.
7. Additional Community Benefits	The proposed development provides a community benefit above and beyond a development complying with the requirements of Table A, by meeting at least 3 of the following 7 criteria— (a) High quality active street frontages, street art, furniture and landscape features. (b) Landscaped spaces and/or other facilities accessible to the public such as gym equipment and public art. (c) A range of dwelling sizes and costs. (d) Improvements to pedestrian networks and public security. (e) Provision of view corridors and/or mid-winter sunlight to adjacent land/buildings. (f) Community, communal and/or commercial meeting facilities. (g) Car parks for public use beyond the users of the building.
8. Resource Efficiency	The proposed development exceeds the requirements of the Building Code of Australia with respect to optimizing solar access to the proposed development and adjoining sites; maximizing energy efficiency; use of passive cooling techniques and cross-ventilation opportunities; and conserving water.

**PLAN 1 SUB-PRECINCTS**—As set out in the amending documents

**PLAN 2 SPECIAL DESIGN AREA**—As set out in the amending documents

**PLAN 3 BUILDING HEIGHTS**—As set out in the amending documents



20. A new Schedule 10 'Development Contribution Plans', is inserted as follows—

**“Schedule 10  
DEVELOPMENT CONTRIBUTION PLANS”**

Ref No.	Description of Land	Development Contribution Plan
DCA1	South Perth Station Precinct as delineated on the Scheme Map including portions or all of the following streets: Bowman Street, Charles Street, Darley Street, Ferry Street, Frasers Lane, Hardy Street, Harper Terrace, Judd Street, Labouchere Road, Lyall Street, Melville Parade, Mends Street, Mill Point Road, Ray Street, Richardson Street, Scott Street, South Perth Esplanade, and Stone Street.	A Development Contribution Plan for this area is to be prepared in accordance with Clause 10.2.

21. A new Schedule 11 'Statutory Static Feasibility Assessment Model' is inserted as follows—

**“Schedule 11  
STATUTORY STATIC FEASIBILITY ASSESSMENT MODEL**

**Gross realisation**

Net lot yield @ average market value per lot

“X” lots @ “\$Y” per lot \$ (1)

**Less GST @ standard / normal rates**

(1) Multiplied by GST rate/(100+GST rate) \$ (2)

(1-2) \$ (3)

**Less selling, marketing, advertising and settlement fees**

@ market % multiplied by (1) \$ (4)

Add back Input Tax Credit on selling fees

(4) Multiplied by GST rate/(100+GST rate) \$ (5)

(4-5) \$ (6)

Balance after selling costs etc and Input Tax Credit (3-6) \$ (7)

**Less adjusted profit and risk allowance as per SPP 3.6**

Market determined profit and risk allowance % (8)

Less fixed profit allowance per SPP3.6 10% (9)

Risk rate applied (8-9) = % (10)

EXPLANATION: (10) to be expressed as a whole number eg 15% = 15

ie Risk = (7) multiplied by (10)/((10)+100) \$ (11)

Balance after profit and risk factor (7-11) \$ (12)

**Less development costs @ “X” lots multiplied by “\$Z” per lot** \$ (13)

Add back Input Tax Credit on (13)

(13) Multiplied by GST rate/(100+GST rate) \$ (14)

Development cost after Input Tax Credit (13-14) \$ (15)

**Add interest on net development costs (15)**

For 1/2 development and 1/2 selling term

@ Applicable market rates

(15) Multiplied by % rate \$ (16)

(15+16) \$ (17)

Balance after deduction of development costs and interest (12-17) \$ (18)

**Less interest on land value, rates and taxes and stamp duty**

Assessed over 1/2 development and 1/2 selling term

@ Applicable market rates

(18) Multiplied by (% rate/100+%rate) \$ (19)

Balance after interest on the land (18-19) \$ (20)

**Less rates and taxes** \$ (21)

Balance after rates and taxes (20-21) \$ (22)

**Less Stamp Duty @ current statutory rates**

(22) Multiplied by stamp duty rate/(100+stamp duty rate) \$ (23)

Residual Land Value prior to GST considerations (22-23) \$ (24)

**Add GST (24) + GST at prevailing statutory rate** \$ (25)**ASSESSED STATUTORY CONTRIBUTION PER SPP 3.6 (22+23) \$****NOTES—****The Static Feasibility Model is based upon—**

- (i) The number of lots yielded from the land will have a gross sale price which, when multiplied by the number of lots created, establishes the Gross Realisation (i).
  - (ii) GST will be calculated by the standard/normal method.
  - (iii) Selling, marketing, advertising and settlement fees expressed as a percentage shall be added and then expressed as a total percentage against the gross realisation.
  - (iv) The adjusted risk component applied in the model is the established market profit and risk at the date of valuation less the fixed 10 per cent profit applied in SPP 3.6.
  - (v) Development costs will be established as an appropriate servicing cost per lot at the date of valuation, multiplied by the lots realised from the land.
  - (vi) Interest against the development costs will be established by the application of bank lending rates for such projects at the date of valuation.
  - (vii) Interest against the land in development will be established by the application of bank lending rates for such development acquisitions at the date of valuation.
  - (viii) Rates and taxes will be applied for the full term of acquisition, development and sale.
  - (ix) Stamp Duty will be applied at the statutory rate as applicable at the date of valuation.
  - (x) GST will be applied at the appropriate rate adopted at the date of valuation.”
22. The Scheme Maps are amended as depicted on the Scheme (Amendment) Maps and as described below—

- (a) adding a new Sheet 15 identified as “Scheme Maps—Zoning Precinct 15: South Perth Station”;
- (b) excising the South Perth Station Precinct special control area (as shown on the Scheme (Amendment) Map) from the Scheme Maps—Zoning Precinct 1: Mill Point Scheme Maps;
- (c) inserting the zoning information for the South Perth Station Precinct special control area (as delineated on the Scheme (Amendment) Map from Scheme Maps—Zoning Precinct 1—Mill Point) into Scheme Maps—Zoning Precinct 15—South Perth Station;
- (d) depicting the South Perth Station Precinct as a special control area comprising SCA1 for the land as shown on the Scheme (Amendment) Map, with a legend identifying—
  - (i) the border of the Special Control Area SCA1 as shown on the Scheme (Amendment) Map and as described in Schedule 9, is delineated by a blue broken line, and the symbol “SCA1” in blue letters is located near the centre of that area; and
  - (ii) the border of the Development Contribution Area as shown on the Scheme (Amendment) Map and as described in Schedule 10, is delineated by a red broken line;
- (e) excising the South Perth Station Precinct special control area from the Scheme Maps—Building Height Limits: Precinct 1: Mill Point Scheme Maps;
- (f) adding a new Scheme Map titled “Scheme Maps—Building Height Limits Precinct 15: South Perth Station” and inserting the Building Height Limits information for the South Perth Station Precinct special control area (as delineated on the Scheme (Amendment) Map) from Scheme Maps—Zoning Precinct 1—Mill Point into Scheme Maps—Building Height Limits Precinct 15—South Perth Station;
- (g) annotating the Scheme Maps—Building Height Limits Precinct 15: South Perth Station, as follows—

**“Notes—**

- 1. Building Height Limits as described on this Scheme Map apply only to development as determined by Council to be a minor alteration, addition or extension to an existing development.
  - 2. Plan 3 Building Heights contained in Schedule 9 applies to all comprehensive new development.”
- (h) amending the Scheme Maps—Legend for Building Height Limits, by—
    - (i) inserting a new Building Height Limit of 41.0 metres;
    - (ii) inserting a new Building Height Limit of 25.0 metres;
    - (iii) at the base of the Building Height Limits Legend inserting the following Notes—

**“Notes—**

- (1) Refer to Schedule 9 for Plan 3 Building Heights applicable to comprehensive new development within Precinct 15 South Perth Station.

- (2) 25.0m to be measured from the highest point at ground level on the land under the building to the highest finished floor level of the building.”
- (i) amending the Precinct Plan index sheet within the Scheme Maps by—
- (i) inserting between the words “Precinct” and “Plan” in the title of the sheet, the words “and Special Control Area”;
  - (ii) identifying Special Control Area SCA1 with the symbol “SCA1”;
  - (iii) adding after the word “Precincts” which heads the list of numbered precincts, the words “and Special Control Areas”; and
  - (iv) inserting under the listed Precincts, the following items: “SCA1: Development Control Area SCA1”; and
- (j) amending the map numbering and index map on each of the Scheme Maps to acknowledge the new Sheets 15.

S. DOHERTY, Mayor.  
A. C. FREWING, Chief Executive Officer.

**PL403\***

**PLANNING AND DEVELOPMENT ACT 2005**  
APPROVED LOCAL PLANNING SCHEME AMENDMENT  
*Shire of Chittering*  
Town Planning Scheme No. 6—Amendment No. 47

Ref: TPS/0806

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 Chittering local planning scheme amendment on 12 December 2012 for the purpose of—

1. Modifying Schedule three (3)—Additional Uses by inserting—

No.	Description of Land	Additional Uses	Conditions
A16	Lot T526/3 (RN 126) Payne Street, Muchea	Insectary	<ol style="list-style-type: none"> <li>1. Subject to planning approval.</li> <li>2. All proposed development within the Resource Enhancement Wetland will be referred to the Department of Environment and Conservation, prior to approval.</li> </ol>

2. Amending the Scheme Map accordingly.
3. Inserting the definition of ‘Insectary’ into Schedule One (1) Land Use Definitions of Town Planning Scheme No. 6—

Insectary—means any premises used for the breeding of beneficial and/or predator insects and mites to be used in the biological control of pest insects and mites in agricultural and horticultural crops.

A. DOUGLAS, Shire President.  
G. TUFFIN, Chief Executive Officer.

**PL404\***

**PLANNING AND DEVELOPMENT ACT 2005**  
APPROVED LOCAL PLANNING SCHEME AMENDMENT  
*City of Busselton*  
Town Planning Scheme No. 20—Amendment No. 165

Ref: TPS/0732

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 Busselton local planning scheme amendment on 8 January 2013 for the purpose of—

1. Rezoning Lot 27 Rendezvous Road and Lot 9506 Heritage Drive, Vasse from ‘Agriculture’ and ‘Vasse Development’ zone to ‘Special Purpose—Heron Lake Development Area’.
2. Excluding the land from the area affected by ‘Environmental Condition 1’ and the ‘Wetland’ area designations by re-aligning the respective boundary annotations to the periphery of the land.

3. Incorporating the subject land into a 'Special Provisions Area' with the following provisions inserted into Schedule 7 of the Scheme Text—

No.	Particulars of Land	Zone	Special Provisions
SP55	Lot 27 Rendezvous Road and Lot 9506 Heritage Drive, Vasse	Special Purpose (Heron Lake Development Area)	<ol style="list-style-type: none"> <li>1. Development (including subdivision) of the land shall be generally in accordance with a Development Guide Plan for the land adopted by Council and endorsed by the Western Australian Planning Commission pursuant to the Scheme. The principal land uses depicted on the Development Guide Plan shall be low density residential and recreation/wetland conservation.</li> <li>2. Notwithstanding the provisions of Clause 25 of the Scheme, the Development Guide Plan shall also include the following details— <ol style="list-style-type: none"> <li>(a) the proposed lot yield and minimum and average lot sizes;</li> <li>(b) services and infrastructure;</li> <li>(c) proposal for landscaping, landscape design finished site levels and drainage;</li> <li>(d) protection of sites of heritage, conservation or environmental significance;</li> <li>(e) the management of environmentally sensitive locations, including identification of buffers, vegetation and habitat corridors;</li> <li>(f) the allocation, management and treatment of buffers as necessary to surrounding agricultural and future residential land;</li> <li>(g) proposed staging;</li> <li>(h) adequate data identifying the physical and environmental characteristics of the land;</li> <li>(i) road, bicycle and pedestrian network; and</li> <li>(j) such other information considered relevant by the local government.</li> </ol> </li> <li>3. Prior to final approval of the Development Guide Plan the developer will prepare— <ol style="list-style-type: none"> <li>(a) a Local Water Management Strategy (LWMS) for the full extent of the site in accordance with the principles outlined in Better Urban Water Management (WAPC, 2008). The LWMS will be prepared to the satisfaction of the City of Busselton, Department of Water and Department of Environment and Conservation.</li> </ol> </li> </ol>

No.	Particulars of Land	Zone	Special Provisions
			<p>(b) an ethnographic and archaeological survey, the findings to be reported to the Council and the Department of Indigenous Affairs.</p> <p>(c) a mosquito management and implementation strategy.</p> <p>(d) a traffic impact assessment.</p> <p>(e) a fire management plan.</p> <p>(f) an acid sulphate soil investigation to determine the presence, extent and severity of ASS. If the site is found to contain ASS, an ASS management plan is to be prepared prior to the commencement of subdivision works.</p> <p>4. A Development Guide Plan adopted by the Council for public consultation shall be referred to the Environmental Protection Authority for assessment and advice during the advertising period.</p> <p>5. Prior to final approval the Development Guide Plan shall determine, to the satisfaction of the Department of Environment and Conservation and Department of Water, the boundaries of wetland areas and appropriate wetland buffer areas to proposed development. The wetland area is to be identified on the DGP as "Reserve for Wetland Conservation" and ceded free of cost to the Crown at the time of subdivision in addition to any public open space land required as a result of the subdivision for residential purposes.</p> <p>6. The provisions of the endorsed Development Guide Plan apply to the land as if its provisions were incorporated into the Scheme and are binding and enforceable in the same manner as those provisions included in the Scheme.</p> <p>7. All provisions (such as land use and development controls or approval procedures) applicable to a zone or reserve pursuant to the Scheme shall apply to the corresponding land use designations pursuant to the endorsed Development Guide Plan.</p> <p>8. Prior to the subdivision or development of the land, the proponent is to prepare a developer contributions and staging plan to the satisfaction of the City to</p>

No.	Particulars of Land	Zone	Special Provisions
			ensure the timely and appropriate contributions towards service infrastructure and community facilities on a progressive and staged basis. An appeal right will exist in relation to the determination of the plan pursuant to clause 96(2) of the Scheme.

4. Amending the Scheme Map accordingly.

I. W. STUBBS, Mayor.  
M. ARCHER, Chief Executive Officer.

**PL405\***

**PLANNING AND DEVELOPMENT ACT 2005**  
APPROVED LOCAL PLANNING SCHEME AMENDMENT  
*Shire of York*  
Town Planning Scheme No. 2—Amendment No. 47

Ref: TPS/0841

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 York local planning scheme amendment on 8 January 2013 for the purpose of—

1. Rezoning the Crawford Court Precinct encompassing Lots 1, 2, 3, 5, 6 and 7 Crawford Court, Lots 279-282 Herbert Road, Lot 283 Northam-York Road and Lot 4 Attfield Road, York from Rural-Residential to Residential R2.5.
2. Deleting that portion of the Scheme Text which deals with the Panmure (Boothill) Rural Residential precinct, in order to reflect the proposed rezoning.
3. Inserting into Schedule 5—ADDITIONAL REQUIREMENTS FOR THE RESIDENTIAL ZONE the following—
  3. The Crawford Court residential precinct is to include land bounded by Northam-York Road, Attfield Road, Chandos Road, Herbert Road and Steere Road. In this area the following additional provisions shall apply—
    - a. An overall drainage plan must be prepared for the precinct prior to subdivision.
    - b. No additional access shall be permitted onto the Northam-York Road.
    - c. Where an Outline Development Plan is not required by the Shire of York or Western Australian Planning Commission prior to subdivision of any lot, any subdivision proposals must demonstrate the proposal will not compromise orderly and proper planning principles for the precinct, as expressed in all relevant Western Australian Planning Commission policies.
4. Amending the Scheme map accordingly.

A. BOYLE, Shire President.  
R. P. HOOPER, Chief Executive Officer.

**PL501\***

**PLANNING AND DEVELOPMENT ACT 2005**  
METROPOLITAN REGION SCHEME MAJOR AMENDMENT 1239/41  
Gidgegannup Urban Precinct  
Call for Public Submissions

The Western Australian Planning Commission (WAPC) intends to amend the Metropolitan Region Scheme (MRS) for land in the local government of Swan and is seeking public comment.

The amendment seeks to transfer approximately 296.36 ha of land from the rural zone to the urban deferred zone.

**Display locations**

The plans showing the proposed change and the WAPC's amendment report which explains the proposal, will be available for public inspection, free of charge from Friday 14 December 2012 to Friday 22 March 2013 at—

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

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

**Submissions**

Any person who desires to make a submission to support, object or provide comment on any part of the proposed amendment should do so on a form 41. This submission form is available from the display locations, the amendment report and the internet.

Submissions must be lodged with the: Secretary, Western Australian Planning Commission, Locked Bag 2506, Perth WA 6001; on or before 5 pm **Friday 22 March 2013**.

Late submissions will not be considered.

NEIL THOMSON, Secretary,  
Western Australian Planning Commission.

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**DECEASED ESTATES**

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

## Notice to Creditors and Claimants

Hoang Minh Huy Truong, late of 189 Benara Road, Beechboro, Western Australia, Translator, 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 10 August 2012 at Beechboro in the State of Western Australia, are required by the Administrator being Mien Truong, to send particulars of their claims to PETERLEGAL, 465 William Street, Perth WA 6000, within one (1) month of publication of this notice, after which date the Administrator may convey or distribute the assets having regard only to the claims of which he then has notice.

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

## Notice to Creditors and Claimants

Peter Frank Rolfe, late of 19 King Street, Waroona in the State of Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased, who died on 26 November 2011, are required by the personal representative to send particulars of their claims to him care of Clement & Co, Lawyers, Unit 2, 12 Sutton Street, Mandurah by 25 February 2013, after which date the personal representative may convey or distribute the assets having regard to the claims of which he then has notice.

CLEMENT & CO, as solicitors for the personal representative.

**ZX403****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 Trustees WA Ltd, 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 Diana Annette Finch**

Late of Unit 1/21 Maida Vale Road, Maida Vale WA, Chemist Assistant  
Died 9 September 2012

**Estate Late Valerie Florence Isle**

Late of 11 Windermere Way, Greenfields WA, Home Duties  
Died 29 October 2012

**Estate Late Patricia Jessie Coote**

Late of Hamersley Nursing Home, 441 Rokeby Road, Subiaco WA, Home Duties  
Died 19 October 2012

**Estate Late Grace Ellen Baldock**

Late of Dale Cottages, Armadale WA, Home Duties  
Died 27 September 2012

**Estate Late Frank Moore**

Late of 628 Dixon Road, South Tammin WA, Farmer  
Died 26 November 2012

**Estate Late Stephen Eric Perks**

Late of Tuohy Nursing Home, Morrison Road, Midland WA, Welder—Railways  
Died 7 September 2012

**ZX404**

**TRUSTEES ACT 1962**

DECEASED ESTATES

Notice to Creditors and Claimants

Estate of Hubert Phillips, late of Hellenic Community Aged Care, 2 Hellenic Drive, Dianella, 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 29 August 2011, and Letters of Administration to whose estate was granted by the Supreme Court of Western Australia on 16 October 2012 are required by the Administrator, Robin Henry Phillips, are of Williams & Hughes, Ground Floor, 25 Richardson Street, West Perth WA, to send particulars of their claims to him by 19 February 2013. After that date, such assets of the estate of the late Hubert Phillips may be conveyed and distributed, having regard only to the claims of which at that time of conveyance or distribution the Trustee 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 Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before 18th February 2013 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Armstrong, Theo Sid, late of Stirling Aged Care 32 Spencer Avenue Yokine, formerly of 24 Lovegrove Way Morley, died 10.12.2012 (DE19681609 EM26)

Hopkins, David Malcolm, late of Birralelee Aged Care 155 Odin Road Innaloo, formerly of 8 Maritana Road Kallaroo, died 12.11.2012 (DE19740895 EM17)

Joy, Raelene, late of 161 Mill Point Road South Perth, died 2.12.2012 (DE33040692 EM13)

Morgan, Lexie Anne, late of 23/30 Peninsula Road Maylands, died 20.12.2012 (DE31052702 EM24)

Moy, Audrey Jane, late of Agmaroy Nursing Home 115 Leach Highway Wilson, died 20.12.2012 (DE20010437 EM37)

Pedler, Lynette Anne, late of 3 Silkpod Gardens South Lake, died 12.11.2012 (DE33102913 EM15)

Pilmer, Thelma Jean, late of Tandara High Care Centre 73 Jarrah Road Bentley, died 6.12.2012 (DE19820569 EM110)



Poole, Carmel Assumpta, late of 135 Tyler Street Tuart Hill, died 19.09.2012 (DE33097503 EM22)

Roberts, Kathleen Joyce, late of Unit 13a 323-325 Wilcock Street Tarcoola Beach, died 1.04.2010 (DE33099885 EM23)

Street, Norman Thomas, late of Bethanie Waters 18 Olivenzie Crescent Port Kennedy, died 28.11.2012 (DE19640575 EM16)

Walton, Karen Elisabeth, late of 49 Northwood Street Narrogin, died 14.12.2012 (DE33013283 EM35)

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

ZX406\*

**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 18 January 2013.

Brian Roche, Public Trustee,  
553 Hay Street,  
Perth WA 6000.  
Telephone: 1300 746 212

<b>Name of Deceased</b>	<b>Address</b>	<b>Date of Death</b>	<b>Date Election Filed</b>
Rose Hoffman DE19600585 EM26	Valencia Road Carmel	2 November 2012	8 January 2013
Kathleen Joyce Roberts DE33099885 EM23	323-325 Willcock Drive Geraldton	1 April 2010	9 January 2013
Ina Joy Wells DE19701766 EM32	73 Jarrah Road Bentley	1 August 2009	9 January 2013

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