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— PART 1 —

CONSERVATION

CO301

Wildlife Conservation Act 1950

Wildlife Conservation (Close Season for Marine Mammals) Amendment Notice 2016

Made by the Minister under section 14(3) of the Act.

1. Citation

This notice is the *Wildlife Conservation (Close Season for Marine Mammals) Amendment Notice 2016*.

2. Commencement

This notice comes into operation as follows —

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

3. Notice amended

This notice amends the *Wildlife Conservation (Close Season for Marine Mammals) Notice 1998*.

4. Clause 2 amended

- (1) In clause 2 insert in alphabetical order:

orca means the fauna *Orcinus orca*;

- (2) In clause 2 in the definition of *aircraft* delete “hang-glider or balloon;” and insert:

hang-glider, balloon, remotely piloted aircraft or unmanned aerial system;

- (3) In clause 2 in the definition of *dolphin* paragraph (b) delete “whales);” and insert:

whales), other than an orca;

- (4) In clause 2 in the definition of *marine mammal* paragraph (a) delete “dugong” and insert:

dugong, orca

- (5) In clause 2 in the definition of *vessel* delete “surfboard or sailboard;” and insert:

surfboard, sailboard or unmanned watercraft system;

5. Clause 3 amended

In clause 3(2) delete “section 16 of the Act, disturbing” and insert:

section 15 of the Act, taking

6. Clause 4 amended

- (1) In clause 4(1):

- (a) after “approach” insert:

an orca or

- (b) in paragraph (a) after “side of the” insert:

orca’s or the

- (c) in paragraph (a) after “behind the” insert:

orca or

- (2) In clause 4(2):

- (a) delete the passage beginning with “If” and ending with “must — ” and insert:

If an orca or a whale approaches a vessel so that it is closer to the vessel than the distance permitted in respect of the orca or whale under subclause (1) (the *permitted distance*), the person in charge of the vessel must —

(b) in paragraph (b) after “from the” insert:

orca or

(c) delete “person is no longer in breach of subclause (1).” and insert:

distance between the orca or whale and the vessel is at least the permitted distance.

Note: The heading to amended clause 4 is to read:

Vessels approaching orcas or whales

7. Clause 6 amended

(1) At the beginning of clause 6 insert:

(1) A person in charge of a helicopter may allow the helicopter to approach a marine mammal to a distance of 500 m but no closer.

(2) In clause 6 delete “A person in charge of an aircraft” and insert:

(2) A person in charge of an aircraft other than a helicopter

8. Clause 8 amended

(1) In clause 8(1):

(a) before paragraph (a) insert:

(aa) an orca or a whale to a distance of 100 m but no closer; or

(b) in paragraph (a) delete “whale,”;

(c) in paragraph (a) delete “30m” and insert:

50m

(2) Delete clause 8(2) and insert:

(2) If a marine mammal approaches a person who is in the water so that it is closer to the person than the distance permitted in respect of the mammal under subclause (1) (the *permitted distance*), the person must move away from the mammal until the distance between the person and the mammal is at least the permitted distance.

- (3) If a person is in the water near a marine mammal that exhibits signs of being disturbed, the person must take all reasonable measures to move away from the mammal.

9. Clause 9 amended

- (1) In clause 9:
 - (a) delete “A person who disturbs a marine mammal does not contravene this notice” and insert:
 - (1) A person may disturb a marine mammal
 - (b) after paragraph (a) insert:

or
- (2) At the end of clause 9 insert:
 - (2) Subclause (1) does not apply in respect of a person who disturbs a marine mammal that is entangled in rope, line, net or any other type of marine debris unless the person is —
 - (a) a wildlife officer; or
 - (b) a person authorised in writing by the CEO for the purposes of this clause; or
 - (c) acting under the direct supervision of a wildlife officer.

10. Clause 9A inserted

After clause 9 insert:

9A. Removing carcass of dead marine mammal

A person may take a marine mammal by removing the carcass of the mammal from a place if —

- (a) it is in the interests of public health and safety to remove the carcass; and
- (b) the person is acting for a local government or other government agency.

11. Clause 10 amended

Delete clause 10(a), (b) and (c) and insert:

- (a) is authorised in writing by, or acting under the supervision and control of, the CEO; or
- (b) is acting under the supervision and control of the holder of a licence that authorises the feeding of the marine mammal.

12. Clause 11 amended

In clause 11 delete “section 16” and insert:

section 15

A. JACOB, Minister for Environment.

LOCAL GOVERNMENT

LG301

Local Government Act 1995

**Local Government (Employee Superannuation)
Regulations 2016**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Local Government (Employee Superannuation) Regulations 2016*.

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. Terms used

In these regulations —

chosen fund means a fund chosen by an employee under the *Superannuation Guarantee (Administration) Act 1992* (Commonwealth) Part 3A Division 4;

City of Perth scheme means the superannuation scheme established under the *Local Government Act 1960* section 170C(1) by the City of Perth trust deed as that scheme is amended from time to time;

City of Perth trust deed means the trust deed dated 31 October 1994 made between the City of Perth and C.P.S.F. Pty Ltd (ACN 066 005 687) that governs the City of Perth scheme, as amended from time to time;

employee has the meaning given in the *Superannuation Industry (Supervision) Act 1993* (Commonwealth) section 15A;

individual superannuation guarantee shortfall has the meaning given in the *Superannuation Guarantee (Administration) Act 1992* (Commonwealth) section 19;

industry scheme means the WA Local Government Superannuation Plan (formerly called the W.A. Local Government Occupational Superannuation Fund) established by a trust deed dated 21 March 1990 and now governed by the industry scheme trust deed as that plan is amended from time to time;

industry scheme trust deed means the trust deed dated 4 November 2004 made by WA Local Government Superannuation Plan Pty Ltd (ACN 066 797 162) that governs the industry scheme, as amended from time to time;

local government includes a regional local government.

4. Local governments to participate in industry scheme

- (1) A local government must participate in and comply with the industry scheme in respect of its employees.
- (2) Subregulation (1) does not apply in respect of an employee if under regulation 6, or the *City of Perth Act 2016* section 23, a local government must participate in and comply with the City of Perth scheme in respect of that employee.
- (3) Subregulation (1) applies to the City of Perth only in respect of those of its employees who are not members of the City of Perth scheme.

5. City of Perth to participate in City of Perth scheme

- (1) The City of Perth must participate in and comply with the City of Perth scheme in respect of its employees.
- (2) A person who becomes an employee of the City of Perth must be a member of and subject to the City of Perth scheme unless the person elects to be a member of the industry scheme or a chosen fund.

6. City of Perth scheme members employed by regional local government

- (1) In this regulation —
regional local government means a regional local government in which the City of Perth is a participant as defined in section 3.61 of the Act.
- (2) This regulation applies to any person who is a member of the City of Perth scheme and becomes an employee of a regional local government.
- (3) Despite regulation 4, a regional local government whose employee is a person to whom this regulation applies must, in respect of that employee, participate in and comply with the City of Perth scheme in the same way and to the same extent as the City of Perth would be required to do if the person were its employee.
- (4) Subregulation (3) ceases to apply in respect of a regional local government's employee if the employee elects to become a member of the industry scheme or a chosen fund.
- (5) A person referred to in subregulation (2) does not cease to be a member of the City of Perth scheme because they cease to be an employee of the City of Perth.

7. Amount local government to contribute to scheme to be reduced

- (1) This regulation applies in respect of an employee of a local government if, for any period —
 - (a) there is a chosen fund for the employee throughout the period; and
 - (b) the chosen fund is not the industry scheme or the City of Perth scheme; and
 - (c) the local government makes at least the minimum superannuation guarantee contributions for the employee for that period to the chosen fund.
- (2) If this regulation applies, the amount that the local government would, but for this regulation, be required under regulation 4 and the industry scheme trust deed to contribute to the industry scheme for that employee for that period is reduced by the amount of those minimum superannuation guarantee contributions made to the chosen fund for that employee.
- (3) If this regulation applies, the amount that the City of Perth or a regional local government would, but for this regulation, be required under regulation 5 or 6, or the *City of Perth Act 2016* section 23, and the City of Perth trust deed to contribute to the City of Perth scheme for that employee for that period is reduced by the amount of those minimum superannuation guarantee contributions made to the chosen fund for that employee.

- (4) In this regulation a reference to a local government making a minimum superannuation guarantee contribution for an employee for a period is a reference to the local government making the contributions necessary for it to avoid incurring an individual superannuation guarantee shortfall in respect of the employee in respect of that period.
8. ***Local Government (Amendment of Part VIA - Employee Superannuation) Regulations 2006 repealed***
- The *Local Government (Amendment of Part VIA - Employee Superannuation) Regulations 2006* are repealed.

N. HAGLEY, Clerk of the Executive Council.

ROTTNEST ISLAND

RX301

Rottnest Island Authority Act 1987

Rottnest Island Amendment Regulations (No. 3) 2016

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Rottnest Island Amendment Regulations (No. 3) 2016*.

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 *Rottnest Island Regulations 1988*.

4. Regulation 5 amended

In regulation 5(3)(a) delete “regulation 6; and” and insert:

regulation 6 or 7A; and

5. Regulation 6A amended

In regulation 6A(1) after “regulation 6(1)(b)” insert:

or 7A(6)(b)

6. Regulation 7 amended

(1) In regulation 7(1) delete “or aircraft” (each occurrence).

(2) In regulation 7(2):

(a) delete “or aircraft” (each occurrence);

(b) delete “of, or the aircraft is landed at,” and insert:

of

7. Regulation 7A amended

In regulation 7A(6)(a) delete “ferry” and insert:

vessel

8. Regulation 11 amended

In regulation 11(3) delete “shall not” and insert:

must not, without permission,

9. Regulation 19 amended

(1) In regulation 19 delete the definitions of:

additional vessel

licensed vessel

(2) In regulation 19 insert in alphabetical order:

additional vessel, in relation to a mooring site, has the meaning given in regulation 27(2);

licensed vessel, in relation to a mooring site, has the meaning given in regulation 26(1);

10. Regulation 19A inserted

After regulation 19 insert:

19A. Authorisation to be secured to mooring

For the purposes of regulation 11(2)(a), a vessel is authorised under this Division to be secured to a mooring if —

- (a) the mooring is on a mooring site; and
- (b) the vessel is a licensed vessel, additional vessel or authorised vessel in relation to the mooring site; and
- (c) the person who secured the vessel is the mooring site licensee or an authorised user of the mooring site; and
- (d) the vessel is secured in accordance with the conditions of the mooring site licence.

11. Regulation 26 amended

In regulation 26(1) delete “authorised to be secured to a mooring on” and insert:

a *licensed vessel* in relation to

12. Regulation 27 amended

In regulation 27(2) delete “authorised to be secured to a mooring on” and insert:

an *additional vessel* in relation to

13. Regulation 30 amended

In regulation 30(6) delete “abandoned.” and insert:

abandoned, and for that purpose the notice given under subregulation (5) is taken to be a notice given under regulation 74(2)(b).

14. Regulation 31A amended

Delete regulation 31A(2).

15. Regulation 35A deleted

Delete regulation 35A.

16. Regulation 38C amended

- (1) Delete regulation 38C(1) and insert:

- (1) In this regulation —

black water means faecal matter or urine and any waste composed wholly or in part of liquid.

- (2) In regulation 38C(2) delete “sullage” and insert:

black water

Note: The heading to amended regulation 38C is to read:

Black water from vessels

17. Regulation 74 amended

- (1) In regulation 74(1) after “take possession of” insert:

and remove or dispose of

- (2) In regulation 74(2)(b) after “remove” insert:

or dispose of

18. Schedule 4 amended

- (1) In Schedule 4 item 2A delete “or aircraft”.

- (2) In Schedule 4 item 22 delete “sullage” and insert:

black water

19. Schedule 7 amended

- (1) Delete Schedule 7 Part 1 item 4.

- (2) In the heading to Schedule 7 Part 2 after “**Mooring**” insert:

site

N. HAGLEY, Clerk of the Executive Council.

— PART 2 —

AGRICULTURE AND FOOD

AG401

BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007
BIOSECURITY AND AGRICULTURE MANAGEMENT (PERMITTED ORGANISMS)
DECLARATION (No. 9) 2016

Made under section 11 of the Act by a Director of the Department of Agriculture and Food as delegate of the Minister.

1. Citation

This declaration is the *Biosecurity and Agriculture Management (Permitted Organisms) Declaration (No. 9) 2016*.

2. Permitted organisms

- (1) An organism listed below is declared under section 11 of the Act to be a permitted organism.
- (2) All previous declarations under the Act relating to the organisms below are revoked.
 - *Hoya ilagiorum* Kloppenb., Siar & Cajano
 - *Kalanchoe longiflora* Schltr. ex J.M.Wood
 - *Sedum griseum* Praeger

VIVIAN READ, Director, Invasive Species,
 Department of Agriculture and Food.

Date: 20 October 2016.

CORRECTIVE SERVICES

CS401

COURT SECURITY AND CUSTODIAL SERVICES ACT 1999
PERMIT DETAILS

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

| Surname | First Name(s) | Permit No. | Date Permit Revoked |
|-------------|---------------|------------|---------------------|
| Bruynzeel | Nathan | 16-115 | 23 September 2016 |
| Duncan | Donald | 16-156 | 23 September 2016 |
| Freestone | Kara | 16-174 | 23 September 2016 |
| Hall | Christopher | 16-194 | 23 September 2016 |
| Mustoe | Wade | 16-319 | 23 September 2016 |
| Powis | Colin | 16-341 | 23 September 2016 |
| Sommerville | Kye | 16-386 | 23 September 2016 |
| Sowter | Peter | 16-387 | 23 September 2016 |
| Wornham | Stefan | 16-432 | 23 September 2016 |

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

SUE HOLT, Assistant Director, Prisoner Transport and
 Custodial Services Contracts Management.

CS402

PRISONS ACT 1981
PERMIT DETAILS

Pursuant to the provisions of section 15P of the *Prisons Act 1981*, the Department of Corrective Services has revoked the following Permits to do High-Level Security Work—

| Surname | Other Names | Permit No. | Revocation Date |
|---------|-------------|------------|-----------------|
| Riddell | James | PA0036 | 21/10/2016 |

This notice is published under section 15P of the *Prisons Act 1981*.

GREG THATCHER, Assistant Director.

21 October 2016.

LOCAL GOVERNMENT

LG401

CITY OF BELMONT
APPOINTMENT

It is hereby notified for public information that Graeme Raine has been appointed an Authorised Officer for the City of Belmont, effective from 25 October 2016, and is an officer authorised to exercise the powers in accordance with the following Acts, Regulations and Local Laws—

- *Local Government Act 1995*
- *Control of Vehicles (Off-road Areas) Act 1978* and Regulations
- *Litter Act 1979* and Regulations
- *Dog Act 1976* (as amended) and Regulations
- *Cat Act 2011* and Regulations
- *Local Government (Parking for People with Disabilities) Regulations 2014*
- City of Belmont Local Laws Relating to Parking and Parking Facilities
- City of Belmont Local Laws Relating to Dogs
- All other Council Local Laws or Regulations administered or enforced by the City of Belmont

The previous appointment of Brad Casserly has hereby been cancelled.

STUART COLE, Chief Executive Officer.

LG402

LOCAL GOVERNMENT ACT 1995
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996
City of Greater Geraldton

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

Notice is hereby given that under section 6.74 of the *Local Government Act 1995*, as rates and charges have been unpaid for a period of at least three years the City of Greater Geraldton intends to request the Minister for Local Government to approve the revestment in the Crown of the land described below unless the rates and other charges outstanding are paid within 30 days from the date of this notice.

Signed for and on behalf of the City of Greater Geraldton this 14th day of October 2016.

KEN DIEHM, Chief Executive Officer.

Description of Land etc.

| Names of Owners | Other persons appearing to have an estate or interest in the land. | Description of Land |
|----------------------|--|--|
| Maria Rosa McCormack | Nil | Lot 30 on Deposited Plan 223044 on Certificate of Title, Volume 2688, Folio 490 and situated at 27 Sharpe Street, Pindar |
| Maria Rosa McCormack | Nil | Lot 31 on Deposited Plan 223044 on Certificate of Title, Volume 2688, Folio 491 and situated at 29 Sharpe Street, Pindar |

LG403

LOCAL GOVERNMENT ACT 1995*Shire of Donnybrook-Balingup*

APPOINTMENT

It is hereby notified for public information that Ms Jessie Rose Cooper is appointed as an authorised person for the Shire of Donnybrook-Balingup from 28 September 2016, to administer the following Acts, Regulations and Local Laws—

- *Local Government Act 1995*, Part 9, Division 2
- *Local Government Act 1995*, Sections 9.13 and 9.15
- *Local Government Act 1995*, Section 3.39
- *Local Government (Miscellaneous Provisions) Act 1960*, Part XX, Section 449—Pound Keeper and Ranger
- *Dog Act 1976*, Section 33E (1)—for the purposes of registering, seizing, impounding, detaining and destroying of dogs
- *Cat Act 2011*, Section 48
- *Control of Vehicles (Off-road Areas) Act 1978*, Section 38
- *Litter Act 1979*, Section 26
- *Bush Fires Act 1954*
- *Caravan Parks and Camping Grounds Act 1995*, Section 17
- *Caravan Parks and Camping Grounds Regulations 1997*, Regulation 6
- Shire of Donnybrook-Balingup Local Laws and Regulations.

B. G. ROSE, Chief Executive Officer.

LG501

BUSH FIRES ACT 1954*City of Bunbury*

BUSH FIRE NOTICE AND REQUIREMENTS

Owners or occupiers of land within the City of Bunbury are notified they must comply with the *Bush Fires Act 1954* (the Act) and carry out annual fire-prevention work, as set out in this notice.

All properties within Bunbury are subject to loss due to embers from nearby fires landing within your yards. Most homes are lost through fires from ember attack.

It is an offence not to comply with the Act which carries a modified penalty of \$250 and a maximum penalty of \$5,000. With or without prosecution and in accordance with the Act, the City of Bunbury may enter the land and carry out the required work at the expense of the land owner/occupier.

Work must be completed no later than 30 November and kept maintained throughout the summer months until 10 May annually. Properties assessed as having a bushfire hazard rating of very high or extreme will be sent further information and suggested fire-protection strategies.

REQUIREMENTS**1. Private property (including residential, commercial and industrial)**

• Where the area of land is 2024m² or less, all flammable material on the land is to be removed except living trees.

• Where the land area exceeds 2024m² provide a 3 metre firebreak free of all flammable material, immediately inside all boundaries and surrounding all buildings and haystacks. Where adjoining lots are held or used by the owner/occupier, firebreaks may be provided immediately inside the external boundaries of the group of lots. Total removal of flammable material from the property would be considered an acceptable alternative.

2. Fuel and gas depots

All flammable material must be cleared from land where there are containers used for liquid or gas-fuel storage including clearing all flammable material from any liquid or gas-fuel storage ramps or supports.

3. Plantations

Firebreaks 15 metres wide must be provided immediately adjoining all external boundaries of the planted area. The outer 10 metres must be cleared of all flammable material. The inner 5 metres, closest to the trees may be kept in a reduced fuel state by slashing or used for grazing provided the height of grass does not exceed 8cm. Plantations must be subdivided into areas not exceeding 30 hectares by firebreaks 6 metres wide. Firebreaks must be cleared of all flammable material and in the vertical plane a minimum height clearance of 5 metres from the ground level will be maintained above the firebreak.

4. Prohibited and restricted burning

The Prohibited Burning Period in the City of Bunbury district is from 30 December to 28 March annually. The Restricted Burning Periods in the City of Bunbury district are from 15 November to 29 December and from 29 March to 10 May annually. These dates may be varied according to seasonal conditions, but any changes will be publicly advertised.

5. Burning permits—bush, grass and garden refuse

Permits are required for any burning including garden refuse during the Restricted Burning Period as above. Burning of anything including bush, grass and garden refuse is totally prohibited from 30 December to 28 March annually. Burning permits will only be issued to owner/occupiers of land for hazard reduction burning until 30 November annually.

6. Campfires

Campfires are completely banned in the City of Bunbury from 15 November to 10 May annually.

7. Exemptions

If it is impractical to clear firebreaks as required by this notice or if natural features make firebreaks unnecessary, you may apply to the Council or its authorised officer until 15 November for permission to provide firebreaks in alternative positions or take other action to abate fire hazards. If permission is not granted the requirements of the notice must be complied with.

John Kowal Chief Bush Fire Control Officer
Chris Widmer ESM Deputy Chief Bush Fire Control Officer
Fire Control Officers

Frank Yates, Marina Marriott, Chris Martin, Greg Stover, Philip Lloyd and Keith Billington

ANDREW BRIEN, Chief Executive Officer.

MARINE/MARITIME

MA401

WESTERN AUSTRALIAN MARINE ACT 1982
NAVIGABLE WATERS REGULATIONS 1958

PROHIBITED SWIMMING AREA

Pyrotechnic Display

Perth Waters, Swan River

Department of Transport,
Fremantle WA, 25 October 2016.

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 8:45pm and 9:45pm on Friday 28 October 2016, Saturday 29 October 2016 and Sunday 30 October 2016—

Swan River—near Elizabeth Quay

Area of Closure: All the waters within a 100 metre radius of the firing barge located at approximately 31° 57.589'S and 115° 51.288'E.

This area is set aside for safety measures during the set up and display of pyrotechnics. Mariners are advised to navigate with caution.

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

MA402

WESTERN AUSTRALIAN MARINE ACT 1982
NAVIGABLE WATERS REGULATIONS 1958

PROHIBITED SWIMMING AREA

Fremantle Fishing Boat Harbour

City of Fremantle

Department of Transport,
Fremantle WA, 25 October 2016.

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 8:45pm on 30 October 2016—

Fremantle Fishing Boat Harbour, City of Fremantle

Area of Closure: All the waters within a 250 metre radius of the firing point located at approximately 32° 03.743'S 115° 44.572'E.

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

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

MINERALS AND PETROLEUM

MP401

PETROLEUM (SUBMERGED LANDS) ACT 1982

CANCELLATION OF PETROLEUM EXPLORATION PERMIT TP/26

The cancellation of petroleum exploration permit TP/26, held by Perseverance Energy Pty Ltd, will take effect on the date this notice appears in the *Government Gazette*.

DENIS JOHN WILLS, Acting Executive Director, Petroleum Division,
Department of Mines and Petroleum.

PLANNING

PL401

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

City of Swan

Local Planning Scheme No. 17—Amendment No. 113

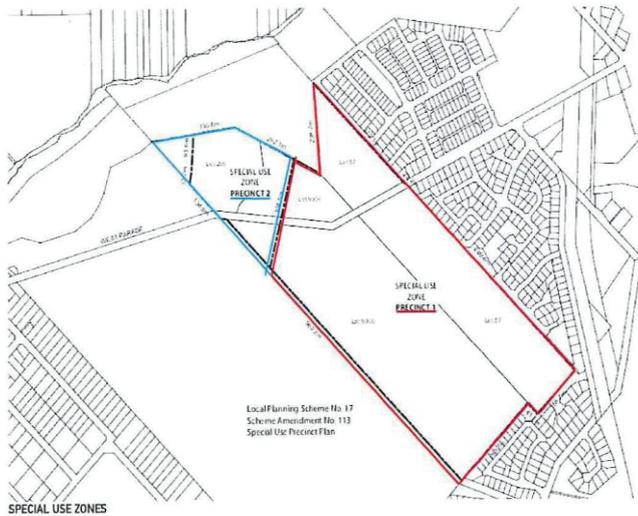
Ref: TPS/1692

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 Swan Local Planning Scheme amendment on 10 October 2016 for the purpose of—

- a. Rezoning Lot 57 on Plan 28643, Lot 9000 on Plan 30961, Lot 200 on Plan 30961 and Lot 1 on Plan 7052 West Parade, South Guildford, from 'General Rural' to 'Special Use Zone'.
- b. Inserting a new 'Special Use Zone No 24' with the following text into Schedule 4—Special Use Zones—

| No. | Description of Land | Special Use | Conditions |
|-----|--|-------------|--|
| 24 | Lot 57 on P28643 West Parade; Lot 9000 on DP30961 West Parade; Lot 200 on DP30961 West Parade; Lot 1 on P7052 West Parade, South Guildford | | <ol style="list-style-type: none"> 1. Subdivision and development shall be in accordance with a Structure Plan prepared and approved in accordance with the provisions of Part 4 of the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>. 2. Residential development shall be at a maximum density of R20. 3. Notwithstanding the provisions of State Planning Policy 5.1 Land Use Planning in the Vicinity of Perth Airport, noise insulation in accordance with AS2021-2015: Acoustics—Aircraft Noise Intrusion—Building Siting and Construction is required as a minimum for residential development within the 20-25 ANEF contour. 4. A notification is to be included on all titles and within sale contracts, to be signed and acknowledged by all purchasers, which states as follows— <ul style="list-style-type: none"> “This land is subject to aircraft noise at any time by the 24 hour a day, 7 day a week passenger and freight aircraft flight operations arriving and departing Perth Airport. The frequency of aircraft movements and the size of aircraft are forecast to increase indefinitely into the future. It is the responsibility of landowners to noise attenuate their property to ensure their property to ensure their amenity, as Perth Airport will remain curfew free.” |

| No. | Description of Land | Special Use | Conditions |
|-----|--|-------------|---|
| | | | <p>5. Signage indicating "Aircraft Noise Area" is to be erected and maintained to the east and west of the development on West Parade. Such signage is to be erected prior to the sale of any lot or the advertising of the lots for sale and is to be maintained permanently thereafter.</p> <p>6. In addition to the requirements specified for Structure Plans in Part 4 of the Regulations, the Structure Plan shall address the following—</p> <ul style="list-style-type: none"> • Provision of a Foreshore Management Plan inclusive of details of landscaping, interface treatment to the Helena River and details of implementation and maintenance at the subdivision/development stage. • In addition to the requirements for a Structure Plan the Traffic Management Plan should identify, amongst other items, the nature and timing of upgrades to the intersection of the Great Eastern Highway and Queens Road. • A Landscape Plan to identify, amongst other items, an appropriate buffer to be provided along West Parade that retains the existing vegetation and maintains the visual amenity of West Parade. |
| | <p>Precinct 1— Lot 57 on P28643, portion of Lot 9000 on DP30961 and portion Lot 1 on P7052 West Parade, South Guildford, as depicted in the Precinct Map.</p> | | <p>Specific Provisions</p> <p>1. Permissibility of land uses within Precinct 1 is to be in accordance with Residential zoned land under Clause 4.3—Zoning Table of this Scheme.</p> |
| | <p>Precinct 2— Lot 200 on P30961 (including whole of existing Lodge), portion of Lot 9000 on DP30961 and portion Lot 1 on P7052 West Parade, South Guildford, as depicted in the Precinct Map.</p> | | <p>Specific Provisions</p> <p>1. Land uses within Precinct 2 shall be in accordance with 'Private Clubs and Institutions' zoned land under Clause 4.3—Zoning Table of this Scheme.</p> <p>2. Notwithstanding the above point (1), the following uses are an 'X' (not permitted) use within Precinct 2 due to the level of exposure to aircraft noise or the underlying zoning under the Metropolitan Region Scheme—</p> <ul style="list-style-type: none"> • Aged or Dependent Persons Dwellings • Bed and Breakfast • Caretaker's Dwelling • Child Care Premises • Educational Establishment • Family Day Care • Grouped Dwelling • Home Business • Home Occupation • Home Office • Hospital • Multiple Dwelling • Office • Single House • Winery <p>3. In addition to the uses listed under Clause 4.3—Zoning Table of this Scheme, the following Additional Use is considered to be an 'A' use within Precinct 2 of this Special Use Zone—</p> <ul style="list-style-type: none"> • Garden Centre |

| No. | Description of Land | Special Use | Conditions |
|-----|---------------------|-------------|---|
| | | | <p data-bbox="683 277 1075 309">Special Use Zone Precinct Map</p>  |

c. Modifying the Scheme Maps accordingly.

M. WAINWRIGHT, Mayor.
M. FOLEY, Chief Executive Officer.

PL402

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Cunderdin
Local Planning Scheme No. 3—Amendment No. 4

Ref: TPS/1842

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 Cunderdin Local Planning Scheme amendment on 27 September 2016 for the purpose of—

1. Inserting the following land use definitions into Schedule 1, Clause 2—

Repurposed dwelling—a building or structure not previously used as a single house, which has been repurposed for use as a dwelling.

Second-hand dwelling—a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular or transportable dwelling.

2. Inserting the land uses 'repurposed dwelling' and 'second-handed dwelling' into Table 1—Zoning Table as follows—

| USE CLASSES | Zones* | | | | | | |
|-------------------------|-------------|-------------|----------------|------------|---------------------|-------------------|-------------|
| | Residential | Town Centre | Mixed Business | Industrial | General Agriculture | Rural Residential | Special Use |
| 67 Repurposed Dwelling | D | D | X | X | D | D | * |
| 75 Second-hand Dwelling | D | D | X | X | D | D | * |

3. Renumbering the Land Use Table to reflect the inclusion of the new land uses.

C. GIBSONE, President.
P. NAYLOR, Chief Executive Officer.

PL403

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Denmark

Local Planning Scheme No. 3—Amendment No. 133

Ref: TPS/1617

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 Denmark Local Planning Scheme amendment on 27 September 2016 for the purpose of—

1. Rezoning No. 1597 (Lot 1) Valley of the Giants Road, Bow Bridge from the 'Rural' zone to part 'Tourist (T12)' zone and part 'Parks and Recreation' local scheme reserve and amending the Scheme Maps accordingly.
2. Inserting Tourist T12 provisions in Appendix XIII—Schedule of Tourist Zones as follows—

| Particulars of Land | Tourist Use | Conditions of Tourist Use |
|--|--|---|
| T12 No. 1597 (Lot 1) Valley of the Giants Road, Bow Bridge | Notwithstanding any other provisions of the scheme, the following land uses are the only permitted (P) land uses— Single House Boarding House (Lodge) Gallery/Restaurant Holiday Accommodation (Chalets) Managers residence Microbrewery | <ol style="list-style-type: none"> 1. The development shall generally be in accordance with the local Development Plan Ref: 1515-05C, or any minor variation to that plan approved by Council. 2. Development shall be connected to Alternative Treatment Units approved by Council and the Health Department of WA. 3. Building materials— <ul style="list-style-type: none"> • All building materials and finishes are to be of natural earth, vegetation or earth brown colours. • Zincalume and off white colours and finishes will not be permitted; and • All water tanks and carports (if any), are to be constructed in the same colours as mentioned above and are to be screened from Valley of the Giants Road. 4. Provision of potable water shall be the responsibility of the landowner at the time of development. The following minimum potable water storage requirements shall be applicable for each land use— <ul style="list-style-type: none"> • Single House—92kL • Boarding House—300 kL • Gallery/Restaurant—150kL • Holiday Accommodation (Chalets)—92kL per chalet. • Managers Residence—92kL • Microbrewery—3 x 100kL 5. Fire Management— <ul style="list-style-type: none"> • Suitable fire control measures being implemented to the satisfaction of Council and being in accordance with the approved Fire Management Plan; and • All buildings shall be constructed in accordance with the BAL-29 requirements of AS3959-2009 Construction of Buildings in Bushfire Prone Areas (as amended). 6. Access and egress is to be from the single point shown on the Local Development Plan, excepting any additional access requirements for the management. |

| Particulars of Land | Tourist Use | Conditions of Tourist Use |
|---------------------|-------------|--|
| | | <p>7. The land shown as foreshore reserve under the approved Local Development Plan to be ceded free of cost to the Crown as a condition of Planning Approval or subdivision approval.</p> <p>8. Within those areas delineated as 'Tree Preservation Area Development Exclusion Zone' on the Local Development Plan no further clearing shall occur, except for—</p> <ul style="list-style-type: none"> • Trees that are dead, diseased or dangerous. • To comply with the Fire Management Plan requirements for the site. <p>9. Clearing of vegetation throughout the site shall only be permitted pursuant to the <i>Environmental Protection Act 1986</i> and the <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i> and will only be undertaken where—</p> <ul style="list-style-type: none"> • To facilitate development in accordance with the Local Development Plan. • To remove trees identified as dead, diseased or dangerous. • To comply with the requirements of the Fire Management Plan. • In the case of mature trees proposed to be removed from the Hazard Separation Zone, a suitably qualified person will need to demonstrate through prior survey, that the tree does not provide habitat refuge for fauna (Black Cockatoos). <p>10. Within the area depicted as 'Development Exclusion Zone' on the Local Development Plan, no further development or on-site effluent disposal is to occur, with the exception of—</p> <ul style="list-style-type: none"> • Those areas indicated for the construction of roads or tracks; and • The development of the 'Ceremony Platform' and 'Hardstand and Turnaround for Fire Vehicle'. <p>11. All new development shall be setback a minimum of—</p> <ul style="list-style-type: none"> • 30 metres from the front boundary; and • 20 metres from all other boundaries. <p>12. The following requirements will apply to the strata titling of the development—</p> <ul style="list-style-type: none"> • A person is not to occupy a chalet/s or a room/s within the boarding house for longer than three (3) months in any twelve (12) month period. |

| Particulars of Land | Tourist Use | Conditions of Tourist Use |
|---------------------|-------------|--|
| | | <ul style="list-style-type: none"> • Provision of a management statement for the strata scheme to provide for integrated common management of the strata lots as a tourism facility. Any changes to the management statement require the approval of the WAPC and the management statement must bind successive owners. • Prior to the issue of titles for the strata lots: all common property and shared facilities are to be completed; and development to plate height for strata lots shall be required. • In the event of the staged development and strata titling of the property, Council may permit development of associated common property in stages. • Fencing of Strata lots is not permitted. • The external form of development to be of uniform and complementary architectural theme, character, colours and materials. • Provision shall be made to Council's satisfaction to ensure prospective purchasers of land within this Tourist zone are given a copy of these Provisions; the endorsed Local Development Plan; and the endorsed Fire Management Plan, prior to entering into an agreement to acquire any property. • Notifications to be placed on titles under section 70A of the <i>Transfer of Land Act 1983</i> advising prospective purchasers that the lots are subject to a fire management plan. • Notification to be placed on titles under Section 165 of the <i>Planning and Development Act 2005</i> advising prospective purchasers that the land is located in a rural area and rural activities may be undertaken on neighbouring land that may result in potential noise, dust and odour nuisances that may affect the use or enjoyment of the land. <p>13. A weed management plan for the site is to be prepared, approved and subsequently implemented to the satisfaction of Council as a condition of development approval or subdivision approval.</p> |

R. THORNTON, President.
D. STEWART, Chief Executive Officer.

PL404

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
City of Fremantle
Local Planning Scheme No. 4—Amendment No. 67

Ref: TPS/1765

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 10 October 2016 for the purpose of—

1. Delete the following definitions from clause 12.1 General Definitions: Schedule 1—Dictionary of Defined Words and Expressions—
 - advertisement
 - amenity
 - cultural heritage significance
 - local planning strategy
 - owner
 - place
 - premises
 - Residential Design Codes
 - substantially commenced
 - works
 - zone
2. Delete the following clauses in their entirety—

Under Part 6—Special Control Areas—

 - 6.2.1 Interpretation
 - 6.2.3 (Subdivision and Development in Development Areas) to 6.2.16 (Appeal) inclusive of clause 6.2 Development Areas

Under Part 9—Application for planning approval—

 - 9.1 Form of application
 - 9.2 Accompanying material
 - 9.3 Additional material for heritage matters
 - 9.4 Advertising of applications
 - 9.5 Public inspection of applications
3. Delete the following Schedules in their entirety—

6—Form of application for planning approval

7—Additional information for advertisements

8—Notice of public advertisement of planning proposal

9—Notice of determination on application for planning approval

15—Minor development permitted without planning approval
4. Insert the following Schedule [Schedule A—Supplemental Provisions to the deemed provisions] as follows—

Schedule A—Supplemental Provisions to the deemed provisions

Clause 61

- (6) In accordance with Schedule 2, Clause 61 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the purposes of the Scheme the following development does not require the development approval of the Council—
 - (a) The carrying out of any building or works which affects only the interior of a building where—
 - (i) the building is on the heritage list under Schedule 2, clause 8 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
 - (ii) The building(s) is used for Residential purposes; and
 - (iii) The works are confined to any of the following—
 - Kitchen, bathroom or laundry fit out with no structural alterations;
 - Replacement of light fitting(s);
 - Painting/wall papering/plastering of internal walls;
 - Retiling;
 - Construction of new internal non-masonry, non-load bearing walls;
 - New floor covering placed over but not replacing existing floor surface materials; or
 - Electrical and plumbing works.

- (b) Any development, excluding signs/advertisements, which are temporary and in existence for less than 14 days or such longer time as the Council agrees.
- (c) Any change to the words, pictures, symbols or colours of any approved advertisement where the change does not alter the size or purpose of the approved advertisement.
- (d) Any of the exempted classes of advertisements listed in Schedule 5.
- (e) Minor filling or excavation of land, provided there is no more than 500 millimetres change to the natural ground level.
- (f) Construction of a retaining wall less than 500 millimetres in height.
- (g) The painting or application of render on the external surface of any building or structure, except where the building or structure is located in a place that is—
- (i) entered in the Register of Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
 - (iii) included on the Heritage List under Schedule 2, clause 8 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- (h) The maintenance and repair of any building or structure being lawfully used immediately prior to the Scheme having effect except where the building is located in a place that is—
- (i) entered in the Register of Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6.
- (i) Works by any public authority acting pursuant to the provisions of any Act on, in, over or under a public street, or works for a utility service.
- (j) Works urgently necessary for public safety, safety or security of plant or equipment, maintenance of essential services, or protection of the environment.
- (k) Removal of trees or vegetation areas except where trees and vegetation areas are identified in the register of significant trees or vegetation areas.
- (l) The use of a single house, grouped dwelling or multiple dwelling as a short stay dwelling, where occupied by 6 or fewer persons.
- (m) A small secondary dwelling which—
- (i) is located on a lot with a minimum area of 450 square metres;
 - (ii) is detached from the existing single house on the lot;
 - (iii) is set back from the primary street and any secondary street by a minimum of 6 metres; and
 - (iv) conforms with the deemed-to-comply provisions of the following design elements of the Residential Design Codes or the provisions of a local planning policy varying or replacing the deemed-to-comply provisions of any of the following design elements (as the case may be), as they apply to single houses—
 - Design Element: 5.1.2 Street setback; 5.1.3: Lot boundary setback;
 - Design Element: 5.3.1 Outdoor living area;
 - Design Element: 5.3.7 Site works; and
 - Design Element: 5.4.1 Visual privacy; 5.4.2 Solar access for adjoining lots; 5.4.3 Outbuildings; and 5.4.4 External fixtures.
- except where the small secondary dwelling is located within a place that is—
- (i) entered in the Register of Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
 - (iii) included on the Heritage List under Schedule 2, clause 8 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- (n) Replacing or altering roofing materials on a building where there is no change to the roof form and pitch except where the building is on a place that is—
- (i) entered in the Register of Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
 - (iii) included on the Heritage List under Schedule 2, clause 8 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- (o) Adding, altering or replacing external cladding materials on a building where there is no change to the building form and except where the building is on a place that is—
- (i) entered in the Register of Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or

- (iii) included on the Heritage List under Schedule 2, clause 8 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; or
 - (iv) included in a Heritage Area under Schedule 2, clause 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- (p) The modification of major and minor openings to a building where the modification is within the relevant acceptable development provisions of the Residential Design Codes and except where the building is on a place that is—
 - (i) entered in the Register of Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
 - (iii) included on the Heritage List under Schedule 2, clause 8 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- (q) Notwithstanding the provisions of clause 4.3 and clauses 5.7.1 to 5.7.4 inclusive, a change in the use of an existing building in the City Centre zone to any of the following uses—
 - (i) Shop;
 - (ii) Office;
 - (iii) Restaurant;
 - (iv) Small bar; or
 - (v) Consulting rooms.
- (r) Notwithstanding the provisions of clause 4.3 and clauses 5.7.1 to 5.7.4 inclusive, a change of use of a building which currently has development approval for use as a Restaurant or Small Bar to use as a Restaurant or Small Bar where—
 - (i) the building is on land zoned Mixed Use or Local Centre; and
 - (ii) the new use operates in accordance with any conditions of development approval relating to the hours of operation that apply to the currently approved Restaurant or Small Bar use on the subject site.
- (s) Fence in Heritage Areas under Schedule 2, clause 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015* in the following circumstances—
 - (i) within the secondary street setback up to 1800mm in height; or
 - (ii) Any other fence within 3 metres of the boundary of any land depicted on the Scheme map as a local reserve for open space or land shown on the Metropolitan Region Scheme as a regional reserve for parks and recreation up to 1200mm in height.
- (t) Screening material where attached to an existing fence and projecting no more than 500mm above the top of the fence at any point and is not situated within a primary or secondary street setback area.
- (u) Outbuilding in Heritage Areas under Schedule 2, clause 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015* where compliant with the deemed-to-comply provisions of the Residential Design Codes for outbuildings.
- (v) Private swimming pools and outdoor spas in Heritage Areas under Schedule 2, clause 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015* where situated within a rear setback area and no greater than 1.8m in height.
- (w) Patio in Heritage Areas under Schedule 2, clause 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015* where—
 - (i) located within a side or rear setback area (excluding secondary street setback areas); and
 - (ii) compliant with the deemed-to-comply provisions of the Residential Design Codes for outbuildings.
- (x) Shade structures in Heritage Areas under Schedule 2, clause 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015* where—
 - (i) located within a side or rear setback area (excluding secondary street setback areas);
 - (ii) located more than 1 metre from any boundary; and
 - (iii) no greater than 3 metres in height and 25 sqm in area.
- (y) Single storey (ground level) additions and all alterations to a Single House on a lot in a Heritage Area under Schedule 2, clause 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015* where the works—
 - (i) are located within a rear setback area (excluding secondary street setback areas); and
 - (ii) are compliant with the applicable deemed-to-comply provisions of the Residential Design Codes.
- (z) Single storey (ground level) additions and all alterations to Multiple and Grouped Dwellings where the works—
 - (i) are located within a side or rear setback area (excluding secondary street setback areas); and

- (ii) are compliant with the applicable deemed-to-comply provisions of the Residential Design Codes; and
 - (iii) do not propose a boundary wall unless the boundary wall abuts an existing or simultaneously constructed boundary wall of the same or greater dimensions.
- except where the Multiple or Grouped Dwellings is located within a place that is—
- entered in the Register of Places under the *Heritage of Western Australia Act 1990*; or
 - the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
 - included on the Heritage List under Schedule 2, clause 8 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- (aa) External fixtures on a place on the heritage list under Schedule 2, clause 8 of the *Planning and Development (Local Planning Schemes) Regulations 2015* where—
- (i) not exceeding 1.8m in height and fixed to a wall of a building which faces the rear or a side boundary (excluding walls facing secondary streets); or
 - (ii) fixed to a plane of the roof of a building which faces the rear or a side boundary (excluding roof planes facing secondary streets), or to a flat roof, and projecting no more than 1m above the part of the existing roof to which the fixture is attached and no greater than 2m wide, or projecting no more than 2m above the highest part of the existing roof at any point in the case of an aerial or antenna; and
 - (iii) In all circumstances the maximum diameter of a satellite antenna or dish permitted without development approval is 1m.
- (bb) External fixtures in a heritage area under Schedule 2, clause 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015* where—
- (i) not exceeding 1.8m in height and fixed to a wall of a building which faces the rear or a side boundary (excluding walls facing secondary streets); or
 - (ii) fixed to a plane of the roof of a building which faces the rear or a side boundary (excluding roof planes facing secondary streets), or to a flat roof, and projecting no more than 1m above the part of the existing roof to which the fixture is attached or projecting no more than 2m above the highest part of the existing roof at any point in the case of an aerial or antenna; and
 - (iii) In all circumstances the maximum diameter of a satellite antenna or dish permitted without development approval is 1m.
- (cc) Air conditioning units on a place on the heritage list or in a heritage area under Schedule 2, clause 8 and 9 respectively of the *Planning and Development (Local Planning Schemes) Regulations 2015* where—
- (i) not exceeding 1.8m in height and fixed to a wall of a building which faces a side boundary (excluding walls facing secondary streets); or
 - (ii) fixed to a wall or roof plane of a building which faces the rear boundary at a height not exceeding the highest part of the existing roof at any point; or
 - (iii) Excluding places on the heritage list an air conditioning unit on a building with a flat roof, in a position where the top of the air conditioning unit is not more than 1m above the highest part of the existing roof at any point.
- (dd) Water tanks on a place on the heritage list or in a heritage area under Schedule 2, clause 8 and 9 respectively of the *Planning and Development (Local Planning Schemes) Regulations 2015* where—
- (i) fixed to a wall of a building which faces the rear or a side boundary (excluding walls facing secondary streets) at a height not exceeding the eaves height; or
 - (ii) free standing within a side or rear setback area (excluding secondary street setback areas), and no greater than 2.4m in height if more than 1m from any boundary, or 1.8m in height if less than 1m from any boundary.
- (ee) Minor structures where—
- (i) Within the primary street setback area below 2m in height excluding clothes lines; or
 - (ii) below 3m in other cases.
- (ff) Flag poles where—
- (i) free standing and not more than 6m in height, and
 - (ii) not used for advertising purposes
- except the flag pole is located within a place that is—
- entered in the Register of Places under the *Heritage of Western Australia Act 1990*; or
 - the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
 - included on the Heritage List under Schedule 2, clause 8 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

- (gg) Outdoor hard surfaces where—
 - (i) The finished level of the surface is no more than 500mm above natural ground level; and
 - (ii) located within a side or rear setback (excluding secondary street setback areas) where the outdoor hard surface is located within a place that is included on the Heritage List under Schedule 2, clause 8 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- (hh) Demolition of the following structures on a place in a heritage area under Schedule 2, clause 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
 - (i) Outbuildings not of masonry or limestone construction with a floor area of less than 25m².
 - (ii) Minor structures
 - (iii) Patios
 - (iv) Shade Structures
 - (v) Carports
 - (vi) External Fixtures
 - (vii) Air Conditioners
 - (viii) Private swimming pools and outdoor spas
 - (ix) Water tanks
 - (x) Flag poles

Clause 8

- (5) The places included in the Fremantle Municipal Heritage Inventory (also known as the Municipal Heritage Inventory) under Town Planning Scheme No. 3 are deemed to be included on the Heritage List established under this Scheme.

Clause 9

- (10) A precinct or area included in the Fremantle Municipal Heritage Inventory (also known as the Municipal Heritage Inventory) under Town Planning Scheme No. 3 is deemed to have been designated by the Council under this Scheme as a Heritage Area.

Clause 13A Conservation of Significant Trees or Vegetation Areas

- (1) The Council may establish and maintain a register of significant trees to identify those trees or vegetation areas within the Scheme area considered worthy of conservation under the provisions of the Scheme, together with a description of each tree or vegetation area and the reasons for its entry.
- (2) In considering a proposal to include a place on the register of significant trees, the Council shall—
 - (a) notify in writing the owner and occupier of the place where the tree is located and provide them with a copy of the description referred to in clause 4.1 and the reasons for the proposed entry.
 - (b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the date specified in the notice,
 - (c) carry out such other consultations as it thinks fit, and
 - (d) consider any submissions made and resolve to enter the place on the register of significant trees with or without modification or reject the proposal after consideration of the submissions.

Clause 13B Archaeological investigation

- (1) Subject to clause 13B(2), where development approval is granted in respect of a place within a Heritage Area or included on the Heritage List, the Council may impose a condition on that development approval which requires an archaeological investigation of the place to be undertaken and a report of that investigation to be provided to the Council for its information prior to the commencement of that approved development.
- (2) The condition referred to in clause 13B(1) may be imposed where—
 - (a) the place to which the development approval relates—
 - (i) is a vacant site at the time the development approval is granted; or
 - (ii) will be wholly or substantially redeveloped if the development approval is implemented.
 - (b) the Council has reasonable evidence the place may include contents, materials or objects that have aesthetic, historic, scientific, or social significance for the present community and future generations; and
 - (c) the contents, materials and objects referred to in clause 13B(2)(b) are not subject to the *Aboriginal Heritage Act 1972*.
- (3) Where an archaeological investigation is required to be undertaken it shall be—
 - (a) conducted at the expense of the applicant for development approval;
 - (b) conducted by a suitably qualified person; and

- (c) conducted in accordance with any local planning policies adopted by Council with respect to archaeological investigations provided any such policy has been approved by the Western Australian Planning Commission.
- (4) Clauses 13B(1) to (3) do not affect the operation of the *Aboriginal Heritage Act 1972*.

Clause 72

- (1) Despite any other provision of the Scheme to the contrary, if the Council considers that any use should be permitted on any land temporarily, it may give development approval strictly limited in time as a temporary approval.
- (2) The Council may approve a temporary use in respect of any use class, but it shall only give such approval in respect of a use which would not ordinarily be permissible in the relevant zone where—
 - (a) no building would be placed on the land unless it could be readily adapted for use for a purpose permitted in the zone, or which might preclude or inhibit the ultimate use of the land for a permitted purpose;
 - (b) the use would be compatible with the use of adjoining properties or the predominant use of land in the immediate locality; and
 - (c) the use would not be prejudicial to the amenity of the locality.
- (3) Before approving a temporary use under the provisions of this subclause the Council shall advertise the proposal and consult with the public in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- (4) The Council shall not approve a temporary use for more than two years.
- (5) The Council shall only approve a temporary use in the Residential Zone if the use proposed will not be offensive, unsightly or otherwise considered to be detrimental to the amenity of the neighbourhood.
- (6) Notwithstanding the generality of the foregoing, the Council in approving a temporary use may impose conditions appropriate to the circumstances, including, but without limiting the generality of the foregoing, a condition requiring the proponent to enter into an agreement in regard to the termination of the use.
- (7) The prerequisites for Council approval included in this clause are in addition to any of the other matters to which it is required under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Clause 78A Heritage Advisory Committee

- (1) The Council may establish a heritage advisory committee to advise it on any matter in relation to conservation and heritage.
- (2) The membership of the Committee may include at least one person nominated by the National Trust and/or the Heritage Council of Western Australia, a person having experience or expertise relevant to the conservation or adaptation of places of cultural heritage significance, and a person representing the community with an interest in heritage conservation.

Clause 78B Advisory Committees

- (1) The Council may from time to time establish Advisory Committees to advise it on any matters in the Scheme, subject to such terms of reference, procedures and conditions of office as the Council thinks fit.
- (2) The membership of an Advisory Committee may comprise of community representatives and/or technical experts who in the opinion of the Council have the relevant knowledge, experience or expertise to give fair and reasoned advice on the matters referred to the Committee, but the number of members shall not be more than five.
- (3) The Advisory Committee shall comprise no more than 5 members appointed by the Council and shall be chaired by a person elected by the Committee.
- (4) A member of an Advisory Committee shall not discuss or vote on any matter before the Committee in which that member has a pecuniary interest.
- (5) When dealing with any matter involving an application for development approval or structure plans or when dealing with any other matter involving a development or land use proposal, the Council shall have due regard to any relevant recommendation of any Advisory Committee.
- (6) The Council will establish and maintain a Design Advisory Committee, subject to the requirements of clauses 78B(1) to (5) inclusive, to advise it on any matters related to the design quality of development.
 - (a) The Council shall prepare and adopt a Local Planning Policy in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* that details the type and scale of development applications and planning proposals that will be referred to the Design Advisory Committee.
 - (b) Notwithstanding the provisions of any Local Planning Policy prepared under clause 78B(6)(a), 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.

- (c) 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 78B(6)(a), to assist in determining the design quality of the development—
- (i) Character
Whether the development promotes character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, landscape and culture.
 - (ii) 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.
 - (iii) 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.
 - (iv) 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.
 - (v) Legibility
Whether the development promotes legibility through development that provides recognisable routes, intersections and landmarks to help people find their way around.
 - (vi) Adaptability
Whether the development promotes adaptability through development that can respond to changing social, technological and economic conditions.
 - (vii) 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.

Clause 78C Reference Committees

- (1) The Council may from time to time establish Reference Committees to advise it on any matters of community interest subject to such terms, procedures and conditions of office as the Council thinks fit.
- (2) The Council shall determine which if any matters are referred to the Reference Committee for consideration and advice.
- (3) Reference Committees shall represent the community of a specified locality within the district and comprise residents and ratepayers from that locality.
- (4) A Reference Committee shall comprise no more than seven residents and/or ratepayers appointed by the Council and shall be chaired by a person elected by the Committee.
- (5) A member of the Reference Committee shall not discuss or vote on any matter before the Committee in which that member has a pecuniary interest.
- (6) When dealing with any matter of community interest including Applications for development approval, structure plans or when dealing with any matter involving a development or land use proposal referred to it by the Council, the Council shall have due regard to any relevant recommendation of any Reference Committee.

Clause 78D Site Notification

- (1) Where the development of land is to be delayed for any reason the Council may require the owner of the land to erect a sign on the site advising the public of the proposed use of the land and if known the likely date of commencement or anticipated completion.
- (2) Any sign erected under clause 78D(1), shall include the name, address and contact telephone number of the owner or a representative of the owner for the purpose of receiving enquiries from the public.
- (3) The Council may under any circumstances that it sees fit require the landowner of any public or private land to erect a sign to provide advice to the public about the ownership of the land, the responsibility for the care and maintenance of the land and any development thereon and the names and telephone numbers of the authority which have been responsible for the approval of the use or development of the land for the purpose of receiving enquiries from the public.

Clause 78E Notices in relation to small secondary dwellings

- (1) Where, in the opinion of council, a small secondary dwelling is in conflict with the amenity of the locality, the council may by written notice require the owner of the lot on which the small secondary dwelling is located to—
 - (a) remove, relocate, alter, repair or repaint the small secondary dwelling; and
 - (b) remove overgrown vegetation, rubbish, machinery or disused materials or vehicles.

- (2) For the purpose of clause 78E(1), any notice served on an owner must specify—
 - (a) the small secondary dwelling the subject of the notice;
 - (b) the reasons why the small secondary dwelling conflicts with the amenity of the locality;
 - (c) the action which the owner must take to comply with the notice; and
 - (d) the period, being not less than 60 days from the date of the notice, within which the action specified in the notice is to be completed by the owner.
- (3) An owner who fails to comply with a notice served under clause 78E(1) contravenes this Scheme.
- (4) An owner on whom notice is served under clause 78E(1) may apply for review of the determination of the Council to issue the notice to the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.
5. Delete the following Parts in their entirety—
 - 2—Local Planning Policy Framework
 - 7—Heritage and Conservation Protection
 - 8—Development of land
 - 10—Procedure for dealing with applications
 - 11—Enforcement and Administration
6. Modify the listed provisions in Schedule 11—Development Areas of DAs 1, 2, 3, 4, 5, 6, 7, 8, 12 and 18 by replacing the first clause as follows—

A structure plan is to be prepared and adopted for this development area before any future subdivision or development is undertaken.
7. Delete Development Area 14 in its entirety from Schedule 11—Development areas.
8. Modify the listed provisions in Schedule 11—Development Areas of DAs 13 and 15 by replacing the first clause as follows—

A local development plan is to be prepared and adopted in order to provide specific and detailed guidance for future development, including site and development standards and/or specific exemptions from the requirement to obtain development approval.
9. Update scheme text as necessary to reflect changes, including headings, schedules, contents page and clause numbers.

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

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Margaret Bodman Rose, late of 1/31 The Esplanade, South Perth, Western Australia.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased, who died on 12 November 2013, are required by the trustee, Bronwyn Doris Whyatt of 5 Jillian Street, Riverton, Western Australia to send particulars of their claims to her by 30 November 2016, after which date the trustee may convey or distribute the assets, having regard only to the claims of which she then has notice.
