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— PART 1 —

LOCAL GOVERNMENT

LG301

HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911 LOCAL GOVERNMENT ACT 1995

Shire of Northam

HEALTH AMENDMENT LOCAL LAW 2018

Under the powers conferred by the *Health (Miscellaneous Provisions) Act 1911*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Northam resolved by Absolute Majority on 21 November 2018 to make the following Local Law.

1. Citation

This local law may be cited as the *Shire of Northam Health Amendment Local Law 2018*.

2. Commencement

This Local Law comes into operation on the date of its publication in the *Government Gazette*.

3. Principal local law amended

(1) 3.1 In this Local Law the *Shire of Northam Health Local Law 2008* as published in the *Government Gazette* on 10 December 2008, is referred to as the Principal Local Law.

(2) 3.2 The Principal Local Law is amended.

4. General Amendment

To the exception of clause 2.2.1(1)(b) the Principal Local Law is amended by deleting each instance of '*Health Act 1911*' and inserting '*Health (Miscellaneous Provisions) Act 1911*'

5. Clause 1.2 Amended

Clause 1.2 is amended as follows—

- (a) In the definition for “AS 1530.2:1993” delete ‘ Tests for flammability of materials’
- (b) In the definition for “AS/NZS 1530.3:1999” delete all after ‘components’
- (c) In the definition for “AS1668.2-2002” delete ‘2002’ and insert ‘2011’
- (d) In the definition for “AS1668.2-2002” delete ‘ Ventilation design for indoor air contaminant control’
- (e) In the definition for “AS 2001.5.4-2005” delete ‘ Dimensional change— Domestic washing and drying procedures for textile testing.’
- (f) In the definition for “AS/NZS 3666.2: 2002” delete ‘2002’ and insert ‘2011’

6. General Amendment

(1) The principal local law is amended by deleting each instance of ‘EHO’ and inserting ‘Authorised Officer’; and

(2) deleting ‘Environmental Health Officer’ and inserting ‘Authorised Officer’

7. Clause 3.2.4 Amended

Clause 3.2.4 is amended as follows—

- (a) In subclause 2(b) delete ‘2002’ and insert ‘2012’; and
- (b) In subclause 3(a) delete ‘2002’ and insert ‘2011’

8. Clause 3.5.1 Amended

In subclause 3.5.1(4)(b) delete ‘31 December’ and insert ‘30 June’

9. Clause 4.1.3 Amended

Clause 4.1.3 is amended as follows—

- (a) In subclause (2)(b) delete 'Executive Director' and insert 'Chief Health officer'.
- (b) In subclause (2)(c) delete 'Executive Director' and insert 'Chief Health officer'.

10. Clause 5.2.4 Amended

Clause 5.2.4 is amended as follows—

- (a) In subclause (1) insert 'or bird' after 'is a dead animal' after 'shall' delete 'immediately remove the carcass and arrange for its disposal at an approved disposal site.' and insert 'dispose of it as soon as practicable and in a manner that does not create a nuisance.'
- (b) In subclause (2) insert 'or bird' after 'care of any animal' delete all after 'shall' and insert 'dispose of it as soon as practicable and in a manner that does not create a nuisance.'

11. Clause 5.3.2 Amended

Clause 5.3.2 is amended as follows—

In subclause (1) insert 'within a townsite' after '4 hectares' and before 'without the written approval'

12. Clause 5.3.3 Amended

Clause 5.3.3 is amended as follows—

- (a) In subclause (1) insert 'within a townsite' after '4 hectares' and before 'on which a stable'
- (b) In subclause (2)(b) delete '31 December' and insert '30 June'

13. Division 4 Title Amended

Division 4 Title is amended as follows—

Insert 'or Doves' after 'Pigeons'

14. Clause 5.4.2 Amended

Clause 5.4.2 is amended as follows—

- (a) In the heading insert 'or Doves in a townsite' after 'Pigeons'
- (b) In subclause (1)(a) insert 'or doves' after 'and pigeons'
- (c) In subclause (1)(b) delete '150' and insert the '50' insert 'doves' after '50 pigeons,'
- (d) In subclause (2) insert 'including doves' after 'bird club'
- (e) After subclause (2) insert sub-clause 3—
 - (3) An owner or occupier of a premises is required to obtain approval from the Local Government to keep more than 50 pigeons, doves or poultry, on any one lot of land.

15. Clause 5.4.4 Amended

Clause 5.4.4 is amended as follows—

In subclause (1) insert 'in a townsite' after 'premises' and before 'shall not:-'

16. Clause 6.3.1 Amended

Clause 6.3.1 is amended as follows—

Delete '(other than rats)' after 'include animals'

17. Clause 6.3.2 Amended

Clause 6.3.2 is amended as follows—

In subclause (2)(b)(i) delete 'kill it immediately' and insert 'effect the humane destruction of the rodent'

18. Clause 6.3.6 Amended

Clause 6.3.6 is amended as follows—

- (a) In subclause (1)(a) insert 'more than two adult rats. A greater number of rats may only be kept, in a prescribed manner, if approved by an authorised officer' after 'keep or permit to be kept'
- (b) Delete subclause (1)(b)
- (c) Insert subclause (1)(b) Any such rats are at all times to be kept in the effective control of a person or locked in a cage.

19. Clause 8.1.2 Amended

Clause 8.1.2 is amended as follows—

In subclause (d)(ii) delete 'with the written approval of the CEO'

20. Schedule 12 Amended

Schedule 12 Amended as follows—

In Schedule 12 delete 'Executive Director' and insert 'Chief Health Officer'.

Consented to—

ANDREW ROBERTSON, Chief Health Officer.

Dated: 28 December 2018.

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

CHRISTOPHER R. ANTONIO, President.
JASON B. WHITEAKER, Chief Executive Officer.

Dated: 17 January 2019.

— PART 2 —

JUSTICE

JU401

JUSTICES OF THE PEACE ACT 2004

APPOINTMENTS

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

Jia Wang of Bull Creek
Daniela Neagu of Darch

JOANNE STAMPALIA, Executive Director,
Court and Tribunal Services.

MARINE/MARITIME

MA405

WESTERN AUSTRALIAN MARINE ACT 1982

SWIMMING PROHIBITED AREA

Mindarie Keys Marina
City of Wanneroo

Department of Transport,
Fremantle WA, 22 January 2019.

Acting pursuant to the powers conferred by Regulation 10A of the *Navigable Waters Regulations 1958*, I hereby cancel notice number MX402 as published in the *Government Gazette* on 5 November 2010 and hereby prohibit swimming within the following area—

Mindarie Keys Marina: All waters of the Indian Ocean from High Water Mark (HWM) within and bounded by lines commencing at a point on the western breakwater adjacent to Navigational Aid 653 at position 31° 41.340' S, 115° 41.870' E. Thence, continuing in a north easterly direction to the intersection of position 31° 41.292' S, 115 41.927' E. Thence, continuing in a southerly direction to the intersection of a point adjacent to Navigational Aid 651 at 31° 41.382' S, 115° 41.950' E on the eastern spur groyne. Thence, following the HWM around the end of the spur groyne to position 31° 41.392' S, 115° 41.953' E, which is on the prolongation of the line from position 31° 41.292' S, 115 41.927' E to a position 31° 41.382' S, 115° 41.950' E. Thence in an easterly direction to position 31° 41.396' S, 115° 41.983' E. Thence following the curve of the marina revetment wall approximately 12 metres to seaward of the wall at HWM in an east then north westerly direction to position 31° 41.212' S, 115° 42.042' E. Thence, continuing in an easterly direction to position 31° 41.213' S, 115° 42.050' E. Thence following the curve of the revetment wall approximately 12 metres to seaward of the wall at HWM in a south easterly direction to position 31° 41.240' S, 115° 42.110' E and back to the revetment wall at HWM. Thence, continuing along the HWM of the revetment wall to a point adjacent to the revetment wall at position 31° 41.280' S, 115° 42.152' E. Continuing out to position 31° 41.280' S, 115° 42.152' E thence, following the curve of the revetment wall approximately 12 metres to seaward of the wall at HWM in a south easterly direction to position 31° 41.369' S, 115° 42.225' E and back to the revetment wall at HWM. Thence following the HWM of all remaining marina infrastructure to the south west and then in a north westerly direction back to the commencement at position 31° 41.340' S, 115° 41.870' E.

Providing however this does not apply to any Aquatic Events approved under Regulation 51C of the *Navigable Waters Regulations* pertaining to swimming within the above area of the marina.

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

MA401

WESTERN AUSTRALIAN MARINE ACT 1982
NAVIGABLE WATERS REGULATIONS 1958
 PROHIBITED SWIMMING AREA

Leschenault Inlet
City of Bunbury

Department of Transport,
 Fremantle WA, 22 January 2019.

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 7.00 pm and 9.15 pm on Saturday 26th January 2019—

Leschenault Inlet

Area of Closure: All the waters within a 100 metre radius of the firing points located at 33° 19.352'S, 115° 38.401'E (approximately 130 metres west of the Leschenault Inlet inner port beacon) and 33° 19.299'S, 115° 38.427'E on the foreshore adjacent to Koombana Channel (approximately 130 metres south west of the storm surge barrier).

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

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

MA402

WESTERN AUSTRALIAN MARINE ACT 1982
NAVIGABLE WATERS REGULATIONS 1958
 PROHIBITED SWIMMING AREA

Val Street Jetty
City of Rockingham

Department of Transport,
 Fremantle WA, 22 January 2019.

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 on Saturday 26th January 2019 between 7:30 pm and 9:30 pm—

Val Street Jetty, Rockingham

Area of Closure: All the waters within a 75 metre radius of the firing point located at approximately 32°16.499'S, 115°43.567'E.

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

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

MA403

WESTERN AUSTRALIAN MARINE ACT 1982
NAVIGABLE WATERS REGULATIONS 1958
 PROHIBITED SWIMMING AREA

Carnarvon Fascine
Shire of Carnarvon

Department of Transport,
 Fremantle WA, 22 January 2019.

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 4:00 pm and 9:00 pm on Saturday 26th January 2019—

Carnarvon Fascine

Area of Closure: All the waters within a 200 metre radius of the firing point located at approximately 24° 53.182'S, 113° 39.124'E (approximately 230 metres southeast of the Carnarvon Tramway Footbridge).

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

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

MA404

WESTERN AUSTRALIAN MARINE ACT 1982
NAVIGABLE WATERS REGULATIONS 1958
PROHIBITED SWIMMING AREA
City of Greater Geraldton

Department of Transport,
 Fremantle WA, 22 January 2019.

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 the hours of 7:00 pm and 10:00 pm on Saturday 26th January 2019—

Geraldton Port

Area of Closure: All of the waters within Champion Bay bounded by a line commencing at the south western corner of the Batavia Coast Marina main breakwater at approximately 28° 46.147'S, 114° 36.539'E, thence south west to the end of the spur groyne at approximately 28° 46.162'S, 114° 36.525'E, thence south west to the western side of the offshore breakwater at approximately 28° 46.267'S, 114° 36.125'E, thence south east to the northern point of the spur groyne off the eastern breakwater at approximately 28° 46.314'S, 114° 36.163'E, thence south east to the eastern point of the eastern breakwater at approximately 28° 46.350'S, 114° 36.175'E, thence south along the eastern edge of the Geraldton Port eastern breakwater to a point at approximately 28° 46.509'S, 114° 36.211'E, thence east along the foreshore to a point at approximately 28° 46.171'S, 114° 36.579'E, thence north west to the point of commencement at approximately 28° 46.147'S, 114° 36.539'E.

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

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

PLANNING

PL401

PLANNING AND DEVELOPMENT ACT 2005
APPROVED TOWN PLANNING SCHEME AMENDMENT
City of South Perth
 Town Planning Scheme No. 6—Amendment No. 56

Ref: TPS/2152

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 Town Planning Scheme amendment on 9 January 2019 for the purpose of—

1. Creating a new Special Control Area 2—Civic Site.
2. Rezoning lot 2 on D/P P73667 and lot 500 on D/P D10050 Mends Street, lot 1 on D/P D8626 and lot 1 on D/P D10050 Labouchere Road, and lot 2 on D/P D8626, lot 3 on D/P D8626, lot 88 on D/P P403800 and Perth Suburban Lot 432 Mill Point Road from Special Control Area 1 to Special Control Area 2.
3. Inserting a New Schedule 13—Special Control Area 2—Civic Site as follows—

SCHEDULE 13
SPECIAL CONTROL AREA 2—CIVIC SITE

Refer to Clause 10.1

Provision 1 Objectives of Special Control Area 2

The objectives of the development controls for Special Control Area 2—Civic Site (SCA2) are to—

- a. promote—
 - i. a diverse range of land uses within SCA2 to provide greater employment self-sufficiency in the City and patronage for a future 'destination' rail station;
 - ii. an increased residential and temporary visitor population; and
 - iii. a diversity of dwelling sizes in order to provide housing choice and accommodate a range of household types.

- b. create a high quality mixed-use development that contributes towards the creation of an inner-city urban character within the South Perth Station Precinct.
- c. promote a high level of pedestrian amenity with active street frontages to create a liveable and accessible environment for visitors and residents.
- d. allow for the development of the site to maximise river and city views while maintaining view corridors; and
- e. preserve and protect the integrity of heritage places within SCA2.

Provision 2 Land comprising Special Control Area 2

SCA 2 is delineated on the Scheme Map. The land comprising SCA 2 is bounded by Mill Point Road, Mends Street and Labouchere Road.

Provision 3 Operation of Schedule 13

1. Comprehensive new development within SCA2—Civic Site shall comply with the development requirements contained in Provision 5 of this Schedule.
2. Within SCA2—
 - a. the provisions of this Schedule do not apply to development of the following kinds—
 - i. alterations and/or additions within the approved building envelope;
 - ii. renovations or repairs;
 - iii. an open-sided addition;
 - iv. modifications to any heritage place;
 - v. modifications to the façade; or
 - vi. change of use.
 - b. for the forms of development referred to in paragraph 2(a) there is no maximum plot ratio within SCA2, but such development is subject to all other relevant provisions of the Scheme.

Provision 4 Definitions

In this Schedule—

‘**active street frontage**’ means a street frontage on the ground floor of a building that enables direct visual or 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.

‘**deemed provisions**’ means the deemed provisions contained in schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

‘**discretionary land use**’ means a use which the local government may approve in SCA 2 if it is satisfied that the use would not detract from the amenity of the overall development and immediate locality, and satisfies the objectives of SCA2.

‘**heritage place**’ has the same meaning as the term ‘place’ in the *Heritage of Western Australia Act 1990*.

‘**preferred land use**’ means a use that is permitted in SCA2.

‘**short-term accommodation**’ has the same meaning as contained within this Schedule 1, Part 6, Division 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

‘**small shop**’ means a shop with a gross floor area not exceeding 250 square metres. The term does not include a supermarket or department store.

‘**tourist development**’ has the same meaning as contained within Schedule 1, Part 6, Division 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Provision 5 Development Requirements for Comprehensive New Development

Element 1: Built Form Setbacks and Building Height

1.1 The development of SCA 2 shall occur in a coordinated manner and shall take the form of a podium with one or two towers built directly above the podium.

1.2 The podium shall be setback as follows—

- (a) A minimum 3 metre setback from the Mends Street boundary.
- (b) A minimum 3 metre setback from the Mill Point Road street boundary for a length of 50 metres measured from Mends Street.
- (c) The remainder of the podium shall have a nil setback to street boundaries, with the exception of the ground level where a setback of up to 3.0 metres from the street boundaries is permitted in order to improve the pedestrian environment.

1.3 All development shall maintain a minimum setback of 4.5 metres from a heritage place and an average setback of 6.0 metres, with the exception of awnings which may project 2 metres into the minimum setback area.

1.4 All towers shall have a minimum setback of 4.0 metres from the street boundaries.

1.5 All towers shall be separated from each other, measured from the closest extremities of each tower, by a minimum of—

- (a) For the portion of the tower up to 25 metres in height—
 - (i) 9.0 metres between non-habitable rooms.
 - (ii) 12.0 metres between habitable rooms/balconies and non-habitable rooms.
 - (iii) 18.0 metres between habitable rooms/balconies.
- (b) For the portion of the tower above 25 metres in height—
 - (i) 12.0 metres between non-habitable rooms.
 - (ii) 18.0 metres between habitable rooms/balconies and non-habitable rooms.
 - (iii) 22.0 metres between habitable rooms/balconies.

1.6 Notwithstanding Development Requirements 1.1 and 1.4 one or both towers may be built to the ground and have a 2 metre setback for the entire height of the tower where the local government is satisfied that—

- (a) the proposed variation would be appropriate having due regard to the relevant matters set out in clause 67 of the deemed provisions; and
- (b) the proposed variation will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

1.7 Notwithstanding Development Requirement 1.4, cantilevered balconies or decorative elements may be set back a minimum of 3.0 metres from the street boundaries where the local government is satisfied that—

- (a) the proposed variation would be appropriate having due regard to the relevant matters set out in clause 67 of the deemed provisions; and
- (b) the proposed variation will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

1.8 The podium shall have a maximum height of 15.5 metres, excluding feature elements, parapets and balustrades. Additional podium height to a maximum of 19.0 metres, excluding feature elements, parapets and balustrades, is permitted where setback a minimum of 6.0 metres from the facade of the podium below.

1.9 The maximum overall building height, inclusive of both podium and tower, shall be 96 metres, and any additional tower elements shall be 83 metres, excluding plant rooms, lift motor rooms, feature elements, parapets and balustrades.

1.10 Notwithstanding Development Requirement 1.9, development within SCA2 shall not cast a shadow onto more than 5 percent of the site area of 111 Mill Point Road, South Perth at noon on June 21.

1.11 Notwithstanding Development Requirement 1.9, development above the maximum prescribed building height may be permitted where the local government is satisfied that—

- (a) the proposed variation would be appropriate having due regard to the relevant matters set out in clause 67 of the deemed provisions; and
- (b) the proposed variation will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

Element 2: Land Uses

2.1 The following are preferred land uses at the ground level: Shop, Café/Restaurant, Small Bar, Convenience Store, Hotel, Indoor Sporting Activities, Small Shop, Tourist Accommodation, Tourist Development, Service Industry, Office.

2.2 The following are discretionary land uses at the ground level: Child Day Care Centre, Consulting Rooms, Cinema/Theatre, Educational Establishment, Indoor Sporting Activities, Tavern.

2.3 The following are preferred land uses above the ground level: Multiple Dwellings, Single Bedroom Dwellings, Mixed Development, Shop, Café/Restaurant, Small Bar, Convenience Store, Hotel, Indoor Sporting Activities, Small Shop, Tourist Accommodation, Tourist Development, Service Industry, Office, Child Day Care Centre, Consulting Rooms.

2.4 The following are discretionary land uses above the ground level: Cinema/Theatre, Educational Establishment, Tavern, Public Parking Station.

2.5 Any land use not listed in Development Requirements 2.1, 2.2, 2.3 and 2.4 is not permitted unless the use is consistent with the objectives in provision 1 and satisfies other applicable provisions of the Scheme.

Element 3: Car and Bicycle Parking

3.1 The required onsite parking shall be as follows—

- (a) for residential uses a minimum of—
 - (i) 0.75 car bays and a maximum of 1 car bay per dwelling for Single Bedroom Dwellings;

- (ii) 1 car bay per dwelling for dwellings other than Single Bedroom Dwellings, to a maximum of 2 car bays per dwelling, and 3 car bays per dwelling for up to five of the dwellings that have three or more bedrooms;
 - (iii) 1 visitor car bay for every 12 dwellings; and
 - (iv) 1 bicycle bay for every 3 dwellings which may be located within the dwelling store required by Development Requirement 15.2, and 1 bicycle bay for every 10 dwellings for visitors.
- (b) For non-residential uses, a minimum of—
- (i) 0.5 car bays per Tourist Accommodation suite;
 - (ii) 0.1 car bays per Tourist Development suite;
 - (iii) 1 car bay per 50 square metres of net lettable area, for uses other than Tourist Accommodation and Tourist Development;
 - (iv) 10% of the total number of required non-residential car bays shall be made available for the use of visitors; and
 - (v) 1 bicycle bay per 200 square metres of net lettable area, together with 1 secure clothes locker per bay, and 1 male and 1 female shower per 10 bays.
- (c) A minimum of 0.5 motorcycle/scooter bays for every 10 car bays required by Development Requirements 3.1(a) and (b).
- 3.2 Notwithstanding Development Requirement 3.1, the local government may approve a lesser number of car, motorcycle/scooter or bicycle parking bays where it is demonstrated that the proposed number of bays is sufficient, having regard to—
- (a) different periods of peak demand; and
 - (b) the surrounding highly walkable environment; and
 - (c) the availability of public transport.
- 3.3 All visitor parking bays shall be—
- (a) conveniently located, marked and clearly signposted for visitor use; and
 - (b) connected to an accessible path of travel for people with disabilities, where the visitor parking bay has been designated for universal access.

3.4 All car and motorcycle/scooter parking bays shall be substantially screened from view from the street.

3.5 Where the application of the minimum requirements for car bays, motorcycles/scooter or bicycle bays in Development Requirement 3.1 produces a total which is not a whole number, then the required number of car bays, motorcycle/scooter or bicycle bays (as the case may be) shall be rounded up to the next whole number.

Element 4: Weather Protection

4.1 Weather protection shall be provided to shade and protect the pedestrian environment through the provision of a colonnade, all-weather visually permeable temporary enclosure or awning to the perimeter of the new buildings of at least 2m width. Only light-weight cantilevered awnings may project into the 4.5 metre setback from any heritage place.

Element 5: Vehicle Crossovers

5.1 No crossovers shall be permitted to Mends Street or Mill Point Road.

5.2 Crossovers shall have a maximum width of 7.5 metres, unless otherwise approved where the local government is satisfied that—

- (a) the proposed variation would be appropriate having due regard to the relevant matters set out in clause 67 of the deemed provisions; and
- (b) the proposed variation will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

5.3 For all crossovers, the 'deemed to comply' provisions of Part 6 of the Residential Design Codes relating to sight lines at vehicle access points and street corners shall apply.

Element 6: Outdoor Living Areas

6.1 All dwellings in comprehensive new development shall be provided with a balcony or equivalent outdoor living area which can be accessed directly from a habitable room, with a minimum area and depth in accordance with the Objectives and Design Criteria relating to Private open space and balconies under any policy or guidelines of the Commission relating to architectural design quality.

Element 7: Heritage

7.1 In the case of a comprehensive new development on a site containing or adjoining a site containing a heritage place, the application for development approval shall be accompanied by a heritage impact statement prepared by a suitably qualified heritage expert justifying the appropriateness of the built form of the comprehensive new development, including specific reference to the impact of the proposed podium height and overall building height, and proposed materials on the heritage place.

7.2 The Design Review Panel shall consider the appropriateness of the comprehensive new development to the adjacent heritage places.

7.3 Development on the site shall ensure a visual connection between the heritage places/buildings on the site is maintained.

7.4 In the case of a comprehensive new development which includes additions or alterations to a heritage place—

- (a) the proposed additions or alterations shall retain, re-use and maintain the integrity of the existing heritage place; and
- (b) the application for development approval shall be accompanied by a heritage impact statement prepared by a suitably qualified heritage expert which addresses the impact of the proposed additions or alterations on the cultural heritage significance of the heritage place.

Element 8: Designing Out Crime

8.1 Primary pedestrian access points to comprehensive new development shall be clearly delineated and visible from buildings and the street.

Element 9: Design Quality

9.1 The architectural design of any proposed comprehensive new development must be exemplary, sensitive and sophisticated and contribute to the high quality of the inner urban environment being promoted in the locality, as defined by any policy or guidelines of the Commission relating to architectural design quality.

9.2 In determining whether Development Requirement 9.1 is satisfied, the nominated Design Review Panel must have due regard to any policy or guidelines of the Commission relating to architectural design quality, and is to undertake its assessment in accordance with any policy or guidelines of the Commission relating to design review principles and practices, eg Design WA Design Review Guide (as amended).

9.3 In determining whether Development Requirement 9.1 is satisfied, the local government or other responsible authority must—

- (a) have due regard to any policy or guidelines of the Commission relating to architectural design quality.
- (b) have due regard to the advice of the relevant nominated Design Review Panel, or other suitably qualified consultant(s) appointed by the local government for the purpose of providing advice on architectural design quality; and
- (c) be satisfied that the proposed comprehensive new development provides a high level of amenity within the public realm by—
 - (i) being of a scale along the street frontage which is conducive to creating a comfortable pedestrian environment; and
 - (ii) minimising adverse wind impacts; and
 - (iii) allows for appropriate levels of sunlight penetration into key pedestrian and public spaces; and,
 - (iv) contributing to an attractive skyline and outlook from the public realm within the immediate locality and surrounding vantage points; and
- (d) be satisfied that the proposed comprehensive new development provides a high level of internal amenity within the development itself by providing for appropriate natural light access, natural ventilation, privacy and outlook.

Element 10: Vehicle Management

10.1 Any proposed comprehensive new development shall not have significant adverse impacts on traffic flow and safety in the immediate locality.

10.2 To assist the local government consider the matters referred to in Development Requirement 10.1, an applicant for development approval must submit a report prepared by a suitably qualified expert with the development application which addresses those matters.

Element 11: Sustainability

11.1 In order to demonstrate excellence in sustainable development, the building is to achieve either a 5-star Green Star rating, or an equivalent rating under an alternative sustainability rating methodology. An application for development approval must include advice by a suitably qualified sustainability consultant confirming that the building will achieve the required rating.

11.2 An application for development approval must include information to demonstrate that the proposed building achieves the Objectives and Design Criteria relating to Sustainability under any policy or guidelines of the Commission relating to architectural design quality.

Element 12: Electric Car Charging

12.1 A minimum of 10% of the visitor car parking bays required by Development Requirements 3.1(a)(iii) and 3.1(b)(iv), rounded up to the next whole number, or 6 bays, whichever is the greater number, shall be provided with the capacity to charge electric cars.

Element 13: Landscaped Area

13.1 Landscaping of not less than 40% of the site area shall be provided as part of comprehensive new development. Landscaping may include in-ground landscaping comprising shade trees and living plants at ground level, planting on walls, landscaping on the roof of the podium and rooftop terraces or gardens. The required landscaped area may include hard landscaping and does not have to comprise of only vegetated area.

13.2 An application for development approval must include information to demonstrate that the proposed building achieves the Objectives and Design Criteria relating to Deep Soil Areas, Landscape Design, and Planting of Structures under any policy or guidelines of the Commission relating to architectural design quality.

Element 14: Public Benefits

14.1 At least one facility available for use by external parties (groups or individuals), such as a meeting room, boardroom, lecture theatre, presentation space or function room, shall be included in all comprehensive new development.

14.2 Associated with any comprehensive new development, the proponent will upgrade or contribute to the upgrade of Mends Street to provide for flush paving and verge treatments to the western side of Mends Street where it abuts the Civic Site, based on a mutually agreed specification and, where applicable, a cost estimate prepared by a suitably qualified quantity surveyor mutually agreed between the City and the proponent.

14.3 Any comprehensive new development, must include on-site public art to a value of 1% of the estimated construction cost of the development. This public art is in addition to any development contribution required under Part 10 and Schedule 10 of the Scheme.

14.4 End-of-trip facilities including secure bicycle storage facilities, change rooms, clothes lockers and showers, shall be included in any comprehensive new development for use by cyclists visiting the development.

14.5 Public access to the development shall be provided in the form of at least two tenancies with the following land uses being provided within the podium—

- (a) Café/Restaurant.
- (b) Cinema/Theatre.
- (c) Indoor Sporting Activities.
- (d) Child Day Care Centre.
- (e) Consulting Rooms.
- (f) Educational Establishment.
- (g) Other land uses or facilities as determined by the City to provide a community benefit.

Element 15: Occupant Benefits

15.1 A minimum of 10% of the residential dwellings within comprehensive new development, rounded up to the next whole number, shall have three or more bedrooms.

15.2 The provisions of Part 6 of the Residential Design Codes (as amended) relating to dwelling size and utilities and facilities shall apply.

15.3 An application for development approval must include information to demonstrate that the proposed building achieves the Objectives and Design Criteria relating to Solar and Daylight Access under any policy or guidelines of the Commission relating to architectural design quality.

15.4 Communal residential facilities in the form of at least three of the following shall be provided as part of comprehensive new development—

- (a) Pool.
 - (b) Cinema / Theatre.
 - (c) Gym.
 - (d) Wellness Centre.
 - (e) Outdoor Entertainment / Barbecue Area.
 - (f) Lounge Facilities.
 - (g) Games Room.
 - (h) Meeting Room.
 - (i) Library.
 - (j) Dining and / or Kitchen Facilities.
 - (k) Other appropriate facilities that provide a benefit to the building occupants, as determined by the City.
4. Amending clauses 3.3(9), 4.3(1)(c), 4.3(1)(m), 4.3(1)(n), 4.7(3), 5.1(6), 5.3(3), 6.1A(10)(b), 6.3(13), 6.3A(8), 6.4(6), 7.8(2) and 10.1(1), by inserting reference to “Special Control Area 2—Civic Site as included in Schedule 13”;
 5. Amending Provision 2 of Schedule 9A to insert the following after Stone Street—
“...but excludes the land bound by Mill Point Road, Labouchere Road and Mends Street.”; and
 6. Updating the Scheme Maps accordingly.

PL402

PLANNING AND DEVELOPMENT ACT 2005
APPROVED TOWN PLANNING SCHEME AMENDMENT
Shire of Cuballing
 Town Planning Scheme No. 2—Amendment No. 4

Ref: TPS/2153

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 Cuballing Town Planning Scheme amendment on 9 January 2019 for the purpose of—

1. Deleting the following Parts and Schedules from the Scheme Text, as they have been superseded by the deemed provisions set out in Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*—
 - Part 2 in its entirety;
 - Part 7 in its entirety;
 - Part 8 in its entirety;
 - Part 9 in its entirety;
 - Part 10 in its entirety;
 - Part 11 in its entirety; and
 - Schedules 6, 7, 8 and 9 in their entirety.
2. Deleting the following definitions from Schedule 1, Dictionary of Defined Words and Expressions, as they have been superseded by the definitions in the deemed provisions set out in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*—
 - advertisement;
 - amenity;
 - cultural heritage significance;
 - local government;
 - Local Planning Strategy;
 - owner;
 - premises;
 - region scheme;
 - Residential Design Codes;
 - substantially commenced; and
 - zone.
3. Deleting the current definitions of ‘plot ratio’ and ‘Town Planning Act’ from Schedule 1 Dictionary of Defined Words and Expressions and replacing with the following definitions—
 - **“plot ratio”** means the ratio of the gross plot ratio area of buildings on a development site to the area of land in the site boundaries.
 - **“Planning Act”** means the *Planning and Development Act 2005*.
4. Deleting the following definitions from Schedule 1 Land Use Definitions—
 - abattoir;
 - agroforestry;
 - amusement parlour;
 - animal husbandry-intensive;
 - aquaculture;
 - bed and breakfast;
 - betting agency;
 - child care premises;
 - cinema/theatre;
 - consulting rooms;
 - corrective institution;
 - family day centre;
 - funeral parlour;
 - home business;
 - home occupation;
 - home office;
 - hospital;
 - hotel;
 - industry;
 - industry—general;
 - industry—extractive;
 - industry—light;
 - industry—mining;
 - industry—rural;
 - marine filling station;
 - motor vehicle wash;
 - night club;
 - plantation;
 - rural home business;
 - shop; and
 - telecommunications infrastructure.

5. Adding the following definitions to Schedule 1 Land Use Definitions—

- “**abattoir**” means premises used commercially for the slaughtering of animals for the purposes of consumption as food products;
- “**ancillary dwelling**” has the same meaning as in the Residential Design Codes;
- “**animal husbandry—intensive**” means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens;
- “**bed and breakfast**” means a dwelling—
 - (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and
 - (b) containing not more than 2 guest bedrooms;
- “**child care premises**” means premises where—
 - (a) an education and care service as defined in the *Education and Care Services National Law (Western Australia)* section 5(1), other than a family day care service as defined in that section, is provided; or
 - (b) a child care service as defined in the *Child Care Services Act 2007* section 4 is provided;
- “**consulting rooms**” means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;
- “**family day care**” means premises where a family day care service as defined in the *Education and Care Services National Law (Western Australia)* is provided;
- “**grouped dwelling**” has the same meaning as in the Residential Design Codes;
- “**holiday accommodation**” means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot;
- “**holiday house**” means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast;
- “**home business**” means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession—
 - (a) does not involve employing more than 2 people who are not members of the occupier’s household; and
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
 - (c) does not occupy an area greater than 50 m²; and
 - (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
 - (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
 - (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
 - (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;
- “**home occupation**” means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that—
 - (a) does not involve employing a person who is not a member of the occupier’s household; and
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
 - (c) does not occupy an area greater than 20 m²; and
 - (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m²; and
 - (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
 - (f) does not—
 - (i) require a greater number of parking spaces than normally required for a single dwelling; or
 - (ii) result in an increase in traffic volume in the neighbourhood; and
 - (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
 - (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
 - (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

- **“home office”** means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation—
 - (a) is solely within the dwelling; and
 - (b) does not entail clients or customers travelling to and from the dwelling; and
 - (c) does not involve the display of a sign on the premises; and
 - (d) does not require any change to the external appearance of the dwelling;
- **“hotel”** means premises the subject of a hotel licence other than a small bar or tavern licence granted under the *Liquor Control Act 1988* including any betting agency on the premises;
- **“industry”** means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes—
 - (a) the storage of goods;
 - (b) the work of administration or accounting;
 - (c) the selling of goods by wholesale or retail;
 - (d) the provision of amenities for employees;
 - (e) incidental purposes;
- **“industry—extractive”** means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes—
 - (a) the processing of raw materials including crushing, screening, washing, blending or grading;
 - (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration.
- **“industry—light”** means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.
- **“industry—primary production”** means premises used—
 - (a) to carry out a primary production business as that term is defined in the *Income Tax Assessment Act 1997 (Commonwealth)* section 995-1; or
 - (b) for a workshop servicing plan or equipment used in primary production businesses.
- **“mining operations”** means premises where mining operations, as that term is defined in the *Mining Act 1978* section 8(1) is carried out.
- **“repurposed dwelling”**—a building or structure not previously used as a single house, which has been repurposed for use as a dwelling;
- **“road house”** means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services—
 - (a) a full range of automotive repair services;
 - (b) wrecking, panel beating and spray painting services;
 - (c) transport depot facilities;
 - (d) short-term accommodation for guests;
 - (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies;
- **“rural home business”** means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation—
 - (a) does not involve employing more than 2 people who are not members of the occupier’s household; and
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
 - (c) does not occupy an area greater than 200 m²; and
 - (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
 - (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
 - (f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle of more than 30 tonnes gross weight;
- **“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;

- “**shop**” means premises other than a bulky goods showroom, a liquor store—large or a liquor store—small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;
 - “**single house**” has the same meaning as in the Residential Design Codes;
 - “**telecommunications infrastructure**” means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network;
 - “**transport depot**” means premises used primarily for the parking or garaging of 3 or more commercial vehicles including—
 - (a) any ancillary maintenance or refuelling of those vehicles; and
 - (b) any ancillary storage of goods brought to the premises by those vehicles; and
 - (c) the transfer of goods or persons from one vehicle to another;
 - “**tree farm**” means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the *Carbon Rights Act 2003* section 5;
 - “**workforce accommodation**” means premises, which may include modular or relocatable buildings, used—
 - (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
 - (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.
6. Deleting reference to the following terms and replacing them with the corresponding terms throughout the Scheme text—
- planning approval to development approval
 - planning application to development application
 - single dwelling to single house
 - council to local government
 - outline development plan to structure plan
 - Town Planning Act to Planning Act
 - Town Planning Scheme to Local Planning Scheme
7. Deleting the preamble.
8. Insert a new Schedule A—Supplemental Provisions and insert the following preamble and provisions—

These provisions are to be read in conjunction with the deemed provisions (Schedule 2) set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Clause 61 (1)

- (k) the erection or extension of a single house on a lot if a single house is a permitted (‘P’) use in the zone (where the R-Codes do not apply) in which that lot is located, where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is—
 - (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;
 - (vi) zoned Rural Residential where a building envelope has not been formally identified for the lot and where the house is less than 15 metres from the front boundary or the house is less than 10 metres from any other boundary;
 - (vii) located in a local planning policy area declared by the local government under clause 61(1)(i) of the deemed provisions; or
 - (viii) on a lot or location which does not have access to a dedicated and/or constructed road.
- (l) the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted (‘P’) use in the zone (where the R-Codes do not apply), where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is—
 - (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or

- (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;
 - (vi) zoned Rural Residential where a building envelope has not been formally identified for the lot and where the house is less than 15 metres from the front boundary or the house is less than 10 metres from any other boundary;
 - (vii) located in a local planning policy area declared by the local government under clause 61(1)(i) of the deemed provisions; or
 - (viii) on a lot or location which does not have access to a dedicated and/or constructed road; or
 - (ix) inconsistent with the adopted Outbuildings Local Planning Policy.
- (m) the erection or installation of the following incidental structures where on the same lot as a single house or a grouped dwelling—
- (i) a dog house, domestic animal enclosure, bird enclosure or a cubby house which does not exceed 3.0 metres in height above natural ground level and does not have any part of its structure located within 1.0 metre of the boundary with an adjacent lot;
 - (ii) a tree house which as a structure does not exceed 3.0 metres in height, does not have a floor area greater than 4.0m² and is constructed in a tree;
 - (iii) a flag pole which does not exceed 6.0 metres in height above natural ground level;
 - (iv) any pole, tower or device used solely for the purpose of providing outdoor lighting which is no more than 6.0 metres in height above natural ground level;
 - (v) landscaping;
 - (vi) letter boxes;
 - (vii) clothes lines;
 - (viii) solar panels where such structures do not protrude above the surface of the roof by more than 500mm or above the ridge of the roof of any building, unless the building is within an area designated under the Scheme as a heritage area or included on the heritage list prepared in accordance with the Scheme.
- (n) the demolition of any building or structure except where the building or structure is located in a place that is—
- (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;
- (o) the erection or installation of any of the exempted classes of advertisements listed in Schedule 5 except in respect of a sign that is to be erected or installed in a place included on a heritage list prepared in accordance with this Scheme or on land located within an area designated under this Scheme as a heritage area.
- (p) the construction, replacement, maintenance or repair by a Government agency or statutory undertaking, of any equipment necessary to provide and/or maintain a public service.
- (q) the development on land within any zone by the local government or Government agency for the purposes of roads, stormwater drainage, recreation areas, landscaping, gardening, bushfire hazard reduction, parking, amenities building or river bank stabilisation. This includes the carrying out of development for the purpose of public road construction by the local government.
- (r) the carrying out of any works, on, in, over or under a street or road by a public authority acting in pursuant of its statutory obligations.
- (s) the carrying out of works urgently required for public safety or for the safety or security of plant or equipment used in the provision of essential services.
- (t) the use of land in a reserve, where such land is vested in the local government or vested in a public authority—
- (i) for the purpose for which the land is reserved under the Scheme; or
 - (ii) in the case of land vested in a public authority, for any purpose for which land may be lawfully used by that authority.
- (u) except for development to which the Residential Design Codes apply, the minor filling, excavation or re-contouring of land provided there is no more than 0.9 metres change to the natural ground level, it is not within a flood risk area or except where otherwise required by the Scheme.
- (v) except for development to which the Residential Design Codes apply, retaining walls less than 0.9 metres in height unless the site is located in or referred to in a local planning policy area declared by the local government under clause 61(1)(i) of the deemed provisions which specifically addresses requirements for retaining walls.

- (w) rainwater tanks.
- (x) effluent disposal systems, air conditioning systems and LPG gas tanks for domestic purposes.
- (y) satellite dishes and other domestic telecommunication installation unless it does not comply with any relevant adopted standards outlined in a local planning policy declared by the local government under clause 61(1)(i) of the deemed provisions or is located within a heritage area designated under the Scheme.
- (z) telecommunication infrastructure which is listed as low impact in the Telecommunications (Low-impact Facilities) Determination 2018 and subsequent amendments to that Determination.
- (za) the erection or placement of a temporary sea container, for a maximum period of 3 months, unless it is associated with storing building materials to support building works approved by the local government.
9. Amending the following clauses by removing the cross reference to the clause deleted by the amendment and replacing them with cross reference to deemed provisions set out in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*—
- Clause 3.4.1(b): Part 7 of the deemed provisions
 - Clause 3.4.2(a): clause 67 of the deemed provisions
 - Clause 4.3.2 'A': clause 64 of the deemed provisions
 - Clause 4.3.3 Note 3: clause 67 of the deemed provisions
 - Clause 4.4.2(b): clause 64 of the deemed provisions
 - Clause 4.8(c): clause 80 of the deemed provisions
 - Clause 4.9.2: clause 64 of the deemed provisions
 - Clause 5.4.2: clause 64 of the deemed provisions
 - Clause 5.6.2 (a): clause 64 of the deemed provisions
 - Clause 5.6.3: clause 67 of the deemed provisions
 - Clause 5.12.7: Part 7 of the deemed provisions
10. Amending clause 1.5(g) by replacing 'First Schedule to the Town' to 'Schedule 7 of the Planning Act'.
11. Deleting the 'Note' in Clauses 4.8 and 4.11.
12. Removing the following Use Classes and associated permissibility levels from the Zoning Table in Clause 4.3—
- Agroforestry;
 - Amusement parlour;
 - Aquaculture;
 - Betting agency;
 - Cinema/theatre;
 - Corrective institution;
 - Dwelling;
 - Funeral parlour;
 - Hospital;
 - Industry—general;
 - Industry—mining;
 - Industry—rural;
 - Marine filling station;
 - Motor vehicle wash;
 - Nightclub; and
 - Plantation.
13. Insert the following land use terms and permissibility into the Zoning Table—

LAND USE	Rural Townsite	Rural Residential	General Agriculture
Ancillary dwelling	P	D	D
Grouped dwelling	D	D	X
Holiday accommodation	A	A	A
Holiday house	A	A	A
Industry	A	X	A
Industry—primary production	X	X	D
Mining operations	X	X	A
Motor vehicle repair	A	A	D
Re-purposed dwelling	D	D	D
Roadhouse	D	A	A
Second-hand dwelling	D	D	D
Single house	P	P	P
Transport depot	X	A	A
Tree farm	X	X	A
Workforce accommodation	A	X	A

14. Amend the permissibility of the following land uses in the Zoning Table—

LAND USE	Rural Townsite	Rural Residential	General Agriculture
Agriculture—intensive			D
Caretaker's dwelling			D
Childcare premises		A	
Consulting rooms		A	A
Convenience store	D		
Educational establishment		A	
Family day care			X
Home office		P	
Industry—light			A
Industry—service			A
Market	A		A
Place of worship			A
Rural pursuit	D	P	
Showroom			A
Telecommunications infrastructure			D
Veterinary centre			A
Warehouse			A
Winery	A	A	

15. Modifying Development Table—General as follows—

- in the Rural Townsite zone, for the commercial, shop, office and place of public worship uses, change the side setback from '2m' to '3m';
- in the Rural Townsite zone, for the commercial and office uses, change the minimum car parking spaces from '20' to '30m² of gross leasable floor area;
- in the Rural Townsite zone, for the shop use, change the minimum car parking spaces from '10' to '20m² of gross leasable floor area;
- in the Rural Townsite zone, delete the 'Eating House' row;
- in the Rural Townsite zone, for the service station use, delete '1500 (Roadhouse 2000)' and replace with '3000' and replace '25' with '40' for the minimum effective frontage;
- in the Rural Townsite zone, add the following row—

Roadhouse	4000	75	20	7.5	5	30	As determined by Council	Boundary setbacks apply to Pumps, Canopy, Buildings
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- in the Rural Townsite zone, for the light/service industry use, change the minimum front setback from '1T metres to '10' metres;
- delete the 'Rural Residential' row and replace with the following—

All other Permitted Uses	1ha	50	15	10	10	As determined by Council	As determined by Council	As determined by Council
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16. Modifying the heading in sub-clause 5.10.1 through deleting 'Relocated Second hand buildings' and replacing with 'Repurposed dwelling and second-hand dwelling'.
17. Deleting 'transported' in sub-clause 5.10.1 and replacing it with 'repurposed dwelling or second-hand dwelling'.
18. Renumbering the remaining scheme provisions and schedules sequentially and update any cross referencing to the new clause numbers as required.
19. Updating the Table of Contents and the List of Schedules.
20. Inserting reference to the deemed provisions and supplemental provisions in Part 1.4 by inserting new sub-clauses (b) and (c) and renumbering subclause (b) accordingly—
 - 1.4 (b) the deemed provisions set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2;
 - 1.4 (c) the supplemental provisions contained in Schedule A; and
 - 1.4 (d) the Scheme Map (Sheets 1-3).
21. Inserting reference to the model and deemed provisions in clause 1.7.1(b) by inserting new sub-clause (ii) and renumbering sub-clause (ii) accordingly—
 - (ii) in Schedule 1 and 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* or

22. Delete sub-clauses 5.7.1-5.7.3 and replace with the following—
- 5.7.1 The conditions set out in Schedule 6 are environmental conditions that apply to this Scheme as a result of an assessment carried out under the *Environmental Protection Act 1986* Part IV Division 3.
- 5.7.2 The environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.
- 5.7.3 The local government—
- (a) must make available for public inspection during business hours at the offices of the local government all statements relating to this Scheme published under the *Environmental Protection Act 1986* Part IV Division 3; and
 - (b) may publish those statements on the website of the local government.
- 5.7.4 There are no environmental conditions imposed under the *Environmental Protection Act 1986* that apply to this Scheme.

M. CONLEY, Shire President.
G. SHERRY, Chief Executive Officer.

POLICE

PO401

ROAD TRAFFIC ACT 1974
ROAD TRAFFIC CODE 2000
AUTHORISED PERSONS

Declaration

Regulation 272 of the Road Traffic Code—Obedience to Police or Authorised Persons

I, Christopher John Dawson, Commissioner of Police, acting pursuant to regulation 271 of the *Road Traffic Code 2000* hereby declare that a person who is a “licensed pilot vehicle driver” pursuant to regulation 3 of the *Road Traffic Code 2000* is an authorised person for the purposes of regulations 272(1)(a) and 272(1)(d) of the *Road Traffic Code 2000*—whilst performing their functions in facilitating the safe movement of an oversize vehicle escorted by a licensed pilot vehicle driver.

Dated: 16 January 2019.

CHRIS DAWSON, Commissioner of Police.

Surname	First Name	State	Pilot Licence Number	Training Provider
Dawson	Kenneth	SA	01288	Allan Miller Transport Training

PREMIER AND CABINET

PR402

INTERPRETATION ACT 1984
MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor, in accordance with section 12(c) of the *Interpretation Act 1984*, has approved the following temporary appointments in the office of Premier; Minister for Public Sector Management; State Development, Jobs and Trade; Federal-State Relations in the absence of the Hon M. McGowan MLA—

- Hon S. N. Dawson MLC, for the period 20 January 2019; and
- Hon S. M. Ellery MLC, for the period 21 to 27 January 2019 inclusive.

M. ANDREWS, A/Director General,
Department of the Premier and Cabinet.

PR401**INTERPRETATION ACT 1984**
MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor, in accordance with section 12(c) of the *Interpretation Act 1984*, has approved the following temporary appointment—

Hon R. Saffioti MLA to act temporarily in the office of Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services in the absence of the Hon S. F. McGurk MLA for the period 17 to 28 April 2019 (both dates inclusive).

M. ANDREWS, A/Director General,
Department of the Premier and Cabinet.

PR403**INTERPRETATION ACT 1984**
MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor, in accordance with section 12(c) of the *Interpretation Act 1984*, has approved the following temporary appointment—

Hon M. P. Murray MLA to act temporarily in the office of Minister for Emergency Services; Corrective Services in the absence of the Hon F. M. Logan MLA for the period 12 to 30 April 2019 (both dates inclusive).

M. ANDREWS, A/Director General,
Department of the Premier and Cabinet.

REGIONAL DEVELOPMENT

RG401**REGIONAL DEVELOPMENT COMMISSIONS ACT 1993**
APPOINTMENTS

It is hereby notified for general information that the Minister for Regional Development has approved the following appointments in accordance with Part 3 of the *Regional Development Commissions Act 1993*—

Wheatbelt Development Commission
Board of Management

Ms Amanda Walker as a community representative for a term expiring 30 June 2019.

Hon ALANNAH MacTIERNAN MLC, Minister for Regional Development.

DECEASED ESTATES

ZX401**TRUSTEES ACT 1962**
DECEASED ESTATES**Notice to Creditors and Claimants**

Estate of the late Marie Anne Jones of 40 Marble Boulevard, Wellard 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 above-named deceased, who died on 2 September 2018, are required to send particulars of their claims to the Executors, care of RSM (see address below) within one (1) month of the date of publication of this notice, after which date the Executors may convey or distribute the assets having regard only to claims of which notice has been given.

c/- Andrew Marshall RSM,
GPO Box R1253, Perth WA 6844.
Telephone: (08) 9261 9393
Contact: Andrew Marshall

ZX402**TRUSTEES ACT 1962
DECEASED ESTATES**

Notice to Creditors and Claimants

Libero Giuseppe Quaresimin, late of 6A Oxford Court, Maida Vale in the State of Western Australia, Truck Driver, 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 11 October 2018 at Kalamunda Hospital Campus, Kalamunda in the State of Western Australia, are required by the trustee Shirley Caroline Quaresimin, c/- Avon Legal Suite 7, 9 The Avenue, Midland in the State of Western Australia to send particulars of their claims to her within one month of this notice, after which date the trustee may convey or distribute the assets, having regard only to the claims of which she then has notice.

PUBLIC NOTICES

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

Steve's Motorcycles of 58 Elgee Road, Midland, Western Australia hereby notify the following people: Hasine Jabbie, Arama Ryder and Ron Egan that unless not more than one (1) month after the publication date of this notice they either take redelivery of their uncollected goods or give directions for their redelivery, Steve's Motorcycles, bailee, will dispose of the goods in accordance with the Act.
