



WESTERN AUSTRALIAN GOVERNMENT Gazette



PERTH, FRIDAY, 23 MAY 2003 No. 80

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

© STATE OF WESTERN AUSTRALIA

CONTENTS

PART 1

	Page
Coal Industry Superannuation Act 1989—Coal Industry Superannuation Amendment Regulations 2003.....	1823-7
Country Towns Sewerage Act 1948—Country Sewerage Areas Order Number 1 2003.	1827-8

PART 2

Agriculture	1829
Insurance Commission of WA	1830
Justice.....	1830
Local Government.....	1830
Minerals and Petroleum	1831
Parliament.....	1831
Planning and Infrastructure	1831-49
Public Notices—	
Deceased Estates.....	1850-1
Dissolution of Partnership.....	1851
Racing, Gaming and Liquor	1849-50

IMPORTANT COPYRIGHT NOTICE

© State of Western Australia

This work is copyright. Apart from any use as permitted under the *Copyright Act 1968*, no part may be reproduced by any process without written permission from the Attorney General for Western Australia. Inquiries in the first instance should be directed to the Government Printer, State Law Publisher, 10 William St, Perth 6000.

PUBLISHING DETAILS

The Western Australian *Government Gazette* is published by State Law Publisher for the State of Western Australia on Tuesday and Friday of each week unless disrupted by Public Holidays or unforeseen circumstances.

Special *Government Gazettes* containing notices of an urgent or particular nature are published periodically. The following guidelines should be followed to ensure publication in the *Government Gazette*.

- Material submitted to the Executive Council prior to gazettal will require a copy of the signed Executive Council Minute Paper and in some cases the Parliamentary Counsel's Certificate.
- Copy must be lodged with the Sales and Editorial Section, State Law Publisher no later than 12 noon on Wednesday (Friday edition) or 12 noon on Friday (Tuesday edition).

Postal address:

State Law Publisher
P.O. Box 8448,
Perth Business Centre 6849

Delivery address:

State Law Publisher
Ground Floor,
10 William St. Perth, 6000
Telephone: 9321 7688 Fax: 9321 7536

- Inquiries regarding publication of notices can be directed to the Editor on (08) 9426 0010.
- Lengthy or complicated notices should be forwarded early to allow for preparation. Failure to observe this request could result in the notice being held over.

If it is necessary through isolation or urgency to fax copy, confirmation is not required by post. *If original copy is forwarded later and published, the cost will be borne by the advertiser.*

ADVERTISING RATES AND PAYMENTS

EFFECTIVE FROM 1 JULY 2002 (Prices include GST).

Deceased Estate notices, (per estate)—\$21.10

Real Estate and Business Agents and Finance Brokers Licences, (per notice)—\$49.20

Other articles in Public Notices Section—\$49.20 (except items of an exceptionally large nature. In these instances arrangements will be made for pricing the notice at time of lodging).

All other Notices

Per Column Centimetre—\$9.80

Bulk Notices—\$183.00 per page

Clients who have an account will be invoiced for advertising charges.

Clients without an account will need to pay at time of lodging the notice.

PUBLISHING ALTERATIONS

Periodically the normal *Gazette* publishing times need to be altered to cater for disruption caused by public holidays.

- Easter and Christmas holidays cause disruption each year.
- Australia Day and Anzac Day cause disruption when they fall on a Tuesday or Friday.

In these instances, notices warning of the change are generally published on page 2 for approximately 4 weeks prior to the date.

Readers are urged to check *Gazettes* accordingly, prior to contacting State Law Publisher.

JOHN A. STRIJK, Government Printer.

— PART 1 —

COAL INDUSTRY SUPERANNUATION BOARD

CZ301*

Coal Industry Superannuation Act 1989

Coal Industry Superannuation Amendment Regulations 2003

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Coal Industry Superannuation Amendment Regulations 2003*.

2. The regulations amended

The amendments in these regulations are to the *Coal Industry Superannuation Regulations 1990**.

[* Reprinted as at 5 July 2002.]

3. Regulation 3 amended

Regulation 3(1) is amended by inserting the following definition in its appropriate alphabetical position —

“

“**category C member**” means a person who is a member of category C under regulation 9A;

”.

4. Regulation 4A amended

Regulation 4A(b)(ii) is amended by deleting “mineworker” and inserting instead —

“ mine worker ”.

5. Regulation 9A replaced

Regulation 9A is repealed and the following regulation is inserted instead —

“

9A. Categories of membership

The members of the Fund are divided into 3 categories as follows —

- (a) category A — people who became members under regulation 10 or 11 but not regulation 11(1)(a);
- (b) category B — people who became members under regulation 11A; and
- (c) category C — people who became members under regulation 11(1)(a).

”

6. Regulation 11 replaced

Regulation 11 is repealed and the following regulation is inserted instead —

“

11. Mine workers

- (1) Where a person who is not already a member of the Fund becomes a mine worker that person shall, by virtue of this regulation, become —
 - (a) if the Board is of the opinion that the person is unlikely to remain in service as a mine worker for more than 6 months, a category C member; or
 - (b) otherwise, a category A member,when he or she becomes a mine worker.
- (2) If a category C member is still in service as a mine worker 6 months after becoming a category C member, he or she becomes a category A member from the day after the expiry of those 6 months.
- (3) However if, on the expiry of those 6 months, the Board is of the opinion that the member is unlikely to remain in service as a mine worker for more than a further 3 months, the Board may allow the person to remain a category C member for a further period of up to 3 months.
- (4) If, on the expiry of any such further period, the person is still in service as a mine worker, he or she becomes a category A member from the day after the expiry of that further period.

- (5) If the Board is of the opinion that the terms of a category C member's employment, appointment, election or contract have changed so that he or she is likely to remain in service as a mine worker for more than 6 months (or any longer period allowed under subregulation (3)), the person becomes a category A member from the day on which that change occurred.
- (6) A mine worker who is on active service as a member of the Defence Forces of the Commonwealth is deemed to continue to be in service as a mine worker during that period.

”.

7. Regulation 14 amended

- (1) Regulation 14(1c) is amended by deleting “Each category B member” and inserting instead —
“ A category B member or category C member ”.
- (2) Regulation 14(4) is amended by deleting “mineworker under regulation 11(2)” and inserting instead —
“ mine worker under regulation 11(6) ”.

8. Regulation 15 amended

Regulation 15(3) is amended by inserting after “category B member” —
“ and each category C member ”.

9. Regulation 21 amended

Regulation 21(2) and (2)(b)(i) are amended by deleting “mineworker” and inserting instead —
“ mine worker ”.

10. Regulation 21B amended

Regulation 21B(1) and (2) are amended by inserting after “category B member” —
“ or category C member ”.

11. Regulation 22 amended

Regulation 22(1) is amended by deleting “a benefit under regulation 17, 20, 21 or 21B” and inserting instead —
“ payment of a benefit ”.

12. Regulation 22AB amended

- (1) Regulation 22AB(1) is amended by deleting “pay a” and inserting instead —
“ pay all or part of a ”.

- (2) After regulation 22AB(1) the following subregulation is inserted —

“

- (1a) However a member who has retained a defined benefit component of a benefit under regulation 22(3) cannot request the payment or transfer of part only of that component unless the member first converts it to an accumulation benefit under regulation 22AA.

”

- (3) Regulation 22AB(2) is amended by deleting “The amount of a retained benefit to be paid or transferred under subregulation (1) is —” and inserting instead —

“

When the whole of a retained benefit is to be paid or transferred under subregulation (1) the amount to be so paid or transferred is —

”

- (4) After regulation 22AB(2) the following subregulation is inserted —

“

- (2a) When part only of a retained benefit is to be paid or transferred under subregulation (1) the amount to be so paid or transferred is the amount requested by the member.

”

13. **Regulation 22AC inserted**

After regulation 22AB the following regulation is inserted —

“

22AC. Allocated pension

- (1) The Board may agree with a member who —
- (a) has retained a benefit under regulation 22(2) or (4); or
 - (b) having retained a benefit under regulation 22(3), has converted it to an accumulation benefit under regulation 22AA,
- to pay all or part of that benefit to the member as an allocated pension on such terms and conditions as are agreed between the member and the Board.
- (2) The terms and conditions on which it is agreed that an allocated pension is to be paid must be consistent with the SIS Act.
- (3) If the Board agrees to pay all or part of a member’s retained benefit as an allocated pension, the Board is to transfer the amount agreed to be paid as an allocated pension from the member’s accumulation account to an

account kept by the Board for the member from which the pension will be paid.

- (4) If a member to whom an allocated pension is being paid dies before all of the pension has been paid, the Board is to pay the unpaid amount in accordance with regulation 24.

”.

14. Regulation 27A amended

- (1) Regulation 27A(2)(a) is amended by deleting “by”.
- (2) After regulation 27A(3)(ba) the following paragraph is inserted —

“

- (bb) administrative costs attributable to the member;

”.

15. Regulation 46 amended

Regulation 46(8) is amended by deleting “of prescribed” and inserting instead —

“ of a prescribed ”.

By Command of the Governor,

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

WATER

WA301*

COUNTRY TOWNS SEWERAGE ACT 1948

COUNTRY SEWERAGE AREAS ORDER NUMBER 1 2003

Made by His Excellency the Governor in Executive Council under section 4 of the Act.

1. Citation

This order may be cited as the *Country Sewerage Areas Number 1 2003*.

2. Beverley Sewerage Area Constituted

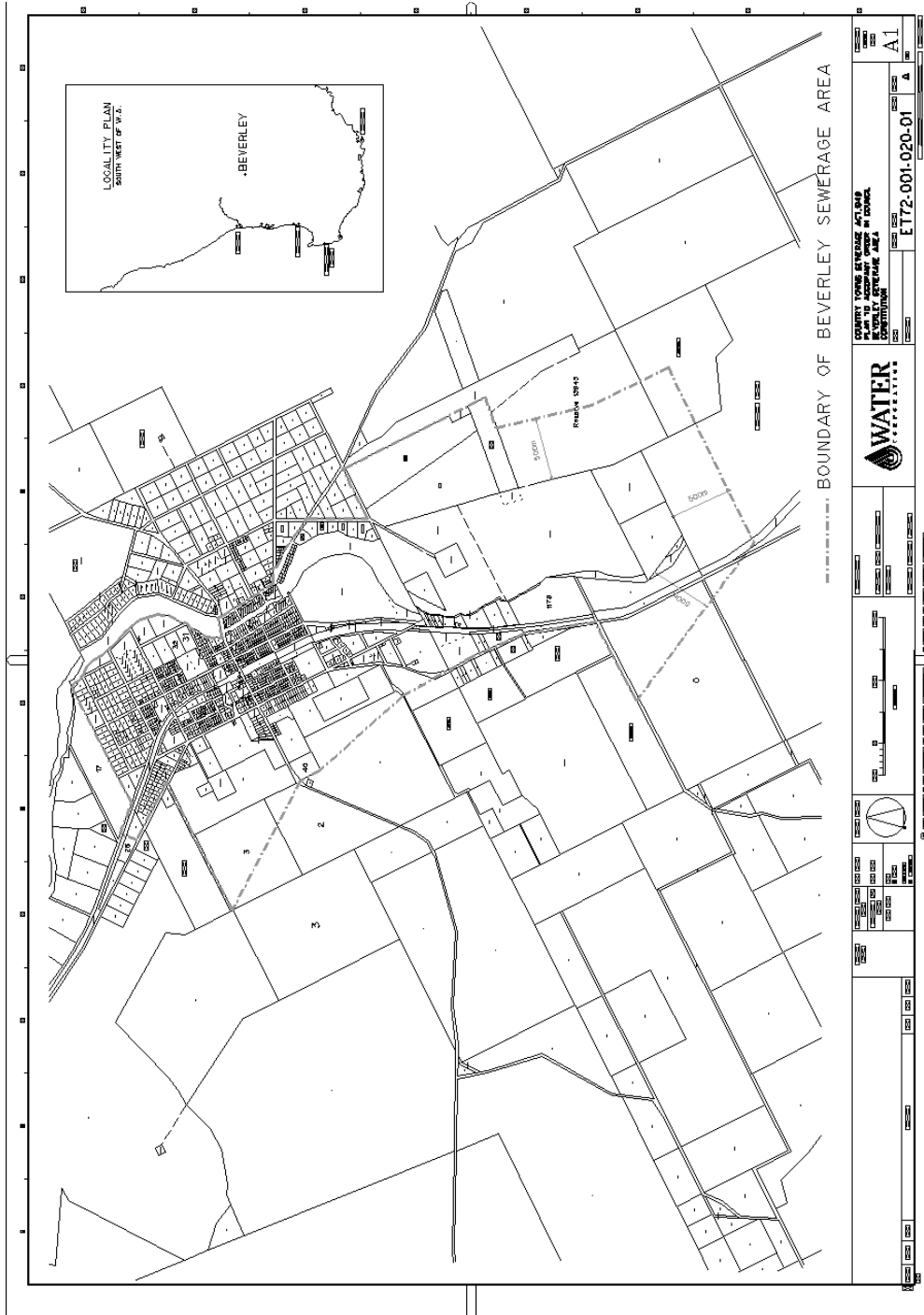
The boundary of the Beverley Sewerage Area is shown bordered ----- on Water Corporation plan ET72-001-020-01.

3. Information plan of Beverley Sewerage Area

The boundary of the Beverley Sewerage Area as constituted by this order is shown for information purposes in the plans in Schedule 1.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.



— PART 2 —

AGRICULTURE

AG401*

BEEKEEPERS ACT 1963
STOCK (IDENTIFICATION AND MOVEMENT) ACT 1972
STOCK DISEASES (REGULATIONS) ACT 1968
 APPOINTMENT OF INSPECTORS

Department of Agriculture,
SOUTH PERTH WA 6151.

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

- Section 5 of the Beekeepers Act 1963—
 - Di Girolami, Paolo (Paul)
 - Murphy, Yvette
 - Robins, Craig
- Section 37 of the Stock (Identification and Movement) Act 1970—
 - Murphy, Yvette
 - Taylor, Jill
 - Wilkins, Philip
- Section 8 (1) of the Stock Diseases (Regulations) Act 1968—
 - Di Girolami, Paolo (Paul)
 - Murphy, Yvette
 - Pyner, Alison
 - Taylor, Jill
 - Wilkins, Philip

KIM CHANCE, Minister for Agriculture,
Forestry and Fisheries.

AG402*

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976
 APPOINTMENTS

Agriculture Protection Board,
South Perth.

Acting pursuant to Section 15 (3) of the Agriculture and Related Resources Protection Act 1976, the Agriculture Protection Board hereby appoints the persons listed below to be members of the Zone Control Authorities shown for the terms indicated.

Member	ZCA	Expiry date of term
Mr Angelo Diletti	Albany	1st August 2006
Mr Des Wolfe	Albany	1st August 2006
Mr Graham Cruickshank	Kimberley	1st August 2006
Ms Lynette Craig	Kimberley	1st August 2006
Mr Lachlan Dobson	Kimberley	1st August 2006
Mr Peter Mitchell	Kimberley	1st August 2006
Mr Mervyn Wortley	Kimberley	1st August 2006
Mr Willem Butler	Narrogin	1st August 2006
Ms Sarah Males	Narrogin	1st August 2006
Mr Vernon Pitter	Waroona	1st August 2006

Dated the 19th day of May 2003.

Mr CHRIS RICHARDSON, Chairman.

INSURANCE COMMISSION OF WA

IZ401

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT 1943

RATES

In accordance with the requirements of Section 3C and 3D of the Motor Vehicle (Third Party Insurance) Act 1943, I give notice that the following amounts will apply for the purposes of those sections with effect on and from 1 July 2003.

Amount A	\$249,000
Amount B	\$12,500
Amount C	\$38,000
Amount D	\$5,000

NICK GRIFFITHS LLB MLC, Minister for Government Enterprises.

JUSTICE

JU401*

PRISONS ACT 1981

PERMIT DETAILS

Pursuant to the provisions of section 15P of the *Prisons Act 1981*, the Director General of the Department of Justice has revoked the following Permit to do High-Level Security Work—

SURNAME	OTHER NAMES	PERMIT No.	REVOCATION DATE
Cody	Robert William	AP 0139	23 May 2003
Rae	Colin Herbert	AP 0116	23 May 2003
Williams	Peter John	AP 0007	23 May 2003

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

16 May 2003.

BRIAN LAWRENCE, Manager, Prison Services Contracts.

LOCAL GOVERNMENT

LG401*

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

SHIRE OF COOLGARDIE

NOTICE OF INTENT TO REVEST LAND IN THE CROWN FOR NON PAYMENT OF RATES OR SERVICE CHARGES

Notice is hereby given that under section 6.74 of the Local Government Act 1995, as rates or service charges have been unpaid for a period of at least three years the Shire of Coolgardie intends to have revested in the Crown the land listed below.

Signed for and on behalf of the Shire of Coolgardie this 20th day of May 2003.

H. J. FRASER, Chief Executive Officer.

Description of land or Lot No.	Plan or Diagram Number	Title Reference No.	Area m ²	Street Name	Description of Improvements if any	Name of Owner	Name of Others appearing to have an estate or interest	Rates/Service charges outstanding 24th May 2003	Other Charges due on the 31st May 2003
Lot 886	222291	Vol 103 Folio 90	885	Saumarez	Nil	Maria Marcella Green		\$678.48	
Lot 887	222291	Vol 125 Folio 46	799	Saumarez	Nil	Maria Marcella Green		\$678.48	
Lot 888	222291	Vol 123 Folio 54	822	Saumarez	Nil	John Fitzpatrick		\$639.00	

MINERALS AND PETROLEUM

MP401

MINING ACT 1978

INSTRUMENT OF EXEMPTION OF CROWN LAND

The Minister for State Development, pursuant to the powers conferred by Section 19 of the Mining Act 1978, hereby exempts all areas of Crown Land described hereunder (not being Crown Land that is the subject of a mining tenement or an application therefore) from Divisions 1 to 5 of part IV of the Mining Act 1978 for a period of two (2) years.

SCHEDULE

All those portions of land, not being private land or land the subject of a mining tenement or application, for a mining tenement, bordered 'pink' on the plan at page 147 of Department of Industry and Resources File No. 225/00 and designated 'S19/174' in Tengraph.

Area: 14,356 hectares approximately.

Dated at Perth this 13th day of May 2003.

CLIVE BROWN MLA, Minister for State Development.

PARLIAMENT

PA401*

PARLIAMENT OF WESTERN AUSTRALIA

Bills Assented To

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

Short Title of Bill	Date of Assent	Act No.
Juries Amendment Bill 2003	May 16 2003	25 of 2003
Appropriation (Consolidated Fund) Bill (No. 3) 2003	May 16 2003	26 of 2003
Appropriation (Consolidated Fund) Bill (No. 4) 2003	May 16 2003	27 of 2003

L. B. MARQUET, Clerk of the Parliaments.

May 19, 2003.

PLANNING AND INFRASTRUCTURE

PI403*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

Town of Victoria Park

Town Planning Scheme No. 1—Amendment No. 28

Ref: 853/2/32/2 Pt 28

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 (as amended) that the Hon Minister for Planning and Infrastructure approved the Town of Victoria Park Town Planning Scheme Amendment on 23 April 2003 for the purpose of—

- Amending the Burswood Precinct Plan P2 in the following manner—
 - Delete the first paragraph contained in the "STATEMENT OF INTENT" section and replace with the following text—

"The Burswood Precinct should be redeveloped primarily as an area of mixed office and residential uses east of the railway and for residential uses with integrated mixed use development west of the railway."

- (ii) In the “**SPECIAL USE ZONE**” section delete the first paragraph immediately under the heading “**SPECIAL USE ZONE**”, which reads, “THIS AREA COMPRISES THE ... COMMERCIAL AREA”, and the heading “Road Network” and the paragraph immediately under the heading, “COUNCIL WILL NOT CONSIDER ...THE BURSWOOD PENNINSULA.” and replace with the following text—

“LOCAL PLANNING POLICY

This Precinct Plan, for the purposes of the variation of the Residential Design Codes, shall be read as if it was a Local Planning Policy.

SPECIAL CONTROL AREA

- (1) The following special control area is shown on the Precinct Plan Map—

ENV1 BURSWOOD LAKES ENVIRONMENTAL AND
GEOTECHNICAL SPECIAL CONTROL AREA

- (2) In respect of the Special Control Area, the provision applying to the Special Control Area apply in addition to the provisions applying to the underlying zone and any general provisions of the Scheme.
- (3) The following schedule sets out the purpose and particular requirements that apply to ENV1 Burswood Lakes Environmental and Geotechnical Special Control Area—

ENV1— Burswood Lakes Environmental and Geotechnical Special Control Area	The Burswood Lakes Environmental and Geotechnical Special Control Area is shown on the Precinct Plan as— ENV1: Burswood Environmental and Geotechnical Special Control Area
Purpose	<ol style="list-style-type: none"> 1. To identify areas that have had environmental hazards and have now been remediated; 2. To ensure that development that involves excavation in these areas takes into account the state of remediation. 3. Highlight the need for development applications to include a geotechnical assessment appropriate for the proposed development.
Application Requirements	<p>Planning approval is required for any excavation of land in the Special Control Area.</p> <p>The following requirements apply for all applications for planning approval that involve excavation under these provisions—</p> <ol style="list-style-type: none"> 1. The application shall be accompanied by— <ol style="list-style-type: none"> (a) A plan showing depths of excavation with reference to Australian Height Datum. (b) Where the proposed development would cause any excavation below the warning barrier where cement kiln dust has been recorded, a Cement Kiln Dust Environmental Management Plan as required in the Statement to Implement the Proposal. (c) A geotechnical assessment report, appropriate for the proposed development, prepared by a qualified geotechnical engineering consultant. 2. With the exception of piles that do not bring contaminated material to the surface or the excavation for lift shafts in accordance with an asbestos management plan, all applications that would cause any excavation within 500 millimetres of the warning barrier or cause any disturbance of asbestos on a lot where greater than one per cent by volume of asbestos has been recorded, shall be referred to the Environmental Protection Authority for advice prior to granting approval.

Relevant Considerations	In considering any application for planning approval for excavation under these provisions, the Council shall have regard to— <ol style="list-style-type: none"> 1. The Asbestos Environmental Management Plan and the Cement Kiln Dust Environmental Management Plan prepared pursuant to the statement that a proposal be implemented under the Environmental Protection Act 1986; 2. The need for all buildings and hardstand areas to be connected to a positive drainage system for the collection of stormwater; 3. That no soakwells are proposed.
Referral of Applications	<ol style="list-style-type: none"> 1. Any development application under these provisions will be referred to the Environmental Protection Authority for advice where the Council is not satisfied that the proposal meets the performance standards set out in the Environmental Management Plans. 2. Any development application under these provisions may be referred for adjudication to the WA President of the Institute of Engineers Australia, in the event that the Town of Victoria Park considers the geotechnical assessment and associated recommendations are not appropriate for the proposed development.”

- (ii) Under the heading “STRUCTURE PLAN” delete paragraph (c) and replace with the following text—
- “(c) All land within the Special Use Zone shall be designated “R-IC” under the Western Australian Planning Commission Residential Design Codes (R Codes).”
- (iv) Delete the “Use Area” Table contained in the “SPECIAL USE ZONE” section of the Precinct Plan and replace with a new “Use Area” Table as follows—

Use Class	Use Area Residential R-IC
Consulting Rooms, Day Care Centre	AA
Convenience Store, Service Station	X
Educational Establishment, Place of Worship	AA
Fast Food Outlet, restaurant	AA
General Industry, Transport Depot	X
Hazardous Industry, Noxious Industry	X
Home Occupation	AA
Home Office	P
Hospital, Nursing Home, Residential Building	AA
Hotel, Motel, Tavern	X
Light Industry	X
Lodging House, Serviced Apartment	AA
Massage Rooms	X
Motor Vehicle and Marine Sales Premises Open Air Sales and Display	X
Night Club	X
Office	AA
Restricted Premises	X
Shop	AA ¹
Showroom	X

Use Class	Use Area Residential R-IC
Single House, Single Bedroom Dwelling, Group Dwelling, Aged or Dependent Person's Dwelling, Multiple Dwelling	P
Warehouse	X

Footnotes—

1. The maximum net leasable area of retail floor space for 'Shop' within the Special Use Zone shall not exceed 2,000m²

Development of AA Uses should generally be in those areas, depicted for that purpose, on the Structure Plan.

- (v) Delete 'Development Standards' 1. to 7. (inclusive) and the whole of the section headed "GENERAL DESIGN GUIDELINES" contained in the "SPECIAL USE ZONE" and replace with the following text directly under the heading "DEVELOPMENT STANDARDS"

"Land included within the approved Structure Plan shall be subject to the following development standards. Lots referred to in these provisions are prescribed in the Structure Plan.

(1) Residential Design Codes

Except for the following variations land within the 'Special Use Zone' shall be developed in accordance with the "R-IC" coding of the Western Australian Planning Commission Residential Design Codes (R Codes).

- (a) Variation to Table 1 of the Residential Design Codes

Table 1 of the Residential Design Codes shall be varied as follows—

TABLE 1—General Site Requirements

1 R Code	2 Dwelling Type	3 Minimum Site Area per dwelling (m ²)	4 Minimum Lot Area/ Rear Battlease (m ²)	5 Plot Ratio	6 Minimum Frontage (m)	7 Open Space			8 Minimum Setbacks (m)		
						Min. Total (% of site)	Min. Communal (m ²)	Min. O/door Living (m ²)	Primary Street	Secondary Street	Other/ rear
R-IC	Single House or Grouped Dwelling	**	—	**	—	**	—	16	1.5	**	**
	Multiple Dwelling	**	—	**	—	35	16	-	1.5	**	**

** Indicates that this requirement has been modified in the Burswood Lakes Structure Plan and this Precinct Plan.

- (b) Setbacks

- i. Primary Street setbacks shall be as per Residential Design Codes.
- ii. Side and rear setbacks shall be based on performance criteria set out in the "Design Guidelines for Burswood Lakes" contained in the Town of Victoria Park Town Planning Scheme No. 1 Policy Manual.
- iii. Building setbacks for multiple storey buildings shall be determined by the distance between buildings and the building control envelopes as prescribed in the Structure Plan.

The minimum setbacks between multiple storey buildings shall be—

Lots	Level 1-4(m)	Levels 5-22(m)
1 & 10	20	30
10 & 11	10	20
11 & 12	15	30
12 & 13	30	40
13 & 19	25	30
19 & 20	20	30

At the discretion of Council, the setbacks between buildings at levels above 8 storeys may be varied as shown on 'Indicative Development Plan' of the Structure Plan.

- (c) Dwelling Density

- i. Residential development shall have a maximum density for each lot as depicted on the approved Structure Plan.

- ii. The total maximum dwelling numbers permitted in the Special Use Zone, including any bonus under the Residential Design Codes, shall not exceed 1,250.

(d) *Maximum Building Height*

Acceptable Development Standard A1.1 and Table 3 of clause 3.7.1. 'Building Height' of the Residential Design Codes, shall be varied as follows—

- i. The maximum building heights above natural ground level as defined in the Residential Design Codes, (excluding plant, lift overruns, and architectural features) shall be as follows—

Lot Number	Max Storeys	Max Metres
1	12	42
2	7	24.5
3	6	21
4	3	10.5
5	3	10.5
6	3	10.5
7	3	10.5
8	3	10.5
9	6	21
10	21	66
11	20	63
12	18	58
13	17	55
14	7	24.5
15	6	21
16	6	21
17	7	24.5
18	6	21
19	15	52.5
20	12	42
21	6	21
22	7	24.5
23	6	21
24	6	21
25	5	17.5
26	6	21

- ii. For those lots not effected by (iv) any additional height allowance for plant, lift overruns and architectural features shall be at the Council's discretion.
- iii. The maximum height in all cases shall be the lesser of the two parameters of storeys and metres.
- iv. The maximum building height is not to exceed the Procedures for Air Navigational Services—Aircraft Operations (PANS-OPS) surfaces.

(e) *Open Space and Landscaping*

- i. Open space requirements for all residential development shall be in accordance with the requirements of the Residential Design Codes except for the following specified variations—
- The 'Minimum Outdoor Living' requirement for Single House and Grouped Dwellings shall be 16m².
- ii. All applications for planning approval for grouped or multiple dwellings shall be accompanied by a landscape concept plan that details plant types, landscape treatments, and an on-going maintenance programme for these areas including automatic reticulation.

(f) *Parking*

Acceptable Development standard A1 of clause 3.5.1 'On-Site Provision' of the Residential Design Codes shall be varied as follows—

- Courtyard homes, detached single family homes, zero-lot-lined homes and townhouses—minimum of 2 bays per dwelling.
- 1 bedroom apartment—minimum of 1 bay per dwelling.
- 2 Bedroom apartment—minimum of 1.5 bays per dwelling.
- 3 bedroom apartment—minimum of 2 bays per dwelling.
- Visitor parking : 10% of required bays that may include, where appropriate, on street parking.

(g) Overshadowing and Wind

- i. All applications for planning approval for grouped and multiple dwellings shall be accompanied by a shadow analysis diagram indicating where shadows will be cast from the development and their impact on adjoining properties, for the following dates and times—
 - 9.00am, midday and 4.00pm on the summer solstice (21 December);
 - 9.00am, midday and 4.00pm on the winter solstice (21 June); and
 - other dates and times as may be required.
- ii. applications for planning approval for all dwellings shall be accompanied by a progressive wind impact statement for the proposed development.

VARIATION OF DEVELOPMENT STANDARDS

When considering an application for planning approval under clause 36 of the Scheme, the Council may allow variation to any development standard or requirement in the Scheme, this Precinct Plan or a Planning Policy. In doing so, the Council may require the application to be advertised in accordance with clause 35 (2) and only allow the variation if, in its opinion;

- (a) the development would be consistent with—
 - the orderly and proper planning of the locality;
 - the preservation of the amenities of the locality; and
 - the statement of intent set out in this Precinct Plan; and
- (b) the variation would not have any undue adverse effect upon—
 - the occupiers or users of the development;
 - the property in, or the inhabitants of, the locality; or
 - the likely future development of the locality”

GENERAL DESIGN GUIDELINES

All forms of development, including residential and mixed use, shall be in accordance with the ‘Design Guidelines for Burswood Lakes’ as contained in Town of Victoria Park Town Planning Scheme No. 1 Policy Manual.

APPEALS

An owner who has submitted a proposed structure plan may appeal under Part V of the Town Planning and Development Act (as amended) 1928—

- (a) any failure of the local government to advertise, or require the owner to advertise, a proposed structure plan within the required time period;
 - (b) any determination by the local government—
 - (i) to refuse to adopt a proposed structure plan (including a deemed refusal); or
 - (ii) to require modifications to a proposed structure plan that are unacceptable to that owner.
 - (vi) Include in the legend under the heading “Precinct Boundary”, a black border and number ENV 1 within the boundaries of the border described as ‘Burswood Environmental and Geotechnical Special Control Area’.
 - (vii) Amend Precinct Plan P2—Burswood Precinct map by delineating the Burswood Environmental and Geotechnical Special Control Area as ENV1.
2. Adding a new policy to the Town of Victoria Park Town Planning Scheme No. 1 Policy Manual to read as follows—

3.15 DESIGN GUIDELINES FOR BURSWOOD LAKES**3.15.1 INTRODUCTION****(a) Purpose and Scope**

These Design guidelines are based on the Town of Victoria Park’s ‘Design Guidelines for Developments with Buildings above 3 Storeys’.

The Design Guidelines for Burswood Lakes set the planning and design framework for all development within land zoned “Special Use” within Precinct Plan P2—Burswood Precinct, which primarily comprises the Burswood Lakes project. The Design Guidelines apply to all forms of development including residential and mixed use developments.

The Design Guidelines seek high quality designs that respond sensitively to their context and respect current and/or future desired character of the area. A performance approach is taken in the Design Guidelines where the emphasis is upon requiring the design to “perform” by satisfying desired outcomes rather than by meeting a fixed set of standards.

(b) Objectives

The primary aim of the Design Guidelines is to facilitate appropriate design responses within the Burswood Lakes Structure Plan.

To achieve this the Design Guidelines seek to—

- i. Optimise development potential of properties in appropriate locations;
- ii. Optimise the attractiveness of the Town for quality residential, commercial, and mixed use development;

- iii. Create new opportunities for diverse residential types and lifestyles close to excellent public transport facilities;
- iv. Create appropriately scaled and designed buildings which contribute to the Town;
- v. Maintain and enhance the spatial qualities and social amenity of the streets, open spaces and parks in the Town;
- vi. Contribute to enlivening the street life the Town through enhancing the viability of quality retail restaurants and cafes; and
- vii. Promote ecologically sustainable development that will limit natural resource usage and reduce greenhouse gas emissions.

(c) Relationship to other relevant documents

The Design Guidelines provide a generic set of design criteria to be applied to all sites within Burswood Lakes. They are to be read in conjunction with a number of other relevant documents that provide additional information and/or design controls, often at a more locality or site specific level.

Relevant document include—

Town of Victoria Park, Town Planning Scheme Text

Includes general objectives, zonings, classification of uses, application of the R Codes, the application process and relevant matters in the assessment of applications.

Town of Victoria Park, Town Planning Scheme Policy Manual

Includes provisions relating to car parking and access and a range of design guidelines and policy controls, some of which have general application and other which are specific to defined localities.

Town of Victoria Park, Town Planning Scheme Precinct Plan

Includes the intent and objectives for the precinct and specify the permissibility of land uses and development controls such as setbacks, height limits, plot ratio and density.

Burswood Lakes Structure Plan

The development framework for Burswood Lakes.

Town of Victoria Park's Design Guidelines for Development with Buildings above 3 Storeys.

Sets the planning and design framework for any development incorporating buildings above 3 storeys or 11.5m in height or whichever is the lesser.

Residential Design Codes of Western Australia (R Codes)

Outlines the provisions relating to all residential development including density, setbacks, plot ratio and car parking. The provisions of the Town Planning Scheme and these Guidelines prevail where there is an inconsistency with the R Codes.

Council Policies

Usually adopted as an interim step while the Town Planning Scheme is amended to reflect the matters contained in the particular policy. Policies may have general application to development or may be specific to a locality.

Town of Victoria Park Municipal Heritage Inventory

Lists all of the places classified by Council as having heritage value and states what implications this has for development of the site.

Planning studies adopted or approved by Council

Includes the *Town of Victoria Park Urban Design Study* approved by Council in December 2000 and various Structure Plans for specific localities. The Council is to have regard to the matters included in these studies, which may cover guidelines, development standards or statements of future desired character for sites or localities.

Building Code of Australia and relevant Australian Standards

Includes a range of specific provisions which impact on building design and site layout including disability access requirements, acoustic performance and fire protection. National energy efficiency measures are proposed for the BCA.

3.15.2 USING THE DESIGN GUIDELINES

(a) A Performance Approach

These Design Guidelines adopt a performance approach in an effort to achieve a higher standard of development. The approach differs from the traditional prescriptive approach and is intended to provide opportunities for flexibility and innovation. The emphasis is upon satisfying the intent of the Design Guidelines rather than meeting fixed prescriptive standards that may not reflect particular site circumstances.

(b) Design Elements

The Design Guidelines group design aspects into ten design elements—

- i. Site planning;
- ii. Streetscape;
- iii. Building Appearance and Neighbourhood Character;

- iv. Private Open Space;
- v. Communal Open Space and publicly Accessible spaces;
- vi. Resource Efficiency;
- vii. Safety and Security;
- viii. Privacy;
- ix. On-site Parking and Access; and
- x. Site Facilities.

(c) Intent

Each element contains an intent that outlines the principal aims of that element and indicates the desired outcomes to be achieved in completed developments.

(d) Performance Criteria

The criteria for each element are general statements of the means for achieving the intent. They provide a basis for judging whether the intent has been met. The criteria are not meant to be limiting in nature—they provide designers and developers with an opportunity to develop a variety of design responses.

(e) Integrating The Design Elements

All ten design elements should be considered when preparing the development proposal. Wherever possible, the application should satisfy the intent and relevant criteria of all elements. Invariably, different weighting will be given to each element for any particular proposal due to site specific circumstances.

3.15.3 SITE ANALYSIS AND DESIGN RESPONSE

(a) Site and Context Analysis

The Design Guidelines call for a thorough site and context analysis to be undertaken as the starting point for any development proposal. The purpose of a site and context analysis is to identify, evaluate and communicate the design constraints and opportunities presented by the site and its environs. This process will make clear the key issues, on and off the site and in the neighbourhood, which will drive the design response. This is of particular significance when dealing with higher rise developments and when moving to a performance approach which seeks quality place specific design responses.

A focus upon the development site alone is not regarded as adequate. The extent of the surrounds that should be addressed in the analysis will depend upon the site's location and the proposed scale of development. Early discussion with Council Officers is recommended.

(b) Site and Context Analysis Information

A site and context analysis should document the following aspects as are relevant.

- i. *In relation to the site—*
 - contours with heights relative to Australian Height Datum;
 - trees and significant vegetation;
 - buildings and their uses;
 - access and connection points;
 - orientation, microclimate and noise sources;
 - views to and from the site;
 - drainage and services;
 - any contaminated soils and filled areas;
 - any geotechnical conditions of significance;
 - fences, boundaries and easements;
 - any historical associations or archaeological evidence; and
 - any other notable features.
- ii. *In relation to the surrounding area—*
 - location and uses of surrounding buildings;
 - the difference in levels between the site and surrounding properties;
 - abutting private open spaces and habitable room windows which have an outlook to the site;
 - amenity and solar access of surrounding residents;
 - potential noise sources;
 - major trees in surrounding properties;
 - location and height of walls built to the site boundary;
 - the built form, scale and character of surrounding and nearby development, including canopies, verandahs, fencing and garden styles;
 - any historical associations or archaeological evidence;
 - street frontage features such as street trees, services and driveway crossovers; and
 - characteristics of any nearby public open space.

The site and context analysis information does not need to be limited to a plan. Photographs of the site and area together with a photomontage of the streetscape can be key components.

(c) Design Response Statement

It is clearly not sufficient to prepare a site and context analysis plan and then ignore it during the design process. A design response statement is required to explain how the design of the development has responded to that analysis. This statement should address how the proposal relates to the opportunities and constraints presented by the site and its surrounds and how it responds to the existing neighbourhood character and/or any defined future urban character.

The design response statement need not be limited to a written response. Annotated plans and illustrations can be a useful tool for explaining design response and intent.

3.15.4 APPLICATION AND ASSESSMENT PROCESS

(a) Determining Planning Applications

All planning applications will be considered in terms of whether they meet the intent and relevant criteria of the Design Guidelines, together with the satisfaction of requirements in other relevant documents. Where there are inconsistencies with other Scheme provisions these Design Guidelines shall apply.

Applications will be assessed by Council Officers and an independent Design Review Group with the recommendations of each being presented to Council for consideration prior to determination.

(b) Independent Design Review Group

An independent Design Review Group has been appointed by Council and comprises experienced and qualified professionals from the disciplines of architecture, urban design, landscape architecture, building services and energy usage. This Group will play an important role in providing independent and professional advice to the Town and to applicants.

The Design Review Group will make recommendations to Council based on whether the development proposal meets the intent of the design elements and the relevant criteria set out in these Design Guidelines.

(c) Design Expertise

In recognition of the inherent complexity of developments of this scale, it is strongly recommended that the applicant engage appropriately qualified professionals with experience of such development. Experience indicates that this scale of development warrants a multidisciplinary team approach to achieve an integrated design response.

(d) Preliminary Discussions and Schematic Plans Encouraged

Developers and designers are strongly advised to undertake site and context analysis for their development site and have early discussions with Council Officers to outline their planning requirements and their intentions prior to developing any concepts for the site.

Following this stage, submission of a schematic concept plan is encouraged as this will allow early review by both Council Officers and the Design Review Group to clarify potential issues before undue time and expense is spent on finalising a proposal.

3.15.5 APPLICATION INFORMATION REQUIREMENTS

(a) Purpose of Information For Planning Applications

The information requirements for planning applications reflect the need for a broader range of information for large new developments. The aim is to gain a thorough appreciation of the site context, design response and development intent together with a reasonably detailed understanding of the physical form, finish and operation of the development.

The assessment process will look for demonstration that the development proposal will provide an appropriate and quality design outcome.

In addition to the requirements of any planning approval application specified in the current Town Planning Scheme Policy Manual, the following information must be submitted.

i. Plans and drawings

The following plans and drawings should be submitted at a minimum scale of 1:200 unless noted otherwise—

- Site and context analysis plan (see earlier section);
- Site development plan, including adjacent development;
- Floor plans 1:100;
- All elevations, including relevant elevations/ photomontages of adjacent development 1:100;
- Major sections 1:100;
- Street perspective;
- Shadow analysis diagrams; and
- Landscape plan.

ii. Design Report

The Design Report must incorporate the following material—

- Design response statement
Refer to Site analysis and Design Response section for details on content. It should also include the Environmental Strategy, Landscape Strategy and definition of building envelopes.
- Demonstrated response to performance criteria
A response to each criteria in the design element is to be provided with comment as to how each criteria is addressed and any appropriate cross reference to a plan or other supporting information that illustrates the response. Any criteria that are not addressed should be highlighted with a statement as to why they are not considered relevant.
- Elaboration on specific matters
Where applicable, and if not otherwise addressed, details on the following specific matters are to be supplied—
 - materials, colour and finishes;
 - wind impact;
 - building services provision;
 - resource efficiency assessment;
 - acoustic privacy;
 - visual privacy;
 - landscape maintenance; and
 - traffic impact.

(b) Information Required at Building Licence Stage

In addition to working drawings, specifications and other information which normally forms part of the building licence submission the following additional information is required—

- i. A statement disclosing any variations to the plans and information submitted and approved as part of the planning application with a justification for those variations and a statement of the impact of those variations.
- ii. A landscape maintenance specification for all landscape works to be provided.
- iii. A final Resource Efficiency report including a management plan.

3.15.6 DESIGN ELEMENTS

3.15.6.1 Site Planning

(a) Intent

To achieve a coherent site layout that provides a pleasant, attractive, manageable, resource efficient and sustainable environment which recognises surrounding landuses and infrastructure while also making a positive contribution to adjoining properties and the overall precinct.

(b) Performance Criteria

The intent may be achieved by application of the criteria below.

- i. The site layout integrates with the surrounding environment through—
 - building, streetscape and landscape design relating to the surrounding neighbourhood character or desired future urban character;
 - appropriate pedestrian, cycle and vehicle circulation patterns within and around the site.;
 - buildings facing and addressing streets and public spaces;
 - building position and orientation having consideration for minimising impact on amenity from reflective glare and/or overshadowing of adjacent properties; and
 - location and design of building services within the development minimising impact on adjoining properties and public spaces.
- ii. The site layout takes into account on-site features, topography, views, landmarks, vegetation, structures, drainage, services and access and where appropriate, retains any time or natural site feature of identified conservation or heritage value.
- iii. The site layout takes into account daylight, orientation and microclimatic considerations.
- iv. The site layout takes into account attractive neighbouring sites and streetscape conditions and maintains a reasonable level of amenity.
- v. The site layout enhances personal safety and minimises potential for crime, vandalism, and fear.
- vi. Buildings are sited and designed to minimise energy use, provide amenity and allow sunlight to open spaces.
- vii. Where the layout provides open spaces, these contribute to the legibility and character of the development, provide for a range of uses and activities, and are readily maintained.

- viii. Site layout facilitates the infiltration of stormwater run-off wherever practicable (subject to climatic, soils and urban character criteria).
- ix. In areas exposed to significant levels of off-site noise, the site layout and building design assists in minimising noise intrusion
- x. Building siting takes into account site levels and minimises changes to existing levels at site boundaries and street frontages.
- xi. The setback and orientation of buildings provides an appropriate transition space between buildings and site boundaries, contributes positively to existing or proposed streetscapes and adjoining open spaces, and assists in the integration of new development.
- xii. Residential design will incorporate comprehensive noise attenuation features, including appropriate glazing, insulation, siting of bedrooms etc, particularly in locations potentially affected by the rail corridor.
- xiii. Sufficient access is provided for emergency vehicles.

3.15.6.2 Streetscape

(a) Intent

To provide attractive streetscapes that reinforce the functions and amenity of a street, and are sensitive to the built form, urban landscape and environmental conditions of the locality.

(b) Performance Criteria

The intent may be achieved by application of the criteria below.

- i. Street, building and landscape design achieves—
 - the creation of attractive environments with clear character and identity;
 - respect for existing attractive streetscapes and heritage streetscapes in established areas;
 - appropriate streetscapes in areas where desired future urban character has been defined;
 - optimisation of site attributes including views and existing features of natural and cultural value; and
 - safety and passive street surveillance.
- ii. The design of the landscape in and fronting streets;
 - complements the functions of the street;
 - reinforces desired traffic speed and behaviour;
 - is appropriately scaled relative to both the street reserve width and the building bulk and scale;
 - provides for appropriate street tree planting taking into account the image and role of the street, solar access requirements, soils, selection of appropriate species, and services;
 - retains and incorporates existing significant and mature vegetation where appropriate;
 - appropriately recognises and responds to items and places of heritage significance;
 - assists in microclimate management;
 - integrates and forms visual and physical linkages with parks, reserves and transport corridors;
 - enhances pedestrian comfort and safety;
 - achieves and maintains lines of sight for pedestrians, cyclists and drivers of vehicles;
 - ensures adequate lighting for safety and security purposes;
 - provides where appropriate attractive and coordinated street furniture to meet user needs; and
 - satisfies maintenance and utility requirements and minimises the visual impact of above-ground utilities.

3.15.6.3. Building Appearance And Neighbourhood Character

(a) Intent

To ensure that building appearance is attractive and is in keeping with any desirable current or future urban character of the area.

(b) Performance Criteria

The intent may be achieved by application of the criteria below—

- i. Buildings and their entries are readily apparent from the street.
- ii. Building height at the street frontage maintains a compatible scale with adjacent development where appropriate.

- iii. Building appearance enhances the quality of an area and appropriately addresses, according to its function(s), the following—
 - mass and proportion;
 - roof form and pitch;
 - façade articulation, detailing, and window and door proportions;
 - floor to ceiling height;
 - ground floor height above street level;
 - materials, patterns, textures, colours, and decorative elements;
 - selection and detailing of materials to ensure high quality and durability and minimize impact through glare and reflection;
 - verandas, balconies, eaves and parapets;
 - services integration;
 - landscape and urban design elements; and
 - pedestrian amenity.
- iv. Garages and parking structure are screened from public streets.
- v. Consideration is given to the design of any large areas of roof that may be overlooked from the development or adjacent properties.
- vi. Existing buildings in sound condition that contribute to the streetscape character plus items of heritage or conservation significance are retained, incorporated and sympathetically treated, where possible.
- vii. Front fences and walls, where used, improve amenity and allow some outlook between the building and the street to achieve safety and surveillance and contribute positively to the streetscape.
- viii. Boundary walls and retaining structures have regard for the impact on neighbours.

3.15.6.4. Private Open Space

(a) Intent

To provide private open space* for each dwelling that is clearly defined, useable open space that meets user requirements for security, access, outdoor activities and visual amenity.

(b) Performance Criteria

The intent may be achieved by application of the criteria below.

- i. Private open space is clearly defined for exclusive use and is located adjacent to living areas.
- ii. Private open space areas are of dimensions to suit the projected requirements of the dwelling occupants and to accommodate appropriate outdoor needs.
- iii. Location and design of private open spaces takes advantage of outlook and natural feature of the site, limits adverse impact of adjacent buildings on privacy, overshadowing, microclimate and amenity.
- iv. The location and design of private open space addresses surveillance, privacy and security issues.

Note: *Private open space is defined by the Residential Design Codes of Western Australia. The current definition is as follows—

“private open space means open space set aside on a lot for the exclusive use of the occupants of the dwelling to which it abuts and excludes car parking spaces and accessways”.

3.15.6.5 Communal Open Space And Publicly Accessible Space

(a) Intent

To provide communal open space* and publicly accessible space** where appropriate, that is generous, clearly defined and useable, and helps to create a pleasant, safe and attractive environment.

(b) Performance Criteria

The intent may be achieved by application of the criteria below.

- i. Communal open space and publicly accessible space is designed according to projected user needs and is determined by—
 - development type and density;
 - availability of alternative nearby publicly accessible spaces
 - the need to distinguish communal open space clearly from private space;
 - range and type of activities envisaged;
 - future maintenance and management requirements;
 - consideration of the need to maintain privacy;
 - site attributes and microclimate considerations;
 - informal surveillance and security;
 - the need for accessibility; and
 - hours of operation of facilities.

- ii. The landscape design achieves an appropriate balance of hard and soft landscape treatment and determines the location and species of trees, shrubs and ground cover in a way that—
 - retains and protects significant existing vegetation where possible;
 - uses vegetation types and landscape styles which blend the development into the neighbourhood and streetscape and any proposed landscape character for the locality;
 - does not adversely affect the structure or function of propose or neighbouring buildings;
 - contributes appropriate planting to streets fronted by the development;
 - considers personal safety, by ensuring good visibility and adequate sight lines along paths, accessways and building entries.
 - contributes to physical and visual amenity and to micro climate management; and
 - minimises risk of damage to services, footings and neighbouring vegetation.
- iii. Lighting is provided to all accessible spaces to ensure a high level of safety and security for users at night.
- iv. Ensure that appropriate security measures are incorporate and management procedures allow for limited or controlled access where and when required.

Note: *Communal open space is defined by the Residential Design Codes of Western Australia.

The current definition is as follows—

“Communal open space means open space set aside on a lot for the recreational use of the occupants of the dwellings in a common development and does not include driveways or car-parking areas”

**Publicly accessible space means open space that is not set aside for the exclusive use of occupants and that is intentionally accessible to the public.

3.15.6.6 Resource Efficiency

(a) Intent

To adhere to the principles of ecologically sustainable development by incorporating features which limit the use of fossil fuels and natural resources and reduce greenhouse gas emissions over the life of the development and to encourage and maximise public transport patronage within the 800 metre walkable catchment of the Burswood Train Station.

(b) Performance Criteria

The intent may be achieved by application of the criteria below.

- i. Building envelopes and internal layouts are designed to minimise energy consumed for heating, cooling and artificial light where;
 - window design facilitates good thermal and daylight performance;
 - building materials and insulation assist in providing comfortable thermal conditions;
 - air movement within buildings is designed to provide comfortable thermal conditions and appropriate air quality; and
 - building materials, appliances and fuel sources are selected to minimise energy requirements and greenhouse gas emissions.
- ii. Building services are designed to minimise energy and resource use in the following ways—
 - Electrical
 - maximise use of natural light;
 - utilise energy efficient lighting control systems fittings and other appliances;
 - utilise energy efficient motors and equipment
 - Mechanical
 - maximise use of natural ventilation;
 - utilise energy efficient air conditioning and mechanical ventilation systems and controls where appropriate.
 - Hydraulic and Hot Water
 - minimise water use and waste;
 - utilise energy efficient hot water systems;
 - utilise water efficient taps and fittings.
- iii. All building services are designed and maintained to minimise energy use over the life of the development.
- iv. Building design maximises use of renewable energy sources and utilises fuels that minimise greenhouse gas emissions.
- v. Landscape design assists microclimate management to conserve energy and water.
- vi. The built form and pedestrian and cycle facilities to maximise accessibility to the Burswood Train Station and other public transport routes.

3.15.6.7 Safety And Security

(a) Intent

To provide personal and property security for occupants and visitors and enhance actual and perceived safety.

(b) Performance Criteria

The intent may be achieved by application of the criteria below.

- i. Buildings are designed to overlook public and communal streets and other public spaces to provide casual surveillance.
- ii. Site planning, buildings, fences, walls, landscaping and other landscape treatments and features clearly define territory and ownership of all public, common, semi-private and private spaces without the need for supplementary signage.
- iii. Appropriate lighting is provided to all pedestrian paths between public and shared communal and private areas, parking areas and building entries.
- iv. Building entries are clearly visible from public spaces and provide a sense of security for all users.
- v. Buildings are designed to minimise access between roofs, balconies and windows of adjoining dwellings tenancies and/or buildings.
- vi. Materials vulnerable to graffiti and vandalism are avoided and robust materials which are aesthetically pleasing are used in public or communal spaces.
- vii. Pedestrian site access and car parking are clearly defined, appropriately lit, visible to others and provide direct access to buildings from areas likely to be used at night.
- viii. Major pedestrian, cycle and vehicle thoroughfares are identified and reinforced as "safe routes" though;
 - appropriate lighting;
 - the potential for casual surveillance;
 - minimised opportunities for concealment; and
 - landscape and urban design which allows clear sight lines.
- ix. Entries to individual dwellings/tenancies are clearly identifiable by visitors and drivers of emergency vehicles.
- x. Public facilities, including public toilets and street furniture, are located to maximise opportunities for casual surveillance, and are designed and constructed of high-quality, robust materials.
- xi. In mixed use developments a diversity of complementary land-use activities is provided to encourage a public presence at different times of the day and night.
- xii. Landscape and fencing/walling treatments maintain clear visibility to and from doors, windows and pedestrian ways.

3.15.6.8 Privacy

(a) Intent

To site and design buildings to meet projected user requirements for visual and acoustic privacy, and to provide appropriate visual and acoustic privacy for nearby residents in their dwellings and private open space.

(b) Performance Criteria

The intent may be achieved by application of the criteria below.

- i. Direct overlooking of main internal living areas and private open spaces of other dwellings is limited.
- ii. Effective location and design of windows and balconies is preferred to the use of screening devices, high sills or obscured glass.
- iii. Site layout separates active recreational areas, parking areas, vehicle accessways and service equipment areas from bedroom areas of dwellings, and limits high levels of external noise entering dwellings.
- iv. Dwellings close to high-noise sources (eg busy roads, railway lines, airport flight-paths or industry) should be designed to limit noise intrusion.
- v. Building design, materials selection and services assists in minimising the transmission of solid and airborne sound throughout the development, adjacent properties and public spaces.

3.15.6.9 Onsite Parking And Access

(a) Intent

To ensure appropriate provision of secure and accessible on-site parking and access for occupants and visitors.

(b) Performance Criteria

The intent may be achieved by application of the criteria below.

- i. Parking is provided according to projected needs which are determined by the prescribed provisions in the Town Planning Scheme. When exercising discretion, Council should have regard to the following—
 - availability of public transport;
 - the availability of on-street car parking;

- reciprocal parking opportunities; and/or
 - reducing the amount of car parking for residential uses to less than that prescribed by the Residential Planning Codes to promote sustainability.
- ii. Secure bicycle parking is provided.
- iii. On-site circulation and parking facilities are designed and located to—
- conveniently and safely serve occupants, users and the likely range of servicing providers;
 - enable use by the disabled, pedestrians, cyclist and vehicle occupants;
 - enable efficient use of car spaces and accessways, including adequate manoeuvrability for vehicles between the street and the development and in the case of multiple dwellings enable vehicles to access the street in forward gear;
 - fit in with the adopted street network hierarchy and objectives of the hierarchy, with any related local traffic management plans;
 - minimise loss of on street parking; and
 - achieve relevant streetscape and landscape intent.
 - Adequate clearances for larger vehicles and provision for designated loading bays for waste removal, furniture removal etc on site.
- iv. Open car parking areas and access ways are suitably sited and designed to enhance amenity while providing for security needs of residents and visitors.

3.15.6.10 Site Facilities

(a) Intent

To ensure that site facilities are conveniently accessed by occupants, and are visually attractive, blend in with the development and street character, and require minimal maintenance.

(b) Performance Criteria

The intent may be achieved by application of the criteria below—

- i. All facilities such as garbage bin areas, mail boxes and external storage facilities are sited and designed for attractive appearance and function, and complement the architecture and environs.
 - ii. Garbage collection systems are designed for efficient and convenient use and collection and allow for collection of recyclable materials.
 - iii. Mail boxes are located for convenient access by occupants and deliverers, and are in a location offering passive surveillance.
 - iv. Dwellings are provided with adequate storage areas.
3. amending the 'TABLE OF CONTENTS' contained in Town Planning Scheme No. 1—Policy Manual by adding reference to Policy 3.15 "DESIGN GUIDELINES FOR BURSWOOD LAKES" in the 'TABLE OF CONTENTS' by inserting under '3.11.9 ORNAMENTAL DETAILS' the following—
- "3.15 DESIGN GUIDELINES FOR BURSWOOD LAKES"**

J. A. LEE, Mayor.
J. BONKER, Chief Executive Officer.

PI401*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
City of Armadale
Town Planning Scheme No. 2—Amendment No. 173

Ref: 853/2/22/4 Pt 173

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 (as amended) that the Hon Minister for Planning and Infrastructure approved the City of Armadale Town Planning Scheme Amendment on 13 May 2003 for the purpose of—

1. rezoning Location 532 Irymple Road, Karragullen from "General Rural" to "Special Use—Rural Residential";
2. amending the Scheme maps accordingly; and
3. amending the Scheme text by inserting in appropriate numerical order, a new entry into the Special Use Development Table as follows—

Prescribed Special Use	Requirements	Particulars of Land
Rural/Residential - Public Utility - Dwelling House	<ol style="list-style-type: none"> 1. Subdivision and development shall be generally in accordance with a Subdivision Guide Plan prepared in accordance with Clause 5.2.1 of the Scheme, and all lots shall be a minimum of 2 hectares in area. 2. All lots to be provided with underground power. 	Location 532 Irymple Road, Karragullen

Prescribed Special Use	Requirements	Particulars of Land
- Associated car parking in relation to these uses The Council may at its discretion, permit the following uses— - Home Occupation - Arts, Crafts and Handicrafts	3. The following Clauses of the Scheme are applicable to the land, with the exception of the areas nominated on the Subdivision Guide Plan for roadways and public utilities— • Clause 5.2.1(j) • Clause 5.2.2(b) • Clause 5.2.3 • Clause 5.9.8 • Clause 5.9.9 • Clause 5.9.10 4. All lots to be provided with development envelopes to the satisfaction of Council, which are to maintain a minimum setback of 150 metres from any lots containing orcharding activities. 5. Any proposed lots adjacent to the western boundary or north eastern corner of Location 532 are to incorporate a vegetated buffer of 40 metres width to attenuate spray drift from surrounding orchard activities. Vegetation within this buffer is to be planted and maintained to attenuate spray drift in accordance with a Vegetation Plan submitted to and approved by Council. 6. The clearing of vegetation on the lots outside the designated development envelopes shall not be permitted without the approval of Council. 7. Only one dwelling shall be permitted on a lot. 8. The subdivider shall prepare a Drainage Management Plan, also incorporating details on the management of erosion and sediment control, prior to the subdivision and development of lots within the application area. All development shall be designed and maintained in accordance with this plan. 9. The keeping of livestock and horses on the lots is prohibited. 10. All lots shall comply with Rural Zone Development Standards of the Scheme. 11. Boundary fencing shall be constructed of post and rail or post and wire construction in accordance with the Council's Local Laws relating to Fencing, unless otherwise approved by Council. 12. The proposed fencing along the common boundary between the proposed lots and the Stinton Cascades Nature Reserve is to be to the satisfaction of the Department of Conservation and Land Management. 13. All other uses mentioned in the Scheme are not permitted.	

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

PI404*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
Town of Victoria Park
 Town Planning Scheme No. 1—Amendment No. 29

Ref: 853/2/32/2 Pt 29

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning and Infrastructure approved the Town of Victoria Park Town Planning Scheme Amendment on 22 April 2003 for the purpose of amending Precinct Plan P2—Burswood Precinct by modifying the 'Development Standards' section in the 'Special Use Zone' by inserting two new sub headings and associated text, after sub heading '(b) Setbacks', as follows—

(c) Maximum Plot Ratio

The maximum plot ratio, as defined by the Residential Design Codes, for 'Single House or Grouped Dwelling' and 'Multiple Dwelling' dwelling types for each lot shall be varied as follows—

Lot	Max Plot Ratio
1	2.44
2	1.55

Lot	Max Plot Ratio
3	1.68
4	1.20
5	1.23
6	0.88
7	0.88
8	1.00
9	1.36
10	5.34
11	3.62
12	2.85
13	3.02
14	2.64
15	1.71
16	2.21
17	2.63
18	2.96
19	2.83
20	2.86
21	1.81
22	1.87
23	2.02
24	2.44
25	0.27
26	0.69

(d) Minimum Site Area Per Dwelling

The minimum site area per dwelling, as defined by the Residential Design Codes, for 'Single House or Grouped Dwelling' and 'Multiple Dwelling' dwelling types for each lot shall be as follows—

Lot	Minimum Site Area per Dwelling (m ²)
1	60
2	105
3	105
4	110
5	110
6	110
7	110
8	110
9	100
10	25
11	40
12	55
13	50
14	50
15	100
16	65
17	55
18	45
19	60
20	55
21	80
22	80
23	70
24	110

Lot	Minimum Site Area per Dwelling (m ²)
25	110
26	110

and re-alphabetise the remaining existing provisions contained in the clause.

J. A. LEE, Mayor.
J. BONKER, Chief Executive Officer.

PI402*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
Shire of Esperance

Town Planning Scheme No. 22—Amendment No. 36

Ref: 853/11/6/21 Pt 36

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 (as amended) that the Hon Minister for Planning and Infrastructure approved the Shire of Esperance Town Planning Scheme Amendment on 13 May 2003 for the purpose of—

1. Rezoning Esperance Location 320, Gibson from the “Rural” zone to the “Special Rural” Zone.
2. Inserting the following in ‘Schedule 7—Special Rural Zone—Schedule of Special Provisions’ of Town Planning Scheme No. 22—

Locality of Land	Special Provisions
Esperance Location 320, Gibson	<p>SUBDIVISION</p> <p>Subdivision shall generally be in accordance with the subdivision guide plan dated 4.3.2003. No further subdivision shall be permitted.</p> <p>DEVELOPMENT</p> <p>No residential development or effluent disposal systems are permitted within the 300 metre water bore buffer or development exclusion zones identified on the Subdivision guide plan.</p> <p>LAND USE</p> <p>a) The following uses may be permitted on the land with the approval of Council—</p> <ul style="list-style-type: none"> • Aged or Dependant Persons Dwelling • Ancillary Accommodation • Art & Craft Studio • Home Business • Home Occupation • Home Office • Residential Building • Rural Pursuit—excluding the rearing or agistment of livestock and poultry for commercial purposes and keeping of pigs. • Single House <p>b) All other uses not mentioned in (a) and rural pursuits which normally require the issue of any license and permit other than that referred to in (a), are not permitted.</p> <p>c) The keeping of horses is prohibited.</p> <p>SERVICING</p> <p>a) No building shall be considered fit for human habitation unless a supply of potable water and an approved effluent disposal system has been installed.</p> <p>b) (i) Septic tanks must be located a minimum of two (2) metres above the highest ground water level and a minimum of one hundred (100) metres from any water body.</p>

Locality of Land	Special Provisions
	<p>(ii) In the absence of a supply of underground potable water, the provision of rainwater litres capacity with the necessary accompanying roof catchment capacity and in addition thereof, a secondary (i.e. may be a non-potable) water supply sufficient for toilet and garden use from underground sources or dams will be an acceptable alternative.</p> <p>c) Prospective purchasers are to be advised that reticulated water and deep sewer systems are unavailable.</p> <p>TREE PLANTING AND TREE PRESERVATION</p> <p>a) Council may require the owner of a subdivided lot within the area, as a condition of Planning Consent, to plant trees and/or other perennial vegetation on lots that it considers require tree cover improvement and/or on areas that otherwise are identified for strategic (future) tree planting on the subdivision guide plan for the area. Such vegetation may be to a specific specification.</p> <p>b) Council may require the owner of a subdivision lot within the area, as a condition of Planning Consent, to take measures that adequately preserve and protect vegetation on lots where the cover of such vegetation is considered worthy of preservation and protection, and/or otherwise is located within the strategic tree planting areas identified on the subdivision guide plan for the area. Such measures may include installation of fencing, firebreaks and any other measure Council thinks fit.</p> <p>c) Vegetation that is planted, preserved and/or protected in accordance with Planning Consent under sub-clauses (a) and (b) shall not be subject to cutting down, lopping, removing, injuring, or wilful destruction except with the consent of Council which may be granted subject to such conditions as the Council thinks fit.</p>

3. Amending the Scheme Map accordingly.

J. M. STARCEVICH, President.
M. ARCHER, Chief Executive Officer.

RACING, GAMING AND LIQUOR

RG401

LIQUOR LICENSING ACT 1988

SUMMARY OF LIQUOR LICENSING APPLICATIONS

The following is a summary of applications received under the Liquor Licensing Act 1988 and required to be advertised. Any person wishing to obtain more details about any application, or about the objection process, should contact the Department of Racing, Gaming & Liquor, 1st Floor, Hyatt Centre, 87 Adelaide Terrace, Perth, Telephone: (08) 9425 1888, or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE GRANT OF A LICENCE			
9743	South West Business Assoc Inc	Application for the grant of Club licence in respect of premises situated in Bunbury and known as South West Business Association Inc	18/6/2003
9745	Mullewa Sports Club Inc	Application for the grant of a Club licence in respect of premises situated in Mullewa and known as Mullewa Sports Club Inc	23/6/2003
9747	Kailis Wines Pty Ltd	Application for the grant of a Wholesaler's licence in respect of premises situated in East Perth and known as Kailis Wines	17/6/2003
9751	Grandview Pty Ltd (Anors)	Application for the grant of a Restaurant licence in respect of premises situated in Tuart Hill and known as Banca Café	22/6/2003
9742	Sherlock Australia Pty Ltd	Application for the grant of a Restaurant licence in respect of premises situated in Carnarvon and known as Harbourside Café	15/6/2003

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS			
16242	Martin Barry Ekins and Sara Jane Ekins	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Guilderton and known as Moore River Roadhouse	27/5/2003
14202	Queens Street Tavern Pty Ltd	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Busselton and known as Vasse Café Bar	1/6/2003

This notice is published under section 67(5) of the Liquor Licensing Act 1988.

H. R. HIGHMAN, Director of Liquor Licensing.

PUBLIC NOTICES

ZZ201

PUBLIC TRUSTEE ACT 1941 ADMINISTERING OF ESTATES

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

Dated at Perth the 21st day of April 2003.

A. R. McLAREN, Public Trustee,
565 Hay Street, Perth WA 6000.

Name of Deceased	Address	Date of Death	Date Election Filed
Delower, Dorothy (DE20002299EM36)	Derby	9/4/2002	5/3/2003
Carter, Henry (DE30332336EM37)	Carlisle	7/5/2002	7/4/2003
Stuart, Heather Kathleen (DE30262510EM17)	Subiaco	16/6/2002	11/4/2003
Rayski, John (DE33010992EM16)	Carlisle	5/2/2002	20/3/2003
Couzens, George William Frederick (DE33015439EM17)	Whyalla South Australia	5/6/2002	17/4/2003
Luckacev, Zdravko (DE33009438EM17)	Busselton	4/12/2001	17/4/2003
Meadows, John (DE33013764EM17)	Narrogin	About 3/4/2002	30/4/2003
Turner, Leeslie Jane (DE20002255EM37)	Mount Lawley	1/7/2002	12/5/2003

ZZ202

TRUSTEES ACT 1962 DECEASED ESTATES

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their of claims to me on or before the 23rd June 2003 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Ball, Mary Emma, late of Bassendean Nursing Home Hamilton Street Bassendean, died 25/6/1989, (DE33021271EM44)

Bradshaw, Thomas, late of 35 Chesham Way Hamilton Hill, died 28/4/2003, (DE19753721EM34)

Bull, James Edward, late 115 Raleigh Street Carlisle, died 14/4/2003, (DE19752479EM12)

Butt, Donald Clifton, late of 13 Slocum Street Wyalkatchem formerly of 13 Kookerbrook Street Mandurah, died 2/3/2003, (DE19884085EM35)

Chipper, Athena Katie, late of 19 Kildare Road Floreat, died 10/4/2003, (DE19652682EM35)

Comley, Paul Eugene, late of 27 Howard Street Fremantle, died 27/10/2002, (DE196906232M16)

Cross, Raymond Wesley, late of 555 Fitzgerald Street North Perth, died 5/5/2003, (DE19801040EM15)

Evans, Mona Haywood, late of 17 Kanangra Crescent Greenwood, died 30/1/2003, (DE33022288EM36)

Foster, Alfred Robert, 25 Rochester Way Mandurah, died 14/4/2003, (DE19720439EM110)

Hadley, Flora, late of Geraldton Nursing Home 20 Milford Street Geraldton formerly of 279B Fifth Street Wonthella, died 20/3/2003, (DE19742501EM34)

Hanlon, Margaret Eileen, late of 57 Palmerston Street Mosman Park formerly of Hollywood Senior Citizen Village Unit 8/118-120 Monash Avenue Nedlands, died 29/12/2001, (DE33021267EM16)

Medcalf, Constance Dingle, late of Hollywood Senior Citizens Village 118-120 Monash Avenue Nedlands, died 3/5/2003, (DE19734323EM32)

Petriwskyj, Stefan, late of 62 Frederick Street Midland, died 4/5/2003, (DE19601170EM22)

Rann, Ivy Noreen, late of 10 Renwick Street South Perth, died 30/4/2003, (DE19672409EM37)

Watts, Owen Francis, late of 8 Barnsbury Road Warwick, died 16/3/2003, (DE19762576EM44)

Wiberg, John Williams also known as John William Wiberg, late of Leighton Nursing Home Florence Street West Perth, died 23/4/2003, (DE33021614EM12)

Wright, Margaret Elizabeth, late of Unit 12/50 Moondyne Drive Wembley, died 20/4/2003, (DE33016640EM27)

ANTONINA ROSE McLAREN, Public Trustee,
Public Trust Office, 565 Hay Street,
Perth WA 8000.
Telephone: 9222 6777.

ZZ401

DISSOLUTION OF PARTNERSHIP
Zoe Keogh & Buffy Murray Trading as i67

To whom it may concern:

We, Zoe Keogh and Buffy Murray, advise that the partnership of i67 has been dissolved effective 5 August 2002.

We accept no further liability for any debts incurred by the partnership after publication of this Notice of Dissolution of Partnership.

The business of i67 has been taken over by Buffy Murray as sole proprietor effective from 5 August 2002.

Should further information be required, please contact Buffy Murray, 18 Mary Street, Highgate, WA, 6003.

WESTERN AUSTRALIA

YOUNG OFFENDERS ACT 1994

***Price: \$17.25 counter sales
Plus postage on 265 grams**

YOUNG OFFENDERS REGULATIONS 1995

***Price \$4.80 counter sales
Plus postage on 65 grams**

*Prices subject to change on addition of amendments.

CLAIMS FOR MISSING ISSUES

(SUBSCRIPTION ITEMS)

For a claim to be recognised as valid, written notification must be lodged at State Law Publisher, 10 William Street, Perth 6000 within 28 days of publication of the missing item.

Claims lodged after this date will attract payment in full.

STATE LAW PUBLISHER

SUBSCRIPTION CHARGES 2003

All subscriptions are for the period from 1 January to 31 December 2003. Subject to certain limitations, refunds may be allowed if a subscription is cancelled during the year. The prices quoted include postage by surface mail unless stated otherwise.

GOVERNMENT GAZETTE

General *Government Gazettes* are published on Tuesday and Friday of each week, unless disrupted by public holidays or unforeseen circumstances.
Special *Government Gazettes* are published periodically.

All Gazettes	\$
Within WA	781.00
Interstate	797.50
Overseas (airmail)	1,089.00
Bound Volumes of full year	1,039.50

Electronic Gazette Online

(includes all Gazettes from Jan 1998)	
Existing hard copy subscriber	178.20
Electronic Subscription only	594.00
<i>Gazettes on CD ROM from 1998</i>	
(per year).....	711.70

INDUSTRIAL GAZETTE

Industrial Gazette is published monthly.	
	\$
Within WA	339.90
Interstate	404.80
Overseas (airmail)	515.00

Electronic Gazette Online

(includes all Gazettes from Jan 1996)	
Existing hard copy subscriber	110.00
Electronic Subscription only.....	220.00
<i>Gazettes on CD ROM from 1998</i>	
(per year).....	308.00

HANSARD

Hansard is printed and distributed weekly during parliamentary sessions.	
	\$
Within WA	741.40
Interstate	906.40
Overseas (airmail)	854.00

Bound Volumes of Hansard

Within WA	731.50
Interstate	742.50
<i>Hansards on CD ROM from 1999</i>	
(per year)	759.00

STATUTES

Bound Statutes

Bound volumes are posted during March of the following year.

	\$
Within WA.....	265.10
Interstate	293.70
Overseas	272.00
Half Calf Bound Statutes	729.30

<i>Bound Volumes on CD ROM from 1998</i>	
(per year).....	264.00

Loose Statutes

Statutes are posted weekly as they become available.

	\$
Within WA.....	283.80
Interstate	293.70
Overseas (airmail).....	382.00

Sessional Bills

Bills are posted weekly as they become available.

	\$
Within WA	390.50
Interstate	409.20
Overseas (airmail)	555.00

Electronic Statutes Online

Includes all Acts, Regulations, Bills, Acts by year, Index to Statutes, Hansard, etc

	\$
1st user	697.40
2nd and each additional user (each)	348.70
More than 4 users—site licenses apply—please contact our sales staff for rates	

Data on CD's is fully indexed and is searchable. Other CD ROM products with legislation or other statutory information can be packaged to individual requirements. Prices are available on request.

