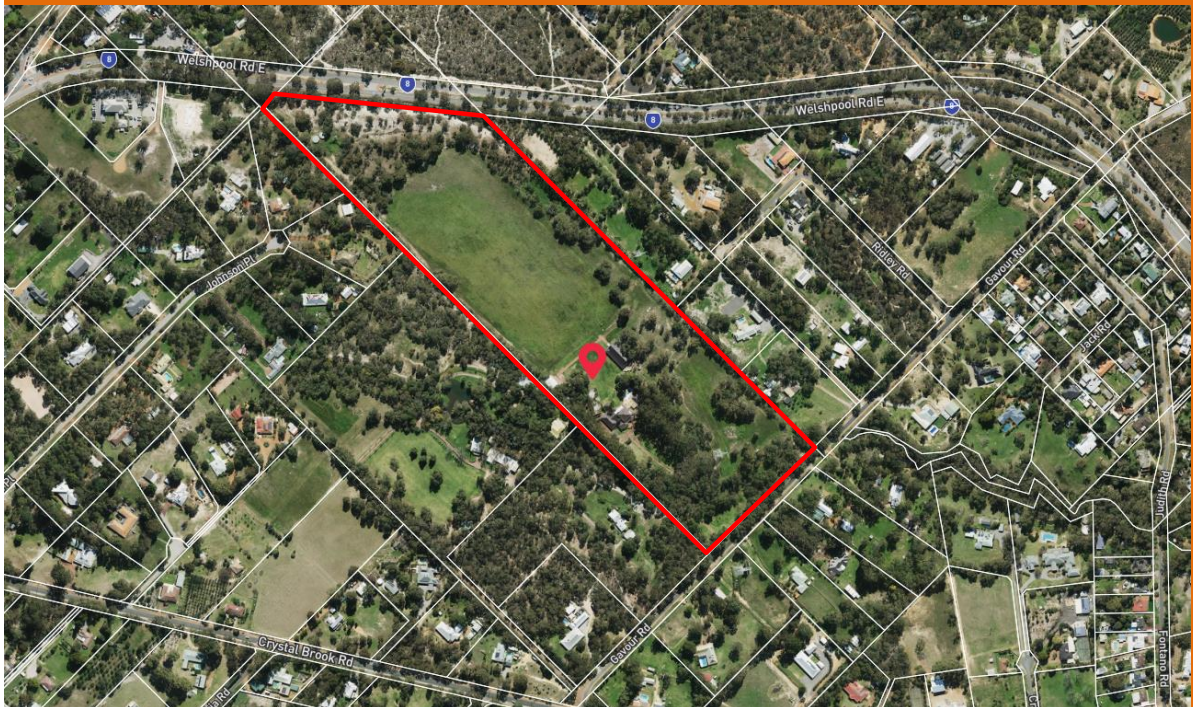


DYNAMIC PLANNING AND DEVELOPMENTS

Proposed Local Planning Scheme Amendment Lot 500 (No. 32) Gavour Road, Wattle Grove



Prepared for
Ross Leighton

Project No: 1294
October 2021



LPS Amendment – 32 Gavour Road, Wattle Grove

Prepared for
 Ross Leighton
 32 Gavour Road,
 Wattle Grove, WA, 6107

History and Status of this Document

Revision	Date issued	Prepared by	Reviewed by	Revision type
REV 1	4/10/21	Reegan Cake	Neil Teo	Lodgement

Document Printed 4 October 2021
 File Name 210930 1294 LPS Amendment Submission.doc
 Author/s Reegan Cake
 Project Manager Neil Teo
 Name of Document LPS Amendment
 Document Version Rev 1

© Dynamic Planning & Developments Pty Ltd

Except as permitted under the Copyright Act 1968 (Cth), the whole or any part of this report may not be reproduced by any process, electronic or otherwise, without the specific written permission of the copyright owner, Dynamic Planning and Developments. This includes the adaptation, microcopying, photocopying or recording of the report.

Neither may the information contained in this report be reproduced, transmitted or stored electronically in any form, such as in a retrieval system, without the specific prior written permission of Dynamic Planning and Developments.

This report has been exclusively drafted. No express or implied warranties are made by Dynamic Planning and Developments regarding the research findings and data contained in this report. All of the information details included in this report are based upon the existent land area conditions, research provided and obtained, and so forth as Dynamic Planning and Developments conducted its analysis into the subject proposal and/or project. Dynamic Planning and Developments will not be responsible for the application of its recommended strategies by the Client.

Please note that the strategies devised in this report may not be directly applicable towards another Client. We would also warn against adapting this report's strategies / contents to another land area which has not been researched and analysed by Dynamic Planning and Developments. Instead, please contact Dynamic Planning and Developments to provide a customised report for your specific needs. Otherwise, Dynamic Planning and Developments accepts no liability whatsoever for a third party's use of, or reliance upon, this specific report.



LPS Amendment – 32 Gavour Road, Wattle Grove

TABLE OF CONTENTS

1.0	Introduction	2
2.0	Site Details	3
2.1	Legal Description	3
2.2	Site Context.....	3
3.0	Background	4
3.1	Amendment 57.....	4
3.2	Local Development Plan	6
4.0	Amendment Proposal	7
5.0	Justification	9
6.0	Conclusion	10

FIGURES

Figure 1: Local Context (Source: Metromaps)

TABLES

Table 1: Existing Special Use 20 Provisions
 Table 2: Proposed Special Use 20 Provisions

APPENDICES

Appendix 1 – Certificate of Title
Appendix 2 – Government Gazette

© Dynamic Planning and Developments



1.0 Introduction

Dynamic Planning and Developments Pty Ltd (DPD) act on behalf of the registered proprietor of Lot 500 (No. 32) Gavour Road, Wattle Grove (herein referred to as the 'subject site'). DPD has prepared the following report in order to seek support from the City of Kalamunda to initiate an amendment to its Local Planning Scheme No. 3 (LPS 3) in order to modify the existing Special Use provisions applicable to the subject site. These changes will not modify the intended development outcome, rather they will seek to enable strata development at the subject site.

This report will address in detail various issues pertinent to the proposal, these being:

- The relevant site context;
- Background to the prior Amendment No. 57 which implemented the 'Special Use' zoning;
- An overview of the LPS amendment; and,
- Relevant justification in support of the proposed LPS amendment.

The proposed LPS amendment is considered to be 'standard' as defined under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* since the Amendment:

- a) *Is not a complex or basic amendment.*



LPS Amendment – 32 Gavour Road, Wattle Grove

2.0 Site Details

2.1 Legal Description

The subject site comprises a total of one (1) freehold allotment being:

Address	Lot No	Deposited Plan	Area
32 Gavour Road, Wattle Grove	500	57971	15.1808Ha

A copy of the relevant Certificate of Title has been provided in **Appendix 1**.

2.2 Site Context

The subject site is located approximately 18 kilometres south east of the Perth CBD within the municipal locality of the City of Kalamunda and in the suburb of Wattle Grove. The subject site has frontage to both Welshpool Road and Gavour Road. The subject site is located within an area characterised as predominantly 'rural living' with the urban front approaching the area from the west, north and south.

Further beyond the immediate rural living area, the subject site is in close proximity to the proposed Roe Highway Logistics Park and the Maddington Kenwick Strategic Employment Area which will be developed for industrial purposes.

At a local level, the subject site is made up of one (1) freehold allotment which measures 15.1808 Ha in area. The subject site contains an existing residential property, Crystal Brook and transmission lines that traverse the site. Access to the site presently occurs from Gavour Road.

Figure 1 below depicts the site within its local context.

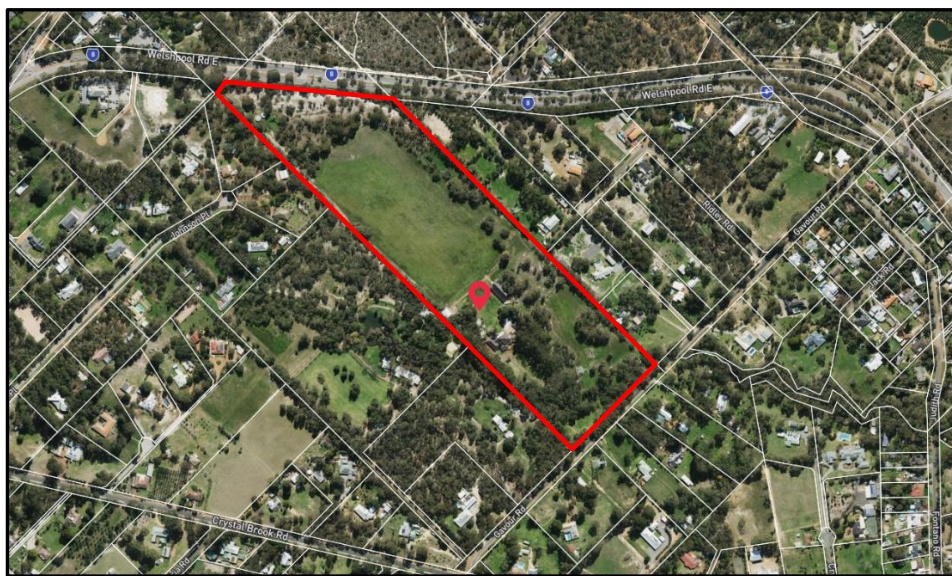


Figure 1 - Local Context (Source: Metromaps)



LPS Amendment – 32 Gavour Road, Wattle Grove

3.0 Background

3.1 Amendment 57

Amendment 57 to the then Shire of Kalamunda Local Planning Scheme No. 3 (LPS3) was the culmination of an arduous planning process that saw the adoption of a 'Special Use' zoning for the subject site which was intended to facilitate the development of an Integrated Aged Care Facility.

Originally the City, at its Special Council Meeting on the 26 August 2013 resolved to initiate Amendment 57 after the refusal of an earlier amendment (Amendment 18). Following an independent assessment of the proposed Amendment 57, it was presented to Council for adoption at another Special Council meeting on the 20 April 2015 where Council resolved to adopt the amendment subject to modifications.

Following assessment by the WAPC, the minister resolved to adopt Amendment 57 subject to some final modifications with it being gazetted on the 26 September 2017. The final amendment provisions have been provided below:

No	Description of Land	Special Use	Conditions
SU20	32 GAVOUR ROAD, WATTLE GROVE (LOT 500 ON DEPOSITED PLAN 57971)	<p>Integrated Aged Care Facility</p> <p>The objective of this particular zone is to achieve the development and operation of an integrated aged care facility that is designed to allow "ageing in place". It will have a full range of accommodation designed for the aged including independent living units (Aged or Dependent Persons' Dwellings) and a nursing home component (Aged Residential Care facility) as well as common use community facilities.</p> <p>It will be designed and implemented to maintain the rural character of the adjacent area whilst also maintaining flexibility to enable the facility's integration with development on adjoining properties should land use changes occur in the future. It will remain in a single control and management arrangement to ensure it remains integrated and that it will be able to be maintained to a consistently high standard and kept up to date in response to the needs of its occupants.</p>	<p>a) At least one occupant of any Aged or Dependent Persons' Dwelling within this facility must have reached the age of 55 years.</p> <p>b) Development on the site shall be connected to the reticulated sewerage system or alternative waste water treatment system to the satisfaction of the Health Department of Western Australia and the local government on the advice of the Department of Water and Swan River Trust. In the event onsite effluent disposal cannot be satisfactorily achieved the State would not be obligated to provide reticulated sewerage infrastructure specifically to service the proposed development ahead of any future capital works program.</p> <p>c) If development is approved without connection to the reticulated sewerage system, then: (i) prior to the approval of any development on Lot 500, an Urban Water Management</p>



LPS Amendment – 32 Gavour Road, Wattle Grove

		<p>a) Within this zone, the following uses are discretionary ('D') in accordance with clause 4.3.2:</p> <ul style="list-style-type: none"> • Aged Residential Care; • Aged or Dependent Persons' Dwellings; • Caretaker's Dwelling; • Consulting Rooms. <p>b) Council may approve other ancillary or incidental uses on this site, provided that they are minor in nature, they form part of the operational business of an integrated aged care facility, they would not particularly attract patrons or users who are not resident or employed within the development to the facility, and they would complement or enhance the usual living standards and requirements of residents living in, and staff working at, a facility of this nature.</p> <p>c) All other uses not mentioned under clauses (a) and (b) of this special use zone are not permitted ('X') in accordance with clause 4.3.2</p>	<p>Plan shall be prepared and approved by the Council on advice of the Department of Water and the Swan River Trust; and (ii) the approved alternative waste water disposal system shall be designed and implemented so that it is able to connect to the reticulated sewerage system if and when it is extended to within 200 metres of a boundary of Lot 500, then within 2 years of such occurrence, the owner or owners of Lot 500 shall connect all of the development on the lot to the reticulated sewerage system at the owner's cost.</p> <p>d) An integrated aged care facility is a development that shall not be strata titled.</p> <p>e) Development on Lot 500 shall be designed in the context of a local development plan prepared in accordance with deemed provisions in Schedule 2, Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015 which covers the entire lot. This will, amongst addressing other relevant planning and design matters, identify the location of the Aged Residential Care Facility, identify proposed staging, and the location of a possible future public road and servicing easement(s) with future implementation arrangements for these should land use changes occur on the properties adjoining Lot 500 in the future.</p> <p>f) The maximum number of Aged or Dependent Persons Dwellings that may be developed on Lot 500 shall not exceed 190.</p>
--	--	--	---



			<p>g) Not more than 70% of the Aged or Dependent Persons Dwellings allowed for by an approved Local Development Plan shall be developed on Lot 500 until the development of an Aged Residential Care Facility (nursing home component) has been constructed to practical completion.</p> <p>h) Clause 5.5 shall not apply to this special use zone.</p>
--	--	--	---

Table 1 – Existing Special Use 20 Provisions

Unfortunately condition d), highlighted above, has resulted in a considerable obstruction to development, as in order to develop the integrated aged care facility and particularly the retirement village component, there is a necessity to be able to provide or obtain a Certificates of Title for the lots and dwellings the developer will construct. Without the Certificates of Title there are significant constraints to financing the purchase of the dwellings.

As a consequence of the imposition of condition d), we are now seeking a subsequent amendment to the abovementioned Special Use 20 provisions in order to delete condition d) and facilitate strata titling of the proposed development. This is an approach that has previously been supported by the WAPC at the El Caballo Lifestyle Village in the Shire of Northam.

3.2 Local Development Plan

Following the adoption of Amendment 57, a Local Development Plan (LDP) was prepared and approved in June of 2019 in accordance with Condition e) of the adopted Special Use 20 provision. The intent of the LDP is to provide a framework for subsequent development to be consistent with and details how the various constraints applicable to the site will be managed.

The proposed scheme amendment will not impact the approved LDP and any subsequent development will still comply with the relevant LDP provisions.



LPS Amendment – 32 Gavour Road, Wattle Grove

4.0 Amendment Proposal

The proposed Scheme Amendment seeks approval to amend the existing conditions applicable to Special Use 20 in Schedule 4 of the City of Kalamunda Local Planning Scheme No. 3 by deleting Condition d). Specifically, the amendment seeks to:

1. Amend Schedule 4 – Special Use Zones in LPS No. 3 to modify the conditions applicable to Special Use 20. The modified provisions shall read in accordance with the below table:

No	Description of Land	Special Use	Conditions
SU20	32 GAVOUR ROAD, WATTLE GROVE (LOT 500 ON DEPOSITED PLAN 57971)	<p>Integrated Aged Care Facility</p> <p>The objective of this particular zone is to achieve the development and operation of an integrated aged care facility that is designed to allow “ageing in place”. It will have a full range of accommodation designed for the aged including independent living units (Aged or Dependent Persons’ Dwellings) and a nursing home component (Aged Residential Care facility) as well as common use community facilities.</p> <p>It will be designed and implemented to maintain the rural character of the adjacent area whilst also maintaining flexibility to enable the facility’s integration with development on adjoining properties should land use changes occur in the future. It will remain in a single control and management arrangement to ensure it remains integrated and that it will be able to be maintained to a consistently high standard and kept up to date in response to the needs of its occupants.</p> <p>a) Within this zone, the following uses are discretionary (‘D’) in accordance with clause 4.3.2:</p> <ul style="list-style-type: none"> • Aged Residential Care; • Aged or Dependent Persons’ Dwellings; • Caretaker’s Dwelling; 	<p>a) At least one occupant of any Aged or Dependent Persons’ Dwelling within this facility must have reached the age of 55 years.</p> <p>b) Development on the site shall be connected to the reticulated sewerage system or alternative waste water treatment system to the satisfaction of the Health Department of Western Australia and the local government on the advice of the Department of Water and Swan River Trust. In the event onsite effluent disposal cannot be satisfactorily achieved the State would not be obligated to provide reticulated sewerage infrastructure specifically to service the proposed development ahead of any future capital works program.</p> <p>c) If development is approved without connection to the reticulated sewerage system, then: (i) prior to the approval of any development on Lot 500, an Urban Water Management Plan shall be prepared and approved by the Council on advice of the Department of Water and the Swan River Trust; and (ii) the approved alternative waste water disposal system shall be designed and implemented so that it is able to connect to the reticulated sewerage</p>

7 | Page

© Dynamic Planning and Developments



LPS Amendment – 32 Gavour Road, Wattle Grove

		<ul style="list-style-type: none"> • Consulting Rooms. <p>b) Council may approve other ancillary or incidental uses on this site, provided that they are minor in nature, they form part of the operational business of an integrated aged care facility, they would not particularly attract patrons or users who are not resident or employed within the development to the facility, and they would complement or enhance the usual living standards and requirements of residents living in, and staff working at, a facility of this nature.</p> <p>c) All other uses not mentioned under clauses (a) and (b) of this special use zone are not permitted ('X') in accordance with clause 4.3.2</p>	<p>system if and when it is extended to within 200 metres of a boundary of Lot 500, then within 2 years of such occurrence, the owner or owners of Lot 500 shall connect all of the development on the lot to the reticulated sewerage system at the owner's cost.</p> <p>d) Development on Lot 500 shall be designed in the context of a local development plan prepared in accordance with deemed provisions in Schedule 2, Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015 which covers the entire lot. This will, amongst addressing other relevant planning and design matters, identify the location of the Aged Residential Care Facility, identify proposed staging, and the location of a possible future public road and servicing easement(s) with future implementation arrangements for these should land use changes occur on the properties adjoining Lot 500 in the future.</p> <p>e) The maximum number of Aged or Dependent Persons Dwellings that may be developed on Lot 500 shall not exceed 190.</p> <p>f) Not more than 70% of the Aged or Dependent Persons Dwellings allowed for by an approved Local Development Plan shall be developed on Lot 500 until the development of an Aged Residential Care Facility (nursing home component) has been constructed to practical completion.</p> <p>g) Clause 5.5 shall not apply to this special use zone.</p>
--	--	--	---

Table 2 – Proposed Special Use 20 Provisions



5.0 Justification

This LPS Amendment has been prepared in response to a desire to strata title the proposed Integrated Aged Care Facility, something that is currently prohibited under the existing Special Use 20 provisions. Justification in support of the proposed amendment has been provided below:

1. The ability to strata title the proposed development will enable individual Certificates of Title to be obtained for each dwelling. This will enable prospective purchases to obtain finance for the dwellings constructed by the developer. Without the ability for strata titling, finance often isn't achievable and consequently the ultimate development outcome is unlikely to be capable of implementation.
2. The proposed amendment will not alter the ultimate development outcome at the site, with the existing approved Local Development Plan and other Special Use 20 provisions being retained. This means the applicable yield and requirement to construct the Aged Residential Care Facility will remain the same.
3. The proposed amendment to allow strata titling is not dissimilar to an amendment that was approved at the El Caballo Lifestyle Village (Amendment 5 to the Shire of Northam Local Planning Scheme No. 6). This amendment involved a change to the Special Use provisions within Schedule 4 of the Shire of Northam Local Planning Scheme No. 6 to permit the development of grouped dwellings and a residential aged care facility. The conditions associated with the Special Use zoning in relation to this amendment acknowledged the financing limitations and did not prohibit strata titling. A copy of the gazetted scheme provisions applicable to Amendment 5 are included in **Appendix 2**.

In light of the abovementioned points, it is evident that the proposed amendment is very minor in nature and will actually assist in facilitating development in accordance with the intended vision of the Special Use 20 provisions. With this in mind, the amendment warrants initiation and support from the City of Kalamunda.



6.0 Conclusion

The proposed LPS amendment that seeks to amend the existing Special Use 20 provisions, as contained in Schedule 4 of the City of Kalamunda LPS No. 3 by permitting strata subdivision at the subject site, is considered appropriate for initiation and endorsement by the City of Kalamunda and the WAPC for the following reasons:

- The proposal is very minor in nature and will still facilitate development that is entirely consistent with the existing Special Use 20 provisions.
- Without the proposed amendment, the implementation of the Integrated Aged Care Facility will be compromised due to financing constraints.
- There is an established precedence to allow strata titling of this type of development with Amendment 5 to the Shire of Northam Local Planning Scheme No. 6 evidence of this.

In this regard we respectfully request that the City of Kalamunda and the WAPC resolve to support and approve the proposed amendment.

LPS Amendment – 32 Gavour Road, Wattle Grove



APPENDIX 1
CERTIFICATE OF TITLE

© Dynamic Planning and Developments




REGISTER NUMBER 500/DP57971	
DUPLICATE EDITION 2	DATE DUPLICATE ISSUED 27/9/2011

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME **2702** FOLIO **116**

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

BG Roberts
REGISTRAR OF TITLES 

LAND DESCRIPTION:

LOT 500 ON DEPOSITED PLAN 57971

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

PETULA JANE LEIGHTON
ROSS WILLIAM LEIGHTON
BOTH OF 32 GAVOUR ROAD, WATTLE GROVE
AS JOINT TENANTS

(AF K646525) REGISTERED 3/7/2008

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

- A976515 EASEMENT (FOR/INCLUDES ELECTRICITY/ELECTRICAL/GAS PURPOSE) TO THE STATE ELECTRICITY COMMISSION OF WESTERN AUSTRALIA - SEE DEPOSITED PLAN 57971 REGISTERED 17/6/1975.
- L729019 MORTGAGE TO SETAB PTY LTD REGISTERED 8/9/2011.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

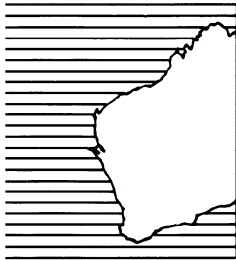
SKETCH OF LAND: DP57971
PREVIOUS TITLE: 1782-644
PROPERTY STREET ADDRESS: 32 GAVOUR RD, WATTLE GROVE.
LOCAL GOVERNMENT AUTHORITY: CITY OF KALAMUNDA

LPS Amendment – 32 Gavour Road, Wattle Grove



APPENDIX 2
GOVERNMENT GAZETTE

© Dynamic Planning and Developments



WESTERN AUSTRALIAN GOVERNMENT Gazette
 ISSN 1448-949X (print) ISSN 2204-4264 (online)
 PRINT POST APPROVED PP665002/00041



PERTH, TUESDAY, 5 SEPTEMBER 2017 No. 174

PUBLISHED BY AUTHORITY KEVIN J. McRAE, GOVERNMENT PRINTER AT 12.00 NOON
© STATE OF WESTERN AUSTRALIA

CONTENTS

PART 1

	Page
Mining Amendment Regulations 2017	4681
Shire of Nannup Repeal Local Law 2017.....	4681

PART 2

Agriculture and Food	4686
Deceased Estates	4692
Fisheries	4686
Local Government.....	4686
Planning	4687
Police	4689
Racing, Gaming and Liquor.....	4691

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.
- 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).

Delivery address:

State Law Publisher
Basement Level,
10 William St. Perth, 6000
Telephone: 6552 6000 Fax: 9321 7536

- Inquiries regarding publication of notices can be directed to the Publications Officer on (08) 6552 6012.
- 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 email or 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 2017 (Prices include GST).

Deceased Estate notices (per estate)—\$31.60

Articles in Public Notices Section—\$73.55 minimum charge (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—\$14.65

Bulk Notices—\$268.50 per page

Electronic copies of gazette notices sent to clients for lodgement with the Delegated Legislation Committee—\$48.35

Clients who have an account will only be invoiced for charges over \$50.

For charges under \$50, clients will need to supply credit card details at time of lodging notice (i.e. a notice under 4cm would not be invoiced).

Clients without an account will need to supply credit card details or pay at time of lodging the notice.

5 September 2017

GOVERNMENT GAZETTE, WA

4681

— PART 1 —

LOCAL GOVERNMENT

LG301

LOCAL GOVERNMENT ACT 1995*Shire of Nannup***REPEAL LOCAL LAW 2017**

Under the powers conferred by the *Local Government Act 1995* and under all other relevant powers, the Council of the Shire of Nannup resolved on 24 August 2017 to make the following local law.

1. Citation

This local law is cited as the *Shire of Nannup Repeal Local Law 2017*.

2. Commencement

By virtue of section 3.14 of the *Local Government Act 1995*, this local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

3. Repeal

The following local laws are hereby repealed—

- (a) *The Municipality of the Shire of Nannup By-Laws Relating to the Nannup Public Cemetery (Reserve 9313)* as published in the *Government Gazette* on 23 October 1981.
- (b) *Shire of Nannup Refuse Site Local Laws* as published in the *Government Gazette* on 26 November 1999.

Dated: 31 August 2017.

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

Cr ANTHONY DEAN, Shire President.
PETER CLARKE, Chief Executive Officer.

MINERALS AND PETROLEUM

MP301

Mining Act 1978

Mining Amendment Regulations 2017

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Mining Amendment Regulations 2017*.

2. Commencement

These regulations come into operation as follows —

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

3. Regulations amended

These regulations amend the *Mining Regulations 1981*.

4. Regulation 85 amended

In regulation 85(1) delete the definition of *royalty value* and insert:

royalty value, in relation to —

- (a) a mineral, other than cobalt or copper sold as a nickel by-product, gold, iron ore or nickel, means the gross invoice value of the mineral less any allowable deductions for the mineral; or
- (b) gold, means the royalty value of gold metal produced calculated in accordance with regulation 86AA(7); or
- (c) iron ore, has the meaning given in regulation 86AD(2); or
- (d) nickel, has the meaning given in regulation 86AB(2); or
- (e) cobalt or copper sold as a nickel by-product, has the meaning given in regulation 86AB(3);

5. Regulation 86 amended

In regulation 86 in the Table:

- (a) delete the row relating to Cobalt and insert:

Cobalt		
if sold as crushed or screened material —		7.5%
if sold as a concentrate —		5%
if sold as a nickel by-product or in metallic form —		2.5%

5 September 2017

GOVERNMENT GAZETTE, WA

4683

(b) delete the row relating to Copper and insert:

Copper			
if sold as crushed or screened material —		7.5%	
if sold as a concentrate —		5%	
if sold as a nickel by-product or in metallic form —		2.5%	

(c) delete the row relating to Nickel and insert:

Nickel		2.5%	
--------	--	------	--

6. Regulation 86AB replaced

Delete regulation 86AB and insert:

86AB. Royalty value for nickel, and for cobalt and copper sold as a nickel by-product

(1) In this regulation —

contracted list price —

- (a) for nickel sold at a price, or average price, listed on the London Metal Exchange for nickel — that price, in Australian currency; and
- (b) for a nickel by-product sold at a price, or average price, listed on the London Metal Exchange or the Metal Bulletin for that mineral — that price, in Australian currency;

reference price, in relation to nickel or a nickel by-product, means the price for the mineral, in Australian currency, that is the amount of a price, or average price, of a particular type or classification, fixed on the London Metal Exchange or the Metal Bulletin for the mineral for a particular date or over a particular period nominated by the Director General, a description of which is published on the Department's website.

(2) The royalty value of nickel is the amount, in Australian currency, obtained by multiplying the percentage of units of nickel metal in the nickel containing material sold (as set out in invoices relating to the sale) by —

- (a) the contracted list price for the mineral (as set out in those invoices) less any allowable deductions that apply under subregulation (4); or

- (b) if there is no contracted list price for the mineral, the reference price for the mineral less any allowable deductions that apply under subregulation (4).
- (3) The royalty value of cobalt, or copper, sold as a nickel by-product is the amount, in Australian currency, obtained by multiplying the percentage of units of cobalt or copper metal, as is relevant, in the nickel by-product sold (as set out in invoices relating to the sale) by —
 - (a) the contracted list price for the mineral (as set out in those invoices) less any allowable deductions that apply under subregulation (4); or
 - (b) if there is no contracted list price for the mineral, the reference price for the mineral less any allowable deductions that apply under subregulation (4).
- (4) Allowable deductions within the meaning of paragraph (a) of the definition of *allowable deductions* apply if the first sale of the mineral is effected by delivery onto or from a ship exporting the mineral from Australia (as evidenced by a bill of lading).

7. Regulation 86A amended

- (1) In regulation 86A(4) delete “a nickel by-product the royalty for which is not based on royalty value, royalties shall” and insert:

cobalt or copper sold as a nickel by-product, royalties must, subject to subregulation (4A),

- (2) After regulation 86A(4) insert:
 - (4A) In the case of nickel, or cobalt or copper sold as a nickel by-product, royalties must be paid in part-payments in accordance with subregulation (4B) if the amount of royalty to be paid cannot be calculated with certainty until after the end of the period within which the royalties must be paid under subregulation (4).
 - (4B) For the purposes of subregulation (4A), a royalty part-payment for a mineral shall be paid within 30 days after the end of the quarter during which any part of the gross invoice value was paid by the purchaser of the mineral.

5 September 2017

GOVERNMENT GAZETTE, WA

4685

- (3) In regulation 86A(5) delete “gold or iron ore,” and insert:

cobalt or copper sold as a nickel by-product, gold, iron ore, or nickel,
- (4) In regulation 86A(6) delete “gold” and insert:

cobalt or copper sold as a nickel by-product, gold, nickel or
- (5) In regulation 86A(7a) delete “The” and insert:

For the purposes of subregulation (4A) and (6), the

R. KENNEDY, Clerk of the Executive Council.

4686

GOVERNMENT GAZETTE, WA

5 September 2017

— PART 2 —

AGRICULTURE AND FOOD

AG401

AGRICULTURAL PRODUCE COMMISSION ACT 1988
CHANGE IN BEEKEEPERS FEE FOR SERVICE CHARGE

The Agricultural Produce Commission hereby notifies that the following Fee for Service charges, imposed under section 14 of the *Agricultural Produce Commission Act 1988*, will apply for the APC Beekeepers Producers' Committee.

The charges will be effective from 1 January 2018.

Service charge per beekeeper	\$25 per beekeeper per annum, plus
Service charge per beehive in production	\$1.20 per hive per annum

Dr WILLIAM RYAN, Chairman,
Agricultural Produce Commission.

FISHERIES

FI401

FISH RESOURCES MANAGEMENT ACT 1994
PROHIBITION ON FISHING ("OMEQ" WRECK SITE) ORDER 2017
Order No. 6 of 2017

FD 228/17 [1320]

Made by the Minister under section 43.

1. Citation

This order is the *Prohibition on Fishing ("Omeo" Wreck Site) Order 2017*.

2. Prohibition on fishing

A person must not fish by any means in the waters described in the Schedule.

Schedule

All waters bounded by a line commencing at the intersection of 32° 06.27' south latitude and 115° 45.552' east longitude; thence extending due south along the meridian to the intersection of 32° 06.36' south latitude and 115° 45.552' east longitude; thence extending due east along the parallel to the intersection of 32° 06.36' south latitude and 115° 45.74' east longitude; thence generally north-westerly along the high water mark of the coastline to the commencement point.

Dated: 26 July 2017.

D. KELLY, Minister for Fisheries.

LOCAL GOVERNMENT

LG401

LOCAL GOVERNMENT ACT 1995
Town of Port Hedland
BASIS OF RATES

I, David Templeman MLA, being the Minister of the Crown to whom the administration of the *Local Government Act 1995* is committed by the Governor, and acting pursuant to section 6.28(1) and section 6.29(3) of that Act, hereby, and with effect from 30 July 2017—

1. determine that the method of valuation to be used by the Town of Port Hedland, as the basis for a rate on the mining tenement referred to in Column 1 of the Schedule (mining tenement), in respect of the portions of land referred to in Column 2 of the Schedule (portions of land), is to be the Gross Rental Value of the land;

5 September 2017

GOVERNMENT GAZETTE, WA

4687

2. expressly exclude the application of section 6.29(2) of the Act to the mining tenements, in respect of the portions of land.

SCHEDULE "A"

1. Mining Tenement	2. Portion of Land
Miscellaneous Licence—L45/219— "Poondano Village"	All that portion of land bounded by lines starting from a point at coordinate 681650 metres East, 7742800 metres North (MGA94 Zone 50) and extending east 90 degrees, 400 metres; thence south 180 degrees, 350 metres; thence west 270 degrees, 400 metres and thence north 0 degrees, 350 metres to the starting point. Area: 14 hectares

SCHEDULE "B"

1. Mining Tenement	2. Portion of Land
Miscellaneous Licence—L45/190— "Mooka"	All that portion of land bounded by lines starting from a point at coordinate 669250 metres East, 7732000 metres North (MGA94 Zone 50) and extending east 90 degrees, 800 metres; thence south 180 degrees, 650 metres; thence west 270 degrees, 800 metres and thence northerly 0 degrees, 650 metres to the starting point. Area: 52 hectares

SCHEDULE "C"

1. Mining Tenement	2. Portion of Land
Miscellaneous Licence—L45/58— "Wodgina"	All that portion of land bounded by lines starting from a point at coordinate 673800 metres East 7658650 metres North (MGA94 Zone 50) and extending east 90 degrees, 500 metres; thence south 180 degrees, 700 metres; thence west 270 degrees, 500 metres and thence north 0 degrees, 700 metres to the starting point. Area: 35 hectares

SCHEDULE "D"

1. Mining Tenement	2. Portion of Land
Miscellaneous Licence—L45/355— "Camp Qube"	All that portion of land bounded by lines starting from a point at coordinate 680150 metres East, 7742550 metres North (MGA94 Zone 50) and extending east 90 degrees, 300 metres; thence south 180 degrees, 350 metres; thence west 270 degrees, 300 metres and thence north 0 degrees, 350 metres to the starting point. Area: 10.5 hectares

SCHEDULE "E"

1. Mining Tenement	2. Portion of Land
Mining Lease—M47/1449-1— "Mount Dove Camp"	All that portion of land bounded by lines starting from a point at coordinate 653250 metres East, 7684850 metres North (MGA94 Zone 50) and extending east 90 degrees, 350 metres; thence south 180 degrees, 450 metres; thence west 270 degrees, 350 metres and thence north 0 degrees, 450 metres to the starting point. Area: 15.75 hectares

Hon DAVID TEMPLEMAN MLA, Minister for Local Government.

PLANNING

PL401

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
City of Kalamunda
Local Planning Scheme No. 3—Amendment No. 31

Ref: TPS/0369

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 Kalamunda Local Planning Scheme amendment on 27 July 2017 for the purpose of—

- (a) Include the following purposes as highlighted, in clause 5.14.3 (Commercial Zones) and 5.15.1 (Industrial Zones)—
- (i) a means of vehicular or pedestrian access.
 - (ii) the daily parking of vehicles used by employees and customers.

4688

GOVERNMENT GAZETTE, WA

5 September 2017

- (iii) the loading and unloading of vehicles.
 - (iv) landscaping; and
 - (v) trade display.
- (b) Delete the following provision from clause 5.15.1 of Local Planning Scheme No. 3.
'No such area shall be used for the parking of vehicles displayed for sale or which are being wrecked or repaired, or for the stacking or storage of fuel, raw materials, products, or by-products, or wastes of manufacture.'
- (c) Include the following provision in clause 5.15.1—
'No such area shall be used for the storage of motor vehicles, machinery, equipment or materials which are being wrecked or repaired, or for the stacking or storage of fuel, raw materials, products or by-products or wastes of manufacture, other than as provided for under sub-paragraph (v) above.'

A. WADDELL, Mayor.
R. HARDY, Chief Executive Officer.

PL402

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Northam
Local Planning Scheme No. 6—Amendment No. 5

Ref: TPS/1812

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 Northam Local Planning Scheme amendment on 23 August 2017 for the purpose of—

1. Amending 'SU9' in Schedule 4 for Lot 90 on DP 72807 Jocoso Rise, Wundowie (formally Lot 81 and 89 Jocoso Rise, Wundowie) that sets out the specific condition that applied to this land as follows—

No.	Description of land	Special Use	Conditions
SU9	Portion of Lot 90 (No. 51) Jocoso Rise, Wundowie as designated on the Scheme Map.	Park home park, Motel, Office, Club premises, Reception centre and associated uses.	<ol style="list-style-type: none"> 1. Maximum development of 131 park homes and uses ancillary thereto including swimming pool, bowling green, kitchen, toilets and storage area, as approved by the local government. 2. Maximum development of 19 motel units and uses ancillary thereto including swimming pool, gym and tennis court, as approved by the local government. 3. Development on the land shall be subject to a notification on title to advise landowners of potential impact from the operation of the Linley Valley abattoir. 4. Any expansion is to be considered via a local planning scheme amendment to modify the provisions of the Special Use zone.

2. Inserting 'SU12' in Schedule 4 for portion of Lot 90 (No. 51) Jocoso Rise, Wundowie and set out the following site specific conditions—

No.	Description of land	Special use	Conditions
SU12	Portion of Lot 90 (No. 51) Jocoso Rise, Wundowie as designated on the Scheme Map.	Grouped dwellings and residential aged care facility and associated uses.	<ol style="list-style-type: none"> 1. Subdivision of land shall be limited to built or survey strata subdivision. 2. At subdivision stage use restrictions shall be imposed on lots to limit occupancy to person 45 years and older. 3. At subdivision or development stage lots shall be subject to a notification on title to advise landowners of potential impact from the operation of the Linley Valley abattoir. 4. The R-Codes are to apply. Subdivision and development is to be in accordance with the 'R30' density code.

5 September 2017

GOVERNMENT GAZETTE, WA

4689

No.	Description of land	Special use	Conditions
			<p>5. Lots shall be connected to a reticulated water supply and sewerage system.</p> <p>6. No development will be permitted within 500 metres of the Linley Valley abattoir and its associated wastewater ponds.</p> <p>7. Construction of the residential aged care facility is to be substantially commenced prior to approval of the 41st lot in SU12.</p> <p>8. Prior to the submission of an application for development approval, a Local Development Plan (LDP) for the land is to be prepared and approved by the local government. The LDP should provide sufficient information to address the requirements of the Scheme including traffic management, car parking, waste management and pedestrian access and walk ways.</p> <p>9. Prior to subdivision or development, a Bushfire Management Plan (BMP) and Emergency Evacuation Plan is to be prepared and approved, in accordance with the Guidelines for Planning in Bushfire Prone Areas (as amended). The BMP should provide sufficient information to address the bushfire protection criteria including siting and design of development and vehicle access.</p>

3. Amending Schedule 1—Land use definitions to include the following new definition for Residential aged care facility—

‘residential aged care facility’ means a residential facility providing personal and/or nursing care primarily to people who are frail and aged and which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents, meals and cleaning services, furnishings, furniture and equipment. May also include residential respite (short term) care by does not include a hospital or psychiatric facility.

4. Rezoning portion of Lot 90 (No. 51) Jocoso Rise, Wundowie from ‘Special Use Zone 9’ (SU9) to ‘Special Use Zone 12’ (SU12) as depicted on the Scheme Amendment map.

B. POLLARD, President.
J. WHITEAKER, 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, Gary Dreiberger, Acting 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 this Thursday, 17 August 2017.

GARY DREIBERGER APM, Acting Commissioner of Police.

Surname	First Name	State	Pilot Licence Number	Training Provider
Willett	Donald	WA	00296	Keen Bros

4690

GOVERNMENT GAZETTE, WA

5 September 2017

PO402**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, Gary Dreiberger, Acting 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 this Thursday, 24 August 2017.

GARY DREIBERGER APM, Acting Commissioner of Police.

Surname	First Name	State	Pilot Licence Number	Training Provider
Moroney	Gregory	WA	00317	Keen Bros
Hunter	Dean	WA	00316	Keen Bros
Forsman	Roy	WA	00318	Keen Bros

PO403**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, Gary Dreiberger, Acting 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 this Friday, 25 August 2017.

GARY DREIBERGER APM, Acting Commissioner of Police.

Surname	First Name	State	Pilot Licence Number	Training Provider
Harris	Theresa	SA	00322	WARTA
Strahan	Kevin	WA	00321	WARTA
Dower	Andrew	WA	00320	Keen Bros

PO404**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, Gary Dreiberger, Acting 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 this Friday, 25 August 2017.

GARY DREIBERGER APM, Acting Commissioner of Police.

5 September 2017

GOVERNMENT GAZETTE, WA

4691

Surname	First Name	State	Pilot Licence Number	Training Provider
Coyne	Shayne	WA	00323	Keen Bros
McGregor	Colin	WA	00324	Keen Bros
Lee	Vanessa	WA	00326	Keen Bros
Clark	Mark	WA	00327	Keen Bros

PO405

**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, Gary Dreiberger, Acting 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 this Tuesday, 29 August 2017.

GARY DREIBERGER APM, Acting Commissioner of Police.

Surname	First Name	State	Pilot Licence Number	Training Provider
Edwards	Geoffrey	WA	00331	Pentrans
Leithhead	Glendon	WA	00329	Keen Bros
Trinidad	Jeffrey	WA	00333	Keen Bros
D'Amato	David	WA	00335	Keen Bros
Baldwin	William	VIC	00336	WARTA
Poole	Jeffrey	WA	00338	Keen Bros

RACING, GAMING AND LIQUOR

RA401

**LIQUOR CONTROL ACT 1988
LIQUOR APPLICATIONS**

The following are applications received under the *Liquor Control Act 1988* (the Act) 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 Local Government, Sport and Cultural Industries, Gordon Stephenson House, Level 2, 140 William Street, Perth, Telephone: (08) 6551 4888, or consult a solicitor or relevant industry organisation.

APPLICATIONS FOR THE GRANT OF A LICENCE

App. No.	Applicant	Nature of Application	Last Date for Objections
A000243716	Perth Sushi Network Pty Ltd	Application for the Grant of a Restaurant licence in respect of premises situated in Rivervale and known as The Sushi 2016.	21/09/2017
A000239732	Laksmanan Pty Ltd	Application for the Grant of a Restaurant licence in respect of premises situated in Joondalup and known as Kabalason Indian Cafe & Restaurant.	13/09/2017
A000243502	Palace Cinema Nominees Pty Ltd & Luna Cinemas Pty Ltd	Application for the Grant of a Special Facility Theatre licence in respect of premises situated in Leederville and known as Luna Cinemas.	3/10/2017
A000243494	Khmer Empire Pty Ltd	Application for the Grant of a Restaurant licence in respect of premises situated in Northbridge and known as My Bayon.	19/09/2017

4692 GOVERNMENT GAZETTE, WA 5 September 2017

APPLICATIONS FOR THE GRANT OF A LICENCE—*continued*

App. No.	Applicant	Nature of Application	Last Date for Objections
A000243590	Austx Pty Ltd	Application for the Grant of a Restaurant licence in respect of premises situated in East Victoria Park and known as Frank's Barbecue Texas Smokehouse.	13/09/2017
A000244831	Allendale Food Group Pty Ltd	Application for the Grant of a Tavern Restricted licence in respect of premises situated in Perth and known as 77 Social.	1/10/2017
A000244454	J & B Catalano & Co Pty Ltd	Application for the Grant of a Restaurant licence in respect of premises situated in Baldivis and known as Catalano & Co Baldivis.	20/09/2017
A000243796	ALDI Foods Pty Limited	Application for the Conditional Grant of a Liquor Store licence in respect of premises situated in Midland and known as ALDI Midland.	9/10/2017
A000244750	Spanky's Pty Ltd	Application for the Grant of a Tavern Restricted licence in respect of premises situated on Rottnest Island and known as Thomsons Rottnest.	11/10/2017
APPLICATION FOR APPROVAL TO ALTER/REDEFINE THE LICENSED PREMISES			
A000231138	Woodfield Enterprises Pty Ltd	Application for the Alteration/Redefinition of a Tavern licence in respect of premises situated in Armadale and known as Haynes Bar & Grill.	1/10/2017

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

DIRECTOR OF LIQUOR LICENSING.

Dated: 1 September 2017.

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Harry James English, late of 7 Forrest Street, Boddington in the State of Western Australia, Farmer, 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 27 November 2016 at Mercy Place Mandurah, 1 Hungerford Avenue, Mandurah in the State of Western Australia, are required by the trustee Wayne Harry English, c/- Avon Legal, Suite 7, 9 The Avenue, Midland in the State of Western Australia to send particulars of their claims to him within 30 days of this notice, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

ZX402

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Estate of the late Frank Parker, late of 45 Dean Street, Mount Barker, Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates), in respect of the estate of the deceased, who died on 11 April 2016, are requested by the Executor, Murray Noel Thornhill care of HHG Legal Group, Level 1, 16 Parliament Place, West Perth, Western Australia to send particulars of their claims to the address stated herein within 30 days of this notice, after which date the personal representative may convey or distribute the assets having regard only to the claims of which he then has notice.