

Prior to submitting your application, please ensure that you have included all of the following information and indicate this by ticking the corresponding box below.

**NOTE – Incomplete applications will NOT BE LODGED and will be returned to applicant immediately.**

	Applicant Use Only	Council Use Only
1. Completed Section 70A Notification (Form N1)	<input type="checkbox"/>	<input type="checkbox"/>
2. Current copy of the property's Certificate of Title (no more than 1 week old)	<input type="checkbox"/>	<input type="checkbox"/>
3. Current copy of the property's Deposited Plan or relevant plan of subdivision	<input type="checkbox"/>	<input type="checkbox"/>
4. Current copy of all Restrictive Covenants, Caveats, Memorials & Notifications that are registered against the property's current Certificate of Title	<input type="checkbox"/>	<input type="checkbox"/>
5. Copy of the current Company Extract from the ASIC database which is no more than 1 week old (only applicable to companies)	<input type="checkbox"/>	<input type="checkbox"/>
6. Completed Declaration (see below)	<input type="checkbox"/>	<input type="checkbox"/>
7. Payment of the Section 70A Notification Fee (\$100)	<input type="checkbox"/>	<input type="checkbox"/>

Application Reference Number: \_\_\_\_\_

Property Address: \_\_\_\_\_

How would you prefer to receive the signed and sealed Section 70A Notification (Form N1) for aircraft noise?

- Posted to you
- Left at the City of Swan Administration Centre front counter for you to pick-up

Postal Address: \_\_\_\_\_

Day Time Phone No. \_\_\_\_\_

**Declaration**

I \_\_\_\_\_  
[Insert your full name above]

acknowledge and accept that by preparing the *Section 70A Notification* (Form N1) document myself the following delays will be experienced.

- The City of Swan is likely to take 2-3 weeks to process the *Section 70A Notification* (Form N1) application.
- Landgate's registration of the notification against the subject property's Certificate of Title is likely to take 3 to 8 weeks; and
- The City will **not issue a Building Licence** until a new Certificate of Title with the *Section 70A Notification* registered against it is submitted to the City of Swan.

**Further Information**

If you need further information about planning in Swan:

**Visit our website:** [www.swan.wa.gov.au/Planning, Building, & Engineering/Planning](http://www.swan.wa.gov.au/Planning_Building_&_Engineering/Planning)

**Call us:** 9267 9267 (between 8:00am and 5:00pm, Monday to Friday)

**Visit us:** 2 Midland Square, Midland (between 8:00am and 4:30pm, Monday to Friday)

## When is a Section 70A Notification (Form N1) for aircraft noise required?

A Section 70A Notification (Form N1) for aircraft noise is generally a requirement of a development approval where a habitable property is exposed to considerable aircraft noise from the Perth (Domestic & Internal) or Pearce Airports.

The purpose of a Section 70A Notification (Form N1) for aircraft noise is as follows.

- To warn prospective purchasers of a property that it is exposed to aircraft noise which is likely to increase in the future;
- To protect the airport(s) from unreasonable encroachment by incompatible (noise sensitive) development, to provide for its ongoing development and operation; and
- To minimise the impact of airport operations on existing and future communities with reference to aircraft noise.

The following condition and advice note will generally be imposed on a development approval that relates to a habitable property exposed to considerable aircraft noise.

### Condition:

*A Notification under Section 70A of the Transfer of Land Act 1893 must be registered over the certificate of title to the land the subject of the proposed development prior to the issue of a building licence to notify owners and prospective purchasers of the land that the land is located above the 20 ANEF Contour as identified by Figure 1 of Western Australian Planning Commission Statement of Planning Policy 5.1 and may be affected by aircraft noise.*

*The Section 70A Notification can be prepared by the City's solicitors (currently McLeods, 220-222 Stirling Highway, Claremont - Ph 9383 3133) to the satisfaction of the City of Swan or it can be prepared and lodged at LandGate with the assistance of the City and all costs of and incidental to the preparation of and registration of the Section 70A Notification including the City's solicitors' costs (if applicable) shall be met by the applicant or the owner of the land.*

### Advice Note:

*The property is situated in the vicinity of Perth International Airport and is currently affected, or may in the future be affected, by aircraft noise. Noise exposure levels are likely to increase in the future as a result of increases in numbers of aircraft using the airport, changes in aircraft type or other operational changes. Further information about aircraft noise, including development restrictions and noise insulation requirements for noise-affected property, is available on request from the relevant local government offices.*

## What are my options with the preparation & lodgment of a Section 70A Notification (Form N1) for aircraft noise?

The City of Swan provides customers the following two different methods for preparing and lodging a Section 70A Notification (Form N1) for aircraft noise on property's Certificate of Title.

1. Customers may prepare and lodge of the Section 70A Notification (Form N1) on the property's Certificate of Title themselves;
- OR
2. Customer may engage the City's Solicitors to prepare and lodge the Section 70A Notification (Form N1) on the property's Certificate of Title.

## What are the benefits of engaging the City's Solicitors?

Once the City's solicitors have lodged the Section 70A Notification (Form N1) for aircraft noise at Landgate, they will advise the City of Swan as such, and the City's Building Business Unit will then issue any relevant Building Licence **without** any delay.

If you decide to prepare and lodge the Section 70A Notification (Form N1) for aircraft noise yourself, the City will not issue a Building Licence until you have submitted a new Certificate of Title with the Section 70A Notification (Form N1) for aircraft noise registered against it. Therefore depending on how long Landgate takes to process the registration of the Section 70A Notification (Form N1) for aircraft noise, there will be some delay in obtaining your Building Licence for the subject development.

Note - It is difficult to be completely accurate, but generally Landgate takes between 3 to 8 weeks to from the date of lodgment to the date of registration of the notification against the Certificate of Title.

## How do I complete the Section 70A Notification document myself?

The City has prepared the following documents to assist you in understanding and carrying out the *Section 70A Notification (Form N1)* preparation and lodgment process.

- Example Section 70A Notification (Form N1)
- DIY Section 70A Notification for Aircraft Noise Application Process Map

## How do I engage the City of Swan's solicitors?

Just follow the step by step process illustrated in the *City of Swan Solicitor - Section 70A Notification for Aircraft Noise Process Map* (over the page)

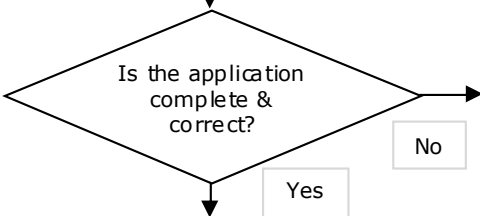
# DIY Section 70A Notification for Aircraft Noise Application Process (for customers)



Applicant prepares Section 70A Notification (Form N1)  
Note - To find out how to prepare the Section 70A Notification (Form N1) accurately please refer to the City's **example** Section 70A Notification (Form N1) over the page

Applicant submits a **complete** Section 70A Notification for Aircraft Noise application to the City of Swan  
Note - To find out what a '**complete**' application is please refer to the City's *Section 70A Notification for Aircraft Noise Checklist* on the previous page

Statutory Planning Administration Officer checks that the application is **complete** and that the Section 70A Notification (Form N1) has been completed **correctly**.  
Note - if the property is owned by a company, the Form N1 is required to signed by the company directors and executed in accordance with Section 127 (1) of the *Corporations Act 2001* (see excerpt from Act over the page)



City of Swan Statutory Planning Administration Officer sends entire application back to applicant and requests they submit a complete and accurate application as per the *Section 70A Notification for Aircraft Noise Checklist*

Administration Officer forwards Section 70A Notification (Form N1) to the Chief Executive Officer for signing

Chief Executive Officer and an Executive Manager sign the Section 70A Notification (Form N1)

Governance Support Officer seals the signed Section 70A Notification (Form N1) & forwards the document to the Statutory Planning Administration Officer

Statutory Planning Administration Officer copies the Section 70A Notification (Form N1) for the City's records and telephones the applicant to arrange a time for the applicant to pick up the original sign and sealed Section 70A Notification (Form N1)

Applicant picks up the original sign and sealed Section 70A Notification (Form N1)

Applicant lodges original sign and sealed Section 70A Notification (Form N1) at Landgate and receives a lodgement slip from Landgate

Applicant submits a copy of the Landgate lodgement slip to the City of Swan

**3-8 Week delay**  
**Landgate processes Section 70A Notification and registers it against the subject property's Certificate of Title**

Applicant submits a copy of Certificate of Title with the Section 70A Notification (Form N1) registered against it to the City of Swan

**Section 127 Execution of documents (including deeds) by the company itself**

- (1) A company may execute a document without using a common seal if the document is signed by:
- (a) 2 directors of the company; or
  - (b) a director and a company secretary of the company; or
  - (c) for a proprietary company that has a sole director who is also the sole company secretary-- that director.

*Note:* If a company executes a document in this way, people will be able to rely on the assumptions in subsection 129(5) for dealings in relation to the company.

- (2) A company with a common seal may execute a document if the seal is fixed to the document and the fixing of the seal is witnessed by:
- (a) 2 directors of the company; or
  - (b) a director and a company secretary of the company; or
  - (c) for a proprietary company that has a sole director who is also the sole company secretary-- that director.

*Note:* If a company executes a document in this way, people will be able to rely on the assumptions in subsection 129(6) for dealings in relation to the company.

- (3) A company may execute a document as a deed if the document is expressed to be executed as a deed and is executed in accordance with subsection (1) or (2).
- (4) This section does not limit the ways in which a company may execute a document (including a deed).

