

WESTERN
AUSTRALIAN
GOVERNMENT
Gazette

ISSN 1448-949X (print)

ISSN 2204-4264 (online)

PRINT POST APPROVED PP665002/00041

4171



PERTH, FRIDAY, 30 SEPTEMBER 2016 No. 178

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 12.00 NOON

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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.
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Delivery address:

State Law Publisher
Lower Ground Floor,
10 William St. Perth, 6000
Telephone: 6552 6000 Fax: 9321 7536

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— PART 1 —

JUSTICE

JU303

Criminal Procedure Act 2004

Criminal Procedure Amendment Regulations 2016

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Criminal Procedure Amendment Regulations 2016*.

2. Commencement

These regulations come into operation as follows —

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

3. Regulations amended

These regulations amend the *Criminal Procedure Regulations 2005*.

4. Regulation 13B inserted

At the end of Part 4 Division 1 insert:

13B. Recording of service information in service certificate

- (1) In this regulation —
specified document means any of the following documents served on a person in accordance with the CPA Schedule 2 —
 - (a) a prosecution notice;
 - (b) a court hearing notice;
 - (c) a summons.
- (2) For the purposes of the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013*

section 11, an approved user who serves a named person with a specified document may incorporate electronically the service information to be recorded in the service certificate by entering the information into the courts electronic system.

- (3) If subregulation (2) applies, the court may refer to the service information incorporated electronically in the service certificate in determining whether it is satisfied that the accused has been served —
- (a) for the purposes of section 55(2) of the CPA; or
 - (b) as the case may be, for the purposes of an application for an arrest warrant.

N. HAGLEY, Clerk of the Executive Council.

JU301

Magistrates Court (Civil Proceedings) Act 2004

Magistrates Court (Minor Cases Procedure) Amendment Rules 2016

Made by the Magistrates Court in accordance with the *Magistrates Court Act 2004* section 39.

1. Citation

These rules are the *Magistrates Court (Minor Cases Procedure) Amendment Rules 2016*.

2. Commencement

These rules come into operation as follows —

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

3. Rules amended

These rules amend the *Magistrates Court (Minor Cases Procedure) Rules 2005*.

4. Rule 7 amended

In rule 7(2) delete “claim in accordance with rule 25A.” and insert:

claim.

5. Rule 7A inserted

After rule 7 insert:

7A. Statement of claim

- (1) Unless you lodged and served your statement of claim with your claim under rule 7, you must lodge and serve your statement of claim within 14 days after you have received a response that indicates an intention to defend the claim, or such other time as is ordered by the registrar.
- (2) A statement of claim must be in the approved form.
- (3) Your statement of claim must contain —
 - (a) a summary of the facts relevant to your claim; and
 - (b) what remedy or relief you want.

6. Rule 8 amended

- (1) In rule 8(2) delete “rule 25B.” and insert:

rule 9A.

- (2) In rule 8(3) delete “claim in accordance with rule 25A.” and insert:

claim.

7. Rule 9 amended

Delete rule 9(2) and insert:

- (2) If a statement of claim has been lodged together with a claim under rule 7(2) or 8(3), your response may, but need not, be lodged together with your statement of defence.

8. Rule 9A inserted

After rule 9 insert:

9A. Statement of defence

- (1) Unless you lodged and served your statement of defence with your response under rule 9(2), you must lodge and serve your statement of defence within 14 days, or such other time as is ordered by the registrar, after you have been served with the relevant statement of claim.
- (2) A statement of defence must be in the approved form.
- (3) Your statement of defence must contain —
 - (a) a summary of the facts relevant to your defence; and
 - (b) the details of anyone who you allege is liable for the claim and the grounds upon which you base that allegation.

9. Rule 16 amended

In rule 16(b) delete “rule 25B.” and insert:

rule 9A.

10. Rule 23 amended

In rule 23(1) delete “a response that indicates an intention to defend the claim.” and insert:

a statement of defence.

11. Rule 24 amended

Delete rule 24(3)(b)(i).

12. Rules 25A and 25B deleted

Delete rules 25A and 25B.

13. Rule 64 amended

In rule 64(2)(a)(ii) delete “rule 25B; or” and insert:

rule 9A; or

Made by the Magistrates Court,

STEVEN HEATH, Chief Magistrate.

JU302

Magistrates Court (Civil Proceedings) Act 2004

Magistrates Court (Civil Proceedings) Amendment Rules 2016

Made by the Magistrates Court in accordance with the *Magistrates Court Act 2004* section 39.

1. Citation

These rules are the *Magistrates Court (Civil Proceedings) Amendment Rules 2016*.

2. Commencement

These rules come into operation as follows —

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

3. Rules amended

These rules amend the *Magistrates Court (Civil Proceedings) Rules 2005*.

4. Rule 7 amended

In rule 7(3) delete “claim in accordance with rule 41A.” and insert:

claim.

5. Rule 7A inserted

After rule 7 insert:

7A. Statement of claim

- (1) Unless the party has lodged and served its statement of claim with its claim under rule 7 the party must lodge and serve the statement of claim —
 - (a) if the claim is an originating claim, within 14 days after the party has received a response that indicates an intention to defend the claim, or such other time as is ordered by the registrar; and
 - (b) if the claim is a counterclaim or third party claim, within 14 days after the party has

received a response that indicates an intention to defend the claim, or such other time as is ordered by the registrar.

- (2) A statement of claim must be in the approved form.
- (3) Unless otherwise ordered by the registrar under rule 41A, the statement of claim must contain all of the following —
 - (a) a summary of the facts relevant to the claim;
 - (b) the legal basis of the claim;
 - (c) the basic contentions of the party;
 - (d) the remedy or relief claimed;
 - (e) if the amount of the claim has been reduced in order to bring the claim within the jurisdictional limit, a statement to that effect.

6. Rule 8 amended

- (1) In rule 8(2)(a) delete “rule 41B; and” and insert:

rule 10; and

- (2) In rule 8(3) delete “claim in accordance with rule 41A.” and insert:

claim.

7. Rule 9 amended

Delete rule 9(1A) and insert:

- (1A) If a statement of claim has been lodged together with a claim under rule 7(3) or 8(3), a response may, but need not, be lodged together with a statement of defence.

8. Rule 10 inserted

At the end of Part 2 insert:

10. Statement of defence

- (1) Unless the party has lodged and served its statement of defence with its response under rule 9, the party must lodge and serve its statement of defence within 14 days, or such other time as is ordered by the

registrar, after the party has been served with the relevant statement of claim.

- (2) A statement of defence must be in the approved form.
- (3) Unless otherwise ordered by the registrar under rule 41B, the statement of defence must contain all of the following —
 - (a) a summary of the facts relevant to the defence;
 - (b) the legal basis of the defence;
 - (c) the basic contentions of the party;
 - (d) the details of anyone who the party alleges is liable for the claim and the grounds upon which the party so alleges.

9. Rule 39 amended

In rule 39(1) delete “receives from the Court a copy of a response that indicates an intention to defend the claim.” and insert:

is served with a statement of defence.

10. Rule 40 amended

After rule 40(2)(b) insert:

- (ba) order what statements of claim or defence must contain;

11. Rules 41A and 41B replaced

Delete rules 41A and 41B and insert:

41A. Statement of claim, effect of order to lodge

If the registrar at the pre-trial conference orders a party to lodge and serve a statement of claim, the party must do so in accordance with rule 7A(2) and (3).

41B. Statement of defence, effect of order to lodge

If the registrar at the pre-trial conference orders a party to lodge and serve a statement of defence, the party must do so in accordance with rule 10(2) and (3).

12. Part 15 Division 3 inserted

At the end of Part 15 insert:

Division 3 — Security for costs**94A. Term used: claimant**

In this Division —

claimant includes a defendant counterclaiming in respect of a claim not arising out of the claim made against the defendant.

94B. Factors that are not grounds for ordering security for costs

The Court may order security for costs to be given by a claimant, but an order must not be made merely on account of the poverty of the claimant or the likely inability of the claimant to pay any costs which may be awarded against the claimant.

94C. Grounds for ordering security for costs

Without limiting rule 94B, the Court may order security for costs to be given by the claimant in the following circumstances —

- (a) the claimant is ordinarily resident out of the jurisdiction, notwithstanding that the claimant may be temporarily within the jurisdiction;
- (b) the claimant is about to depart from the jurisdiction;
- (c) the claimant enjoys within the jurisdiction some privilege which renders the claimant immune, wholly or partially, from the normal processes of execution;
- (d) the claimant is an undischarged bankrupt or a person who has suspended, or given notice of suspension of, debts;
- (e) the claimant is a company in liquidation or under official management, or a company in respect of which a receiver of its property has been appointed;
- (f) the claimant is a relator suing for the enforcement or declaration of some public right or to have some public trust carried out or some charitable scheme settled;
- (g) the claimant is in default in respect of any costs ordered to be paid by the claimant in any proceedings previously brought by the claimant against the same defendant or another

defendant for substantially the same cause of action or in relation to substantially the same subject matter;

- (h) the claimant is a person who has in the past vexatiously brought litigation against the same defendant or against any other defendant;
- (i) the claimant is suing the Sheriff in respect of anything done or omitted to be done by the Sheriff or the Sheriff's officers in the execution of any judgment of the Court.

94D. Court has discretion

- (1) The granting of security may be in the discretion of the Court.
- (2) In determining whether an order should be made, the Court may take the following into consideration —
 - (a) the prima facie merits of the claim;
 - (b) what property within the jurisdiction may be available to satisfy any order for costs against the claimant;
 - (c) whether the normal processes of the Court would be available within the jurisdiction for enforcement of any order for costs made against the claimant.

94E. Manner of giving security

In fixing security the Court may direct the form and manner in which the security is to be given and may from time to time vary the amount and form of the security.

94F. Action may be stayed

Where security is ordered the action or other proceedings may be stayed until the security is furnished, unless the Court otherwise orders.

94G. Payment out

- (1) Where money has been paid into Court as security for costs and the action has been finally disposed of, the amount of the security is to be paid out to the party for whose security it was furnished to the extent that costs are due from the securer to such party.
- (2) Unless the Court orders otherwise, the Principal Registrar is to pay out the security accordingly, and the balance (if any) may be refunded to the securer without the necessity for any special order.

13. Rule 128 amended

In rule 128(2) after “otherwise,” insert:

rule 29,

Made by the Magistrates Court,

STEVEN HEATH, Chief Magistrate.

— PART 2 —

JUSTICE

JU401

JUSTICES OF THE PEACE ACT 2004**APPOINTMENT**

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

Lance William Robinson of Padbury

JOANNE STAMPALIA, A/Executive Director,
Court and Tribunal Services.

JU402

VEXATIOUS PROCEEDINGS RESTRICTION ACT 2002**FINAL ORDERS**

In the Supreme Court of Western Australia

CIV 1522 of 2016

Between: Attorney General for Western Australia, Applicant and Geoff Barkla, Respondent

Final Orders before the Honourable Justice Le Miere on 22 September 2016

Upon the Application of the Applicant by originating motion dated 1 April 2016 and upon hearing Ms Pederson of counsel for the Applicant and Mr Barkla in person it is ordered that—

1. Pursuant to section 4 of the *Vexatious Proceedings Restriction Act 2002* (WA) (Act), Mr Geoff Barkla is prohibited from instituting any proceedings, as defined in the Act, unless he first obtains the leave of a court or tribunal, as the case requires under section 6 of the Act.
2. The costs of incidental to this application be paid by the Respondent.

By the Court,

The Honourable JUSTICE LE MIERE.

LOCAL GOVERNMENT

LG401

BUSH FIRES ACT 1954*Shire of Boyup Brook***BURNING OF GARDEN REFUSE OR LIGHTING OF OPEN AIR CAMPING OR
COOKING FIRES DURING PROHIBITED BURNING TIMES**

Under section 24G(2) and section 25(1a) of the *Bush Fires Act 1954*, the Shire of Boyup Brook hereby prohibits the burning of garden refuse and the lighting of open air cooking or camping fires within the shire boundaries during prohibited burning times. This notice will apply until revoked by the publication of another notice.

By order of,

ALAN LAMB, Chief Executive Officer.

MINERALS AND PETROLEUM

MP401**MINING ACT 1978****APPLICATION FOR AN ORDER FOR FORFEITURE**

Department of Mines and Petroleum,
Southern Cross WA 6426.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable for forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for non payment of rent.

PAUL ROTH, Warden.

To be heard by the Warden at Southern Cross on 22 November 2016.

YILGARN MINERAL FIELD**Prospecting Licences**

P 77/3700-I	Cazaly Iron Pty Ltd
P 77/3702-I	Cazaly Iron Pty Ltd
P 77/4069	McEwan, Stuart Alexander

MP402**MINING ACT 1978****APPLICATION FOR AN ORDER FOR FORFEITURE**

Department of Mines and Petroleum,
Southern Cross WA 6426.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable to forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for breach of covenant, being failure to comply with the prescribed expenditure conditions and/or non-compliance with the reporting provisions.

PAUL ROTH, Warden.

To be heard by the Warden at Southern Cross on 22 November 2016.

YILGARN MINERAL FIELD**Prospecting Licences**

P 77/3787	Hanking Gold Mining Pty Ltd
P 77/4130	Micro Ruby
P 77/4167	Hard Rock Resources Pty Ltd
P 77/4219	Wieclaw, Janusz Piotr
P 77/4264	Larsen, Jake Thomas

PLANNING

PL401**PLANNING AND DEVELOPMENT ACT 2005****APPROVED LOCAL PLANNING SCHEME AMENDMENT***Shire of Augusta Margaret River***Local Planning Scheme No. 1—Amendment No. 2**

Ref: TPS/0718

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 Augusta Margaret River Local Planning Scheme amendment on 1 September 2016 for the purpose of—

1. Amending Local Planning Scheme No. 1 scheme map by rezoning portion of Lot 300 Salter Street Gracetown from 'Parks and Recreation' reserve to 'Future Development' zone and

reserve for 'National Parks and Nature Reserves' in accordance with the Scheme Amendment Map.

2. Amending Local Planning Scheme No. 1 scheme map by including a portion of Lot 300 Salter Street Gracetown in a Development Contribution Area (DCA) designated DCA1 in accordance with the Scheme Amendment Map.
3. Amending Local Planning Scheme No. 1 scheme map by including a portion of Lot 300 Salter Street Gracetown in a Structure Plan Area (SPA) designated SPA23 in accordance with the Scheme Amendment Map.
4. Modifying 'Schedule 15—Structure Plan Area' in the scheme text by including the following schedule—

Area No. (SPA)	Description of Land Area	Land Use Expectations	Matter to be addressed in Structure Plans (in addition to clause 6.2.5)	Associated Provisions
23	Portion of Lot 300 Salter Street, Gracetown	Orderly and proper expansion of Gracetown Townsite. To provide for approximately 140 residential lots consistent with the intent and principles of the Leeuwin Naturaliste Ridge Statement of Planning Policy, including transfer of the balance of Lot 300 to the National Park.	<p>1. The proposed Structure Plan shall provide for the following additional matters to be addressed to the satisfaction of the Western Australian Planning Commission—</p> <p>(a) Investigate and address sustainability measures such as water capture and use, greywater reuse, alternative power provision and solar passive subdivision and building design for the proposed development cell.</p> <p>(b) Visual impact management.</p> <p>(c) Measures to limit visual impact from prominent viewing locations, which may include restricting building height to less than that provided for by Clause 5.13 of the Scheme.</p> <p>(d) Bushfire risk and preparation of a Bush Fire Management Plan.</p> <p>(e) Water and Sewer Servicing Report.</p> <p>(f) Environmental Management Plan; and</p> <p>(g) General location of the Waste/Reclaimed Water Treatment Plant.</p>	<p>No development or subdivision will be permitted unless it is in accordance with the following—</p> <p>(a) The developer is to provide existing and proposed lots with access to a reticulated sewer and water supply system that ensures continuity of supply and service in perpetuity through an appropriate licenced service provider, generally in accordance with the "Gracetown Townsite Expansion Project—Water and Sewer Servicing Report", dated 6 July 2015</p> <p>(b) Connection of existing lots in the townsite to the proposed reticulated water and sewer services is to occur on a voluntary basis and will only attract service levies and/or charges for users.</p> <p>(c) Provision of a sustainable energy source as a contribution to the current power supply for the Gracetown townsite.</p> <p>(d) Provision of a form of subdivision and development which is sympathetic to sustainability objectives.</p> <p>(e) The subdivider will prepare and implement the following plans as conditions of the first stage of subdivision—</p> <ul style="list-style-type: none"> • A Bushfire Management Plan; • A Landscape Masterplan; • A Traffic Impact and Management Plan; • Environmental Management Plan; • Local Development Plan; • Design and Sustainability Guidelines; and • Soil contamination investigations and remediation to the satisfaction of DER. <p>(f) A notification pursuant to Section 70A of the <i>Transfer of Land Act 1893</i> is to be placed on the certificate(s) of title of the proposed residential lots advising that the lots are—</p> <ol style="list-style-type: none"> (i) subject to a bushfire management plan; and (ii) there are ongoing landowner fire management responsibilities which are required to be met by the landowner(s) to mitigate the risks associated with bushfire hazards. <p>(g) As a condition of subdivision, satisfactory arrangements being made to the satisfaction of the Western Australian Planning Commission for the land reserved as 'National Parks and Nature Reserves' to be included into the Leeuwin Naturaliste National Park.</p> <p>(h) Prior to the first stage of subdivision, the subdivider is to prepare a Development Contributions Plan in consultation with the local government and to the satisfaction of the Western Australian Planning Commission,</p>

Area No. (SPA)	Description of Land Area	Land Use Expectations	Matter to be addressed in Structure Plans (in addition to clause 6.2.5)	Associated Provisions
				<p>which is to be implemented through the development contribution provisions of the Scheme.</p> <p>(i) Prior to the first stage of subdivision, the subdivider is to determine the final location of the Waste/Reclaimed Water Treatment Plant via further detailed assessment, which address inter alia—odour; access; light spill; environmental impact; land tenure and security.</p>

Cr I. EARL, Shire President.
G. EVERSLED, Chief Executive Officer.

PL402

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

Local Planning Scheme No. 3—Amendment No. 193

Ref: TPS/1860

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 Dardanup Local Planning Scheme amendment on 12 September 2016 for the purpose of—

- Amending Appendix 1—Zoning Table by including the landuse of ‘Club Premises’ as a ‘D’ use within the ‘Other Community’ zone; and
- Amending the ‘Club Premises’ definition within Clause 1.8.2—Land Use Definitions to read—
club premises means premises used by a legally constituted club or association or other body of persons united by a common interest.

M. BENNETT, President.
M. CHESTER, Chief Executive Officer.

PL403

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

Local Planning Scheme No. 7—Amendment No. 28

Ref: TPS/1652

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 Ashburton Local Planning Scheme amendment on 15 August 2016 for the purpose of—

- Inserting Clause 4.5—Additional Uses under Part 4—Zones of the Shire of Ashburton Town Planning Scheme No. 7—
4.5 Additional Uses
4.5.1 The Table sets out—
(a) Classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
(b) The conditions that apply to that additional use.

Table—Specified additional uses for zoned land in Scheme area

No.	Description of land	Additional use	Conditions
1	Lot 111, Tom Price—Paraburdoo Road, Tom Price	Holiday Accommodation and associated reception centre, restaurant, training centre; Exhibition, Display and Outdoor Sales (Plant Nursery); and Industry—Rural (Water	Pursuant to State Planning Policy 3.7—Planning in Bushfire Prone Areas, applications for development approval must be submitted with a Bushfire Hazard Level Assessment or BAL Contour Map to determine

No.	Description of land	Additional use	Conditions
		Extraction and Bottling and associated storage and distribution facilities)	the suitability of the proposal against bushfire attack. Where a significant bushfire threat has been identified, a Bushfire Management Plan shall be prepared and implemented through the development proposal.

- 4.5.2. Despite anything contained in the zoning table, land that is specified in the Table to subclause 4.5.1 may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that land.
2. Amending the Scheme map by introducing the legend for 'Additional Use' in accordance with the Schedule 3—Legends used in Scheme of the Planning and Development (Local Planning Schemes) Regulations 2015.
3. Amending the Scheme map by applying the 'Additional Use—1' annotation to Lot 111, Tom Price—Paraburdoo Road, Tom Price.

K. WHITE, Shire President.
N. HARTLEY, Chief Executive Officer.

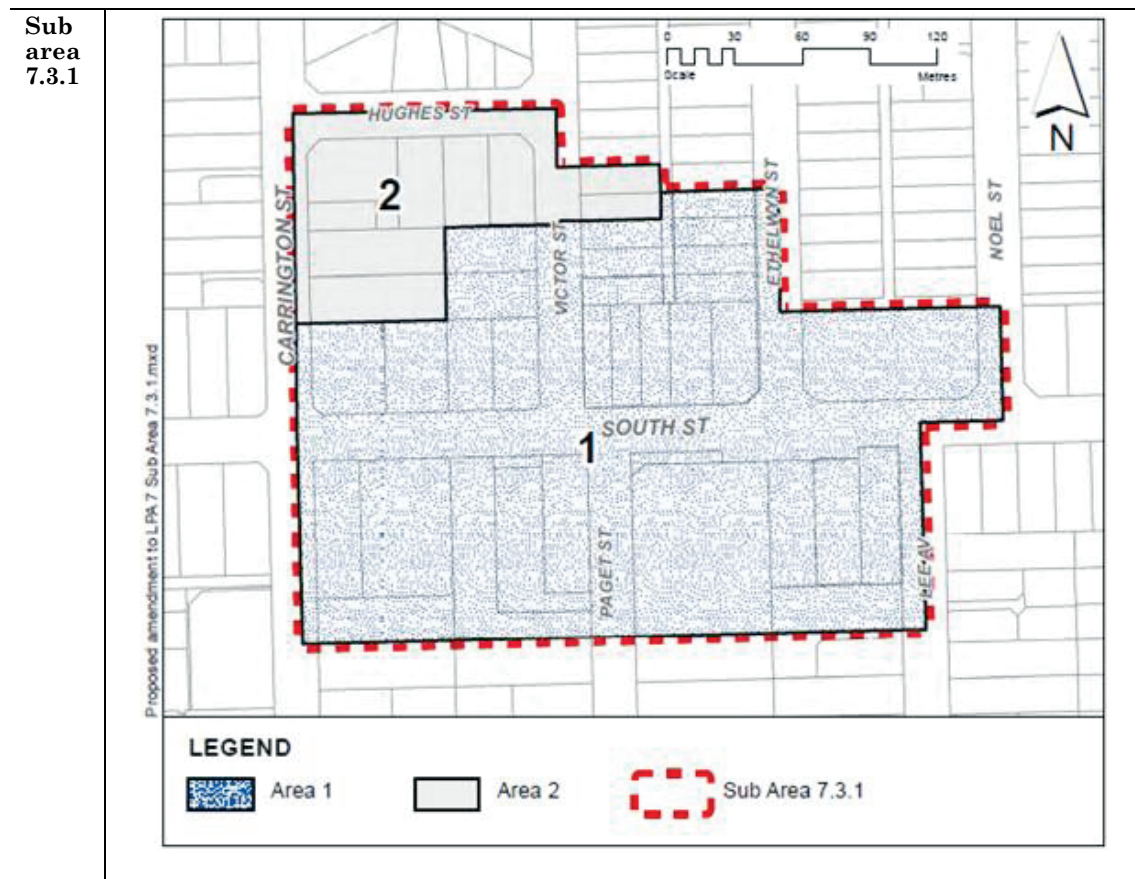
PL404

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
City of Fremantle
Local Planning Scheme No. 4—Amendment No. 64

Ref: TPS/1700

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Fremantle Local Planning Scheme amendment on 12 September 2016 for the purpose of—

- (a) In section 7.1 of Schedule 12 (Local Planning Area 7—Hilton), replace the maximum external wall height for a Local Centre of "5.5m" with "5.5m (except within Sub Area 7.3.1)"
- (b) Amend Schedule 12 (Local Planning Area 7—Hilton), by replacing the section of the table identified as sub area 7.3.1 with the following—



<p>General provisions</p>	<ul style="list-style-type: none"> (a) Clause 5.2.5 of this scheme does not apply to this sub area. (b) In this sub area, a minimum building height of 7 metres applies where new non-residential development is proposed. (c) In this sub area, all new non-residential buildings in Area 1 shall incorporate an activated street frontage to the primary street which incorporates windows and doors at the ground floor and windows to the first floor level. (d) Clause 7.2 of Local Planning Area—Hilton does not apply. (e) The base density code of R20 applies, however, approval will be granted to development(s) proposed at the higher bonus densities, as set out below, where the development proposal achieves the corresponding design criteria.
<p>Bonus density R160 (Area 1 only)</p> <p>Maximum building height of 17 metres, except for land within 5 metres of the boundary of any lot outside of sub area 7.3.1 where a maximum building height of 14 metres applies.</p>	<p>Design criteria required to be met in order for bonus density to apply—</p> <p>Land use</p> <ul style="list-style-type: none"> (a) Notwithstanding the provisions of Table 1—Zoning, residential land uses will not be permitted in new buildings at the ground floor level with frontage to South Street and Carrington Street. <p>Vehicle access</p> <ul style="list-style-type: none"> (b) Development sites with frontage to South Street and an alternative public road shall only have vehicle access via the alternative public road. Vehicle access shall be designed to encourage coordination of access to adjoining properties. (c) Vehicle parking shall be located at the rear of buildings, below ground level, or at roof top level subject to suitable screening being provided to ensure that parked vehicles are not visible from the street. (d) For new developments fronting South Street, a Traffic Impact Assessment is to be undertaken by a suitability qualified traffic engineer and shall be submitted in support of an application for planning approval. <p>Other</p> <ul style="list-style-type: none"> (e) For new development fronting South Street, Paget Street, Victor Street or Carrington Street, the ground floor level at the street frontage must be no greater than 600mm above the level of the adjacent footpath. The first floor level must be at least 4 metres above the level of the adjacent footpath. (f) For new development fronting South Street, the primary street setback shall be a minimum of 10 metres and a maximum of 12 metres. Council may approve a lesser street setback subject to no objection from Main Roads WA. (g) For new development fronting roads other than South Street, the primary street setback shall be a minimum of nil and a maximum of 2 metres. (h) The maximum aggregate width of spaces between or to the side of building(s) at ground floor level fronting South Street shall be no more than 6 metres on any one development site. (i) Notwithstanding the deemed to comply standard of clause 6.3.1 of the R-Codes, each dwelling shall have a minimum outdoor living area of 15m². (j) At least 10% of the site area shall be landscaped with plantings and permeable surfaces.

	<p>Bonus density R-AC1 (Area 1 only)</p> <p>Maximum building height of 20 metres, except for land within 5 metres of the boundary of any lot outside of sub area 7.3.1 where a maximum building height of 14 metres applies.</p>	<p>Design criteria required to be met in order for bonus density to apply—</p> <ul style="list-style-type: none"> (a) All design criteria relating to bonus density of R160 (above) shall be achieved; (b) Lot size of 2400m² or greater; (c) Incorporates a distinctive architectural feature and achieves exceptional design achieving the principles listed under 11.8.6.3 of this scheme; and (d) Achieves at least one of the following— <ul style="list-style-type: none"> o Incorporates a minimum of two levels of non-residential land uses, one of which shall be the ground floor level; o At ground floor level, a minimum of 1000m² net lettable area designed for occupation by a single tenancy for ‘shop’ land use as defined in Schedule 1—Land Use Definitions of this Scheme; and/or o A minimum of 10% of the residential net lettable area of the development shall be provided in the form of dwellings which meet the definition of ‘affordable housing’ in Schedule 1—Land use Definitions of this Scheme.
	<p>Bonus density R100 (Area 2 only)</p> <p>Maximum building height of 14 metres, except for land within 5 metres of the boundary of any lot outside of sub area 7.3.1 where a maximum building height of 11 metres applies.</p>	<p>Design criteria required to be met in order for bonus density to apply—</p> <ul style="list-style-type: none"> (a) The development area comprises a minimum of 1000m². (b) Development sites with a frontage to Carrington Street and an alternative public road shall only have vehicle access via the alternative public road. Vehicle access shall be designed to encourage coordination of access to adjoining properties.

B. PETITT, Mayor.
G. MACKENZIE, Chief Executive Officer.

PL405

PLANNING AND DEVELOPMENT ACT 2005

AMENDMENT TO INSTRUMENT OF DELEGATION—POWERS OF COMMITTEES

Amendment to the Instrument of Delegation to Committees of certain functions of the Western Australian Planning Commission, as gazetted on 4 September 2009 and as amended.

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act), the Western Australian Planning Commission (WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a member, committee or officer of the WAPC or to a public authority or to a member or officer of a public authority.

In accordance with section 16 (4) of the Act, a reference in this instrument to a function or power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred on the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 27 September 2016, pursuant to section 16 of the Act, the WAPC resolved—

- A. To delegate all its powers and functions under parts 5 and 8 of the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015* to the Statutory Planning Committee, except where the matter concerns—

- a. applications for developments of State or Regional Significance;
- b. scheme amendments relating to zoning (including amendments to the zoning table); and
- c. the preparation of a new Improvement Plan or Scheme

for land within the City of Karratha, the Shire of Ashburton and the Shire of Broome to be designated by the Statutory Planning Committee as Anketell, Maitland, Ashburton North and Browse LNG Precinct Strategic Industrial Areas.

- B. To amend the Instrument of Delegation to Committees of certain functions of the Western Australian Planning Commission as gazetted on 29 April 2016, as set out in Schedule 1 below to give effect to this delegation.

KERRINE BLENKINSOP, Secretary,
Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005

AMENDMENT TO INSTRUMENT OF DELEGATION

Schedule 1

1. Instrument of delegation amended

The amendments within this Schedule are to the Schedule set out in the Instrument of Delegation to committees of certain functions of the Western Australian Planning Commission, as gazetted on 29 April 2016.

2. Amendments to clauses (pages 1320 and 1321)

- (a) The existing text in Clause 2.20 is deleted and replaced with the following—

“2.20. Such powers and functions of the WAPC as set out in—

(i) Part 5 and 8 of the Act; and the

(ii) *Planning and Development (Local Planning Schemes) Regulations 2015*;

in relation to any Improvement Plan or Improvement Scheme, but excluding matters concerning—

1. applications for approval to developments of State or Regional Significance;
2. scheme amendments relating to zoning (including amendments to the zoning table);
3. the preparation of a new Improvement Plan or Scheme

for land within the City of Karratha, the Shire of Ashburton and the Shire of Broome to be designated by the Statutory Planning Committee as Anketell, Maitland, Ashburton North and Browse LNG Precinct Strategic Industrial Areas.

- (b) Clause 2.21 is deleted.

PL406

PLANNING AND DEVELOPMENT ACT 2005

AMENDMENT TO INSTRUMENT OF DELEGATION

Amendment to Delegation to Officers of certain powers and functions of the
Western Australian Planning Commission

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a member, committee or officer of the WAPC or to a public authority or a member or officer of a public authority.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under s16 of the Act (delegation)

On 27 September 2016, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A. TO DELEGATE its powers and functions as set out in column 1 of the attached Schedule to officers of the WAPC and the person or persons from time to time holding or acting in the offices in the department charged with the administration of the *Planning and Development Act 2005*, as specified in column 2 of the attached Schedule, subject to the conditions specified in column 3 of the attached Schedule;
- B. TO AMEND the Instrument of Delegation “Delegation to Officers of Certain Powers and Functions of the Western Australian Planning Commission 2012/02” published in the *Government Gazette* on 16 October 2016 (and as amended) to give effect to this delegation as set out in the attached Schedule.

KERRINE BLENKINSOP, Secretary,
Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005**AMENDMENT TO INSTRUMENT OF DELEGATION****Schedule****Schedule 10**

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
SCHEDULE 10—Powers and functions concerning the Ashburton North Strategic Industrial Area Improvement Scheme.			
General delegations	10.1 Where such power is conferred upon the WAPC, power to amend the manner and form of any document referred to, required by or provided under the Ashburton North Strategic Industrial Area Improvement Scheme (“the Scheme”).	<ul style="list-style-type: none"> • Chairman of the WAPC • Director General 	Limited to amendments of an administrative nature.
	10.2 Power to set or amend a timeframe, or stipulate a date, under the Scheme, where such power is conferred upon the WAPC.	<ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Regional Planning • Directors, Regional Planning 	
Improvement Policies (Pt. 2)	10.3 Power to amend an Improvement Scheme Policy	<ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Regional Planning 	Limited to administrative amendments that do not affect fundamental aspects of the policy.
	10.4 Power to determine, for the purpose of clause 15 (1) (b) of the Scheme, how to give notice of any Improvement Scheme Policy, or what other consultation would be appropriate.	<ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Regional Planning • Directors and Managers, Regional Planning 	
Zones and uses (Pt. 3)	10.5 Power to determine, for the purposes of clause 29 of the Scheme, whether a proposed use is less detrimental to the amenity of a locality than an existing non-conforming use and whether the proposed use is closer to the intended purpose of a zone than the existing non-conforming use.	<ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Regional Planning • Directors and Managers, Regional Planning 	
	10.6 Power to perform the function under clause 30 of the Scheme, to prepare and maintain a register of non-conforming uses.	<ul style="list-style-type: none"> • Directors and Managers, Regional Planning 	
General development requirements (Pt. 4)	10.7 Power to form an opinion as to whether non-compliance with an additional site and development requirement will mean that a development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of a development (cl. 31 of the Scheme).	<ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Regional Planning • Directors and Managers, Regional Planning 	

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
Req. For DA (Pt. 6)	10.8 Power to determine, under clause 36, development for which approval under the Scheme is not required.	<ul style="list-style-type: none"> Chairman of the WAPC 	
Form of DA application (Pt. 7)	10.9 Power to— <ol style="list-style-type: none"> identify any information or material that should accompany an application for development approval; waive or vary the requirements as to what material must accompany such an application. (cl. 39 of the Scheme).	<ul style="list-style-type: none"> Assistant Director General, Regional Planning Directors and Managers, Regional Planning 	
	10.10 Power to determine whether a use is consistent with the objective of a zone and that notice of the application should be given (cl.40 (1)(b) of the Scheme).		
	10.11 Power to determine a departure from the Scheme's requirements is minor and to waive the requirement for advertising a development application. (cl.40 (2) of the Scheme).		
	10.12 Power to identify, for the purposes of clause 40 (3) (a) of the Scheme, owners and occupiers likely to be affected by the grant of development approval.		
Determining DA's (Pt. 8)	10.13 Power to identify authorities that may be affected by a development application. (cl. 42 of the Scheme).	<ul style="list-style-type: none"> Assistant Director General, Regional Planning Directors and managers, Regional Planning 	
	10.14 Power to perform the functions and exercise the powers of the WAPC under clause 34 and Part 8 of the Scheme, to determine— <ol style="list-style-type: none"> applications made for approval to commence and carry out development, provided such determination would accord with the objectives and intent of any policies (if any) of the WAPC; applications to amend or cancel 	<ul style="list-style-type: none"> Chairman of the WAPC Director General Assistant Director General, Regional Planning 	Excluding applications of State or regional significance
		<ul style="list-style-type: none"> Directors, Regional Planning 	Excluding applications of State or regional significance Excluding applications which the port authority or local government express an objection to.
		<ul style="list-style-type: none"> Managers, Regional Planning 	Excluding applications of State or regional

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
	development approval, provided the original decision was made under delegation and the recommendation is to approve the request.		significance Excluding applications which the port authority or local government express an objection to. Where the application has a monetary value, limited to applications with a value of up to \$50million and excludes the power to refuse approval.
Enforcement and WAPC Powers (Pt. 10)	10.15 Power to perform the functions and exercise the powers of the WAPC under clause 59 of the Scheme.	<ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Regional Planning • Assistant Director General, Business corporate support • Chief Property Officer 	Function to be exercised having due regard to any published WAPC policy. Excluding matters where the WAPC has or will make a financial contribution, or has a financial interest.
	10.16 Power to designate an officer for the purposes of clause 60, who may enter and inspect property within the Scheme area.	<ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Regional Planning 	The designation must be made by a formal written instrument, such as a memorandum or letter.
	10.17 Power under clause 61 of the Scheme, to require repair to an advertisement.	<ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Regional Planning • Directors and managers, Regional Planning 	

PL407

PLANNING AND DEVELOPMENT ACT 2005**AMENDMENT TO INSTRUMENT OF DELEGATION****Amendment to Delegation to Officers of certain powers and functions of the Western Australian Planning Commission**

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a member, committee or officer of the WAPC or to a public authority or a member or officer of a public authority.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under s16 of the Act (delegation)

On 27 September 2016, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A. TO DELEGATE its powers and functions as set out in column 1 of the attached Schedule to officers of the WAPC and the person or persons from time to time holding or acting in the offices in the department charged with the administration of the *Planning and Development*

Act 2005, as specified in column 2 of the attached Schedule, subject to the conditions specified in column 3 of the attached Schedule; and

- B. TO AMEND the Instrument of Delegation entitled “Delegation to Officers of Certain Powers and Functions of the Western Australian Planning Commission 2012/02” published in the *Government Gazette* on 16 October 2015 (and as amended) to give effect to this delegation as set out in the attached Schedule.

KERRINE BLENKINSOP, Secretary,
Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005
AMENDMENT TO INSTRUMENT OF DELEGATION
Schedule

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
	<p>1.24A Where, pursuant to cl22 (1)(b), the WAPC (or one of its subcommittees) requires a proposed structure plan to be modified and then resubmitted for approval, power to approve the modified plan, provided it has been modified as specified by the WAPC or its subcommittee.</p>	<ul style="list-style-type: none"> • Chairman of the WAPC • Director General • Assistant Director General, Perth and Peel Planning • Assistant Director General, Regional Planning • Directors, Perth and Peel Planning • Directors, Regional Planning • Within Perth and Peel Planning— <ul style="list-style-type: none"> o Planning Managers of— <ul style="list-style-type: none"> • Schemes and Amendments • Peel Statutory and Strategic Planning • Peel Region Scheme Project • Metropolitan Central • Metropolitan North West • Metropolitan North East • Metropolitan South West • Metropolitan South East o Principal Planning Officer, Schemes and Amendments; o Principal Planning Officer, Statutory Policy and Implementation • Within Regional Planning; <ul style="list-style-type: none"> o Planning Managers of— <ul style="list-style-type: none"> • Pilbara Planning • Kimberly Planning • Central Regions Statutory Planning • Central Regions Strategic Planning • Wheatbelt Region Statutory Planning • Wheatbelt Region Strategic Planning • Great Southern Planning Office • South West Statutory Planning 	<p>Excludes the power to refuse approval. Delegates may only exercise this delegation with regard to the geographical limits imposed on their position as per clause 1.5</p>

Instrument	Column 1—Powers and functions	Column 2—Delegate	Column 3—Conditions
		<ul style="list-style-type: none"> o Principal Planning Officers of— <ul style="list-style-type: none"> • Wheatbelt Region Statutory Planning • Central Regions Statutory Planning o Senior Planning Officer, South West Statutory Planning 	

PL408

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
City of Albany
Local Planning Scheme No. 1—Amendment No. 11

Ref: TPS/1623

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 Albany Local Planning Scheme amendment on 1 September 2016 for the purpose of—

1. Rezoning Lot 312 on Deposited Plan 144712 and Lot 1315 on deposited Plan 400795 Cockburn Road Mira Mar from “Residential R30” to “Regional Centre Mixed Use” with R30 density code and “A31” designation in accordance with the Scheme Amendment Map.
2. Insert into Schedule 2—Additional Uses the following—

No.	Description of Land	Additional Use	Conditions
AU31	Lots 312 and 1315 Cockburn Road, Mira Mar	<ol style="list-style-type: none"> 1. Hospital 2. Nursing home 3. Shop 4. Holiday Accommodation 5. Residential Building 6. Residential R60 	<ol style="list-style-type: none"> 1. Development of the land shall generally be in accordance with a Local Development Plan. 2. The maximum height of the hospital shall be 12m to the top of the pitched roof or 9m to the top of the wall. 3. A shop shall be limited in area and incidental to the predominant use of the land as determined by the Local Government. 4. Holiday accommodation shall be limited and incidental to the predominant use of the land as determined by the Local Government. 5. Development to R60 may be permitted subject to the preparation of design guidelines to the Local Governments satisfaction.

3. Amending the Scheme Map accordingly.

D. WELLINGTON, Mayor.
A. SHARPE, Chief Executive Officer.

TRANSPORT

TN401

ROAD TRAFFIC ACT 1974**ROAD TRAFFIC CODE 2000****ROAD TRAFFIC CODE (ELECTRIC PERSONAL TRANSPORTER) NOTICE NO. 3 2016**

Made by Liza Harvey MLA, Minister for Road Safety, under Regulation 230B(1) of the *Road Traffic Code 2000* (the Code).

1. Citation

This Notice is the *Road Traffic Code (Electric Personal Transporter) Notice No. 3 2016*.

2. Commencement

This Notice comes into operation on the day on which it is published in the *Government Gazette*.

3. Electric Personal Transporter Use Area

Pursuant to Regulation 230B(1)(b) of the Code, the continuous area enclosed and bounded by a solid white line, as depicted across the ten (10) City of Mandurah maps (City Centre/Mandurah Ocean Marina, Coodanup Foreshore, Dawesville, Falcon to Cut, Len Howard Reserve, Mandurah Quay, Port Bouvard, Seascapes, Silver Sands to Madora Bay Lookout, Western Foreshore) in the Schedule to this Notice is declared to be an Electric Personal Transporter Use Area.

LIZA HARVEY MLA, Minister for Road Safety.

21 September 2016.

ROAD TRAFFIC ACT 1974**ROAD TRAFFIC CODE 2000****Schedule 1**

ROAD TRAFFIC ACT 1974
ROAD TRAFFIC CODE 2000
Schedule 1



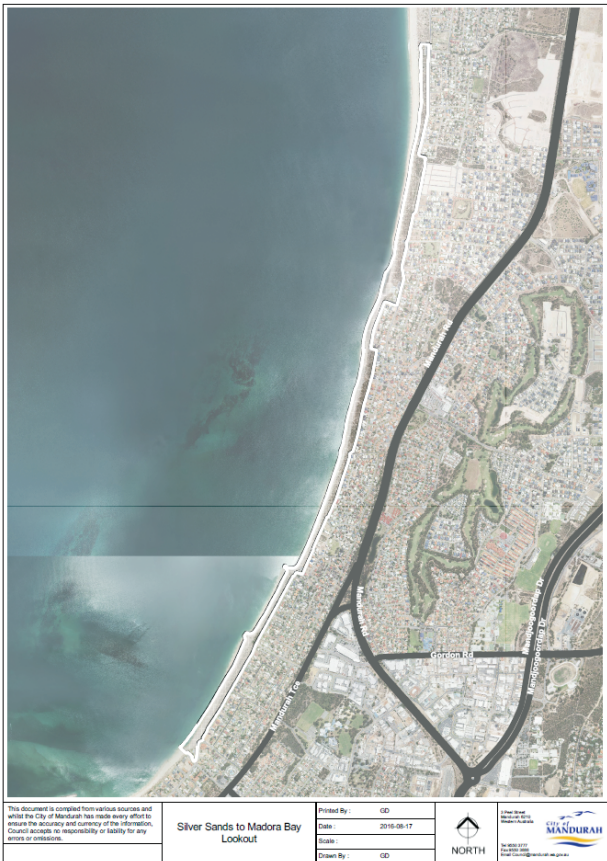
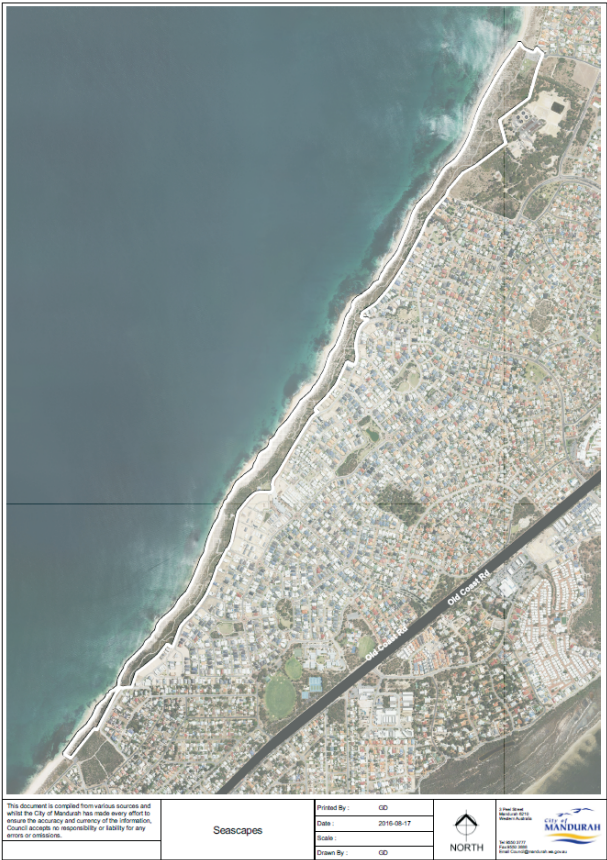
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Schedule 1



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ROAD TRAFFIC CODE 2000
Schedule 1



ROAD TRAFFIC ACT 1974
ROAD TRAFFIC CODE 2000
Schedule 1



ROAD TRAFFIC ACT 1974
ROAD TRAFFIC CODE 2000
Schedule 1



DECEASED ESTATES

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

Robyn Anne Calhoun of 3 Albermarle Close, Coodanup, Western Australia, Waitlist Clerk, 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 February 2016, are required by the Executor, Equity Trustees Wealth Services Limited of Level 2, 575 Bourke Street, Melbourne, Victoria 3000 to send particulars of their claims to it, care of Fiona Buttigieg, Equity Trustees Wealth Services Limited of Level 2, 575 Bourke Street, Melbourne, Victoria 3000 within one (1) month of the date of publication hereof, after which date the Executor may convey or distribute the assets having regard only to the claims of which the Executor then has notice.

Dated: 30 September 2016.

EQUITY TRUSTEES WEALTH SERVICES LIMITED as Executor.

ZX402**TRUSTEES ACT 1962****DECEASED ESTATES****Notice to Creditors and Claimants**

In the Estate of Frederick Ernest King, late of 1 Floribunda Avenue, Sorrento, Western Australia.

Creditors and other person having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased, who died on the 30th day of July 2016, are required by the

personal representatives, Henry Hartrick Harding of 112 Doveridge Drive, Duncraig and Louise Elizabeth Tilbrook of 28 Mustique Crescent, Hillarys to send particulars of their claims to Merle Bloch Barrister & Solicitor of Suite 3, 5 Colin Street, West Perth by the 31st day of October 2016, after which date the personal representatives may convey or distribute the assets, having regard only to the claims of which they then have notice.

ZX403

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of Colin Rawdon Macnamara, late of Unit 9/74 Cantonment Street, Fremantle in the State of Western Australia, who died on 4 April 2016, are required by the executrix to send particulars of their claims addressed to the executrix of the Estate of Colin Rawdon Macnamara deceased, care of WL and KJ Everett, PO Box 295, Subiaco WA 6904 within one month from the date of publication of this notice, after which date the executrix may convey or distribute the assets having regard only of which the personal representative then has notice.

ZX404

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before 30 October 2016, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Brothers, Duncan Henry, late of Unit 2, 79 Barbican Street, Shelley, died 6.07.2016 (DE19943001 EM15)

Burrowes, Mary Ann, late of Peter Arney Home, Gentilii Way, Salter Point, died 10.12.2015 (DE19840135 EM13)

Creighton, Geoffrey Robert, also known as Geoffrey Robert Edwin and Geoffrey and Geoff, late of 6581 West Swan Road, West Swan, died 5.08.2016 (DE19783530 EM17)

Deroost, Alida Alice Celina, also known as Alida Alice Celina Desnoeck and Lily Deroost and Lily Desnoeck, late of 18 Homestead Drive, Wellard, died 1.06.2016 (DE19791201 EM26)

Domyer, Jean Lucy, late of Chrystal Halliday Nursing Home, Unit 48, 27 Prisk Street, Karrinyup, died 23.08.2016 (DE19751084 EM36)

George, Helen Edna, late of Bethanie Peel Lodge, 2 MacLaggan Turn, Coodanup, died 28.07.2016 (DE19991244 EM26)

Manglesdorf, Kayleen Margaret, late of Weeronga Village, Unit 60, 40-44 Worley Street, Willagee, died 24.08.2016 (DE33045576 EM13)

McGrath, Ronald Michael, late of 20 Fawdon Way, Collie, died 12.12.2015 (DE33131386 EM13)

Pettit, Eileen Beryl, late of 9A Quinault Loop, Joondalup, died 26.08.2016 (DE19850196 EM13)

Pike, Kenneth Ernest, late of Dale Cottages, Unit 34, The Grove, Armadale, died 26.08.2016 (DE33090559 EM38)

Sutherlin, Marie Cecile, late of 21 Embleton Avenue, Embleton, died 7.04.2016 (DE33043556 EM37)

Varney, Roger Frederick, late of 21 Barlee Crescent, Waikiki, died 2.07.2016 (DE33029561 EM23)

BRIAN ROCHE, Public Trustee,
553 Hay Street, Perth WA 6000.
Telephone: 1300 746 212

ZX405**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 30th day of September 2016.

BRIAN ROCHE, Public Trustee,
553 Hay Street, Perth WA 6000.
Telephone: 1300 746 212

Name of Deceased	Address	Date of Death	Date Election Filed
Margaret Louise Clulow DE19822818EM16	2 Bethel Way, Yakamia	17 July 2016	22 September 2016
