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# — PART 1 —

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## CONSUMER PROTECTION

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CP301

Travel Agents Act 1985

### Travel Agents Act 1985 Expiry Notice 2016

Made by the Minister under the *Travel Agents Act 1985* section 61.

**1. Citation**

This notice is the *Travel Agents Act 1985 Expiry Notice 2016*.

**2. Minister satisfied of matters in section 61(3)**

The Minister is satisfied of the matters specified in the *Travel Agents Act 1985* section 61(3).

**3. Expiry**

The *Travel Agents Act 1985* expires at the end of the day after the day on which this notice is published in the *Gazette*.

M. MISCHIN, Minister for Commerce.

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## HEALTH

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HE301

Health Act 1911

### Health (Public Buildings) Amendment Regulations 2017

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Health (Public Buildings) 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 or the day after the *Health Regulations Amendment (Public Health) Regulations 2016* Part 19 comes into effect, whichever is the later.

## 3. Regulations amended

These regulations amend the *Health (Public Buildings) Regulations 1992*.

## 4. Regulation 3 amended

- (1) In regulation 3(1) delete the definitions of:  
*AS/NZS 4360*  
*supply authority*
- (2) In regulation 3(1) insert in alphabetical order:

*AS/NZS ISO 31000:2009* means Australian/New Zealand Standard AS/NZS ISO 31000:2009 - Risk Management - Principles and Guidelines;

## 5. Regulation 4 amended

In regulation 4(2):

- (a) delete “5 000” and insert:

1 000

- (b) delete “AS/NZS 4360.” and insert:

AS/NZS ISO 31000:2009.

## 6. Regulation 9 amended

In regulation 9(4)(a) delete “AS/NZS 4360; and” and insert:

AS/NZS ISO 31000:2009; and

## 7. Regulation 12 deleted

Delete regulation 12.

**8. Regulation 14 amended**

- (1) In regulation 14(3)(a)(iii) delete “Officer;” and insert:

Officer.

- (2) Delete regulation 14(3)(b).

**9. Regulation 17 deleted**

Delete regulation 17.

**10. Regulation 19 amended**

In regulation 19(1) delete “A radiant” and insert:

An

**11. Regulation 24 deleted**

Delete regulation 24.

**12. Regulation 25 amended**

In regulation 25 before “telephone” insert:

fixed-line

**13. Regulation 26 amended**

In regulation 26(1a)(b) delete “AS/NZS 4360.” and insert:

AS/NZS ISO 31000:2009.

**14. Regulation 30 deleted**

Delete regulation 30.

**15. Regulation 33 deleted**

Delete regulation 33.

**16. Regulation 34 deleted**

Delete regulation 34.

**17. Regulation 38 deleted**

Delete regulation 38.

18. **Regulation 40 deleted**  
Delete regulation 40.
19. **Part 5 Division 4 deleted**  
Delete Part 5 Division 4.
20. **Regulation 57 deleted**  
Delete regulation 57.
21. **Part 6 deleted**  
Delete Part 6.

K. H. ANDREWS, Clerk of the Executive Council.

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## JUSTICE

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JU301

Criminal Procedure Act 2004  
Fines, Penalties and Infringement Notices Enforcement Act 1994  
Sentencing Act 1995  
State Administrative Tribunal Act 2004

### **Attorney General Regulations Amendment (Travel Agents) Regulations 2016**

Made by the Governor in Executive Council.

#### **Part 1 — Preliminary**

**1. Citation**

These regulations are the *Attorney General Regulations Amendment (Travel Agents) Regulations 2016*.

**2. Commencement**

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — when the *Travel Agents Act 1985* expires under section 61 of that Act.

**Part 2 — *Criminal Procedure Regulations 2005*  
amended**

**3. Regulations amended**

This Part amends the *Criminal Procedure Regulations 2005*.

**4. Schedule 1A amended**

In Schedule 1A delete “*Travel Agents Act 1985*”.

**Part 3 — *Fines, Penalties and Infringement Notices  
Enforcement Regulations 1994* amended**

**5. Regulations amended**

This Part amends the *Fines, Penalties and Infringement Notices Enforcement Regulations 1994*.

**6. Schedule 1 amended**

In Schedule 1 delete “*Travel Agents Act 1985*”.

**Part 4 — *Sentencing Regulations 1996* amended**

**7. Regulations amended**

This Part amends the *Sentencing Regulations 1996*.

**8. Schedule 2 amended**

In Schedule 2 delete “*Travel Agents Act 1985* s. 41(1)”.

**Part 5 — *State Administrative Tribunal  
Regulations 2004* amended**

**9. Regulations amended**

This Part amends the *State Administrative Tribunal Regulations 2004*.

**10. Schedule 1 amended**

In Schedule 1 delete “*Travel Agents Act 1985*”.

R. KENNEDY, Clerk of the Executive Council.

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**LOCAL GOVERNMENT**

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LG301

Dog Act 1976

**Dog Amendment Regulations 2017**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Dog 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 *Dog Regulations 2013*.

**4. Regulation 19 amended**

Delete regulation 19(5) and insert:

- (5) If an unsterilised dog is registered for its lifetime and is sterilised —
  - (a) in the 1<sup>st</sup> year after it is registered, the owner is entitled to a refund of an amount equal to the difference between the registration fee paid and the lifetime registration fee that would have been payable for a sterilised dog; or
  - (b) in the 2<sup>nd</sup> year after it is registered, the owner is entitled to a refund of an amount equal to the difference between two-thirds of the registration fee paid and two-thirds of the lifetime registration fee that would have been payable for a sterilised dog; or
  - (c) in the 3<sup>rd</sup> year after it is registered, the owner is entitled to a refund of an amount equal to the difference between one-third of the registration fee paid and one-third of the lifetime registration fee that would have been payable for a sterilised dog.

R. KENNEDY, Clerk of the Executive Council.



## — PART 2 —

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### AGRICULTURE AND FOOD

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AG401

#### SOIL AND LAND CONSERVATION ACT 1945

#### CAPEL LAND CONSERVATION DISTRICT (APPOINTMENT OF MEMBERS OF DISTRICT COMMITTEE) INSTRUMENT 2017

Made by the Commissioner of Soil and Land Conservation.

#### 1. Citation

This Instrument may be cited as the *Capel Land Conservation District (Appointment of Members) Instrument 2017*.

#### 2. Appointment of members

Under section 23(2b) of the Act and clause 5(1) of the *Soil and Land Conservation (Capel Land Conservation District) Order 1993\**, the following members are appointed to the land conservation district committee for the Capel Land Conservation District—

- (a) as persons actively engaged in, or affected by or associated with, land use in the district—  
~~Mr Michael Norman Norton, Ms Chelsea Rusha and Ms Lynne King.~~ **Insert**  
 Ms Jacqui Granger of Capel.

(\*Published in the Gazette of 23 April 1993 at pp.2170-2172 and Amendment Orders approved by Executive Council on 2 July 1996, 13 August 1996 and 1 December 1998 (refer to Department of Agriculture and Food reference: 125219V1)).

#### 3. Term of office

Members appointed to the committee under this instrument will hold office for a term expiring on 18 January 2020.

ANDREW WATSON, Commissioner of Soil and Land Conservation.

Dated this 18th day of January 2017.

AG402

#### SOIL AND LAND CONSERVATION ACT 1945

#### SOIL AND LAND CONSERVATION (KATANNING LAND CONSERVATION DISTRICT) AMENDMENT ORDER 2016

Made by the Governor in Executive Council under Section 23 (2d) of the *Soil and Land Conservation Act 1945* on the recommendation of the Minister for Agriculture and Food.

#### Citation

1. This order may be cited as the *Soil and Land Conservation Act (Katanning Land Conservation District) Amendment Order 2016*.

#### Commencement

2. This order will take effect on the day which it is published in the *Gazette*.

#### Principal Order

3. In this order the *Soil and Land Conservation Act (Katanning Land Conservation District) Order 1990\** is referred to as the principal order.

(\*Published in the Government Gazette of 6 July 1990 at pp. 3268-3269 and an Amendment Order approved by Executive Council on 11 March 1997 [refer Department of Agriculture and Food Western Australia file reference 881722V02P00 and 153852V01]).

#### Clause 5 amended

4. Clause 5 of the principal order is amended by—

- (i) Deleting “22” in subclause (1) and substituting the following—“17”;
- (ii) Deleting “16” in subclause (1)(d)(i) and substituting the following—“12”; and
- (iii) Deleting “2” in subclause (1)(b) and substituting the following “1”.

By Her Excellency’s command

R. NEILSON, Clerk of the Executive Council.

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## FIRE AND EMERGENCY SERVICES

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FE401

### BUSH FIRES ACT 1954 TOTAL FIRE BAN DECLARATION

Correspondence No. 12080

Pursuant to powers delegated under the *Bush Fires Act 1954*, the Assistant Commissioner of the Department of Fire and Emergency Services, declared under Section 22A of the *Bush Fires Act 1954*, a total fire ban for 15th January 2017 for the local government districts of—

Cranbrook, Broomehill-Tambellup, Katanning, Kojonup, West Arthur, Wagin, Woodanilling, Boddington, Brookton, Cuballing, Narrogin, Pingelly, Wandering, Wickepin, Williams, Armadale, Gosnells, Swan, Chittering, Gingin, Kalamunda, Mundaring, Serpentine-Jarrahdale.

GRAHAM SWIFT, Assistant Commissioner of the Department of Fire and Emergency Services, as a sub-delegate of the Minister under section 16 of the *Fire and Emergency Services Act 1998*.

Dated 14th January 2017.

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## JUSTICE

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JU401

### JUSTICES OF THE PEACE ACT 2004 RESIGNATIONS

It is hereby notified for public information that the Minister has accepted the resignation of—

Mrs Gwenda May Pollard of Narembeen

from the Office of Justice of the Peace for the State of Western Australia.

MICHAEL JOHNSON, A/Executive Director,  
Court and Tribunal Services.

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## LOCAL GOVERNMENT

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LG401

### LOCAL GOVERNMENT ACT 1995 *Shire of Toodyay* (BASIS OF RATES)

This notice, which is for public information only, is to confirm that—

I, Brad Jolly, being delegated by 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) of that Act, hereby, and with effect from 1 July 2017, determined that the method of valuation to be used by the Shire of Toodyay as the basis for a rate in respect of the land referred to in the Schedules are to be the gross rental value of the land;

#### Schedule A

	Designated Land
UV to GRV	All those portions of land being Lots 521 to 527 inclusive and Lot 534 as shown on Deposited Plan 28494; Lots 101 to 112, Lot 114, Lots 116 to 120 inclusive and Lots 122 to 124 inclusive as shown on Deposited Plan 29054; Lot 5 as shown on Deposited Plan 32196; Lots 125 to 133 inclusive, Lots 136 to 140 inclusive and Lot 142 as shown on Deposited Plan 32527; Lot 601 as shown on Deposited Plan 42855 and Lot 38 as shown on Deposited Plan 62986.

#### Schedule B

	Designated Land
UV to GRV	All those portions of land being Lot M1978 as shown on Diagram 17554; Lot 1 as shown on Diagram 63264 and Lot 500 as shown on Diagram 90146.

## Schedule C

	Designated Land
UV to GRV	All those portions of land being Lot 2, Lot 3, Lot 5 and Lots 7 to 9 inclusive as shown on Plan 10315; Lots 12 to 18 inclusive, Lots 20 to 29 inclusive, Lot 33 and Lot 34 as shown on Plan 22110.

BRAD JOLLY, Executive Director Sector Regulation and Support,  
Department of Local Government and Communities.

**LG402***SHIRE OF CHITTERING*

## APPOINTMENTS

It is hereby notified for public information that Bronwyn Southee and Glenn Sargeson have been appointed as an Authorised Officer in accordance with the following and is effective immediately—

*Caravan Parks and Camping Grounds Act 1995*, Section 17 and 23

*Caravan Parks and Camping Grounds Regulations 1997*, Regulation 6

All previous authorisations for Matthew Sharpe under the following are hereby revoked effective immediately—

*Bush Fires Act 1954*, Section 59(3)

*Bush Fires Act 1954*, Section 38—Fire Control Officer

*Caravan Parks and Camping Grounds Act 1995*, Sections 17(1), 23(2) and 23(11)

*Cat Act 2011*, Section 48(1)

*Cemeteries Act 1986*, Section 64(1)—Issue of Infringement Notices

*Control of Vehicles (Off-road Areas) Act 1978* and Regulations

*Dog Act 1976* and Regulations

*Litter Act 1979* and Regulations

Local Government Local Laws

*Local Government Act 1995*, Sections 3.39, 9.10, 9.11 and 9.15

*Local Government Act 1995*, Sections 9.13, 9.16 and 9.17

*Local Government Act 1995*, Sections 3.28 and 3.29

*Local Government Act 1995*, Section 3.39

*Local Government (Miscellaneous Provisions) Act 1960*, Section 449

Updated: 20 January 2017.

ALAN SHERIDAN, Chief Executive Officer.

**PLANNING****PL401**

**PLANNING AND DEVELOPMENT ACT 2005**  
APPROVED LOCAL PLANNING SCHEME AMENDMENT

*City of Gosnells*

Local Planning Scheme No. 6—Amendment No. 164

Ref: TPS/1807

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 Gosnells Local Planning Scheme amendment on 21 December 2016 for the purpose of—

1. Recoding 303 (Lot 384), 291 (Lot 301) Fraser Road North and 858 (Lot 461) Nicholson Road, Canning Vale from Residential R17.5 to R60.
2. Insert Clause 5.14—Additional site and development requirements into the Scheme text as follows—

**5.14 ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS**

(1) Schedule 14 sets out requirements relating to development that are additional to those set out in the R-Codes, an activity centre plans, local development plans or State or local planning policies.

(2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, an activity centre plan, a local development plan or a State or local planning policy the requirement referred to in subclause (1) prevails.

3. Insert Schedule 14—Additional site and development requirements into the Scheme text as follows—

**SCHEDULE 14—ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS**

No.	Description of Land	Requirement
1.	Lot 384 and 301 Fraser Road North, Canning Vale. Lot 461 Nicholson Road, Canning Vale.	Any residential development immediately abutting Fraser Road North shall be a maximum of two storeys, in accordance with building heights as set out in the relevant State planning policy. At subdivision and development application stage, a detailed noise assessment and subsequent noise mitigation measures being undertaken to inform lot layout and building design to the satisfaction of the relevant decision maker (Western Australian Planning Commission or Local Government). No future crossovers will be allowed onto Nicholson Road.
2.	Lot 701 Warton Road (corner Furley Road), Southern River.	Shops and/or Convenience Store limited to a maximum 400m <sup>2</sup> net lettable area.
3.	158 (Lot 2) Stalker Road, Gosnells; and Lot 164-168 (Lot 1100) Corfield Street, Gosnells	Lot 2—maximum retail floorspace 420 sq metres; Lot 1100—retail floorspace to comprise a pharmacy only.
4.	Lots 21 (No. 9), 100 (No. 11), Pt Lot 87 (No. 15) and 100 (No. 17) Sydenham Street, Beckenham.	Within the Perth Airport noise exposure zone, a “noise on title” is to be required as a condition of subdivision or planning approval.

4. Modify Schedule 3—Restricted Uses by deleting rows R2, R6 and R8.  
5. Amend the Scheme Maps accordingly.

O. SEARLE, Mayor.  
I. COWIE, Chief Executive Officer.

**PL402**

**PLANNING AND DEVELOPMENT ACT 2005**  
**METROPOLITAN REGION SCHEME MAJOR AMENDMENT 1270/41**  
**Ocean Reef Marina Redevelopment**  
**Call for Public Submissions**

The Western Australian Planning Commission (WAPC) intends to amend the Metropolitan Region Scheme (MRS) for land in the local government of Joondalup and is seeking public comment. MRS Major Amendment 1270/41 seeks to rationalise various zones and reserves, and part of Bush Forever Site 325 to facilitate the redevelopment of the existing Ocean Reef Marina Boat Harbour.

**Display locations**

Plans showing the proposed change and the WAPC’s amendment report, which explains the proposal, will be available for public inspection from Tuesday 22 November 2016 to Friday 24 February 2017 at—

- Western Australian Planning Commission, 140 William Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- City of Perth, Council House, 27 St Georges Terrace, Perth
- City of Fremantle, Town Hall Centre, 8 William Street, Fremantle
- City of Joondalup, Administration Building, 90 Boas Avenue, Joondalup
- City of Wanneroo, Civic Centre, 23 Dundobar Road, Wanneroo
- Office of the Environmental Protection Authority, The Atrium, 168 St Georges Terrace, Perth

Documents are also available online at [www.planning.wa.gov.au/oceanreefmarina](http://www.planning.wa.gov.au/oceanreefmarina).

**Submissions**

Any person who desires to make a submission to support, object or provide comment on any part of the proposed amendment should do so on a Form 41, which is available from the display locations, the amendment report and online.

Written submissions can be lodged online via [mrs@planning.wa.gov.au](mailto:mrs@planning.wa.gov.au) or by post to: Secretary, Western Australian Planning Commission, Locked Bag 2506, Perth WA 6001.

Submissions close 5pm, Friday 24 February 2017. Late submissions will not be considered.

**Additional Information**

The Environmental Protection Authority (EPA) determined that the amendment should not be assessed, given that a Negotiated Planning Outcome (NPO) is required for the partial loss of Bush Forever site 325 and that the proposal to construct and operate the Ocean Reef Marina is being assessed by the EPA at the level of Public Environmental Review. The EPA's assessment of the proposal and the NPO are required to be finalised, prior to the WAPC making a final determination on the amendment.

Submissions on the Public Environmental Review should be directed to the EPA at [www.epa.wa.gov.au](http://www.epa.wa.gov.au).

KERRINE BLENKINSOP, Secretary, Western Australian Planning Commission.

**PL403**

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

Ref: TPS/1785

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 23 December 2016 for the purpose of—

1. Rezone—
  - a. Lot 8888 Flinders Parade, Middleton Beach from the 'Hotel/Motel' and 'Tourist Residential' zones to 'Special Use Zone SU25';
  - b. Lots 660 and 661 Marine Terrace, Middleton Beach from the 'Tourist Residential' zone to 'Special Use Zone SU25';
  - c. Portions of Adelaide Crescent, Marine Terrace, Barnett Street, Flinders Parade and Marine Drive from 'Priority Road' and Local Road Reserves to 'Special Use Zone SU25';
2. Amend Schedule 4—Special Use Zones by inserting 'Special Use SU25' in the schedule and incorporate provisions relating to Middleton Beach Activity Centre as follows—

No.	Description of Land	Special Use	Conditions
SU25	Middleton Beach Activity Centre Lot 8888 Flinders Parade Lots 660 and 661, Marine Terrace Adjacent road reserves being portions of Adelaide Crescent, Marine Terrace, Barnett Street, Flinders Parade and Marine Drive, Middleton Beach	Land use permissibilities within the precincts shown on the Middleton Beach Activity Centre Precinct Plan are as follows— <b>Hotel / Mixed Use Precinct</b> Car Park 'D' Exhibition Centre 'A' Holiday Accommodation 'D' Hotel 'P' up to 5 storeys [21.5 metres] Hotel 'A' above 5 storeys [21.5 metres] Market 'D' Multiple Dwelling 'D'(1)(2) up to 5 storeys [21.5 metres] Multiple Dwelling 'A'(1)(2) above 5 storeys [21.5 metres] Nightclub 'D' Public Utility 'D' Recreation-Private 'A' Restaurant 'D' Shop 'A' Small Bar 'A' Tavern 'A'	<u>Performance Criteria</u> 1. All development within the Middleton Beach Activity Centre Special Use zone shall comply with the following performance criteria— (a) The Middleton Beach Activity Centre is developed in a co-ordinated manner, recognising its significance for local recreation, organised sporting and cultural events and as a tourist destination; (b) High quality built form and public place design is provided across the Special Use zone and public foreshore reserve interfaces recognise the iconic location and significance of the site to the community; (c) The development of public and private land is integrated to establish a safe, vibrant mixed use centre with an active beach front and urban edge that includes but is not limited to: local and tourist facilities; restaurants, cafes and shops; holiday and short stay accommodation; together with a range of permanent residential uses but excludes detached houses;

No.	Description of Land	Special Use	Conditions
		<p><b>Mixed Use Precinct</b></p> <p>Car Park 'D'</p> <p>Consulting Rooms 'D'</p> <p>Convenience Store 'D'</p> <p>Exhibition Centre 'A'</p> <p>Holiday Accommodation 'P'</p> <p>Hotel 'D'</p> <p>Market 'D'</p> <p>Multiple Dwelling 'P' (3)</p> <p>Office 'D'</p> <p>Public Utility 'D'</p> <p>Recreation-Private 'A'</p> <p>Restaurant 'D'</p> <p>Shop 'D'</p> <p>Single Attached Dwelling 'D'(3)</p> <p>Small Bar 'A'</p> <p>Tavern 'A'</p> <p><b>Residential Precinct</b></p> <p>Home Office 'D'</p> <p>Multiple Dwelling 'P'</p> <p>Public Utility 'D'</p> <p>Single Attached Dwelling 'P'</p> <p><b>Edge Precinct</b></p> <p>Car Park 'D'</p> <p>(1) Means the use is prohibited where it fronts the street at pedestrian level.</p> <p>(2) Means that the use is prohibited if prior or concurrent approval and development of a hotel has not occurred.</p> <p>(3) Means that the use is prohibited where it fronts the street at pedestrian level within the 'Primary Active Frontage' area as depicted on the Precinct Plan.</p>	<p>(d) An effective, efficient, integrated and safe transport network that prioritises pedestrians, cyclists and public transport users is provided;</p> <p>(e) Vehicle parking is efficient and promotes the establishment of shared, reciprocal and common use facilities;</p> <p>(f) Developments incorporate sustainable technologies and design including best practice with regard to energy efficiency, water sensitive urban design and fire safety requirements; and</p> <p>(g) Opportunities for investment and development are facilitated.</p> <p>2. Due regard shall be given to the Activity Centre Structure Plan in accordance with the relevant clauses within the deemed provisions for Local Planning Schemes.</p> <p>3. Development will be compliant with design guidelines that have been prepared, referred to the State Design Review Panel for its advice and recommendations, and adopted by the City of Albany prior to development of the site.</p> <p>4. Notwithstanding that a use is not specifically listed in this schedule, the Local Government may consider the proposed use on its merits as an 'A' use where that use and development complies with the performance criteria set out in Condition 1 and other relevant conditions in this schedule and is compatible with the listed uses in the designated precinct.</p> <p><u>Foreshore Protection and Management</u></p> <p>5. Development within the Hotel/Mixed Use Precinct and/or creation of the Hotel/Mixed Use Lot will be subject to satisfactory arrangements for the implementation and ongoing management of coastal adaptation and protection measures consistent with State Planning Policy 2.6, including but not limited to—</p> <ul style="list-style-type: none"> <li>• Public advertising, adoption and implementation of a Foreshore Management Plan that includes the existing foreshore reserve adjacent to the Special Use zone, prepared in conjunction with the City of Albany in accordance with SPP2.6 Sub-Clause 5.10 Coastal Strategies and Management Plans and endorsed by the WAPC; and</li> <li>• Notification on Title stating that the lot is within a Vulnerable Coastal Area.</li> </ul> <p><u>Bushfire Management</u></p> <p>6. The Middleton Beach Activity Centre has been identified as a bushfire prone area and development and use of the site shall comply with the provisions of the approved Bushfire Management Plan and the Scheme.</p> <p>7. All residential buildings and, as far as is practicable, non-residential developments, are to incorporate the bushfire resistant construction</p>

No.	Description of Land	Special Use	Conditions
			<p>requirements of the Building Code, including as appropriate the provisions of AS3959 <i>Construction of Buildings in Bushfire Prone Areas</i> (as amended), commensurate with the bushfire attack level (BAL) established for the relevant portion of the site.</p> <p><u>Development Requirements</u></p> <p>8. Before commencing or carrying out any development on land within the Special Use zone, the developer must—</p> <ul style="list-style-type: none"> <li>• demonstrate that the proposal aligns with the principles of any relevant State Planning Policy for design of the built environment;</li> <li>• comply with the requirements of the design guidelines referred to in Condition (3) above; and</li> <li>• incorporate the recommendations of an appointed design review panel, where available.</li> </ul> <p>9. Notwithstanding the permissibility of the proposed use, any works proposed to be undertaken within the Special Use zone shall require the planning approval of Council following advertising of the proposal in accordance with clause 64(3) of the Deemed Provisions unless exempted by the provisions of Schedule 2, Cl 61 (1) of the Deemed Provisions to the <i>Planning and Development Regulations 2015</i>.</p> <p>10. Applications for planning approval are to demonstrate appropriate design and management controls to minimise conflict between permanent and short term residential, tourism and mixed uses and, in particular, night time hospitality and entertainment.</p> <p>11. Any approved development is to be constructed to plate height prior to the submission of any diagram or plan of survey (deposited plan) for subdivision of the parent lot to create individual lot(s) for the development(s).</p> <p>12. Basement car parking shall be integrated into the built form and screened from view, such that the car parking area is not directly visible from the street or other public spaces. Car parking areas shall be accessed from a laneway or secondary street where available.</p> <p>13. Car parking shall be provided in accordance with the provisions of the Scheme unless otherwise stated below.</p> <p>14. The following development requirements specifically apply to the following precincts as identified on the Middleton Beach Activity Centre Precinct Plan—</p> <p><b>Hotel / Mixed Use Precinct</b></p> <p>All proposals for development within this precinct are to be referred to the State Design Review Panel to ensure that building design is sympathetic to its iconic location.</p> <p>The scale of any residential development is to complement the tourism component and priority is to be given to locating the tourism component(s) on those areas of the site providing the highest tourism amenity.</p>

No.	Description of Land	Special Use	Conditions
			<p><u>Key Principles for Hotel/Mixed Use Precinct</u></p> <p>Any application within the Hotel/Mixed Use Precinct for development in excess of 5 storeys (21.5 metres) in height is to—</p> <ul style="list-style-type: none"> <li>• Demonstrate excellent design outcomes</li> <li>• Be informed by a Visual Impact Assessment consistent with the guidelines set out in the WAPC's Visual Landscape Planning manual.</li> <li>• Contribute positively to the public realm;</li> <li>• Provide a landmark element on the axis of Adelaide Crescent and Flinders Parade;</li> <li>• Present no adverse impacts on the locality by overshadowing;</li> <li>• Respond to the site and its context and step built form away from the beach with additional height located towards Mt Adelaide;</li> <li>• Effectively mitigate bulk and scale of the proposed development; and</li> <li>• Achieve the criteria in Condition (1) above</li> </ul> <p><u>Building Height—</u></p> <ul style="list-style-type: none"> <li>• 1-3 storey height limit along Primary Active Frontages abutting Public Open Space, with additional height located on the southern portion of the site towards Mount Adelaide.</li> <li>• Except as provided for below, 5 storey (21.5 metres) height limit elsewhere on the site;</li> <li>• Development of a hotel use and/or holiday accommodation and/or multiple dwellings above 5 storeys (21.5 metres) may be considered to a maximum of 12 storeys (46 metres) if the proposed development accords with— <ul style="list-style-type: none"> <li>o The key principles as outlined above;</li> <li>o The design guidelines referred to in Condition (3) above; and</li> <li>o The recommendations of the State Design Review Panel.</li> </ul> </li> </ul> <p><u>Setbacks—</u></p> <ul style="list-style-type: none"> <li>• Generally nil street and side setbacks.</li> </ul> <p><u>Car Parking—</u></p> <ul style="list-style-type: none"> <li>• Hotel 1 bay per 2 employees + 1 per bedroom + 1 per 4m<sup>2</sup> in other public areas.</li> <li>• Retail—1 bay per 40m<sup>2</sup> NLA.</li> <li>• No visitor car parking requirement for permanent residential developments.</li> </ul> <p><u>Bicycle Parking—</u></p> <ul style="list-style-type: none"> <li>• 1 bicycle parking space per residential dwelling and 1 bicycle parking space per 10 dwellings for residential visitors.</li> </ul> <p><u>Access—</u></p> <p>Delivery services are prohibited on the Flinders Parade frontage of the Hotel / Mixed Use site.</p>



No.	Description of Land	Special Use	Conditions
			<p><b>Mixed Use Precinct</b></p> <p><u>Building Height</u>—</p> <ul style="list-style-type: none"> <li>• 2 storey (11 metres) minimum / 3 storey (14.5 metres) maximum between Barnett Street and the Public Access Way.</li> <li>• 2 storey (11 metres) minimum / 4 storey (18 metres) maximum for development fronting the southern extent of the Public Access Way;</li> <li>• 2 storey (11 metres) minimum / 5 storey (21.5 metres) maximum for development south of the Public Access Way, fronting Adelaide Crescent or Flinders Parade.</li> </ul> <p><u>Setbacks</u>—</p> <p>Generally nil street and side setbacks.</p> <p><u>Car Parking</u>—</p> <ul style="list-style-type: none"> <li>• Single attached dwelling—resident parking as determined by Council.</li> <li>• No visitor car parking requirement for permanent residential developments.</li> <li>• Retail—1 bay per 40m<sup>2</sup> NLA.</li> </ul> <p><u>Bicycle Parking</u>—</p> <ul style="list-style-type: none"> <li>• 1 bicycle parking space per residential dwelling and 1 bicycle parking space per 10 dwellings for residential visitors.</li> </ul> <p><b>Residential Precinct</b></p> <p><u>Building Height</u>—</p> <ul style="list-style-type: none"> <li>• 2 storey (10 metres) minimum / 3 storey (13.5 metres) maximum between Barnett Street and the Public Access Way.</li> </ul> <p><u>Setbacks</u>—</p> <ul style="list-style-type: none"> <li>• Generally nil street and side setbacks.</li> </ul> <p><u>Car Parking</u>—</p> <ul style="list-style-type: none"> <li>• Single attached dwelling—resident parking as determined by Council.</li> <li>• No visitor car parking requirement for permanent residential developments.</li> </ul> <p><u>Bicycle Parking</u>—</p> <ul style="list-style-type: none"> <li>• 1 bicycle parking space per residential dwelling and 1 bicycle parking space per 10 dwellings for residential visitors.</li> </ul> <p><b>Active Frontages</b></p> <p>Areas marked as ‘Active Frontage’ on the Precinct Plan encourage a range of active uses at the pedestrian level. Specifically this shall be achieved by—</p> <ul style="list-style-type: none"> <li>• Residential uses at the pedestrian level in areas delineated as ‘Primary Active Frontage’ are prohibited.</li> <li>• Areas delineated as either ‘Primary Active Frontage’ or ‘Secondary Active Frontage’ shall demonstrate measures have been undertaken to build adaptability into the development at ground floor level.</li> </ul>



#### Middleton Beach Activity Centre Precinct Plan

3. Introduce the following land use definition to the City of Albany Local Planning Scheme No. 1  
**single attached dwelling** means one of a group of two or more attached dwellings each being separated by a common wall and may include a row house, terrace house or town house, not located above or below another dwelling.
4. Amend the Scheme Maps accordingly.

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

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## DECEASED ESTATES

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ZX401

### TRUSTEES ACT 1962

#### DECEASED ESTATES

##### Notice to Creditors and Claimants

Marie Theresa Catherine Sherrington late of Parkview, G1/165 Derby Road, Shenton Park, Western Australia

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 23 October 2016 at Mercy Aged Care, 18 Barrett Street, Wembley aforesaid are required by the Executors and Trustees of care of Messrs Dwyer Durack Lawyers of 8th Floor, 40 St Georges Terrace, Perth to send particulars of their claims to them by 23 February 2017 after which date the Trustees may convey or distribute the assets having regard only to the claims of which they then have notice.

**ZX402****TRUSTEES ACT 1962****DECEASED ESTATES**

## Notice to Creditors and Claimants

In the estate of Arthur Edward McCall who died on 10 May 2016 of Opal Applecross, Riverway, Western Australia.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the said deceased person are required by the Executor of the deceased's estate being Peter Angus Tibbits of care of Angus Tibbits Solicitors, Suite 9, 73 Calley Drive, Leeming Western Australia, to send particulars of their claims to him by 17 February 2017, after which date the Executor may convey or distribute the assets having regard only to the claims of which he then has notice.

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