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CONTENTS

PART 1

	Page
Biosecurity and Agriculture Management (Declared Pest Account) Amendment Regulations (No. 2) 2017	4445
Casino Control (Area of Gaming Licence) Notice 2017	4450
Liquor Control (Bungardi Restricted Area) Regulations 2017	4448
Liquor Control (Woolah Restricted Area) Regulations 2017	4455
Liquor Control Amendment Regulations (No. 4) 2017	4457
Mental Health Amendment Regulations (No. 2) 2017	4447
Surveillance Devices Amendment Regulations 2017	4448

PART 2

Deceased Estates	4474
Justice	4458
Local Government	4458
Planning	4459
Public Notices	4476
Regional Development	4473

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— PART 1 —

AGRICULTURE AND FOOD

AG301

Biosecurity and Agriculture Management Act 2007

Biosecurity and Agriculture Management (Declared Pest Account) Amendment Regulations (No. 2) 2017

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Biosecurity and Agriculture Management (Declared Pest Account) Amendment Regulations (No. 2) 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 *Biosecurity and Agriculture Management (Declared Pest Account) Regulations 2014*.

4. Regulation 3 amended

In regulation 3 delete the Table and insert:

Table

Ashburton	Boyup Brook
Bridgetown-Greenbushes	Broome
Carnarvon	Coolgardie
Cue	Dalwallinu

Derby-West Kimberley	Donnybrook-Balingup
Dundas	East Pilbara
Esperance	Exmouth
Greater Geraldton	Halls Creek
Kalgoorlie-Boulder	Karratha
Kondinin	Koorda
Kulin	Lake Grace
Laverton	Leonora
Meekatharra	Menzies
Merredin	Mount Magnet
Mount Marshall	Mukinbudin
Murchison	Nannup
Narembeen	Ngaanyatjarraku
Northampton	Nungarin
Perenjori	Port Hedland
Sandstone	Shark Bay
Trayning	Upper Gascoyne
Westonia	Wiluna
Wyndham-East Kimberley	Yalgoo
Yilgarn	

R. NEILSON, Clerk of the Executive Council.

HEALTH

HE301

Mental Health Act 2014

**Mental Health Amendment Regulations
(No. 2) 2017**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Mental Health Amendment Regulations (No. 2) 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 *Mental Health Regulations 2015*.

4. Regulation 4A amended

In regulation 4A(3) in the Table:

- (a) before the item relating to David Kit Leong Chang insert:

Rebecca Elizabeth Shirley Anglin	MED0002107230
----------------------------------	---------------

- (b) after the item relating to David Kit Leong Chang insert:

Akhtar Husein Kapasi	MED0002101295
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R. NEILSON, Clerk of the Executive Council.

POLICE

PO301

Surveillance Devices Act 1998

**Surveillance Devices Amendment
Regulations 2017**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Surveillance Devices 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 *Surveillance Devices Regulations 1999*.

4. Regulation 6 amended

In regulation 6(1)(e)(ii) delete “or (e)(i) or 57(2)(a);” and insert:

or (e)(i), 57(2)(a) or 74G(c), (d) or (e);

R. NEILSON, Clerk of the Executive Council.

RACING, GAMING AND LIQUOR

RA302

Liquor Control Act 1988

**Liquor Control (Bungardi Restricted Area)
Regulations 2017**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Liquor Control (Bungardi Restricted Area) 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 19 August 2017.

3. Term used: Bungardi Aboriginal Community

In these regulations —

Bungardi Aboriginal Community means the area of land —

- (a) bounded by —
 - (i) the east side of Marrala Creek; and
 - (ii) the south side of Geikie Gorge Road; and
 - (iii) the east side of Bungardi Road; and
 - (iv) the north side of Fitzroy River;and
- (b) being part of Lot 289 Crown Reserve 45608, part of Lot 277 Crown Reserve 45046 and part of Lot 290 Crown Reserve 45609.

4. Note is not part of regulation

The note after regulation 9 does not form part of these regulations.

5. Declaration of restricted area

The Bungardi Aboriginal Community is declared to be a restricted area for the purposes of section 175(1a) of the Act.

6. Notice of restricted area

- (1) The Director of Liquor Licensing must take all reasonable steps to cause to be posted, and while the Bungardi Aboriginal Community continues to be a restricted area by operation of regulation 5 to be kept posted, at each place where a customary access route enters the Bungardi Aboriginal Community a notice —
 - (a) describing the offences set out in regulation 7; and
 - (b) specifying the penalties for those offences.
- (2) A failure to comply with subregulation (1) does not invalidate the declaration in regulation 5.

7. Prohibitions as to liquor in the Bungardi Aboriginal Community

- (1) A person commits an offence if the person —
 - (a) brings liquor into, or causes liquor to be brought into, the Bungardi Aboriginal Community; or

- (b) has liquor in their possession in the Bungardi Aboriginal Community.

Penalty for this subregulation:

- (a) if subregulation (2) applies — a fine of \$5 000;
 - (b) in any other case — a fine of \$2 000.
- (2) This subregulation applies to an offence under subregulation (1) committed by a licensee, a manager of licensed premises or a director of a body corporate that holds a licence.

8. Seizure and disposal of containers of liquor

Despite section 155(4) and (5) of the Act, a member of the Police Force may seize and, as soon as is practicable, dispose of any opened or unopened container of liquor suspected on reasonable grounds to be the subject of an offence under regulation 7.

9. Period during which these regulations have effect

Unless sooner repealed, these regulations have effect for the period that ends at the close of 19 August 2020.

Note for this regulation:

Under the *Liquor Control Act 1988* section 175(1d), these regulations expire at the end of the period referred to in regulation 9.

R. NEILSON, Clerk of the Executive Council.

RA301

Casino Control Act 1984

Casino Control (Area of Gaming Licence) Notice 2017

Made by the Gaming and Wagering Commission of Western Australia with the approval of the Minister for Racing and Gaming under the *Casino Control Act 1984* section 21(4a) and (4c).

1. Citation

This notice is the *Casino Control (Area of Gaming Licence) Notice 2017*.

2. Commencement

This notice comes into operation as follows —

- (a) clauses 1 and 2 — on the day on which this notice is published in the *Gazette*;
- (b) the rest of the notice — on the day after that day.

3. Terms used

In this notice —

casino means the casino known as “Crown Perth” at Burswood;

casino gaming licence means the casino gaming licence held by Burswood Nominees Ltd in respect of the casino under the Act.

4. Areas to which casino gaming licence relates

The areas described and shaded on the plans in Schedule 1, being areas in the premises known as “Crown Perth” at Burswood, are the areas to which the casino gaming licence relates.

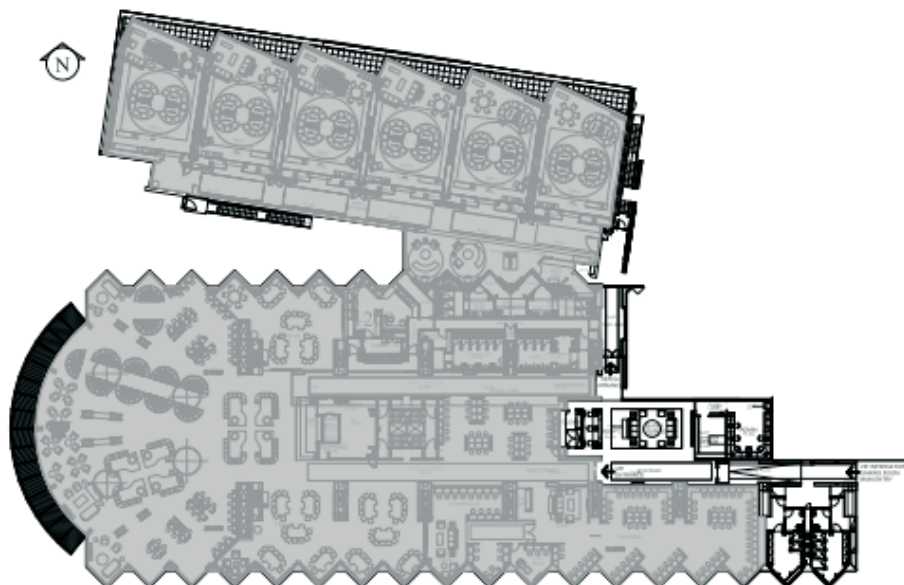
5. *Casino Control (Area of Gaming Licence) Notice (No. 3) 2016* revoked

The *Casino Control (Area of Gaming Licence) Notice (No. 3) 2016* is revoked.

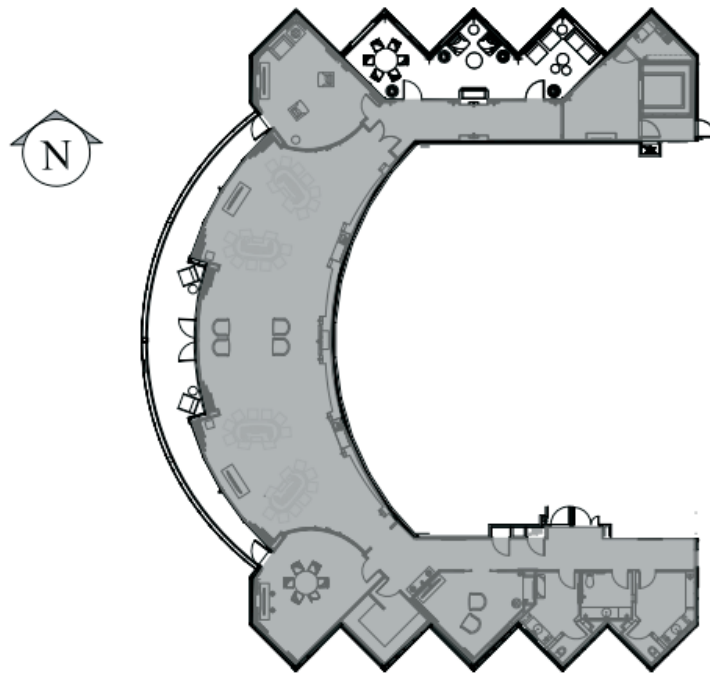
Schedule 1 — Area to which the casino gaming licence relates

[cl. 4]

Plan A — The shaded area is the “International Room (Pearl Room)” on the ground floor level of the Crown Metropol Perth Hotel, and is part of the International Gaming Facility.



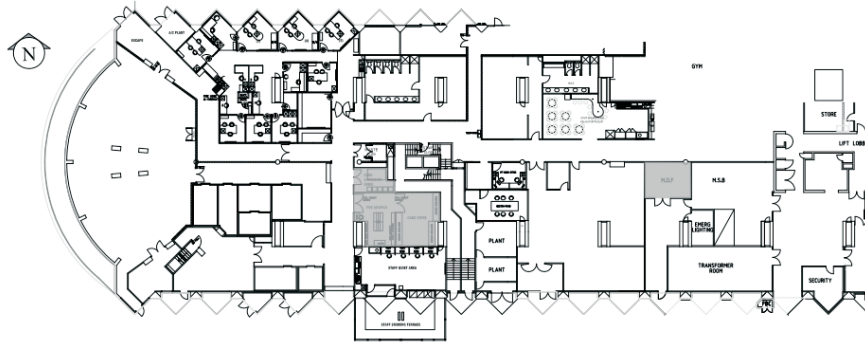
Plan B — The shaded area is the “International Room (Sky Salon)” on Level 11 of the Crown Metropol Perth Hotel, and is part of the International Gaming Facility.



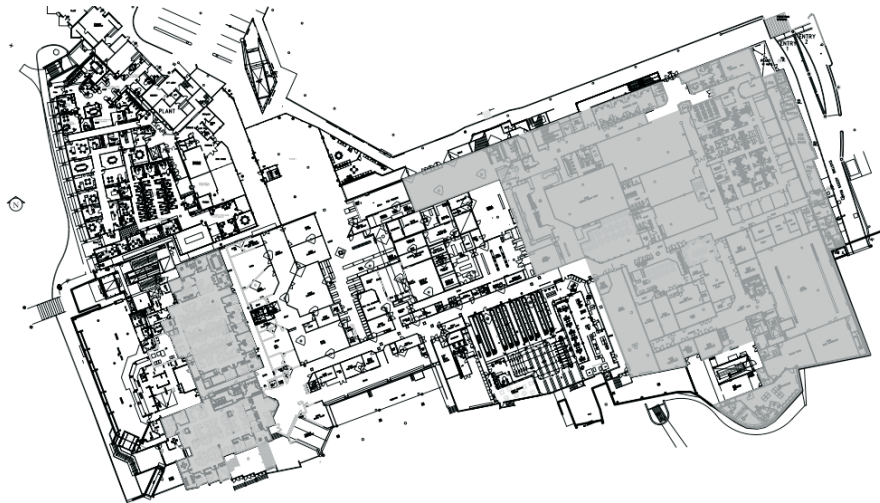
Plan C — The shaded area is the “International Room” on Level 15 of the Crown Towers Perth Hotel, and is part of the part of the International Gaming Facility.



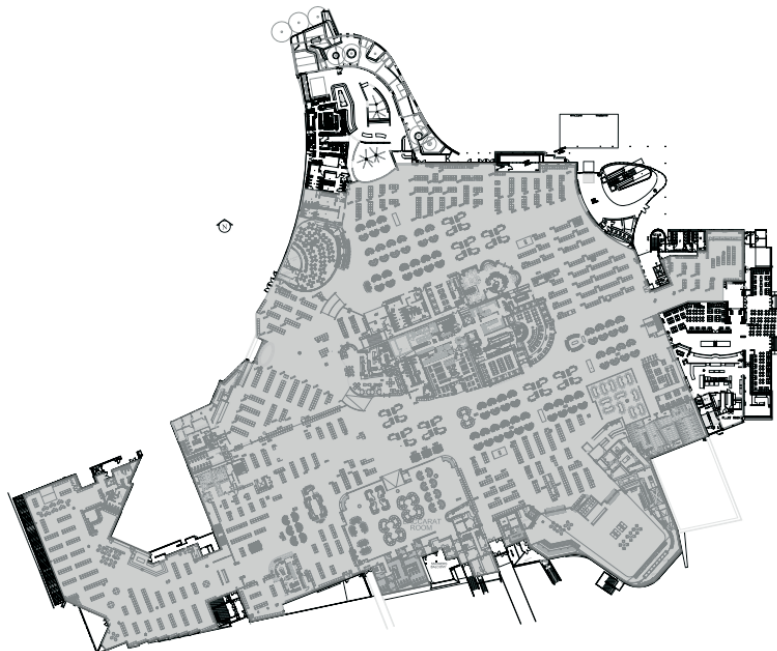
Plan D — The shaded areas are the Card Destruction Room, Pre-Shuffle Room, Card Store Room and Active Data Room on the lower ground floor level of the Crown Metropol Perth Hotel.



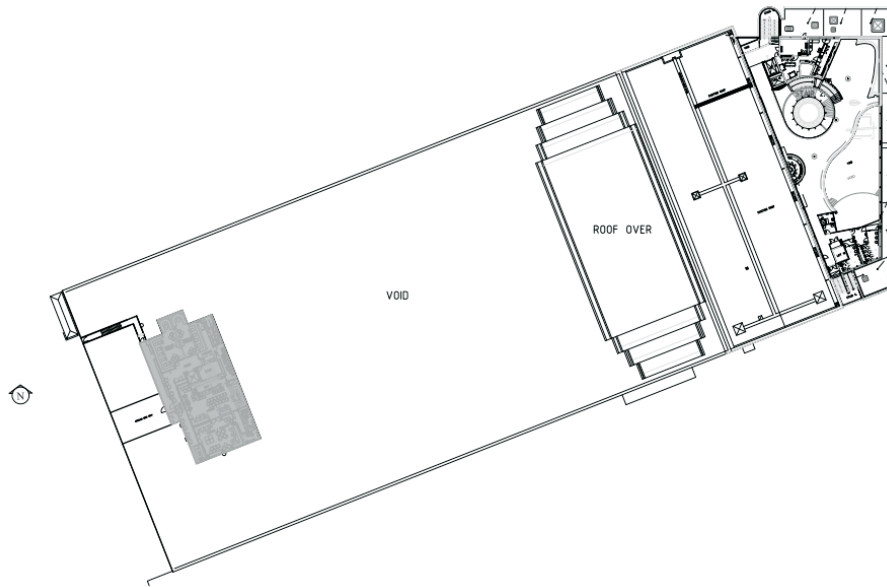
Plan E — The shaded areas are the Administration Area, Count Facilities Area and Secure Storage Area on the lower ground floor level of the casino.



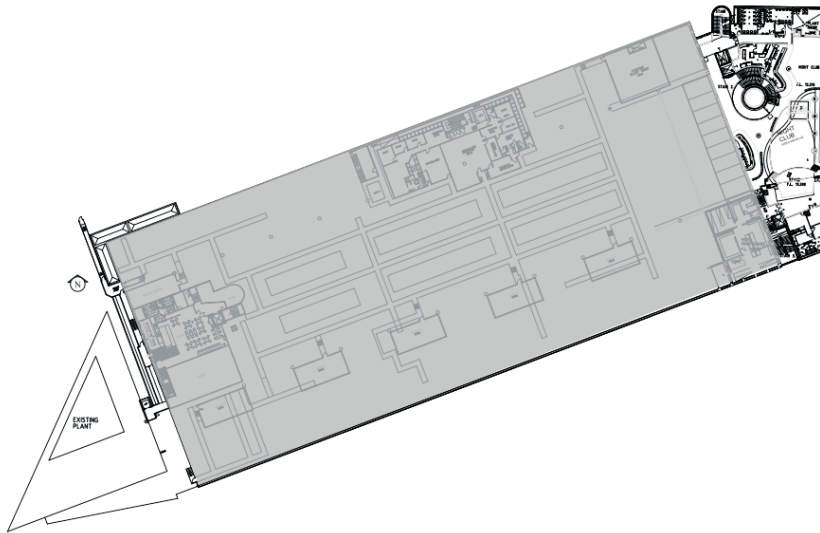
Plan F — The shaded area is the Gaming Area on the ground floor level of the casino.



Plan G — The shaded area is the Private Gaming Area on level 2 of the casino.



Plan H — The shaded area is the Surveillance Area and Restaurant on level 1 of the casino.



Plan I — The shaded area is the IT Services Computer Room on the lower ground floor level of the Crown Towers Perth Hotel.



Approved by the Minister for Racing and Gaming —

P. PAPALIA.

Dated: 9 August 2017.

Sealed by the Gaming and Wagering Commission
of Western Australia in the presence of —

M. CONNOLLY, D/Chairperson.

T. FISHER, Member.

(L.S.)

Dated: 25 July 2017.

RA303

Liquor Control Act 1988

Liquor Control (Woolah Restricted Area) Regulations 2017

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Liquor Control (Woolah Restricted Area) 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 19 August 2017.

3. Term used: Woolah Aboriginal Community

In these regulations —

Woolah Aboriginal Community means the area of land comprising Lot 815, other than the area comprised in Lots 53 and 72, on Crown Lease H081623.

4. Note is not part of regulation

The note after regulation 9 does not form part of these regulations.

5. Declaration of restricted area

The Woolah Aboriginal Community is declared to be a restricted area for the purposes of section 175(1a) of the Act.

6. Notice of restricted area

- (1) The Director of Liquor Licensing must take all reasonable steps to cause to be posted, and while the Woolah Aboriginal Community continues to be a restricted area by operation of regulation 5 to be kept posted, at each place where a customary access route enters the Woolah Aboriginal Community a notice —
 - (a) describing the offences set out in regulation 7; and
 - (b) specifying the penalties for those offences.
- (2) A failure to comply with subregulation (1) does not invalidate the declaration in regulation 5.

7. Prohibitions as to liquor in the Woolah Aboriginal Community

- (1) A person commits an offence if the person —
 - (a) brings liquor into, or causes liquor to be brought into, the Woolah Aboriginal Community; or
 - (b) has liquor in their possession in the Woolah Aboriginal Community.

Penalty for this subregulation:

- (a) if subregulation (2) applies — a fine of \$5 000;
 - (b) in any other case — a fine of \$2 000.
- (2) This subregulation applies to an offence under subregulation (1) committed by a licensee, a manager of licensed premises or a director of a body corporate that holds a licence.

8. Seizure and disposal of containers of liquor

Despite section 155(4) and (5) of the Act, a member of the Police Force may seize and, as soon as is practicable, dispose of any opened or unopened container of liquor suspected on reasonable grounds to be the subject of an offence under regulation 7.

9. Period during which these regulations have effect

Unless sooner repealed, these regulations have effect for the period that ends at the close of 19 August 2020.

Note for this regulation:

Under the *Liquor Control Act 1988* section 175(1d), these regulations expire at the end of the period referred to in regulation 9.

R. NEILSON, Clerk of the Executive Council.

RA304

Liquor Control Act 1988

Liquor Control Amendment Regulations (No. 4) 2017

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Liquor Control Amendment Regulations (No. 4) 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 19 August 2017.

3. Regulations amended

These regulations amend the *Liquor Control Regulations 1989*.

4. Regulation 27 amended

In regulation 27(4) in the Table insert in alphabetical order:

<i>Liquor Control (Bungardi Restricted Area) Regulations 2017</i> regulation 7(1)
<i>Liquor Control (Woolah Restricted Area) Regulations 2017</i> regulation 7(1)

R. NEILSON, Clerk of the Executive Council.

— PART 2 —

JUSTICE

JU401

JUSTICES OF THE PEACE ACT 2004**APPOINTMENTS**

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—

Ashleigh Elizabeth Thurn of Esperance

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

JU402

JUSTICES OF THE PEACE ACT 2004**RESIGNATIONS**

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

Mr Frederick John Fernley of Erskine

Mr Brian Kenneth Hibben formerly of East Fremantle

Mr Francis John Lawrence of Mundaring

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

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

LOCAL GOVERNMENT

LG401

LOCAL GOVERNMENT ACT 1995*City of Armadale***BASIS OF RATES**

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

I, Michael Connolly, 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 8 August 2017, determine that the method of valuation to be used by the City of Armadale, as the basis for a rate in respect of the land referred to in the Schedule is to be the gross rental value of the land;

Schedule

	Designated land
UV to GRV	All those portions of land being Lot 390, Lot 391, Lots 393 to 407 inclusive and Lots 432 to 441 inclusive as shown on Deposited Plan 411706

MICHAEL CONNOLLY, Deputy Director General—Regulation,
Department of Local Government, Sport and Cultural Industries.

PLANNING

PL401

PLANNING AND DEVELOPMENT ACT 2005 APPROVED LOCAL PLANNING SCHEME AMENDMENT

Shire of Moora

Local Planning Scheme No. 4—Amendment No. 12

Ref: TPS/2058

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

1. Inserting reference to the deemed provisions and supplemental provisions in Part 1.5 by inserting new sub-clauses (b) and (c) and renumbering the sub-clauses accordingly—
 - 1.5 (b) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2;
 - 1.5 (c) the supplemental provisions contained in Schedule A; and
 - 1.5 (d) the Scheme Maps (Sheets 1-8)
2. Deleting the following text from clause 1.6—
 - Part 5—Heritage Protection *Amd 09 GG 11/03/11*
 - Part 7—Planning Approval
 - Part 8—Administration
3. Inserting clause 18(7) of the Model Provisions as new clause 3.2.5 of the model provisions to ensure guidance is provided for when considering application within a Development Zone—

3.2.5 If the Zoning table does not identify any permissible uses for land in a zone, the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land—

 - (a) a structure plan;
 - (b) an activity centre plan;
 - (c) a local development plan
4. Modifying the zoning table to update the following Use Class names to correspond with the appropriate definition within the Schedule 1 Part 6 Model Provisions for Local Planning Schemes—
 - Aged or dependent persons dwelling: Residential aged care facility
 - Education Establishment: Educational Establishment
 - Industry—General: Industry
 - Industry—Mining: Mining operations
 - Restaurant: Restaurant/cafe
 - Rural Pursuit: Rural Pursuit/hobby farm
 - Short-stay accommodation: Bed and breakfast
 - Showroom: Bulky goods showroom
5. Modifying the zoning table to update the permissibility of ‘Ancillary Accommodation’ from ‘D’ use class to ‘P’ use to make it consistent with clause 61(1)(d) of the deemed provisions.
6. Modifying the zoning table to update the permissibility for ‘Development’ zone to ‘in accordance with Clause 3.2.5’ for all use classes, in line with clause 18(7) of the model provisions.
7. Modifying the zoning table to update the permissibility for the ‘Mining operations’ zone from ‘A’ to ‘D’ in the ‘General Agriculture’ zone to trigger Section 120 of the *Mining Act 1978*
8. Deleting the following clauses from the Scheme Text, as they have been superseded by the deemed provisions set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2—
 - Parts 5, 7, 8 in their entirety;
 - Clause 2.4, 3.12.3, 4.7, 4.12.1, 4.12.3-4.12.9, 4.13 in its entirety;
 - Schedules 6, 7, 8 and 9 in their entirety;
9. Inserting the following provisions into Schedule A—Supplemental Provisions—

61(1)(k) the erection or installation of a sign or advertisement of a class specified in Schedule 5 of this Scheme that applies in respect of the sign unless the sign is to be erected or installed—

 - (i) on a place included on a heritage list prepared in accordance with this Scheme; or
 - (ii) on land located within an area designated under this Scheme as a heritage area.

61(1)(l) the erection or extension of a single house on a lot if a single house is a permitted ("P") use in the zone (where the R Codes do not apply) in which that lot is located, where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is—

- (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
- (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
- (iii) included on a heritage list prepared in accordance with this Scheme; or
- (iv) within an area designated under the Scheme as a heritage area; or
- (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;
- (vi) on a lot which abuts an unconstructed road or a lot which does not have frontage to a constructed road, and which is not within a gazetted townsite;
- (vii) is located on land that is subject to flooding in Special Control Area 1 as designated on the Scheme Map and/or on land that is subject to flooding as outlined on the Floor Zone Classifications Map contained in Schedule 8 of the Scheme;

61(1)(m) the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted ("P") in the zone (where the R Codes do not apply) where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is—

- (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
- (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
- (iii) included on a heritage list prepared in accordance with this Scheme; or
- (iv) within an area designated under the Scheme as a heritage area; or
- (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;
- (vi) on a lot which abuts an unconstructed road or a lot which does not have frontage to a constructed road, and which is not within a gazetted townsite;
- (vii) is located on land that is subject to flooding in Special Control Area 1 as designated on the Scheme Map and/or on land that is subject to flooding as outlined on the Floor Zone Classifications Map contained in Schedule 8 of the Scheme.

10. Amend the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to the deemed provisions set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2—

- Clause 2.3.1 (b): Part 7 of the deemed provisions
- Clause 2.3.2(a): clause 67 of the deemed provisions
- Clause 3.2.2 "A": clause 64 of the deemed provisions
- Clause 3.2.4(b): clause 64 of the deemed provisions
- Clause 3.12.2(a) outline development plan: Part 4 of the deemed provisions.
- Clause 3.13.3 (d): Schedule 6
- Clause 3.13.4 (a): Part 8 of the deemed provisions
- Clause 3.14.2 (d): Schedule 7
- Clause 4.11.4.1 (b)(iii)-(v): Schedule 8
- Clause 4.11.4.1 (c)(i)(ii): Schedule 8
- Clause 4.11.4.1 (d): Schedule 8
- Clause 4.11.4.2: Schedule 8
- Clause 4.11.4.3: Clause 67 of the deemed provisions
- Clause 4.11.4.4: Schedule 8
- Clause 4.11.6.1: Schedule 8
- Clause 4.11.6.2: Schedule 8
- Clause 6.1(c): Clause 80 of the deemed provisions
- Clause 6.2.2: Clause 64 of the deemed provisions
- Schedule 10—Rural Residential zones, No 7, Clause 7(iii): Schedule 8

11. Delete reference to the following terms and replace them with the corresponding term throughout the scheme—
 - ‘planning approval’ replaced with ‘development approval’;
 - ‘council’ replaced with ‘local government’;
 - ‘outline development plan’ replaced with ‘structure plan’;
 - ‘subdivision guide plan’ replaced with ‘structure plan’;
 - ‘Commission’ with ‘Western Australian Planning Commission’.
12. Modify first two paragraphs in Schedule 1 as follows—

‘The general definitions in Schedule 1 Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as current including any amendments apply.

The land use definitions in Schedule 1 Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as current including any amendments apply with the following exceptions:
13. Delete the following definitions into Schedule 1—Definitions—
 - Abattoir
 - Grain depot
 - Industry—Mining
 - Produce store
 - Short-term accommodation
 - Stockyard
14. Insert the following definitions into Schedule 1—Definitions and reorder alphabetically—

Industry—Cottage: means a trade or light industry producing arts and crafts which does not fall within the definition of a home occupation which—

 - (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
 - (b) where operated in a residential zone, does not employ any person other than a member of the occupier’s household;
 - (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;
 - (d) does not occupy an area in excess of 50 square metres; and
 - (e) does not display a sign exceeding 0.2 square metres in area.

Industry—Service: means—

 - (a) an industry—light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
 - (b) premises which have a retail shop front and used as depot for receiving goods to be serviced.

Mining operations: means premises where mining operations, as that term is defined in the *Mining Act 1978* is carried out.

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

Motel: means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the *Liquor Control Act 1988*.

Hotel: means premises providing accommodation the subject of a hotel license under the *Liquor Control Act 1988*, and may include a betting agency on those premises, but does not include a tavern or motel.
15. In Schedule 10—Rural Residential Zones—
 - No. 1, Requirements 1) and 2) replace the text “adopted by the local government” with “approved by the Western Australian Planning Commission”;
 - No. 6, Requirements 1) replace the text “local government” with “Western Australian Planning Commission”.
16. In Schedule 11—Rural Smallholding Zones—
 - No. 1(i): “Insert Western Australian Planning” before “Commission”;
 - No. 1(ii): Replace “approval by the local government and the” and replace with “approval of the Western Australian Planning”.
17. Renumber the remaining scheme provisions and schedules sequentially and update any cross referencing to the new clause numbers as required.

K. SEYMOUR, President.
A. LEESON, Chief Executive Officer.

PL402

PLANNING AND DEVELOPMENT ACT 2005
APPROVED TOWN PLANNING SCHEME AMENDMENT
Shire of Murray
Town Planning Scheme No. 4—Amendment No. 298

Ref: TPS/2019

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 Murray Town Planning Scheme amendment on 6 August 2017 for the purpose of—

1. Replace all provisions under clause 6.2 relating to the Canal Development Zone with the following—

6.2 Canal Development Zone

6.2.1 Objectives

- (i) To ensure the visual amenity and open natured character of the canal frontage area is not compromised.
- (ii) To ensure the canal frontage area is not dominated by building mass and reflects the existing development pattern.
- (iii) To ensure view sheds along the canal from private land are not compromised.
- (iv) To achieve high quality design, built form, streetscapes and canal frontages throughout the area.

6.2.2 Subdivision

Minimum and average lot sizes shall be in accordance with the R-Code applicable to the land as superimposed on the Scheme map.

6.2.3 Residential Development

Residential development to occur in accordance with the R-Codes unless otherwise stipulated in this Scheme or an approved local development plan or local planning policy.

6.2.4 Maintenance of Canal Walls

All canal walls shall be maintained to a high state of repair at all times by the landowner. The Shire of Murray is not responsible for maintenance, repair or replacement of canal walls that are associated with private property.

2. Delete all provisions under Schedule 3.
3. Amend the Zoning Table by carrying out the following—

Making the following uses 'P' uses within the Canal Development Zone—

Single house
Ancillary accommodation
Public Utility

Making the following uses 'AA' uses within the Canal Development Zone—

Group dwelling
Home occupation
Boating facility
Bed and breakfast
Car park
Family day care centre

Making all other listed uses 'X' uses.

4. Delete the following definitions from Appendix 1—

Boat jetties
Boatlift
Boat moorings
Boat pens
Canal wall
Canal or canal waterway
Davit
Hard wall area
Mooring envelope
Open deck structure
Shade sail

5. Add the following definitions to Appendix 1—

Artificial canal waterway means an artificial channel for navigational, ornamental and recreational purposes.

Boating facility means a boat lifter, davit, floating boat dock, fixed jetty, floating jetty or similar structure or apparatus used primarily for the berthing, mooring or raising of vessels and watercraft.

- Boat lifter** means a structure supported by pylons that mechanically lifts a vessel or watercraft out of the water on a submersible frame for storage purposes.
- Canal frontage** means the outer or water side edge of the canal wall associated with land.
- Canal wall** means a retaining wall constructed in a canal estate to retain land adjacent to the canal frontage.
- Davit** means a crane-like mechanical device usually fitted with arms used for suspending, lifting or lowering watercraft, which can be mounted on a canal landing or jetty.
- Deck** means an unroofed, open platform which may or may not be connected to a dwelling.
- Fixed jetty** means a structure fixed into the bed of the waterway, generally consisting of wooden or steel piles and a walkway platform, used primarily to attach vessels or watercraft to.
- Floating boat dock** means a vessel or watercraft mooring device, generally attached to a fixed or floating jetty, of which a vessel or watercraft is driven onto in order to raise it above the waterway.
- Floating jetty** means a structure, generally attached to piles and which floats on top of the waterway, used primarily to attach vessels or watercraft to.
- Mooring pile** means a pile, whether wooden or steel, used to secure a vessel or watercraft by attaching the vessel or watercraft to the pile.
- Shade sail structure** means an unenclosed structure covered in a cloth-like material which may or may not be attached to a dwelling.
6. Delete the use class 'Boatliffts' from the Zoning Table.

M. REID, President.
D. UNSWORTH, Chief Executive Officer.

PL403

PLANNING AND DEVELOPMENT ACT 2005
APPROVED TOWN PLANNING SCHEME AMENDMENT
Town of Port Hedland
Town Planning Scheme No. 5—Amendment No. 76

Ref: TPS/1655

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 Town of Port Hedland Town Planning Scheme amendment on 21 June 2017 for the purpose of—

1. Rezoning Lots 570, 571, 572 and 574 on Deposited Plan 76673 from 'Rural' to 'Urban Development'.
2. Rezoning Lot 9001 on Deposited Plan 75754 from 'Residential R20' to 'Urban Development'.
3. Inserting South Hedland Landfill Odour Buffer Special Control Area into the Scheme Map.
4. Inserting Mining Dust Buffer Special Control Area into the Scheme Map.
5. Amending Part 7 of Town of Port Hedland Town Planning Scheme No. 5 to include the following provisions—

7.6 South Hedland Landfill Odour Buffer Special Control Area

7.6.1

The purpose of identifying the South Hedland Landfill Facility Odour Buffer is to avoid incompatible or odour sensitive land uses or development being established within the odour buffer, and to protect the long term operation of the landfill facility.

7.6.2

Despite the land use permissibility indicated in the Scheme Zoning Table or any provisions elsewhere in the Scheme, Development Approval is required for any proposed use or development within the South Hedland Landfill Odour Buffer Special Control Area as depicted on the Scheme Map.

7.6.3

The South Hedland Landfill Facility and its associated infrastructure may create odour and/or nuisance to surrounding land uses. Therefore, when determining any application for planning approval for development or land use within the Special Control Area, the Council shall—

- (i) Consider the compatibility of the use or development with landfill infrastructure having regard to potential odour emissions from the landfill facility;
- (ii) Consider whether the use or development would have a detrimental impact on the long term operation of the landfill facility;

- (iii) Obtain and have regard to the advice and recommendations of the Department of Environment Regulation, and other relevant authority, and any policies related thereto; and
- (iv) Not approve any application for land use or development within the buffer that would suffer unacceptable impacts from odour emissions, or which by its nature may adversely impact on the continued operation of the landfill facility.

7.7 Mining Dust Buffer Special Control Area (Basic Raw Material Extraction Area Mining Leases M45/531 and M45/689)

7.7.1

The purpose of identifying the Mining Dust Buffer is to avoid incompatible or dust sensitive land use or development being established within the dust buffer, and to protect the long term operation of approved mining operations.

7.7.2

Despite the land use permissibility indicated in the Scheme Zoning Table or any provisions elsewhere in the Scheme, Development Approval is required for any proposed use or development within the Mining Dust Buffer Special Control Area as depicted on the Scheme Map.

7.7.3

The Mining tenements and their associated infrastructure may create dust and/or nuisance to surrounding land uses. Therefore, when determining application for planning approval for development or land use within the Special Control Area, the Council shall—

- (i) Consider the compatibility of the use or development with mining infrastructure having regard to potential dust emissions from mining operations;
 - (ii) Consider whether the use or development would have detrimental impact on the long term operation of the mine;
 - (iii) Obtain and have regard to the advice and recommendations Department of Environment Regulation, Department of Mines and Petroleum and other relevant authority, and any policies related thereto;
 - (iv) Impose conditions as appropriate on any development approval to attenuate or minimise dust impacts; and
 - (v) Not approve any application for land use or development within the buffer that would suffer unacceptable impacts from dust emissions, or which by its nature may adversely impact on the continued operation of the mining tenement.
6. Amending Appendix 10—Urban Development Zone Additional Requirements of Town of Port Hedland Town Planning Scheme No. 5 to include the following provisions—

No.	Description of Land	Conditions
South Hedland East Development Plan Area	Lots 9001, 570-572 and 574 Murdoch Drive, South Hedland	<ul style="list-style-type: none"> i. Subdivision and development within the structure plan area shall have due regard to the requirements of a Structure Plan(s) approved by the Western Australian Planning Commission. ii. Structure Plan(s) prepared over the structure plan area land shall be consistent with and incorporate the findings and recommendations of the following technical reports— <ul style="list-style-type: none"> • Detailed Site Investigation and Sampling and Analysis Quality Plan; and • A Local Water Management Strategy covering the whole of the structure plan area to the satisfaction of the Department of Water. iii. Structure Plan(s) prepared over the structure plan area shall be consistent with the following requirements— <ul style="list-style-type: none"> • Staging of the structure plan area shall commence from the north and west extent of the site and continue south and east with the final stage of development being in the south-east portion of the site; • Incompatible or odour sensitive land use or development shall not be established within the South Hedland Landfill Odour Buffer Special Control Area in accordance with clause 7.6; and

No.	Description of Land	Conditions
		<ul style="list-style-type: none"> • Incompatible or dust sensitive land use or development shall not be established within the Mining Dust Buffer Special Control Area in accordance with clause 7.7.

7. Amending the Scheme Map accordingly.

K. HOWLETT, Mayor.
M. OSBOME, Chief Executive Officer.

PL404

PLANNING AND DEVELOPMENT ACT 2005
APPROVED TOWN PLANNING SCHEME AMENDMENT
Town of Port Hedland
Town Planning Scheme No. 5—Amendment No. 79

Ref: TPS/2028

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 Town of Port Hedland Town Planning Scheme amendment on 4 July 2017 for the purpose of—

Undertaking the following modifications—

1. Clause 1.2—Replace the term ‘Council’ with ‘the local government’.
2. Clause 1.4—Include reference to relevant deemed provisions and supplemental provisions. To read as follows—

The Scheme comprises—

- (a) This Scheme Text;
 - (b) The deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 (deemed provisions);
 - (c) The supplemental provisions contained in Schedule A (supplemental provisions); and
 - (d) The Scheme Maps (Sheets 1-5).
3. Subclause 1.7.1—replace ‘Residential Planning Codes’ with ‘R-Codes’ and insert reference to the deemed provisions. To read as follows—
Words and expressions used in the Scheme, and requiring a specific interpretation for the purposes of the Scheme, shall have the respective meanings given to them in Appendix 1, elsewhere in the Scheme, the R-Codes or the deemed provisions.
 4. Subclause 1.7.2—replace ‘Residential Planning Codes’ with ‘R-Codes’.
 5. Clauses 2.2 and 2.3—Replace the term ‘Council’ with ‘the local government’ and replace the term ‘planning approval’ with ‘development approval’.
 6. Subclause 3.2.2—change the use class symbols, change reference from ‘Council’ to ‘the local government’, change reference from ‘planning approval’ to ‘development approval’, and make reference to Clause 64 of the deemed provisions. To read as follows—

The symbols used in the zoning table have the following meanings—

- P the development is permitted by the Scheme;
 - D the development is not permitted unless the local government has exercised its discretion by granting development approval;
 - A the development is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance Clause 64 of the deemed provisions;
 - I the development is not permitted unless the use to which it is put is incidental to the predominant use as decided by the local government; and
 - X a development that is not permitted by the Scheme.
7. Subclause 3.2.3—replace the term ‘Development Plan’ with ‘Structure Plan’ and ensure that development may only proceed following adoption of a structure plan. To read as follows—
Notwithstanding the provisions of 3.2.2, development may only be permitted within the Urban Development, Industrial Development or Transport Development zones where a Structure Plan has been approved by the Western Australian Planning Commission for the subject land and the development has due regard to the plan.
 8. Zoning Table—Change the Symbols as follows: ‘AA’ to ‘D’, ‘SA’ to ‘A’, ‘IP’ to ‘I’ and ‘~’ to ‘X’.
 9. Zoning Table—Change the use class permissibility for ‘Ancillary Accommodation’ within the ‘Residential’ zone from ‘IP’ to ‘P’, and replace the term of “Ancillary Accommodation” with “Ancillary Dwelling” (to be consistent with the R Codes).
 10. Zoning Table—Amend the term ‘community use’ to ‘community purpose’.

11. The notes below the Zoning Table—Delete reference to the symbols used in the zoning table, at Note 2 replace the term ‘Council’ with ‘the local government’.
12. Subclause 3.2.6—replace the term ‘Council’ with ‘the local government’.
13. Subclause 3.2.6(b)—replace ‘planning application’ with ‘development application’; ‘Part IV’ with ‘Part 9 of the deemed provisions’; and ‘of Clause 4.3’ with ‘under Clause 64 of the deemed provisions’. To read as follows—
 - (b) by absolute majority that the proposed development may be consistent with the objectives and purposes of the zone and an application for development approval should be determined in accordance with Part 9 of the deemed provisions, including the advertising procedures under Clause 64 of the deemed provisions.
14. Subclause 3.2.7—replace the term ‘Council’ with ‘the local government’.
15. Delete the heading—Part IV Use and Development of Land.
16. Delete clause 4.1 and subclauses 4.1.1, 4.1.2 and 4.1.3(a), (b) (c), (i) and (j).
17. Transfer sub clause 4.1.3(d) into newly created ‘Schedule A—Supplemental Provisions’.
18. Transfer subclause 4.1.3(e) into the newly created ‘Schedule A—Supplemental Provisions’ and after the words ‘boundary fence’ insert the words ‘in areas not covered by the R-Codes’.
19. Transfer subclause 4.1.3(f) into the newly created ‘Schedule A—Supplemental Provisions’ and after ‘(P) use’ insert ‘and not covered by the R-Codes’.
20. Transfer subclause 4.1.3(g) into the newly created ‘Schedule A—Supplemental Provisions’ and replace the term ‘Council’ with ‘the local government’, ‘development plan’ with ‘structure plan’ and ‘planning approval’ with ‘development approval’.
21. Transfer subclause 4.1.3(h) into the newly created ‘Schedule A—Supplemental Provisions’ and replace the term ‘Council’ with ‘the local government’.
22. Transfer subclause 4.1.3(k) into the newly created ‘Schedule A—Supplemental Provisions’.
23. Delete subclause 4.1.4.
24. Delete clause 4.2 and subclauses 4.2.1 and 4.2.2.
25. Delete clause 4.3 and subclauses 4.3.1 to 4.3.6.
26. Delete clause 4.4.
27. Delete clause 4.5.
28. Delete clause 4.6 and subclauses 4.6.1 to 4.6.6.
29. Delete clause 4.7 and subclauses 4.7.1 and 4.7.2.
30. Delete clause 4.8 and subclauses 4.8.1 and 4.8.2.
31. Delete clause 4.9 and subclauses 4.9.1 to 4.9.3.
32. Delete clause 4.10 and subclauses 4.10.1 to 4.10.3.
33. Part V—Development Objectives and Local Planning Policy—delete ‘and Local Planning Policy’ from the heading.
34. Delete clauses 5.1 and subclauses 5.1.1 to 5.1.10.
35. Delete clause 5.2 and subclauses 5.2.1 to 5.2.12.
36. Clause 5.3.1(c)—Change the term ‘Council’ to ‘the local government’ and ‘planning approval’ with ‘development approval’.
37. Delete clause 6.1 and subclauses 6.1.1 and 6.1.2.
38. Delete subclause 6.2.1.
39. Clause 6.2—replace the term “Residential Planning Codes” with “Residential Design Codes (R Codes)”.
40. Change subclause 6.2.2 to read as follows—

A copy of the R-Codes, as amended, shall be kept and made available for public inspection during business hours at the offices of the local government.
41. Subclauses 6.2.3 to 6.2.5—replace ‘Residential Planning Code’ with ‘R-Codes’ and ‘Council’ with ‘the local government’.
42. Delete subclause 6.2.6.
43. Subclause 6.3.1—replace ‘planning approval’ with ‘development approval’ and ‘Council’ with ‘the local government’.
44. Subclause 6.3.2—replace ‘planning approval’ with ‘development approval’, ‘Council’ with ‘the local government’ and ‘Part IV’ with ‘Part 9 of the deemed provisions’.
45. Subclause 6.3.3—insert ‘A development’ before the word ‘approval’ and delete ‘An’, so as to read ‘A development approval’... Insert the word “development” before the word “approval” subsequently within the clause.
46. Delete subclause 6.3.4.
47. Subclause 6.3.5—replace ‘consent’ with ‘development approval’. Replace ‘Council’ with ‘the local government’.
48. Delete subclause 6.3.6.

49. Subclause 6.3.7—delete reference to out of date R-Codes clause. It read as follows—

Every dwelling shall be provided with a store room of not less than four square metres in floor area. The store room shall be fully enclosed and have direct ground level access from outside the building with no direct internal access from the dwelling. It may form part of the main building structure or be a permanent outbuilding.
50. Subclause 6.3.9—replace ‘development plan or design guideline adopted by Council’ with ‘and/or structure plan’
51. Subclause 6.3.10—replace ‘Residential Design Codes’ with ‘R-Codes’ and ‘planning approval’ with ‘development approval’.
52. Subclause 6.3.11—replace ‘planning approval’ with ‘development approval’ and ‘Council’ with ‘the local government’.
53. Subclause 6.3.12—delete reference to out of date R-Codes clause. To read as follows—

Notwithstanding any R-Code provision, the local government shall not recommend approval for the creation of lots that are less than 600 m² unless the lots are already developed or it is demonstrated that the lots may be developed for grouped or multiple dwellings.
54. Subclause 6.4.1—replace ‘is’, following the word infrastructure, with ‘are’, and replace references to ‘Development Plan’ with ‘Structure Plan’.
55. Delete subclauses 6.4.2 and 6.4.3.
56. Subclause 6.4.4—replace the term ‘Development Plan’ with ‘Structure Plan’.
57. Subclause 6.5.1—replace ‘Residential Planning Codes’ with ‘R-Codes’.
58. Subclause 6.5.2—replace ‘Residential Planning Codes’ with ‘R-Codes’ and ‘Council’ with ‘the local government’.
59. Subclauses 6.5.3 and 6.5.4—replace ‘Planning applications’ with ‘Development applications’ and ‘Council’ with ‘the local government’.
60. Subclause 6.5.5—replace ‘Council’ with ‘the local government’.
61. Reword subclause 6.6.1 to read as follows—

Development within the Town Centre zone shall be undertaken having due regard to a structure plan prepared and approved in accordance with the deemed provisions.
62. Subclause 6.6.2—replace ‘planning approval’ with ‘development approval’ and ‘Council’ with ‘the local government’.
63. Subclause 6.6.4—replace ‘development plan’ with ‘structure plan’ and ‘Council’ with ‘the local government’.
64. Subclause 6.6.5—replace ‘development plan’ with ‘structure plan’ and ‘provisions of clause 5.2’ with ‘deemed provisions’.
65. Subclause 6.6.7—replace “planning approval” with “development approval”, “Detailed Area Plan” with “Local Development Plan”, delete the wordings of “In addition to the matters outlined in Appendix 6 of this Scheme, the above mentioned.”
66. Delete the heading of “General Provisions” and subclause 6.7.1
67. Delete subclause 6.7.2
68. Reword subclause 6.7.3 to read as follows—

Development within the Strategic Industry Zone shall—

 - (a) optimise the effectiveness of the zone as a strategic industrial area and utilise major infrastructure, create symbiosis with other industries or include resource processing industry,
 - (b) be significant to the regional and/or state economies, or
 - (c) provide goods and services which directly support or compliment industries described in (a) and (b) of this subclause, and
 - (d) minimise or offset impacts on local infrastructure, economic and community development.
69. Delete subclause 6.7.5
70. Subclause 6.7.7—replace ‘planning approval’ with ‘development approval’, and ‘Council’ with ‘the local government’.
71. Subclause 6.7.8—replace ‘When considering applications for development approval in’ with ‘the following development standards apply to development within’, ‘Council’ with ‘the local government’, and insert ‘Local Planning’ at (f), before ‘Policy’.
72. Reword subclause 6.7.10 to read as follows—

Lots in the Industry or Industrial Development zones shall not be below 2 000 m² or include battleaxe access legs.
73. Subclause 6.7.11—replace ‘development plan’ with ‘structure plan’.
74. Delete subclause 6.7.13
75. Delete subclause 6.7.14
76. Delete subclauses 6.7.16, 6.7.16(a) and 6.7.17(a)

77. Reword subclause 6.7.18 to read as follows—

A structure plan shall be prepared in accordance with part 4 of the deemed provisions for land within the transport development zone.
78. Delete subclause 6.7.19.
79. Subclause 6.7.22—replace ‘Council’ with ‘the local government’, ‘may prepare’ with ‘shall prepare’, ‘Development Plan’ with ‘Structure Plan’, and delete reference to subclauses 5.2.2 and 5.2.11. To read as follows—

A Structure Plan may be prepared in accordance with Part 4 of the deemed provisions for land within the Light Industry zone.
80. Delete subclause 6.7.23.
81. Subclause 6.8.1—replace ‘Council’ to ‘the local government’.
82. Subclause 6.8.2—replace ‘Council’ with ‘the local government’, ‘may prepare’ with ‘shall prepare’, ‘Development Plan’ with ‘Structure Plan’, and delete reference to subclauses 5.2.2 and 5.2.11. To read as follows—

A Structure Plan may be prepared in accordance with Part 4 of the deemed provisions for rural settlement.
83. Delete subclause 6.8.3.
84. Delete subclause 6.8.5.
85. Delete clause 6.9 and subclause 6.9.1.
86. Delete clause 6.10 and subclauses 6.10.1 to 6.10.15.
87. Delete clause 6.11 and subclauses 6.11.1 to 6.11.3.
88. Delete clause 6.12 and subclauses 6.12.1 to 6.12.12.
89. Subclauses 6.13.2 to 6.13.8—replace ‘Council’ with ‘the local government’.
90. Subclause 6.13.9—replace ‘planning approval’ with ‘development approval’ and ‘Council’ with ‘local government’.
91. Subclauses 6.13.10, 6.13.14 to 6.13.17—replace ‘Council’ with the ‘local government’.
92. Subclauses 6.14.1 to 6.14.5—replace ‘Planning approval’ with ‘Development approval’ and ‘Council’ with ‘the local government’.
93. Subclause 6.15.1—insert ‘Local Planning’ before ‘Policy Manual’.
94. Subclause 6.15.2—replace ‘Planning approval’ with ‘Development approval’ and ‘Council’ with ‘the local government’.
95. Delete clause 6.16 and subclauses 6.16.1, 6.16.2 and 6.16.3.
96. Subclauses 7.2.2—replace ‘Planning approval’ with ‘Development approval’ and ‘Council’ with ‘the local government’.
97. Subclauses 7.3.1 and 7.3.2—replace ‘Planning approval’ with ‘Development approval’ and ‘Council’ with ‘the local government’.
98. Subclauses 7.4.2 and 7.4.3—replace ‘Planning Approval’ with ‘Development Application’, ‘Council’ with ‘the local government’ and at 7.4.3(v) replace ‘application for land use or development’ with ‘development application’.
99. Subclauses 7.5.3 to 7.5.5—replace ‘Planning approval’ with ‘Development approval’ and ‘Council’ with ‘the local government’.
100. Clauses 8.2 and 8.3—replace ‘Planning approval’ with ‘Development approval’ and ‘Council’ with ‘the local government’.
101. Subclause 8.4.2—replace ‘Council’ with ‘local government’.
102. Clause 8.5—replace ‘Planning approval’ with ‘Development approval’ and ‘Council’ with ‘the local government’.
103. Delete the heading—Part IX Administration.
104. Delete clause 9.1.
105. Delete clause 9.2 and subclauses 9.2.2 to 9.2.6.
106. Delete clauses 9.3 and subclauses 9.3.1 and 9.3.2.
107. Delete clause 9.4 and subclauses 9.4.1 and 9.4.2.
108. Delete clause 9.5 and subclauses 9.5.1 to 9.5.4.
109. Delete clause 9.6.
110. Delete clause 9.7 and subclauses 9.7.1 to 9.7.5.
111. Delete clause 9.8 and subclause 9.8.1.
112. Delete the following definitions from Appendix 1—Act, Advertisement, Amenity, Building Code of Australia, Development Plan and Transient Workforce Accommodation Transportable Structure.
113. Delete the following definitions from Appendix 1—aged or dependent person, ancillary accommodation, building, Commission, dwelling, grouped dwelling, residential building and single house.
114. Delete the following definitions from Appendix 1—Lot, Urban Development and Use.

115. Appendix 1—Amend the term ‘community use’ to ‘community purpose’ and insert ‘or’ after ‘social’ and before ‘recreational’ in the definition. To read as follows—
community purpose land or buildings designed or adapted primarily for the provision of educational, social or recreational facilities and services by organisations involved in activities for community benefit.
116. Appendix 1—Amend the definition for hospital to—
hospital means premises used as a hospital as defined in the *Hospitals and Health Services Act 1927* section 2(1).
117. Appendix 1—Amend definition of motel to—
motel means premises which may be licenced under the *Liquor Control Act 1988*—
(a) used to accommodate guests in a manner similar to a hotel; and
(b) with specific provision for the accommodation of guests with motor vehicles.
118. Appendix 1—Amend the definition term ‘policy manual’ to ‘local planning policy manual’ and within the definition replace ‘Council’ with ‘local government’ and ‘clause 5.1 in the Scheme, to ‘Part 2, Division 2—Local Planning Policies of the deemed provisions’. It is to read—
local planning policy manual the Town of Port Hedland Local Planning Policy Manual being the collection of policy statements adopted by the local government in accordance with Part 2, Division 2—Local Planning Policies of the deemed provisions.
119. Appendix 1—Amend the definition of ‘precincts’ by replacing ‘Development Plan’ with ‘Structure Plan, and ‘planning approval’ with ‘development approval’.
120. Appendix 1—Amend the definition of ‘public mall’ by replacing ‘Council’ to ‘local government’.
121. Appendix 1—Amend the definition of ‘public utility’ by replacing ‘Council’ with ‘local government’.
122. Amend the definition of ‘restricted premises’ by replacing ‘*Censorship Act 1996*’ with ‘*Classification (Publications, Films, and Computer Games) Act 1995 (Commonwealth)*’ and inserting reference to ‘smoking related implements’. It is to read—
restricted premises any land or building, part or parts thereof, used or designed to be used primarily for the sale of retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or deliver of—
(a) publications classified as restricted pursuant to the *Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth)*, or
(b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or
(c) smoking-related implements.
123. Appendix 1—Amend the definition of ‘rural residential’ by replacing ‘Council’ with ‘local government’.
124. Appendix 1—Amend the definition of ‘rural settlement’ by replacing ‘Council’ with ‘local government’.
125. Appendix 1—Amend the definition term ‘transient workforce accommodation’ to—
Transient workforce accommodation means premises, which may include modular or relocatable buildings, used—
(a) primarily for the accommodation of workers engaged in construction, resource, agriculture or other industries on a temporary basis; and
(b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors
126. Amend the definition term ‘Transport depot’ to—
Transport depot means premises used primarily for the parking or garaging of 3 or more commercial vehicles including—
(a) Any ancillary maintenance or refuelling of those vehicles; and
(b) Any ancillary storage of goods brought to the premises by those vehicles; and
(c) the transfer of goods or persons from one vehicle to another;
127. Amend the conditions for Appendix 2—Additional Use 193 to read as follows—
Development shall have due regard to the Structure Plan approved by the Commission and no further residential development to that shown on the Plan shall be permitted.
Local government may require the installation of noise abatement measures in the dwellings to ensure that noise from the commercial premises will not impact upon the amenity of the dwellings.”
128. Delete Appendix 3
129. Delete Appendix 4.
130. Appendix 5 Development Plan Areas—replace ‘Development Plan’ with ‘Structure Plan’ in the heading.
131. Delete Appendix 6.
132. Appendix 7—At the paragraph under the Appendix heading replace ‘Council’ with ‘the local government’.

133. Appendix 7, Row '1—Aged and Dependant Persons Dwelling', in the Car Parking Requirement column replace 'Residential Planning Codes' with 'R-Codes' and Council' with 'the local government'.
134. Appendix 7, Row '2—Ancillary Accommodation', in the Car Parking Requirement column replace 'Residential Planning Codes' with 'R-Codes' and Council' with 'the local government'.
135. Appendix 7, Row '3—Caretaker's dwelling', in the Car Parking Requirement column replace 'Residential Planning Codes' with 'R-Codes'.
136. Appendix 7, Row '4—Grouped Dwelling', in the Car Parking Requirement column replace 'Residential Planning Codes' with 'R-Codes'.
137. Appendix 7, Delete row '6—Home Occupation' in its entirety, including the car parking requirement.
138. Appendix 7, Row '9—Movable Dwelling', in the Car Parking Requirement column replace 'Residential Planning Codes' with 'R-Codes'.
139. Appendix 7, Row '10—Multiple Dwelling', in the Car Parking Requirement column replace 'Residential Planning Codes' with 'R-Codes'.
140. Appendix 7, Row '12—Rural Settlement', in the Car Parking Requirement column replace 'Council' with 'the local government'.
141. Appendix 7, Row '13—Single Dwelling', in the Car Parking Requirement column replace 'Residential Planning Codes' with 'R-Codes'.
142. Appendix 7, Row '20—Hire Service (Industrial)', in the Car Parking Requirement column replace 'Council's' with 'the local government's'.
143. Appendix 7, Row '21—Industry—Cottage', in the Car Parking Requirement column replace 'Residential Planning Codes' with 'R-Codes'.
144. Appendix 7, Row '32—Aerodrome', in the Car Parking Requirement column replace 'Council' with 'the local government'.
145. Appendix 7, Row '62—Place of Animal Care', in the Car Parking Requirement column replace 'Council's' with 'the local government's'.
146. Appendix 7, Row '68—Entertainment Venue', in the Car Parking Requirement column replace 'Council's' with 'the local government's'.
147. Appendix 7, Rows '69/70—Private Recreation/Public Recreation', in the Car Parking Requirement column replace 'Council's' with 'the local government's'.
148. Appendix 10, Pretty Pool 1, Lots 5877, 300 and part lot 5876 Counihan Crescent—in the Conditions Column and contained at condition ii and iii replace 'Council' with 'The local government',
149. Appendix 10, Pretty Pool 1, Lots 5877, 300 and part lot 5876 Counihan Crescent—in the Conditions column and contained at condition v delete 'and Conservation' after 'Department of Environment' and replace with 'Regulation'. To read as follows—
(Department of Environment Regulation).
150. Appendix 10, South Hedland West Development Plan Area, South Hedland West Development Plan Area as shown in Appendix 5 of the Scheme—replace 'development plan' with 'structure plan' and change condition i to read—
 - i. Subdivision and development shall have due regard to an approved Structure Plan approved by the Western Australian Planning Commission
151. Appendix 10, South Hedland town Centre Development Plan Area, South Hedland Town Centre Development plan Area as shown in Appendix 5 of the Scheme—replace 'development plan' with 'structure plan' and change condition i to read—
 - i. Subdivision and development shall have due regard to an approved Structure Plan approved by the Western Australian Planning Commission
152. Appendix 10, Pretty Pool, Lots 1732, 1444 and part Lot 5552 Athol Street—in the Conditions column replace 'development plan' with structure plan and change condition i to read—
 - i. Subdivision and development shall have due regard to an approved Structure Plan approved by the Western Australian Planning Commission
153. Appendix 11—Delete 'Home Occupation' from the Conditions Column.
154. Appendix 12—Delete 'Home Occupation' from the Conditions Column.
155. Insert a new 'Schedule A—Supplemental provisions to the deemed provisions'.
156. Insert the following clause into newly created 'Schedule A—Supplemental Provisions'—
16 (1)(d): be prepared having regard to conditions identified in Appendix 10—Additional Requirements for Precincts.
157. Re-order, re-configure and renumber the remaining scheme provisions, including parts, clause and appendices sequentially and update any cross referencing to the new part, clause and appendix numbers as required.

K. HOWLETT, Mayor.
M. OSBORNE, Chief Executive Officer.

PL405

PLANNING AND DEVELOPMENT ACT 2005
APPROVED TOWN PLANNING SCHEME AMENDMENT
Shire of Northampton
 Town Planning Scheme No. 10—Amendment No. 4

Ref: TPS/1940

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 Northampton Town Planning Scheme amendment on 11 August 2017 for the purpose of—

1. Inserting new definitions in alphabetical order under ‘1.2 Land Use definitions’ in ‘Schedule 1 Dictionary of Defined Words and Expressions’ to state as follows—

Repurposed Dwelling: means a building or structure not previously used as a single house, which has been repurposed for use as a dwelling.

Second-Hand Dwelling: means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular or transportable dwelling.

2. Inserting ‘Repurposed Dwelling’ and ‘Second-Hand Dwelling’ in alphabetical order into ‘Table 1—Zoning Table’ to control landuse permissibility as follows—

Zone	Residential	Town Centre	Industry	General Rural	Rural Residential	Rural Smallholdings	Bushland Protection	Caravan, Camping and Cabin
Used Class								
Repurposed Dwelling	A	A	X	D	D	D	D	A
Second-Hand Dwelling	A	A	X	D	D	D	D	A

3. Modifying the landuse permissibility symbols in ‘Table 1—Zoning Table’ that apply to a ‘single house’ in the ‘Rural Residential’, ‘Rural Smallholdings’ and ‘Bushland Protection’ zone(s) as follows—

Zone	Residential	Town Centre	Industry	General Rural	Rural Residential	Rural Smallholdings	Bushland Protection	Caravan, Camping and Cabin
Used Class								
Single House	P	D	X	P	D	D	D	X

4. Modifying the existing definition of ‘Transportable, Prefabricated or Relocated Building’ under ‘1.1 General definitions’ in ‘Schedule 1 Dictionary of Defined Words and Expressions’ which currently states as follows—

‘Transportable, Prefabricated or Relocated Building: means any building, whether or not designed for human habitation or use, and—

- (a) is a new building designed to be transported as a whole building or in parts; or
- (b) most or all of the components of the building are prefabricated off site for assembly on site; or
- (c) is a previously used building which is to be disassembled and/or removed from one location to be assembled and/or affixed in another location;’

To state as follows—

Transportable, Prefabricated, or Relocated Building means any building that is not a dwelling, and—

- (a) is a building proposed to be transported as a whole or in parts; or
- (b) most or all of the components of the building are prefabricated off site for assembly on site; or
- (c) is a second hand building or is clad with second hand materials.

5. Inserting a new ‘Schedule A—Supplementary to Deemed Provisions (Additional provisions to the Deemed Provisions of the Regulations)’ after ‘Schedule 18 Heritage List’ to state as follows—

‘Schedule A—Supplementary to Deemed Provisions

(Additional provisions to the Deemed Provisions of the Regulations)

These provisions are to be read in conjunction with the deemed provisions (Schedule 2) contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Part 7—Requirement for Development Approval

61 (1) (k) The erection or extension of a single house on a lot if a single house is listed as a 'P' use in Table 1: Zoning Table as applicable to the relevant zone, and the development satisfies the site and development requirements set out in this Scheme unless the development—

- (i) is located in a place that is entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
- (ii) is located in a place that is the subject of an order under the *Heritage of Western Australia Act 1990 Part 6*; or
- (iii) is located in a place that is included on a heritage list prepared in accordance with this Scheme; or
- (iv) is located in a place that is within an area designated under the Scheme as a heritage area; or
- (v) is located in a place that is the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990 section 29*.

61 (1) (l) The erection or extension of an ancillary dwelling, outbuilding, external fixture, boundary wall or fence or patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is listed as a 'P' use in Table 1: Zoning Table as applicable to the relevant zone, and the development satisfies the site and development requirements set out in this Scheme unless the development—

- (i) is located in a place that is entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
- (ii) is located in a place that is the subject of an order under the *Heritage of Western Australia Act 1990 Part 6*; or
- (iii) is located in a place that is included on a heritage list prepared in accordance with this Scheme; or
- (iv) is located in a place that is within an area designated under the Scheme as a heritage area; or
- (v) is located in a place that is the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990 section 29*.

6. Insert a new Clause 5.11.3 and subclause 5.11.3.1 to state as follows—

‘5.11.3 Repurposed Dwelling or Second Hand Dwelling

5.11.3.1 In determining an application for a Repurposed Dwelling or Second Hand Dwelling, the local government will have regard to the following matters—

- (a) The objectives of the relevant zone;
- (b) The ability of the built form including roof pitch, eaves, colours, material and architectural details to complement the expected character of the locality;
- (c) The potential for negative visual impact or conflict with any established streetscape and character of the locality;
- (d) Any proposed upgrading, alterations and additions which will enhance the elevations and architectural detail of proposed development;
- (e) Potential glare from reflective materials;
- (f) The potential for existing or proposed landscaping and vegetation to mitigate visual impacts of the development;
- (g) Landscape protection and landscape characteristics of the locality.

7. Renumber existing Clauses ‘5.11.3 to 5.11.5’ to Clauses ‘5.11.4 to 5.11.6’ accordingly as follows—

5.11.4 Outdoor Storage**5.11.5 Advertisements****5.11.6 Building Height**

8. Updating the Table of Contents to reflect this Scheme Amendment.

The Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s)—

- the amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
- the amendment does not result in any significant environmental, social, economic or governance impacts in the scheme area.

9. Remove clause 8.2 (b) (iv) “the proposal is for a transportable, prefabricated or relocated building”.

G. SIMKIN, President.
G. KEEFFE, Chief Executive Officer.

PL406

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
City of Belmont
Local Planning Scheme No. 15—Amendment No. 8

Ref: TPS/2001

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 Belmont Local Planning Scheme amendment on 2 August 2017 for the purpose of modifying the Scheme Map to change the zoning of Lot 242 (1) Ballantyne Road, Kewdale from 'Industrial' to 'Service Station' zone.

P. MARKS, Mayor.
S. COLE, Chief Executive Officer.

PL407

PLANNING AND DEVELOPMENT ACT 2005
GREATER BUNBURY REGION SCHEME AMENDMENT 0047/57
Lot 6238 Mitchell Road, Benger
Approved Amendment

File: RLS/662

The Minister for Planning has approved, as advertised, the abovementioned amendment to the Greater Bunbury Region Scheme. The amendment is shown on Western Australian Planning Commission plan number 3.2696 and is effective from the date of publication of this notice in the *Government Gazette*.

The purpose of this amendment proposal is to rezone Lot 6238 Mitchell Road, Benger from regional open space reservation to rural zone. The reservation appears to be a historical 'carry over' and is an error. The proposed rural zone is consistent with the zoning of surrounding land.

Copies of the report on submissions on the amendment are available for public inspection from Friday 18 August 2017 to Friday 1 September 2017 at the following locations—

- Western Australian Planning Commission, Level 2, 140 William Street, Perth
- Department of Planning, Lands and Heritage, 61 Victoria Street, Bunbury
- State Library of WA, Perth Cultural Centre
- Municipal office of the Shire of Harvey,

Documents are also available from the WAPC's website www.planning.wa.gov.au.

KERRINE BLENKINSOP, Secretary,
Western Australian Planning Commission.

REGIONAL DEVELOPMENT

RG401

REGIONAL DEVELOPMENT COMMISSIONS ACT 1993
APPOINTMENTS

It is hereby notified for general information that the Minister for Regional Development has approved the following appointments in accordance with Part 3 of the *Regional Development Commissions Act 1993*—

South West Development Commission Board of Management

- Mr Nick Belyea appointed as a Ministerial representative and as Chairperson for a term expiring 1 August 2020.
- Ms Jennie Franceschi appointed as a Ministerial representative and as Deputy Chairperson for a term expiring 1 August 2020.

Hon ALANNAH MacTIERNAN MLC, Minister for Regional Development.

RG402**REGIONAL DEVELOPMENT COMMISSIONS ACT 1993****APPOINTMENTS**

It is hereby notified for general information that the Minister for Regional Development has approved the following appointments in accordance with Part 3 of the *Regional Development Commissions Act 1993*—

Mid West Development Commission Board of Management

- Re-appointment of Mr Todd West as Member for a 12 month term expiring 30 June 2018 and as Chairperson for that term.
- Cr Kirrilee Warr as Deputy Chairperson for the remainder of her term expiring 30 June 2018
- Ms Lara Dalton as a ministerial representative for a three year term expiring 30 June 2020.

Hon ALANNAH MacTIERNAN MLC, Minister for Regional Development.

RG403**REGIONAL DEVELOPMENT COMMISSIONS ACT 1993****APPOINTMENT**

It is hereby notified for general information that the Minister for Regional Development has approved the following appointments in accordance with Part 3 of the *Regional Development Commissions Act 1993*—

Goldfields-Esperance Development Commission Board of Management

- Ms Katherine (Kate) Fielding as Chairperson for a term expiring 30 June 2018.

Hon ALANNAH MacTIERNAN MLC, Minister for Regional Development.

DECEASED ESTATES

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 18 September 2017, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Cahill, Andrew John, late of Meath Care, 80-82 Henley Street, Como WA 6152, who died 29 June 2017. (DE 19642001 EM36).

Duda, Stefania, late of 6 Ivanac Place, Morley WA 6062 (formerly of 20 Henrietta Street, Bayswater WA 6053), who died 12 May 2017. (DE 19754308 EM313).

Fink, Paul Bernard, late of 9A Butson Street, Hilton WA 6163, who died 14 November 2011. (PM 33072123 TM52).

Gray, Lilian Marian Dorothy, late of Marist Lodge Nursing Home, 12 Lapage Street, Belmont WA 6104, who died 24 July 2017. (DE 33119413 EM37).

Hosking, Ida Amelia, late of Mercyville, 254 Camberwarra Drive, Craigie WA 6025 (formerly of 42A Hillview Street, Alexander Heights WA 6064), who died 27 July 2017. (DE 19780267 EM23).

Jarema, Nicholas, late of 27 Hibiscus Road, Maddington WA 6109, who died 10 June 2017. (DE 19970473 EM13).

Marsh, John Gilbert, late of 30 Mell Road, Spearwood WA 6163, who died 22 June 2017. (DE 33077962 EM113).

Mitchell, Jeanette Betty, late of Hamersley Nursing Home, 441 Rokeby Road, Shenton Park WA 6008, who died 30 April 2016. (PM 33134448 TM52).

Phillips, Patricia Theresa, late of Margaret Hubery House, 36 Fifth Avenue, Shelley WA 6148, who died 9 July 2017. (DE 19852804 EM22).

Rosalski, Margery Margaret, (AKA- Margery Margaret Rosalska, Marjorie Margaret Rosalski, Marjorie Margaret Rosalska), late of Bethanie Waters, 18 Olivenza Crescent, Port Kennedy WA 6172, who died 11 May 2017. (DE 19894569 EM17).

Thomas, Thelma Joyce, late of 27 Ameer Way, Craigie WA 6025, who died 10 December 2016. (DE 19954173 EM213).

Towl, Roy William, late of 25/22 Albert Street, Osborne Park WA 6017, who died 22 March 2017. (DE 33124331 EM35).

Wilson, Debroy Claude, late of 5 Woodville Street, North Perth WA 6006, who died 20 June 2016. (PM 30230350 TM52).

Wiltshire, Clive Robert Stephen, late of 629 Two Rocks Road, Yanchep WA 6035, who died 18 December 2014. (DE 33095551 EM37).

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

ZX401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

In the estate of Tony Graham Robinson, formerly of 215 Liddelow Road, Banjup, late of 10b Senna Close, Coogee in the State of Western Australia, deceased, who died on 20 July 2015.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) are required by the Executors, Thomas, Katie and Julie Robinson to send particulars of their claim to the Executor, Katie Robinson of 6 Blanche Street, Gosnells WA 6110 within 30 days of publication of this notice, after which date the Executors 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

Estate of David Bruce Rocca, late of 8 Carissa Turn, Halls Head, Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates), in respect of the estate of the deceased, who died on 29 May 2017, are requested by the Administrator, Julie Elizabeth Rocca care of Bennett & Bennett Lawyers, Level 4, 33 Remora Road, Hamilton, Queensland to send particulars of their claims to the address stated herein within 30 days of this notice, after which date the personal representative may convey or distribute the assets having regard only to the claims of which she then has notice.

ZX403

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Notice to debtors and creditors in the estate of Mr Donald Gilbert McKinnon, late of 37B Allnutt Street, Mandurah WA, who died on 13 March 2017, are required to send their claim to the administrator Kenneth McKinnon, PO Box 5600, Albany, Western Australia 6332 within 30 days, after which the administrator may convey or distribute the assets having regard only to the claims of which notices have been given.

PUBLIC NOTICES

ZZ401**DISPOSAL OF UNCOLLECTED GOODS ACT 1970****DISPOSAL OF UNCOLLECTED GOODS**

Notice Under Part VI of Intention to Apply to Court for an Order to Sell or
Otherwise Dispose of Goods Valued in Excess of \$3,500.00

To: Leonidas Tsouris of 70 Elliot Road, Hocking, Western Australia, bailor.

You were given notice on 23 November 2016 that the following goods: the vessel "Astra", registration number DC307, situated at Two Rocks Marina, Two Rocks, Western Australia was ready for redelivery.

Unless not more than one month after the date of the giving of this notice you either take redelivery of the goods or give directions for their redelivery, the Department of Transport, bailee, of care of Lawton Gillon, Level 7, 16 St Georges Terrace, Perth, Western Australia, intends to make an application to the Court for an order to sell or otherwise dispose of them in accordance with the Act.

DEPARTMENT OF TRANSPORT,
c/o Lawton Gillon, Level 7, 16 St Georges Terrace, Perth WA 6000.
