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# — PART 1 —

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## PROCLAMATIONS

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AA101

Sentencing Legislation Amendment Act 2016

### **Sentencing Legislation Amendment Act 2016 Commencement Proclamation (No. 3) 2017**

Made under the *Sentencing Legislation Amendment Act 2016* section 2(c) by the Governor in Executive Council.

**1. Citation**

This proclamation is the *Sentencing Legislation Amendment Act 2016 Commencement Proclamation (No. 3) 2017*.

**2. Commencement**

The *Sentencing Legislation Amendment Act 2016* Part 4 Division 3, Division 4 and Division 6 (other than sections 69 and 73) come into operation on 1 October 2017.

K. SANDERSON, Governor.

L.S.

J. QUIGLEY, Attorney General.

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## JUSTICE

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JU301

Sentencing Act 1995

### **Sentencing Amendment Regulations (No. 2) 2017**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Sentencing 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 on which the *Sentencing Legislation Amendment Act 2016* section 48 comes into operation.

**3. Regulations amended**

These regulations amend the *Sentencing Regulations 1996*.

**4. Regulation 6B amended**

After regulation 6B(c) insert:

- (ca) the Magistrates Court;

**5. Part 6 heading replaced**

Delete the heading to Part 6 and insert:

**Part 6 — Reviewing, amending and enforcing  
certain conditional and community orders**

**6. Regulation 9A inserted**

At the beginning of Part 6 insert:

**9A. Application for review of conditional order  
(s. 136H)**

- (1) An application under section 136H of the Act must be made in an approved form.
- (2) On receiving an application a court officer must issue a summons (in an approved form) to all parties concerned to a hearing on a date and at a place fixed by the officer.
- (3) The hearing date fixed by the court officer must be at least 7 days after the date of the application.
- (4) The summons must be served —
  - (a) in the case where the application relates to a CRO — by a court officer on the CEO, the prosecutor and the offender; or

- (b) in the case where the application relates to a CSI, ISO or PSO —
- (i) by a court officer on the CEO and the prosecutor; and
  - (ii) by a CCO on the offender.
- (5) If satisfied that all parties concerned have been served with a summons issued under this regulation, the court may, subject to section 14 of the Act, deal with the application under section 136I of the Act.

**7. Regulation 13 amended**

In regulation 13 in the Table before “79,” insert:

60D,

**8. Schedule 1 Form 5 amended**

- (1) In Schedule 1 Form 5 delete “s. 79,” and insert:

s. 60D(4), 79,

- (2) In Schedule 1 Form 5 delete the row beginning “**Notice of application for order to pay**” and insert:

Notice of application for order to pay <sup>3</sup>	A term of your sentence was that you would <i>[pay/forfeit]</i> \$ _____ if you committed an offence during the term of the sentence. An application will be made to the court for an order that this amount must now be <i>[paid/forfeited]</i> .
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- (3) In Schedule 1 Form 5 in the Notes to Form 5 Note 1 delete “eg. CRO, CBO, ISO, suspended imprisonment” and insert:

e.g. CRO, suspended fine, CBO, ISO, suspended imprisonment.

Note: The heading to the regulations listed in the Table are to read as set out in the Table.

**Table**

Regulation	Regulation heading
r. 10	<b>Application to amend or cancel conditional suspended imprisonment, conditional release order or community order (s. 84H or 126)</b>
r. 11	<b>CEO to be notified when offender dealt with for breach of conditional suspended imprisonment, conditional release order or community order</b>

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**MINERALS AND PETROLEUM**

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MP301

Mining Act 1978

**Mining Amendment Regulations (No. 2) 2017**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Mining 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 *Mining Regulations 1981*.

**4. Regulation 86AA amended**

- (1) In regulation 86AA(4) delete “after 30 June 2000” and insert:

during the period commencing on 1 July 2000 and ending on 31 December 2017

- (2) After regulation 86AA(5) insert:

- (5A) Subject to subregulation (5B), the rate of royalty payable for gold metal produced after 31 December 2017 is 3.75% of the royalty value of the gold metal produced.
- (5B) If, after 31 December 2017, the average gold spot price for a month does not exceed \$1 200 per ounce in Australian currency, the rate of royalty payable for gold metal produced during that month is 2.5% of the royalty value of the gold metal produced.
- (5C) A reference in subregulation (6), (6A) or (6B) to gold metal produced from a gold royalty project during a period is a reference to gold metal produced during the period from gold bearing material produced or obtained from the same gold royalty project.

- (3) In regulation 86AA(6) delete “during a financial year from gold bearing material produced or obtained from the same gold royalty project.” and insert:

from a gold royalty project during a financial year that ends on or before 30 June 2018.

- (4) After regulation 86AA(6) insert:

(6A) Despite anything in this regulation, no royalty is payable in respect of gold metal produced from a gold royalty project during a financial year that ends on or after 30 June 2019 if the amount of gold metal produced from the project during the financial year does not exceed 2 500 ounces.

(6B) Subregulation (6C) applies if —

- (a) royalty is payable in respect of gold metal produced from a gold royalty project during a quarter (the *current quarter*) in a financial year that ends on or after 30 June 2019; and
- (b) royalty was not paid in respect of gold metal produced from the project during 1 or more previous quarters in the financial year because the total amount of gold metal produced from the project during that quarter, or those quarters, did not exceed 2 500 ounces.

(6C) If this subregulation applies then, despite regulation 86A(3), royalty is payable for the previous quarter or quarters within 30 days after the end of the current quarter.

N. HAGLEY, Clerk of the Executive Council.

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## RACING, GAMING AND LIQUOR

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RA301

### RACING AND WAGERING WESTERN AUSTRALIA ACT 2003

#### RWWA RULES OF HARNESS RACING 2004

In accordance with Section 45 (1) (b) of the *Racing and Wagering Western Australia Act 2003*, notice is hereby given that the Board of Racing and Wagering WA on 21 September 2017 resolved that the *RWWA Rules of Harness Racing 2004* be amended as follows—

#### Amendment to National Rules

#### AMEND RULE

94(1)

**ADD NEW DEFINITION**

“**Microchip**” means an electronic identifier transponder of a type approved by the Controlling Body encoded with a unique unalterable number.

**AMEND DEFINITION**

“**Controlling Body**” means—

- (a) Save and except for paragraph (b) an organisation which by convention, recognition or law is or is deemed to be in control of harness racing in a State or Territory of Australia or in part of or the whole of a country; and
- (b) in respect of the State of Queensland, the Racing Queensland Board unless a rule provides for the Controlling Body to perform a function that is a function of the Queensland Racing Integrity Commission under the *Racing Integrity Act 2016* (Qld) in which case the Queensland Racing Integrity Commission must perform the function.

A copy of the above rules may be obtained during office hours from the RWWA offices at 14 Hasler Road, Osborne Park WA 6017 or Racing and Wagering Western Australia website, [www.rwwa.com.au](http://www.rwwa.com.au).

RICHARD BURT, Chief Executive Officer.

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# — PART 2 —

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## LOCAL GOVERNMENT

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LG401

**BUSH FIRES ACT 1954***Shire of Waroona*

## APPOINTMENTS

In accordance with the provisions of the *Bush Fires Act 1954* the following persons are appointed as Bush Fire Control Officers / Fire Weather Officer in the district of the Shire of Waroona—

- **Chief Bush Fire Control Officer**—John Craig Twaddle
- **Deputy Chief Bush Fire Control Officer**—Brian Philip Beales
- **Bush Fire Control Officers**—David George Gossage, Ian Neville Curley, Gregory Arthur Lewis, Gareth Paul Davies, John Craig Twaddle, Brian Philip Beales, Stephen Gregory Thomas
- **Bush Fire Control Officer** (Permit issuing only)—John James Look
- **Fire Weather Officers**—John Craig Twaddle, David George Gossage

The appointments of Adrianus Marinus Eppen, Andrew John Church, Chloe Nancy Blackwell, Donna Elizabeth Walker, Katie Rebecca Leigh, Rachel Tegan Allan, Robert Stephen Marlborough, Ronald Milton Bruce Porter and Terrence Dennis Lamey as Authorised Officers, Rangers and Bush Fire Control Officers remain current, all previous appointments published are hereby revoked.

IAN CURLEY, Chief Executive Officer.

LG501

**BUSH FIRES ACT 1954**

## FIRE MANAGEMENT NOTICE 2017/18

*Shire of Denmark*

To all owners and/or occupiers of land in the Shire of Denmark

Pursuant to the powers contained in Section 33 of the *Bush Fires Act 1954*, you are hereby required on or before 1st December 2017 to implement, and then continuously maintain until 30th April 2018 the requirements relevant to your property as specified in this Notice.

**Dates to Remember**

Prohibited Burning Time (PBT); 16th December to Last Day of February.

Restricted Burning Time (RBT); 1st November to 15th December—1st March to 30th April—permits are required.

A Permit is required to burn any area of Standing Bush from 1st October to 15th December and 1st March to 30th April.

All fire risk mitigation measures, as per this Notice, are to be implemented and maintained from 1st December to 30th April.

Camping and Cooking Fires are prohibited throughout the Shire of Denmark from 16th December to the Last Day of February, except in designated locations.

**REQUIREMENT 1**—Lots zoned Residential, Industrial, Commercial and Professional Office size 2500m<sup>2</sup> or less.

Reduce fire fuel from the whole of the land such that the fire fuel is maintained to a maximum of 2 tonnes per hectare or 5 tonnes per hectare for predominantly Karri treed areas. Isolated trees and managed shrubs may generally be retained.

**REQUIREMENT 2a**—Lots zoned Residential, Industrial and Commercial size greater than 2500m<sup>2</sup>.

Establish and maintain an Asset Protection Zone around all habitable buildings.

Remainder of land—grassed areas to be maintained to a maximum height of 100mm. Fire fuel in bush areas is to be maintained to a maximum of 8t/ha, or 15t/ha for predominantly Karri bush areas.

Vehicular access/egress to dwelling to be constructed to allow emergency and other vehicles to move through easily and safely at all times. Minimum standard 6m horizontal clearance with 4m trafficable surface and 4.5m vertical clearance, incorporating a suitable turn around area for a 3.4 fire appliance.

**REQUIREMENT 2b**—Lot size over 0.5ha— In addition to the provision of Requirement 2a, establish and maintain a Low Fuel Boundary Access with a 4m trafficable surface and 4.5m vertical clearance.

NOTE—Where any conditions listed in Requirements 2a or 2b are physically impractical on a Lot, the Shire may approve an Urban Fire Management Plan or Variation in place of the standard 2a or 2b requirements.

**REQUIREMENT 3**—Land zoned Special Rural, Special Residential, Landscape Protection, Tourist or Rural Multiple Occupancy

In addition to any specific fire related provisions that may relate as per Town Planning Scheme or Bushfire Management Plan for your property, which can be obtained from the Shire, you are required to Comply with Requirement 2a or 2b as applicable.

**REQUIREMENT 4**—Rural Land

Establish and maintain an Asset Protection Zone around all habitable buildings.

Vehicular access/egress is to be constructed as per Requirement 2a

Establish and maintain a Low Fuel Boundary Access with a 4m trafficable surface and 4.5m vertical clearance, or obtain Shire approval for a Variation

Open Pasture/grassed areas are to be generally maintained to a maximum height of 100mm, or livestock grazing occurs on the land and 'commercial stocking rates' are observed. Actively managed pastures, forming part of an agricultural pursuit, may exceed a 100mm height if approved by a Shire Ranger.

Where a bush area on a property exceeds 40ha, the bush area is to be compartmentalised with Low Fuel Access into areas not greater than 40ha. This Access must have a 4m trafficable surface and 4.5m vertical clearance.

**REQUIREMENT 5**—Specific Hazards; Haystacks, Fuel Storage Areas, Power and Telecommunication Infrastructure

Establish and maintain a Low Fuel Zone (parkland cleared) 4m wide, encircling haystacks and fuel storage areas.

Establish and maintain a Low Fuel Zone (parkland cleared) 1m wide, around Power Infrastructure e.g. poles and Underground Power Domes.

For Telecommunications/Radio Infrastructure contact/consult the Shire.

**REQUIREMENT 6**—Plantations, any area in which trees have been planted for commercial purposes.

The Shire of Denmark has adopted the Guidelines for Plantation Fire Protection developed by the Department of Fire and Emergency Services. All plantations are to be managed as per the Guidelines for Plantation Fire Protection.

**REQUIREMENT 7**— Strategic Fire Access Route (SFAR)

Where a Strategic Fire Access Route is located on your property, you will be required to install and maintain it, to the satisfaction of the Shire, between 1st December and 30th April. It must not be obstructed by buildings, fences or additional tree planting and so on. Unlocked gates are to be provided on property boundaries where the SFAR crosses.

## CAMPING and COOKING FIRES

Designated locations where open camping and cooking fires are permitted during the Prohibited Burning Time, EXCEPT when the Fire Danger Rating indicates 'VERY HIGH' or above are—

### Private Land

Riverbend Caravan Park—40 Riverbend Lane, Denmark

Ayr Sailean—21 Tindale Road, Bow Bridge

Boat Harbour Chalets—171 Boat Harbour Road, Parryville

### Public Land

Parry Beach Caravan Park (Shire)

Parry Beach Angling Club Hut (Shire)

Peaceful Bay Caravan Park (Shire)

## LOW FUEL BOUNDARY ACCESS 'Firebreak' CONSTRUCTION

May be constructed by ploughing, grading, raking, burning, chemical spraying or any other method to achieve required standard.

### Required Standard within Shire of Denmark

On Pasture; slashed to a maximum height of 100mm, as close as practically possible to the boundary.

Through Bush; slashed to a maximum height of 100mm, as close as practically possible to the boundary. Passing places should be installed every 100m and should be 20m long and 6m wide.

Turn-around areas (10m radius), suitable for Heavy Duty Fire Appliances should be installed every 500m.

**FIRE CONTROL OFFICERS**

Chief Bush Fire Control Officer	Ross McDougall
Deputy Chief Bush Fire Control Officer	Leslie (Lez) Baines
Fire Weather Officer	Adrian Kranendonk
Community Emergency Services Manager	Marcus Owen
Senior Ranger	Charmaine Shelley
Ranger	David Lonie

**Brigade FCOs**

Hazelvale/Tingledale VBFB	Alexander (Alex) Williams and Brian Vigus
Nornalup VBFB	Jean-Marc Merat
Peaceful Bay VBFB	Ivars Sulcs
Mehniup VBFB	Gail Guthrie
Kordabup & Owingup VBFB	Bruce Pringle Samantha (Sam) Blythe
Somerset Hill VBFB	Callum Baxter
Parryville VBFB	Kevin Hard
Harewood VBFB	Michael (Mike) Hills
Carmarthen VBFB	Kelly MacLeod
William Bay VBFB	Joan Merrifield
Mt Lindesay VBFB	Murray Brooker
Scotsdale/Shadforth VBFB	Arthur (Sid) Marshall and Peter Mildwaters
Denmark East VBFB	Bronnie Wallace
Ocean Beach VBFB	Derek (Joe) Baker
Bush Fire Control Officers authorised within the prescribed Denmark Fire and Rescue Service Area Only	
Town	Don Atkinson and Gary Stanway

BILL PARKER, Chief Executive Officer.

**LG502****BUSH FIRES ACT 1954****METROPOLITAN FIRE DISTRICT***Town of East Fremantle / City of Fremantle*

## Notice to All Owners and/or Occupiers of Land in East Fremantle and Fremantle

Pursuant to the powers contained in section 33 of the above Act, you are hereby required on or before 30th day of November, 2017 or within fourteen days of the date of you becoming owner or occupier should this be after the 30th day of November 2017 to clear flammable matter from the land in accordance with the following requirements—

(a) **Land having an area of fifteen hundred (1,500) square metres or less—**

The owner or occupier is to remove all the flammable matter from the whole of the property, except living trees, shrubs, plants under cultivation and lawns, by slashing or mowing to a height of not more than 100 millimetres or otherwise to the satisfaction of council or an authorised officer.

(b) **Land having an area of fifteen hundred (1,500) square metres or more—**

- (i) Clear firebreaks of a minimum width of three (3) metres inside all external boundaries of the land and all buildings situated on the land, by ploughing, cultivating or scarifying; or
- (ii) Mow/Slash the whole of the land. The height of vegetation thereafter must not exceed, one hundred (100) millimetres over the entire area of the land, as far as reasonably practicable as determined by the authorised officer.

Once installed the firebreak must be maintained up to and including the 31st day of March 2018.

If it is considered to be impractical for any reason to clear firebreaks as required by this notice, you may apply to the Council or its duly authorised officer not later than the 10th day of November 2017 for permission to provide firebreaks in alternative positions on the land. If the Council or its duly authorised officer does not grant permission, you shall comply with the requirements of this notice.

**The penalty for failing to comply with this notice is a fine of not more than \$5000 and a person in default is also liable, whether prosecuted or not, to pay the cost of performing the work directed in this notice if it is not carried out by the owner or occupier by the date required by this notice.**

NOTE: Burning is prohibited. No permits will be issued.

By order of Town of East Fremantle,

GARY TUFFIN, Chief Executive Officer.

By order of City of Fremantle,

PHILIP ST JOHN, Chief Executive Officer.

LG503

**BUSH FIRES ACT 1954***Shire of Waroona***FIREBREAK NOTICE**

Notice is hereby given to all owners and/or occupiers of land within the Shire of Waroona that the Council pursuant to the powers conferred in Section 33(1), 25(1a) and 24G(2) of the *Bush Fires Act 1954* approved the following requirements at its Special Council Meeting on 8 August 2017 to prevent the outbreak or spread or extension of a bush fire within the district and deal with other fire related preparedness and prevention matters.

Pursuant to Section 33 of the *Bush Fires Act 1954*, all owners and/or occupiers of land are required to carry out fire prevention work in accordance with the requisitions of this notice on or before the 30 November each calendar year or within fourteen days of the date of becoming the owner or occupier of the land, should this be after the 30 November. All work specified in this Notice is to be maintained throughout the summer months until the close of the restricted burning time the following calendar year.

**Definitions**

For the purpose of this Notice the following definitions apply—

“**authorised officer**” means a person authorised by the Shire of Waroona and appointed as a Bush Fire Control Officer.

“**asset protection zone**” means the area within a distance of 20 metres measured from any external wall of any habitable building. The location is within the boundaries of the lot on which the habitable building is situated. The following work is required to be completed and maintained within an asset protection zone. The fuel loading (flammable material) is to be reduced and maintained to a height of less than 5 centimetres or less than 2 tonnes per hectare. Tree crowns are to be a minimum of 10 metres apart. Low trees are to be pruned to a height of 2 metres. No tall shrub or trees are to be located within 2 metres of a building (including windows). Fences within the asset protection zone are constructed using non-combustible materials. (e.g. colorbond iron, brick, limestone). Sheds or other outbuildings within the asset protection zone shall not contain flammable materials unless stored in approved storage containers. Tall shrubs within the asset protection zone are not to be planted in clumps within 3 metres of a habitable building. Tree crowns shall not overhang a dwelling and shrubs and trees within the asset protection zone are not to have dead material within the plant.

Managed and/or reticulated gardens, as defined in Australian Standard 3959-2009 as “low threat vegetation” are exempt unless otherwise advised by the authorised officer.

Where an asset protection zone is required to be maintained as part of an approved Bushfire Attack Level (BAL) assessment it must be maintained in accordance with the BAL report. (Shire of Waroona Planning approval is exempt for the purpose of implementing an asset protection zone).

“**building protection zone**” has the same meaning as “*asset protection zone*”

“**bushfire management plan**” means a plan that has been developed and approved by the Shire to reduce and mitigate fire hazards within a particular subdivision, lot or other area of land anywhere in the district.

“**private driveway**” means the point of access (driveway) to a habitable building and/or outbuildings that is accessible for both conventional two wheel drive vehicles and 3.4 firefighting appliances that is totally clear of all vegetation, trees, bushes, shrubs and other objects or things encroaching into the vertical axis of the point of access.

If the point of access (driveway) to a habitable building and/or outbuildings is longer than 50 metres from a public road, a turn-around area of 17.5 metres is to be available. Where driveways are longer than 50 metres there shall be the ability for vehicles to pass/turn around on driveways at intervals no greater than 100 metres.

“**firebreak**” means a strip of land that has been cleared of all trees, bushes, grasses and any other object or thing or flammable vegetation material to a trafficable surface leaving clear bare mineral earth. This includes the trimming back and removal of all overhanging trees, bushes, shrubs and any other object or thing over the vertical axis of the fire break area. Firebreaks constructed on road verges do not constitute a legal firebreak.

“**fire management plan**” has the same meaning as “*bushfire management plan*”

“**fuel depot / storage area**” means an area of land, a building or structure where fuel, i.e. (petrol, diesel, kerosene, liquid gas or any other fossil fuel) is kept in any container or manner.

“**flammable material**” means any plant, tree, grass, vegetable, substance, object, thing or material (except living flora including live standing trees) that may or is likely to catch fire and burn or any other thing deemed by an authorised officer to be capable of combustion.

“**habitable building**” Means a dwelling, work place, place of gathering or assembly, and includes a building used for storage or display of goods or produce for sale by wholesale in accordance with classes 1-9 of the Building Code of Australia.

The term habitable building includes attached and adjacent structures like garages, carports, verandahs or similar roofed structure(s) that are attached to, or within 6 metres of the dwelling or primary building.

“**outbuilding**” means any structure, shed, building, storage facility or structure or alike built for any purpose outside of the definition of the “habitable structure” definition.

“**haystack**” means any collection of hay including fodder rolls placed or stacked together that exceeds 100 cubic metres in size (eg 5m x 5m x 4m).

“**plantations**” means any area of planted pines, eucalypt, hardwood or softwood trees exceeding 3 hectares in area.

“**shed**” has the same meaning as outbuilding.

“**size**” means the size of individual parcel or lot of land as recorded in the Shire of Waroona property Rates Register or land database.

1 hectare = 10,000m<sup>2</sup> = 2.47 acres

1 acre = 4046.86m<sup>2</sup> = 0.4046 hectare

“**trafficable**” means to be able to travel from one point to another in a 4x4 fire appliance on a clear surface, unhindered without any obstruction that may endanger resources. A Firebreak is not to terminate in a dead end without provision for egress to a safe place or a cleared turn around area of 17.5 metre radius.

“**vertical axis**” means a continuous vertical uninterrupted line at a right angle to the horizontal line of the firebreak to a minimum height of 4.5 metres from the ground.

“**zoning**” means the land zoning description as recorded in the Shire of Waroona property Rates Register.

### FIRE PREVENTION REQUIREMENTS

#### 1. All land 4050m<sup>2</sup> or greater

- (a) A 3 metre wide firebreak shall be constructed and maintained inside all external boundaries as close as practicable, but within 50 metres of the boundaries so as to form a continuous firebreak around the land,
- (b) A 3 metre wide firebreak is to be constructed and maintained immediately surrounding all outbuildings, sheds, haystacks, groups of buildings and fuel depots/storage areas situated on the land,
- (c) A 4 metre wide private driveway to be installed and maintained; and,
- (d) An asset protection zone to be installed and maintained immediately surrounding all habitable buildings and outbuildings.

#### 2. All land 4049m<sup>2</sup> or less

- (a) All flammable material on the entire property is to be reduced and maintained to a height of less than 5 centimetres.
- (b) All land within this category definition requires;
  - (i) A 4 metre wide private driveway to be installed and maintained; and,
  - (ii) An asset protection zone to be installed and maintained around all habitable and outbuildings.

#### 3. Plantations

- (a) **Boundary firebreaks**—All property boundaries must have a 15 metre firebreak installed. The outer 10 metres will be cleared of all flammable material while the inner 5 metres, i.e. that portion closest to the trees, may be kept in a reduced fuel state, i.e. by slashing or grazing grass to a height of less than 5 centimetres. This includes the trimming back of all overhanging limbs, bushes, shrubs and any other object encroaching into the vertical axis above outer 10 metres of the firebreak area.
- (b) **Internal firebreaks**—Plantation area must be subdivided into areas not greater than 30 hectares, separated by 6 metre wide firebreaks. This includes the trimming back of all overhanging limbs, bushes, shrubs and any other object encroaching into the vertical axis of the firebreak area.
- (c) **Public Roads and Railway Reserves**—Firebreaks shall be constructed and maintained immediately inside any boundary that adjoins a public road and/or railway reserve. The specifications will be the same as for “Boundary Firebreaks” on Plantations.
- (d) **Power Lines**—Firebreaks shall be provided along power lines where they pass through or lie adjacent to Plantations. The specification of the width and the height of clearing shall be in accordance with Western Power specifications.
- (e) All Plantations shall comply with requirements contained in the Department of Fire and Emergency Services (DFES) Guidelines for Plantation Fire Protection.
- (f) **Storage of Cut or Stockpiled Timber Products**—On all land in the district except, land specified as Industrial, Non Rateable or Reserve Land the owner or occupier of the land shall not keep or permit to be kept any cut, stockpiled or windrowed timber products (manufactured or natural) unless the material is in piles of less than 15 metres long, 5 metres wide and 3 metres high. Every pile of cut, stockpiled or windrowed timber product larger than 12 cubic metres is to be completely surrounded by a 10 metre wide firebreak.

#### 4. Variations

If it is considered to be impractical for any reason to clear firebreaks or establish other arrangements as required by this Notice, the owner or occupier of land in the district may apply for a variation prior to the 14 November each calendar year to arrange for an onsite inspection to discuss the alternate

methods of fire prevention. Variations may be approved by the Shire for a 1, 3 or 5 year period, subject to the owner and/or occupier of the land remaining the same. If a request to vary this Notice is not approved, the requirements of this Notice apply.

### **5. Bushfire Management Plans**

Where a Bushfire Management Plan (BMP) exists for a specified area or property as required by the Local Planning Scheme or subdivision approval or for an individual or group of properties, compliance with all requirements of the BMP are required in addition to any further requirements within this Notice.

### **6. Special Works Order**

The requirements of this Notice are considered to be the minimum requirement for fire prevention work not only to protect individual properties but the district generally.

A Separate Special Works Order may be issued to individual landowners pursuant to Section 33 of the *Bush Fires Act 1954* to carry out further hazard removal and/or reduction work with respect to anything upon the land, where in the opinion of an authorised officer it is likely to be conducive to the outbreak and/or the extension of a bush fire.

### **7. Dates to Remember**

#### **Restricted Burning Time:**

1 November to 14 December each year (inclusive) and 1 March to 25 April each year (inclusive, and as varied pursuant to Section 18 of the *Bush Fires Act 1954*).

Fire permits must be obtained from your relevant Fire Control Officer for burning off during the restricted burning time. Prior to commencement of a burn you are required to notify the Shire of Waroona Administration Office of time/s, date/s and location number/s.

#### **Prohibited Burning Time:**

15 December to 28 February each year (inclusive, and as varied pursuant to Section 17 of the *Bush Fires Act 1954*).

The above dates are subject to variation and any alterations will be published in a local newspaper circulating within the district.

### **8. Camp or Cooking Fires—s 25(1a) *Bush Fires Act 1954***

The lighting of camp or cooking fires is prohibited on all land within the Shire of Waroona during the Prohibited Burning Time. This prohibition does not apply to a gas appliance which does not consume solid fuel comprising of a fire, the flame of which is encapsulated by the appliance.

### **9. Burning of Garden Refuse and Rubbish—s 24G *Bush Fires Act 1954***

The burning of garden refuse or rubbish is prohibited on all land under 4000m<sup>2</sup> in size during the Limited Burning Time that would otherwise be permitted under Section 24F.

For the purposes of this Clause “Limited Burning Time” means the 1 November each calendar year through until 25 April the following calendar year (inclusive, and as varied pursuant to Sections 17 and 18 of the *Bush Fires Act 1954*).

On land larger than 4001m<sup>2</sup> the burning garden waste and rubbish that would otherwise be permitted under Section 24F, is prohibited absolutely during the Prohibited Burning Time.

The effect of this clause is that the burning of garden refuse or rubbish in an incinerator or on the ground on land that is 4000m<sup>2</sup> or less in size is prohibited during the Limited Burning Time and the burning of garden refuse or rubbish in an incinerator or on the ground is prohibited on all land within the district during the Prohibited Burning Time.

In addition to the above restrictions, garden refuse burned on the ground is burned in accordance with this clause if—

- (a) there is no flammable material (other than that being burned) within 5 metres of the fire at any time while the fire is burning; and,
- (b) the fire is lit between 6pm. and 11pm and is completely extinguished before midnight on the same day; and,
- (c) at least one person is present at the site of the fire at all times until it is completely extinguished; and,
- (d) only one pile (up to one cubic metre in size), is burnt at a time; and,
- (e) when the fire is no longer required, the person ensures that the fire is completely extinguished by the application of water or earth.

but excluding any time when there is in force a fire danger forecast issued for that place by the Bureau of Meteorology in Perth of “catastrophic”, “extreme”, “severe” or “very high”.

### **10. Penalties**

The penalty for failing to comply with this Notice is a fine not exceeding \$5,000. A person in default is also liable whether prosecuted or not to pay the costs of performing the work directed by this Notice if it is not carried out by the owner and/or occupier by the date required by this Notice.

IAN CURLEY, Chief Executive Officer.

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**MINERALS AND PETROLEUM**


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MP401

**MINING ACT 1978**  
INTENTION TO FORFEIT

Department of Mines and Petroleum,  
Perth WA 6000.

In accordance with Regulation 50(b) of the *Mining Regulations 1981*, notice is hereby given that unless the rent due on the under mentioned mining tenements are paid on or before 26 October 2017 it is the intention of the Minister for Mines and Petroleum under the provisions of sections 96A(1) and 97(1) of the *Mining Act 1978* to forfeit such for breach of covenant, being non-payment of rent.

DIRECTOR GENERAL.

Number	Holder	Mineral Field
EXPLORATION LICENCE		
E 09/2159	Hurricane Prospecting Pty Ltd	Gascoyne
E 09/2160	Hurricane Prospecting Pty Ltd	Gascoyne
E 09/2161	Hurricane Prospecting Pty Ltd	Gascoyne
E 15/1400	Strindberg, Maxwell Peter	Coolgardie
E 15/1473	Ainsworth, Ian Roger	Coolgardie
E 15/1495	McClaren, Kym Anthony Mansen, James Karl	Coolgardie
E 16/456	Siberia Mining Corporation Pty Ltd	Coolgardie
E 21/183	Molloy, Marjorie Ann	Murchison
E 28/2307	Abeh Pty Ltd	N. E. Coolgardie
E 51/1234	Xstrata Nickel Australasia Operations Pty Ltd	Murchison
E 51/1238	Xstrata Nickel Australasia Operations Pty Ltd	Murchison
E 52/2724	Australian Copper Holdings Pty Ltd	Peak Hill
E 58/508	King, Jonathan David	Murchison
E 74/564	Burton, Ian Geoffrey	Phillips River
E 80/4955	East Kimberley Resources Pty Ltd	Kimberley

MINING LEASE

M 04/455	Spinifex Abrasives Pty Ltd	West Kimberley
M 27/488	Hodges, Rodney Charles Hodges, Kenneth John	N. E. Coolgardie
M 30/133	Carnegie Gold Pty Ltd	North Coolgardie
M 59/291	Ucabs Pty Ltd	Yalgoo
M 59/752	Humphry, Narelle Humphry, Scott Andrew Martin, Joel Thackwell, Raymond William	Yalgoo
M 70/504	Vassecoco Pty Ltd	South West

MP404

**MINING ACT 1978**  
FORFEITURE

Department of Mines and Petroleum,  
East Perth WA 6004.

I hereby declare in accordance with the provisions of section 97 of the *Mining Act 1978* that the undermentioned mining tenement is forfeited for failure to comply with the reporting provisions being failure to lodge Operations Reports.

FREDERICK IVOR ROBERTS, Executive Director,  
Mineral Titles.

Tenement	Holder	Mineral Field
MINING LEASE		
M08/464	Yarri Mining Pty Ltd	Ashburton

**MP402****MINING ACT 1978****INSTRUMENT OF EXEMPTION OF LAND**

I, Frederick Ivor Roberts, Executive Director, Mineral Titles, pursuant to the powers conferred on me by section 19 of the *Mining Act 1978*, hereby declare the land described hereunder (not being private land or land that is the subject of a mining tenement or an application for a mining tenement) exempt from Divisions 1 to 5 of Part IV of the *Mining Act 1978*.

**Locality**

Mungari

**Description of Land**

Land designated S19/371 in the TENGRAPH electronic plan of the Department of Mines, Industry Regulation and Safety. A geospatial description is filed in the Department of Mines, Industry Regulation and Safety electronic file number A1403/201401 document ID 5278973.

**Area of Land**

406.28 hectares

Dated at Perth this 21st day of September 2017.

FREDERICK IVOR ROBERTS, Executive Director,  
Mineral Titles.

**MP403****MINING ACT 1978****APPLICATION FOR AN ORDER FOR FORFEITURE**

Department of Mines and Petroleum,  
Mt. Magnet WA 6638.

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

J. SCUTT, Warden.

To be heard by the Warden at Mt. Magnet on 16 November 2017.

**MURCHISON MINERAL FIELD***Prospecting Licences*

P 20/2095	Zelda Therapeutics Limited
P 20/2096	Zelda Therapeutics Limited

**MP405****MINING ACT 1978****APPLICATION FOR AN ORDER FOR FORFEITURE**

Department of Mines and Petroleum,  
Meekatharra WA 6642.

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

J. SCUTT, Warden.

To be heard by the Warden at Meekatharra on 15 November 2017.

**MURCHISON MINERAL FIELD***Prospecting Licences*

P 51/2802	King, Trent Nathan
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**MP406****MINING ACT 1978****INSTRUMENT OF VARIATION TO EXEMPTION OF LAND**

The Minister for Mines and Petroleum, pursuant to the powers conferred on him by Section 19 of the *Mining Act 1978*, hereby varies the exemption of land originally declared on 23 March 2011 and published in the *Government Gazette* dated 1 April 2011 by varying the description to that as described hereunder (not being private land or land that is the subject of a mining tenement or an application for a mining tenement) exempt from Divisions 1 to 5 of Part IV of the *Mining Act 1978*. The exemption will expire on 22 March 2019.

**Locality**

Port Hedland

**Description of Land**

Land designated S19/323 in the TENGRAPH electronic plan of the Department of Mines, Industry Regulation and Safety. A geospatial description is filed in the Department of Mines, Industry Regulation and Safety electronic file number A2248/201401, document ID 5215058 .

**Area of Land**

13098 hectares

Dated at Perth this 13th day of September 2017.

Hon BILL JOHNSTON MLA, Minister for Mines and Petroleum.

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**PLANNING**

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**PL401****PLANNING AND DEVELOPMENT ACT 2005****DECLARATION OF PLANNING CONTROL AREA 3**

*Shire of Murray*

Lot 412 (17) Big Lake View, Barragup

File: RLS/0714/1

**General description**

The Minister for Planning; Lands has granted approval to the declaration of a Planning Control Area over land at Lot 412 (17) Big Lake View, Barragup in the Shire of Murray as shown on Western Australian Planning Commission (WAPC) plan number 4.1642.

**Purpose**

Declaration of Planning Control Area No. 3 over this land will protect the environmental values of the land, provide access to land-locked regional open space on the eastern side of Black Lake and mitigate the fire access risk. The WAPC considers that the Planning Control Area is required to ensure no development occurs on this land that might prejudice this purpose until it may be reserved for Regional Open Space in the Peel Region Scheme.

**Duration and effects**

The planning control area remains in effect for a period of five years from the date of publication of this notice in the *Government Gazette* or until revoked by the WAPC with approval from the Minister, whichever is the sooner.

A person shall not commence and carry out development in a planning control area without the prior approval of the WAPC. The penalty for failure to comply with this requirement is \$200,000 and, in the case of a continuing offence, a further fine of \$25,000 for each day during which the offence continues.

Compensation is payable in respect of land injuriously affected by this declaration, and land so affected may be acquired by the WAPC in the same circumstances and in the same manner as if the land had been reserved in the Peel Region Scheme for a public purpose.

**Display locations**

- Western Australian Planning Commission, 140 William Street, Perth
- Department of Planning, Lands and Heritage, Unit 2B, 11-13 Pinjarra Road, Mandurah
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- Municipal office of the Shire of Murray, 1915 Pinjarra Road, Pinjarra WA

KERRINE BLENKINSOP, Secretary,  
Western Australian Planning Commission.

## PL402

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

*City of Bunbury*

Town Planning Scheme No. 7—Amendment No. 78

Ref: TPS/1586

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 Bunbury Town Planning Scheme amendment on 1 September 2017 for the purpose of—

1. Amending the Scheme Text by inserting the following land use class definitions within section '1.2 Land Use Definitions' of 'Schedule 1—Dictionary of Defined Words and Expressions'—  
 'Ancillary dwelling' has the same meaning as in the Residential Design Codes.
2. Amending the table under 'Schedule 2—Special Use Zones' of the Scheme Text by inserting the following additional provisions for 'Special Use Zone No. 61—Local Centre'—

No.	Description of Land	Special Uses	Conditions
61	Lot 100 Bunning Boulevard, East Bunbury	<p>The following 'P' uses—</p> <ul style="list-style-type: none"> <li>(a) Consulting Rooms</li> <li>(b) Convenience Store</li> <li>(c) Lunch Bar</li> <li>(d) Office</li> <li>(e) Shop</li> <li>(f) Showroom</li> </ul> <p>The following 'D' uses are permitted where the local government has exercised its discretion by granting planning approval—</p> <ul style="list-style-type: none"> <li>(a) Car Park;</li> <li>(b) Civic Use;</li> <li>(c) Club Premises;</li> <li>(d) Community Purpose;</li> <li>(e) Fast Food Outlet;</li> <li>(f) Home Business;</li> <li>(g) Home Occupation;</li> <li>(h) Home Office;</li> <li>(i) Multiple Dwelling;</li> <li>(j) Residential Building;</li> <li>(k) Telecommunications Infrastructure.</li> </ul> <p>The following 'A' uses are permitted only where the local government has exercised its discretion by granting planning approval—</p> <ul style="list-style-type: none"> <li>(a) Amusement Parlour;</li> <li>(b) Betting Agency;</li> <li>(c) Child Care Premises;</li> </ul>	<p>The following provisions apply to any subdivision and/or development undertaken on land within Special Use Zone No. 61—Local Centre, and where relevant, are to be incorporated into an integrated Local Development Plan prepared for the entire development site of Lot 100 Bunning Boulevard (encompassing both Special Use Zone No. 61—Local Centre and Special Use Zone No. 62—Residential Frame).</p> <p><b>1 Land Use Requirements</b></p> <p>1.1 Development of Special Use Zone No. 61 shall only be permitted where undertaken concurrently with residential development within Special Use Zone No. 62.</p> <p>1.2 Residential development is to be in accordance with the requirements of a residential density Code of R100, as prescribed under the Residential Design Codes.</p> <p>1.3 The sum total of retail floorspace within the boundary of the Special Use Zone shall be restricted to a maximum of 2,000m<sup>2</sup> net lettable area.</p> <p>1.4 The sum total of 'Showroom' use per lot (including a strata or survey strata lot) shall be restricted to a floorspace maximum of 500m<sup>2</sup> net lettable area.</p> <p>1.5 Drive-through facilities shall not be permitted as part of any 'Fast Food Outlet', 'Lunch Bar' or 'Restaurant' use.</p> <p><b>2 Local Development Plan</b></p> <p>2.1 The preparation and submission of a Local Development Plan for the entire development site of Lot 100 Bunning Boulevard (encompassing both Special Use Zone No. 61—Local Centre and Special Use Zone No. 62—Residential Frame) is required to be adopted by the local government prior to any subdivision or planning approval being granted.</p> <p>2.2 The Local Development Plan shall include information or detail to the specification and satisfaction of the local government dealing with, but not limited to, the following—</p> <ul style="list-style-type: none"> <li>(a) Indicative lot layout of subdivision design.</li> <li>(b) Standards and requirements for development and building design.</li> <li>(c) Any required limitations on floorspace areas relating to particular land uses.</li> <li>(d) Building envelopes (including maximum and minimum building area footprint and height).</li> <li>(e) Development setbacks from property boundaries and between buildings, accessways and right-of-ways.</li> <li>(f) Interface and buffer treatments between surrounding residential uses and the development site.</li> </ul>

No.	Description of Land	Special Uses	Conditions
		(d) Educational Establishment; (e) Market; (f) Medical Centre; (g) Reception Centre; (h) Recreation—Private; (i) Restaurant. All other land uses under the Zoning Table not listed as special uses are an 'X' use.	(g) Urban design standards to guide, but not limited to, the following— <ul style="list-style-type: none"> <li>(i) building orientation;</li> <li>(ii) active frontages;</li> <li>(iii) building entrances;</li> <li>(iv) crossovers and accessways;</li> <li>(v) building façades;</li> <li>(vi) rooflines;</li> <li>(vii) treatment of streetscapes and residential interfaces; and</li> <li>(viii) location of car parking structures (garages and carports).</li> </ul> (h) Transport Assessment prepared by a suitably qualified person, to the specifications and satisfaction of the local government, in accordance with the WAPC's Transport Assessment Guidelines for Developments Volume 3—Subdivision, as amended. <ul style="list-style-type: none"> <li>(i) Pedestrian and bicycle pathway network, including bicycle parking and end of trip facilities.</li> <li>(j) Vehicle access and internal circulation areas, car parking areas, service and emergency vehicle loading/unloading areas, and local area traffic management treatments.</li> <li>(k) The provision of visual screening to parking, servicing, waste storage and loading areas.</li> <li>(l) Passive surveillance and application of Crime Prevention Through Environmental Design (CPTED) principles in accordance with the WAPC's Designing Out Crime Planning Guidelines (2006).</li> <li>(m) Waste management arrangements for the collection, storage and disposal of all waste materials.</li> <li>(n) Landscape Plan prepared by a suitably qualified person, to the specifications and satisfaction of the local government, in accordance with the requirements of the relevant Local Planning Policy for landscaping, detailing, but not limited to, the following—               <ul style="list-style-type: none"> <li>(i) road and footpath layout for use by pedestrians, cyclists and cars;</li> <li>(ii) vehicle parking, servicing, loading and unloading and turning facilities;</li> <li>(iii) landscaping (both softscape and hardscape) materials and surface finishes;</li> <li>(iv) vegetation species;</li> <li>(v) boundary treatments;</li> <li>(vi) proposed screening;</li> <li>(vii) potential and/or proposed on-street alfresco dining areas;</li> <li>(viii) lighting plan; and</li> <li>(ix) detailed staging of landscaping works.</li> </ul> </li> <li>(o) Stormwater Management Plan prepared by a suitably qualified person, to the specifications and satisfaction of the local government, in accordance with the WAPC's Better Urban Water Management (2008) guidelines to the specifications and satisfaction of the local government.</li> <li>(p) Acid Sulfate Soils Investigation prepared by a suitably qualified person, to the specifications and satisfaction of the local government, in accordance with the WAPC's Acid Sulfate Soils Planning Guidance (2008).</li> </ul>

No.	Description of Land	Special Uses	Conditions
			<p>(q) A Precinct Signage Plan prepared and submitted as part of the Local Development Plan for the entire Special Use Zone to the specifications and satisfaction of the local government, which is to regulate the location and area of signage, the type of signage, its unified style and quality of presentation.</p> <p><b>3 Development Standards</b></p> <p><b>General</b></p> <p>3.1 All development is to be consistent with an adopted Local Development Plan. Where development standards are not prescribed within the provisions of the Special Use Zone or in an adopted Local Development Plan, the general development requirements and standards of the Scheme shall prevail.</p> <p>3.2 All development is to be undertaken in a manner that is consistent with an adopted Infrastructure Implementation Plan.</p> <p><b>Building Height</b></p> <p>3.3 The maximum height of all development is to be 12.0 metres above natural ground level.</p> <p><b>Building Setbacks</b></p> <p>3.4 The setback distance from the primary and secondary street to lot boundaries for all development is to be a minimum of 2.0 metres.</p> <p><b>Building Design and Appearance</b></p> <p>3.5 All development shall—</p> <ul style="list-style-type: none"> <li>(a) provide for a variety of architectural expression;</li> <li>(b) achieve quality contemporary building design;</li> <li>(c) incorporate climatic appropriate and sustainable building principles; and</li> <li>(d) incorporate modulation (recesses and projections), fenestration (patterns of windows and openings), materials, finishes and colour which articulate the building façades and provide visual interest and variety.</li> </ul> <p>3.6 All development and/or land uses are to be oriented and designed to address street and public open space frontages, and are to complement or enhance the local streetscape character and amenity. Buildings are to have their most important facade directly facing the primary street frontage. Where development is located on a corner lot / development site, the most important facade (and main pedestrian entrance) is to be on or facing the primary street or the corner, and is to be designed with appropriate and distinctive architectural features.</p> <p>3.7 Blank unrelieved walls in excess of 10 metres in length and 6 metres in height are not permitted to any street frontage.</p> <p>3.8 Non-residential development on ground floor elevations are to incorporate major and minor openings, with clear glazing or visually permeable surfaces for a minimum of 50% of the building frontage, where a building fronts a street or public open space, as determined by the local government with consideration of any relevant Local Planning Policy and matters to be considered under clause 10.2.</p> <p>3.9 The ground floor of a building containing non-residential uses must provide for a cantilevered or suspended awning or veranda that provides shade and weather protection for pedestrians along the full extent of the primary and/or secondary street building frontage (excluding vehicle access points and rear laneways) to the specifications and satisfaction of the local government.</p>

No.	Description of Land	Special Uses	Conditions
			<p>3.10 The cantilevered or suspended awning or veranda must have a minimum height of 2.75m above natural ground level and a maximum of 4.5m above the footpath, and be setback at least 600mm from the kerb.</p> <p><b>Finished Floor to Floor Heights</b></p> <p>3.11 The minimum finished floor to floor heights for all buildings is to be in accordance with the following—</p> <ul style="list-style-type: none"> <li>(a) 4.0 metres at ground floor for all land uses; and</li> <li>(b) 3.5 metres for above ground floor for non-residential uses.</li> </ul> <p><b>Vehicular Access and Parking</b></p> <p>3.12 Vehicle access and parking is to be provided in accordance with the provisions of the Scheme and/or Residential Design Codes, and located and developed in accordance with the adopted Local Development Plan.</p> <p>3.13 There shall be no vehicle access permitted from or onto Sandridge Road.</p> <p>3.14 Reciprocal rights of access are to be secured over any approved vehicle accessway to allow for its shared use by adjoining premises.</p> <p>3.15 For a mixed use development (in accordance with the R-Code definition) the number of car parking spaces required for the overall mixed use development under Table 2 of the Scheme may be reduced by a maximum of up to 30% provided that—</p> <ul style="list-style-type: none"> <li>(a) the applicant is able to demonstrate to the satisfaction of the local government that the peak hours of operation of the different uses on the land are different or do not substantially overlap; and</li> <li>(b) the bays are clearly marked limiting the purpose for which the parking may be used at different times of the day.</li> </ul> <p>3.16 Car parking areas are generally to be located to the side or rear of the development site. No car parking is permitted within a front setback area to a public street, except—</p> <ul style="list-style-type: none"> <li>(a) where development is in accordance with the requirements of the Residential Design Codes; or</li> <li>(b) where development is in accordance with an adopted Local Development Plan; and</li> <li>(c) instances involving only the change of use of an existing building where opportunities for car parking to the side and/or rear are impractical.</li> </ul> <p><b>Landscaping</b></p> <p>3.17 Setback areas are not to be used for vehicle access, vehicle parking and/or waste management, and are to be landscaped with trees, shrubs and ground cover plants appropriate to the locality and built form.</p> <p>3.18 On-site car parking areas are to be landscaped with shade trees planted at the rate of no less than 1 tree per 6 car bays. Species shall have a clean trunk to 2.0 metres with non-invasive roots.</p> <p><b>Noise Attenuation</b></p> <p>3.19 Buildings must be designed and constructed to mitigate potential internal and external noise impacts within commercial, mixed use, residential and other noise-sensitive land uses. Insulation and acoustic shielding along with the use of acoustic windows, doors, facade materials and ventilation must be utilised to minimise potential noise impacts.</p>

No.	Description of Land	Special Uses	Conditions
			<p>3.20 The design, materials and construction of buildings are to incorporate adequate noise attenuation measures, as demonstrated by an acoustic report, to ensure that the following LAeq levels are not exceeded for dwellings and the residential component of mixed use developments—</p> <ul style="list-style-type: none"> <li>(a) 35dB(A) in any bedroom in the building at any time 10pm to 7am; and</li> <li>(b) 40dB (A) at any time anywhere else in the dwelling (other than a garage, kitchen, bathroom or hallway).</li> </ul> <p>3.21 A noise impact assessment prepared by a suitably qualified person, to the specifications and satisfaction of the local government, may be required to be submitted as part of any application for planning approval for a any development and/or land use where the proposal is for—</p> <ul style="list-style-type: none"> <li>(a) a mixed use development; and/or</li> <li>(b) a non-residential use adjoining any residential or other sensitive land use; and/or</li> <li>(c) a residential or other sensitive land use adjoining a non-residential use; and/or</li> <li>(d) any residential or mixed use development or other sensitive land use adjoining any designated primary freight road, Primary Regional Roads Reserve or Other Regional Roads Reserve;</li> </ul> <p>where there is the potential for noise impacts (land use conflict).</p> <p><b>Hours of Operation</b></p> <p>3.22 Non-residential development shall not be permitted to trade or undertake activities (e.g. deliveries) between the hours of 7.00pm to 7.00am Monday to Saturday and 7.00pm to 9.00am on Sundays unless supported by a Development Impact Statement submitted for consideration at the development application stage. Prepared to the satisfaction of local government, the Development Impact Statement shall address issues that have the potential to impact upon the amenity of existing and future residents, such as noise, lighting and crime prevention, and propose appropriate mitigating measures for consideration.</p> <p><b>4 Infrastructure Implementation Plan</b></p> <p>4.1 An Infrastructure Implementation Plan is to be prepared by a suitably qualified person, to the specifications and satisfaction of the local government which shall address, but not be limited to, the following—</p> <ul style="list-style-type: none"> <li>(a) the identification of any new infrastructure items or the upgrading of any existing infrastructure items (including those recommendations of the approved Transport Assessment);</li> <li>(b) arrangements for the implementation of all identified infrastructure items, including but not limited to the following— <ul style="list-style-type: none"> <li>(i) provision of pedestrian and bicycle pathways;</li> <li>(ii) reconfiguration and/or improvements to— <ul style="list-style-type: none"> <li>(1) Picton Road to accommodate a slip lane;</li> <li>(2) intersection treatment of Bunning Boulevard and Picton Road,</li> <li>(3) intersection treatment of Duncan Way and Bunning Boulevard, and</li> <li>(4) intersection treatment of Bunning Boulevard and Inkpen Road;</li> </ul> </li> </ul> </li> </ul>

No.	Description of Land	Special Uses	Conditions
			(c) the timing and/or staging of any infrastructure works. 4.2 The Infrastructure Implementation Plan is to be submitted to the local government for consideration and approval prior to the adoption of a Local Development Plan.

3. Amending the table to 'Schedule 2—Special Use Zones' of the Scheme Text by inserting the following additional provisions for 'Special Use Zone No. 62—Residential Frame'—

No.	Description of Land	Special Uses	Conditions
62	Lot 100 Bunning Boulevard, East Bunbury	All special uses are to be in accordance with the 'Residential' zone of 'Table No. 1—Zoning Table', with residential development up to a density of R60 permitted.	<p>The following provisions apply to any subdivision and/or development undertaken on land within Special Use Zone No. 62—Residential Frame, and where relevant, are to be incorporated into an integrated Local Development Plan prepared for the entire development site of Lot 100 Bunning Boulevard (encompassing both Special Use Zone No. 62—Residential Frame and Special Use Zone No. 61—Local Centre).</p> <p><b>1 Land Use Requirements</b></p> <p>1.1 Development of Special Use Zone No. 62 shall only be permitted where undertaken concurrently with development within Special Use Zone No. 61.</p> <p>1.2 Residential development is to be in accordance with the requirements of a residential density Code of R60, as prescribed under the Residential Design Codes.</p> <p>1.3 All land use and development adjacent to the Bunning Boulevard and Duncan Way road reserves is to be limited to residential development/uses only.</p> <p>1.4 The depth of any residential development/uses adjacent to the Bunning Boulevard and Duncan Way road reserves is to be a minimum of 15 metres, as measured from the property boundary to the Bunning Boulevard and Duncan Way road reserves.</p> <p><b>2 Local Development Plan</b></p> <p>2.1 The preparation and submission of a Local Development Plan for the entire development site of Lot 100 Bunning Boulevard (encompassing both Special Use Zone No. 61—Local Centre and Special Use Zone No. 62—Residential Frame) is required to be adopted by the local government prior to any subdivision or planning approval being granted.</p> <p>2.2 The Local Development Plan shall include information or detail to the specification and satisfaction of the local government dealing with, but not limited to, the following—</p> <p>(a) Indicative lot layout of subdivision design.</p> <p>(b) Location and extent of communal and private outdoor living areas.</p> <p>(c) Standards and requirements for development and building design.</p> <p>(d) Any required limitations on floorspace areas relating to particular land uses.</p> <p>(e) Building envelopes (including maximum and minimum building area footprint and height).</p> <p>(f) Development setbacks from property boundaries and between buildings, accessways and right-of-ways.</p> <p>(g) Interface and buffer treatments between surrounding residential uses and the development site.</p> <p>(h) Urban design standards to guide, but not limited to, the following—</p> <p>(i) building orientation;</p> <p>(ii) active frontages;</p> <p>(iii) building entrances;</p> <p>(iv) crossovers and accessways;</p>

No.	Description of Land	Special Uses	Conditions
			<ul style="list-style-type: none"> <li>(v) building façades;</li> <li>(vi) rooflines;</li> <li>(vii) treatment of streetscapes and residential interfaces; and</li> <li>(vii) location of car parking structures (garages and carports).</li> <li>(i) Transport Assessment prepared by a suitably qualified person, to the specifications and satisfaction of the local government, in accordance with the WAPC's Transport Assessment Guidelines for Developments Volume 3—Subdivision, as amended.</li> <li>(j) Pedestrian and bicycle pathway network, including bicycle parking and end of trip facilities.</li> <li>(k) Vehicle access and internal circulation areas, car parking areas, service and emergency vehicle loading/unloading areas, and local area traffic management treatments.</li> <li>(l) The provision of visual screening to parking, servicing, waste storage and loading areas.</li> <li>(m) Passive surveillance and application of Crime Prevention Through Environmental Design (CPTED) principles in accordance with the WAPC's Designing Out Crime Planning Guidelines (2006).</li> <li>(n) Waste management arrangements for the collection, storage and disposal of all waste materials.</li> <li>(o) Landscape Plan prepared by a suitably qualified person, to the specifications and satisfaction of the local government, in accordance with the requirements of the relevant Local Planning Policy for landscaping, detailing, but not limited to, the following— <ul style="list-style-type: none"> <li>(i) road and footpath layout for use by pedestrians, cyclists and cars;</li> <li>(ii) vehicle parking, servicing, loading and unloading and turning facilities;</li> <li>(iii) landscaping (both softscape and hardscape) materials and surface finishes;</li> <li>(iv) vegetation species;</li> <li>(v) boundary treatments;</li> <li>(vi) proposed screening;</li> <li>(vii) potential and/or proposed on-street alfresco dining areas;</li> <li>(viii) lighting plan; and</li> <li>(ix) detailed staging of landscaping works.</li> </ul> </li> <li>(p) A Precinct Signage Plan prepared and submitted as part of the Local Development Plan for the entire Special Use Zone to the specifications and satisfaction of the local government, which is to regulate the location and area of signage, the type of signage, its unified style and quality of presentation.</li> <li>(q) Stormwater Management Plan prepared by a suitably qualified person, to the specifications and satisfaction of the local government, in accordance with the WAPC's Better Urban Water Management (2008) guidelines to the specifications and satisfaction of the Department of Water and the local government.</li> <li>(r) Acid Sulfate Soils Investigation prepared by a suitably qualified person, to the specifications and satisfaction of the local government, in accordance with the WAPC's Acid Sulfate Soils Planning Guidance (2008).</li> </ul>



No.	Description of Land	Special Uses	Conditions
			<p><b>3 Development Standards</b></p> <p><i>General</i></p> <p>3.1 All development is to be consistent with an adopted Local Development Plan. Where development standards are not prescribed within the provisions of the Special Use Zone or in an adopted Local Development Plan, the general development requirements and standards of the Scheme shall prevail.</p> <p>3.2 All development is to be undertaken in a manner that is consistent with an approved Infrastructure Implementation Plan.</p> <p><i>Building Height</i></p> <p>3.3 The maximum height of all development is to be 12.0 metres above natural ground level.</p> <p><i>Building Setbacks</i></p> <p>3.4 The setback distance from the primary and secondary street to lot boundaries for all development is to be a minimum of 2.0 metres.</p> <p><i>Building Design and Appearance</i></p> <p>3.5 All development shall—</p> <ul style="list-style-type: none"> <li>(a) provide for a variety of architectural expression;</li> <li>(b) achieve quality contemporary building design;</li> <li>(c) incorporate climatic appropriate and sustainable building principles; and</li> <li>(d) incorporate modulation (recesses and projections), fenestration (patterns of windows and openings), materials, finishes and colour which articulate the building façades and provide visual interest and variety.</li> </ul> <p>3.6 All development and/or land uses are to be oriented and designed to address street and public open space frontages, and are to complement or enhance the local streetscape character and amenity. Buildings are to have their most important facade directly facing the primary street frontage. Where development is located on a corner lot / development site, the most important facade (and main pedestrian entrance) is to be on or facing the primary street or the corner, and is to be designed with appropriate and distinctive architectural features.</p> <p>3.7 Buildings must provide shelter for pedestrians from the elements at the point of entry.</p> <p><i>Vehicular Access and Parking</i></p> <p>3.8 Vehicle access and parking is to be provided in accordance with the provisions of the Scheme and/or Residential Design Codes, and located and developed in accordance with the adopted Local Development Plan.</p> <p>3.9 Reciprocal rights of access are to be secured over any approved vehicle accessway to allow for its shared use by adjoining premises.</p> <p>3.10 The number of car parking bays required is to be provided in accordance with Table 2 of the Scheme.</p> <p>3.11 Car parking and access is to be located to the rear of the development site. No car parking is permitted within a front setback area to a public street, except—</p> <ul style="list-style-type: none"> <li>(a) where development is in accordance with the requirements of the Residential Design Codes; or</li> <li>(b) instances involving only the change of use of an existing building where opportunities for car parking to the side and/or rear are impractical.</li> </ul>

No.	Description of Land	Special Uses	Conditions
			<p><b>Landscaping</b></p> <p>3.12 Setback areas are not to be used for vehicle access, vehicle parking and/or waste management, and are to be landscaped with trees, shrubs and ground cover plants appropriate to the locality and built form.</p> <p>3.13 On-site car parking areas are to be landscaped with shade trees planted at the rate of no less than 1 tree per 6 car bays. Species shall have a clean trunk to 2.0 metres with non-invasive roots.</p> <p><b>Noise Attenuation</b></p> <p>3.14 Buildings must be designed and constructed to mitigate potential internal and external noise impacts within commercial, mixed use, residential and other noise-sensitive land uses. Insulation and acoustic shielding along with the use of acoustic windows, doors, facade materials and ventilation must be utilised to minimise potential noise impacts.</p> <p>3.15 The design, materials and construction of buildings are to incorporate adequate noise attenuation measures, as demonstrated by an acoustic report, to ensure that the following LAeq levels are not exceeded for dwellings—</p> <ul style="list-style-type: none"> <li>(a) 35dB(A) in any bedroom in the building at any time 10pm to 7am; and</li> <li>(b) 40dB (A) at any time anywhere else in the dwelling (other than a garage, kitchen, bathroom or hallway).</li> </ul> <p>3.16 A noise impact assessment prepared by a suitably qualified person, to the specifications and satisfaction of the local government, may be required to be submitted as part of any application for planning approval for a any development and/or land use where the proposal is for—</p> <ul style="list-style-type: none"> <li>(a) a non-residential use adjoining any residential or other sensitive land use; and/or</li> <li>(b) a residential or other sensitive land use adjoining a non-residential use; and/or</li> <li>(c) any residential development or other sensitive land use adjoining any designated primary freight road, Primary Regional Roads Reserve or Other Regional Roads Reserve;</li> </ul> <p>where there is the potential for noise impacts (land use conflict).</p> <p><b>4 Infrastructure Implementation Plan</b></p> <p>4.1 An Infrastructure Implementation Plan is to be prepared by a suitably qualified person, to the specifications and satisfaction of the local government which shall address, but not be limited to, the following—</p> <ul style="list-style-type: none"> <li>(a) the identification of any new infrastructure items or the upgrading of any existing infrastructure items (including those recommendations of the approved Transport Assessment);</li> <li>(b) arrangements for the implementation of all identified infrastructure items, including but not limited to the following— <ul style="list-style-type: none"> <li>(i) provision of pedestrian and bicycle pathways;</li> <li>(ii) reconfiguration and/or improvements to— <ul style="list-style-type: none"> <li>(1) Picton Road to accommodate a slip lane;</li> <li>(2) intersection treatment of Bunning Boulevard and Picton Road,</li> <li>(3) intersection treatment of Duncan Way and Bunning Boulevard, and</li> <li>(4) intersection treatment of Bunning Boulevard and Inkpen Road;</li> </ul> </li> </ul> </li> </ul>

No.	Description of Land	Special Uses	Conditions
			<p>(c) the timing and/or staging of any infrastructure works.</p> <p>4.2 The Infrastructure Implementation Plan is to be submitted to the local government for consideration and approval prior to the adoption of a Local Development Plan.</p>

4. Amending the Scheme Map by—

- (a) deleting the 'Development Investigation Policy Area' Special Control Area from Lot 100 Bunning Boulevard on the Scheme Map.
- (b) rezoning part of the land included in Lot 100 Bunning Boulevard from 'Residential Zone' with a residential density coding of 'R20' and 'No Zone' to 'Special Use Zone' with the text 'S.U.61—Local Centre' depicted over that portion of Lot 100 Bunning Boulevard in accordance with the Scheme Amendment Map; and
- (c) rezoning part of the land included in Lot 100 Bunning Boulevard from 'Residential Zone' with a residential density coding of 'R20' to 'Special Use Zone' with the text 'S.U.62—Residential Frame' depicted over the portion Lot 100 Bunning Boulevard in accordance with the Scheme Amendment Map.

G. BRENNAN, Mayor.  
M. OSBORNE, A/Chief Executive Officer.

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## PREMIER AND CABINET

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PR401

### RESIGNATION OF CLERK OF THE EXECUTIVE COUNCIL

It is hereby notified for public information that the Governor, in Executive Council, has accepted the resignation of Ms Kathryn Andrews as Clerk of the Executive Council with effect from the close of business on 22 September 2017.

N. HAGLEY, Clerk of the Executive Council.

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## DECEASED ESTATES

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ZX401

### TRUSTEES ACT 1962

#### DECEASED ESTATES

##### Notice to Creditors and Claimants

In the matter of Florence May Hardy, late of McDougall Park Aged Care Home, 18 Ley Street, Como in the State of Western Australia, deceased.

Creditors and other persons who have claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the abovementioned deceased, who died on 22 September 2016 at McDougall Park Aged Care Home, 18 Ley Street, Como, Western Australia, are required by the Executor of her estate, Michael Ryan, to send particulars of their claims to him care of Graeme John Bostock, Bostock & Ryan, PO Box 200, Victoria Park WA 6979 within thirty-one (31) days of the date of publication of this advertisement, after which date the Executor may convey or distribute the assets having regard only to the claims of which he then has notice.

ZX402

### TRUSTEES ACT 1962

#### DECEASED ESTATES

##### Notice to Creditors and Claimants

Estate of the late Benjamin John Shell of 2/18 Eacott Street, Mandurah in the State of 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 above-named deceased, who died on 14 April 2017, are required to send

particulars of their claims to the Executors, care of RSM (see address below) within one (1) month of the date of publication of this notice, after which date the Executors may convey or distribute the assets having regard only to claims of which notice has been given.

c/- Andrew Marshall RSM, GPO Box R1253,  
Perth WA 6844.  
Telephone: (08) 9261 9393  
Contact: Andrew Marshall

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**ZX403****TRUSTEES ACT 1962**  
**DECEASED ESTATES**

## Notice to Creditors and Claimants

Mirosław Marian Krupinski, late of 62 Bayonet Head Road, Oyster Harbour in the State of Western Australia, Retired Engineer, 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 between the 13th day of August and the 28th day of August 2012 at Albany in the said State, are required by the Administrator, Halina Eugenia Krupinski c/- 45 Duke Street, Albany, Western Australia to send particulars of their claims to David Moss & Co of PO Box 5744, Albany WA 6332 by the date one month following the publication of this notice, after which date the Administrator may convey or distribute the assets having regard only to the claim for which she has then had notice.

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**ZX404****TRUSTEES ACT 1962**  
**DECEASED ESTATES**

## Notice to Creditors and Claimants

Howard Munro Smith, late of Unit 11, 206 Durlacher Street, Geraldton, 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 15 January 2017, are required by the Administrators, Australian Unity Trustees Ltd, care of PO Box 1194, West Perth WA 6872, to send particulars of their claims within one month of the date of publication to them, after which date the Administrators may convey or distribute the assets, having regard only to the claims of which they then have notice.

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**ZX405****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 29 October 2017 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Barker, Violet, late of Belmont Community Nursing Home, 5 Kemp Place, Rivervale WA 6103, who died 17 August 2017 (DE19852360 EM26).

Butler, Phillip, late of Belmont Community Nursing Home, 5 Kemp Place, Rivervale WA 6103, who died 9 March 2012 (DIR33066402 EM37).

Cassin, Gerald James, late of 268 Second Street, Wonthella WA 6530, who died 6 August 2017 (DE19942827 EM15).

Clover, Margaret Anne, late of 147 Edgewater Drive, Edgewater WA 6027, who died 25 June 2017 (DE19800940 EM110).

Cooper, John Henry, late of Rockingham Nursing Home, 14 Langley Street, Rockingham WA 6168, who died 13 July 2017 (DE33028400 EM16).

Dean, Norman Leslie, late of Peter Arney Nursing Home, 1 Gentilli Way, Salter Point WA 6152, who died 17 July 2017 (DE19941115 EM16).

Dixon, Patricia Mary, late of Aegis Hilton Park, 19 Laidlaw Street, Hilton WA 6163, who died 16 July 2017 (DE19902359 EM17).

Gilbey, Desmond James, late of 75 Fraser Road, Bullsbrook WA 6084, who died 4 August 2017 (DE19810357 EM17).

- Hodson, Patricia Gertrude, late of Aegis Woodlake Aged Care, 40 Woodlake Retreat, Kingsley WA 6026, who died 7 August 2017 (DE19900899 EM35).
- Hopkins, Nancy Jean, late of Aegis Woodlake Aged Care, 40 Woodlake Retreat, Kingsley WA 6026, formerly of 50 North Street, Bassendean, who died 7 July 2017 (DE33035239 EM23).
- Lord, Michael Douglas, late of 7 Axewood Place, Beechboro WA 6063, who died 4 August 2017 (DE33116802 EM38).
- McDonald, Lois Mary, late of 3 Kulja Mews, Gwelup WA 6018, who died 19 August 2017 (DE33017562 EM22).
- Neck, Mabel Ellen Victoria, also known as Mable Ellen Victoria, late of Unit 1, 79 Bishopsgate Street, Carlisle WA 6101, who died 29 June 2017 (DE19871952 EM24).
- Nicholls, Doris, late of 671 South Coast Highway, Hay WA 6333, who died 4 August 2017 (DE19911090 EM23).
- Percival, Zofia, late of Mertome Village, 30 Winifred Road, Bayswater WA 6053, who died 14 June 2017 (PM30332072 TM52).
- Ryan, Margaret Alice, late of Villa Pelletier Hostel, 48 Ruislip Street, West Leederville WA 6007, who died 31 August 2017 (DE30230315 EM16).

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

**ZX406**

**PUBLIC TRUSTEE ACT 1941**  
ADMINISTERING OF ESTATES

Notice is hereby given that pursuant to Section 14 of the *Public Trustee Act 1941* and amendments the Public Trustee has elected to administer the estates of the undermentioned deceased persons.

Dated at Perth the 6th day of October 2017.

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

Name of Deceased	Address	Date of Death	Date Election Filed
Playle, Joyce Nancy DE33041257 EM38	5 Thicket Circuit, Banksia Grove	3 February 2017	22 September 2017

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## PUBLIC NOTICES

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**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 \$300

To: Minoru Copley, Bailor.

You were given notice on the 16 May 2017, that the following goods: (1) Holden Commodore Sedan former Registration 1GCA 539 were 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, Midland Tune and Service Centre of 24 Elgee Road, Bellevue 6056, Bailee, intends to sell or otherwise dispose of them in accordance with the Act.

MIDLAND TUNE AND SERVICE CENTRE.

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