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GOVERNMENT**  
 **Gazette**

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# — PART 1 —

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## PROCLAMATIONS

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AA101

Corporations (Commonwealth Powers) Act 2001

### Corporations (Commonwealth Powers) Proclamation 2021

SL 2021/112

Made under the *Corporations (Commonwealth Powers) Act 2001*  
section 6 by the Governor in Executive Council.

**1. Citation**

This proclamation is the *Corporations (Commonwealth Powers) Proclamation 2021*.

**2. Extension of period of reference**

- (1) In this clause —  
*references* means both the references of matters to the Parliament of the Commonwealth under section 4(1) of the Act.
- (2) The day fixed as the day on which the references terminate is 15 July 2031.

K. BEAZLEY, Governor.

L.S.

J. QUIGLEY, Attorney General.

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**FIRE AND EMERGENCY SERVICES**

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FE301

Fire and Emergency Services Act 1998

**Fire and Emergency Services Amendment  
Regulations 2021****SL 2021/114**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Fire and Emergency Services Amendment Regulations 2021*.

**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 1 August 2021.

**3. Regulations amended**

These regulations amend the *Fire and Emergency Services Regulations 1998*.

**4. Regulation 12A amended**

In regulation 12A delete “\$920.” and insert:

\$1 337.

V. MOLAN, Clerk of the Executive Council.

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**FISHERIES**

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FI301

Fish Resources Management Act 1994

**Fish Resources Management Amendment  
Regulations 2021**

SL 2021/118

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Fish Resources Management Amendment Regulations 2021*.

**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 *Fish Resources Management Regulations 1995*.

**4. Regulation 3 amended**

- (1) In regulation 3(1) delete the definitions of:

*one day*

*whole fish*

- (2) In regulation 3(1) insert in alphabetical order:

*day trip* —

- (a) means a voyage undertaken by a person on a boat; but
- (b) does not include a voyage undertaken by a person on a boat if the voyage —
  - (i) takes place over more than one day; or
  - (ii) is undertaken on a fishing boat for a commercial purpose;

**demersal finfish** means a fish of a species listed in Schedule 3 Division 1 Subdivision 1 column 1 or Subdivision 2 column 1;

**extended fishing tour** means a voyage undertaken by a person on a charter boat that takes place over more than one day;

**large pelagic finfish** means a fish of a species listed in Schedule 3 Division 2 column 1;

**one day** means —

- (a) unless paragraph (b) applies — a period of 24 hours commencing at midnight; or
- (b) in relation to fishing for marron or prawns or fishing by means of a fishing net that is set — a period of 24 hours commencing at midday;

**whole fish** means a finfish that —

- (a) in the case of any type of finfish, including a large pelagic finfish —
  - (i) is entire; or
  - (ii) is entire except that it has been gilled or gutted, or both;
- or
- (b) in the case of a large pelagic finfish — has been cut into a maximum of 2 pieces, but —
  - (i) has not otherwise been modified; or
  - (ii) has not otherwise been modified except that it has been gilled or gutted, or both.

- (3) In regulation 3(1) in the definition of *single-sided fillet* delete “fish;” and insert:

finfish;

**5. Regulation 14A deleted**

Delete regulation 14A.

**6. Regulation 14 amended**

- (1) Delete regulation 14(3).
- (2) In regulation 14(4) delete “or (3)”.

- (3) In regulation 14(5) delete “Subregulations (3) and (4) do” and insert:

Subregulation (4) does

Note: The heading to amended regulation 14 is to read:

**How certain types of finfish must be landed**

**7. Regulation 16C deleted**

Delete regulation 16C.

**8. Part 4 Division 3 Subdivision 1 heading replaced**

Delete the heading to Part 4 Division 3 Subdivision 1 and insert:

**Subdivision 1 — Possession limits for finfish**

**9. Regulation 16D replaced**

Delete regulation 16D and insert:

**16D. Finfish possession limits (Act s. 51(1))**

- (1) For the purposes of section 51(1) of the Act, the maximum quantity of finfish (other than Bait Fish, Garfish, Hardyhead or Mullet) that a person may be in possession of in the circumstances set out in column 1 of the Table is the quantity set out in column 2 opposite the circumstances.

**Table**

<b>Item</b>	<b>Column 1 Circumstances</b>	<b>Column 2 Possession limit</b>
1.	The fish is located anywhere.	(a) 20 kg of fillets; or (b) 10 kg of fillets and one day’s bag limit of whole fish or fish trunks; or (c) 2 days’ bag limit of whole fish or fish trunks.
2.	Item 4 does not apply to the person and the fish is located at a place that is not the person’s principal place of residence.	(a) 20 kg of fillets, of which any amount in excess of 10 kg is fillets of large pelagic finfish that have the skin attached; or

<b>Item</b>	<b>Column 1 Circumstances</b>	<b>Column 2 Possession limit</b>
		(b) 10 kg of fillets and one day's bag limit of whole fish or fish trunks; or (c) 2 days' bag limit of whole fish or fish trunks.
3.	The person is on, or has just completed, a day trip and the fish were taken during the course of the trip.	(a) Where all of the fish is filleted, 20 kg of fillets, of which any amount in excess of 10 kg is fillets of large pelagic finfish that have the skin attached; or (b) where not all of the fish is filleted, one day's bag limit of whole fish or fish trunks, not more than 10 kg of which is filleted.
4.	The person is on, or has just completed, an extended fishing tour and the fish were taken during the course of the tour.	(a) 20 kg of fillets; or (b) 10 kg of fillets and one day's bag limit of whole fish or fish trunks; or (c) 2 days' bag limit of whole fish or fish trunks.
5.	The fish is located in the Freycinet Estuary or the adjacent land area west of Shark Bay Road and north of Useless Loop Road.	(a) 5 kg of fillets; or (b) one day's bag limit of whole fish or fish trunks.
6.	The fish is located in — (a) the Abrolhos Islands reserve; or (b) the Abrolhos Islands Fish Habitat Protection Area.	(a) 10 kg of fillets; or (b) one day's bag limit of whole fish or fish trunks.

Item	Column 1 Circumstances	Column 2 Possession limit
7.	The fish is barramundi and is located at a place that is not the person's principal place of residence.	2 barramundi.

Notes for this Table:

1. The possession limit set out in item 1 applies to a person in each case.
2. If 1 or more of the possession limits set out in items 2 to 7 also apply to the person, each of those limits and the limit set out in item 1 apply simultaneously.

(2) For the purposes of —

- (a) the Table to subregulation (1), fish on a boat that are not in the possession of any other person on the boat are taken to be in the possession of the master of the boat; and
- (b) determining the number of fish in a person's possession under column 2 paragraph (b) of item 3 or item 7 of the Table to subregulation (1), 2 single-sided fillets are taken to be equivalent to 1 whole fish.

#### **16DA. Dhufish on boats**

The master of a boat, other than a fishing boat, being used for taking fish in the West Coast Region must ensure that the number of West Australian Dhufish on, or attached to, the boat, and any tender or other vessel operating with or attached to the boat, at any one time —

- (a) if the boat is a charter boat — is not more than 6; or
- (b) otherwise — is not more than 2.

Penalty: a fine of \$10 000 and the penalty provided in section 222 of the Act.

#### **16DB. Fish on fishing boats (commercial)**

- (1) The master of a fishing boat must ensure that the number of fish of the types specified in column 1 of an item of the Table that are on, or attached to, the boat at any one time does not exceed the number set out in column 2 of that item.

**Table**

<b>Item</b>	<b>Column 1 Types of fish</b>	<b>Column 2 Number of fish</b>
1.	Billfish (Marlins, Sailfish and Spearfish) Swordfish Tuna, Southern Bluefin	0
2.	Tuna, Bigeye Tuna, Yellowfin	2
3.	Albacore Mackerel, Blue Mackerel, Common Jack Mackerel, Peruvian Jack Redbait Scad, Yellowtail Tuna, Longtail Tuna, Skipjack Fish of the <u>Family</u> Bramidae when taken in WA waters outside the 200 m isobath	10

Penalty for this subregulation:

- (a) for an individual, a fine of \$5 000;
  - (b) for a body corporate, a fine of \$10 000.
- (2) This regulation does not apply —
- (a) to fish taken in accordance with a fishing permit or statutory fishing right granted under the Commonwealth Act; or
  - (b) if all the fish held or transported on the fishing boat were taken solely for a non-commercial purpose.
- (3) If this regulation applies, the fish referred to in subregulation (1) are taken not to be in the possession of a person for the purposes of regulation 16D.

**10. Part 4 Division 3 Subdivision 2 heading inserted**

Before regulation 16E insert:

**Subdivision 2 — Possession limits for other fish****11. Regulation 16E amended**

- (1) Delete regulation 16E(1) to (3) and (3E).
- (2) Delete regulation 16E(5) and insert:
  - (5) For the purposes of subregulation (3B), fish on a boat that are not in the possession of any other person on the boat are taken to be in the possession of the master of the boat.

**12. Regulation 16GB deleted**

Delete regulation 16GB.

**13. Regulation 16GE deleted**

Delete regulation 16GE.

**14. Part 4 Division 3 Subdivisions 3 and 4 deleted**

Delete Part 4 Division 3 Subdivisions 3 and 4.

**15. Regulation 21A inserted**

At the beginning of Part 4 Division 4 insert:

**21A. Terms used**

- (1) In this Division —

*package* means any type of wrapping, package or container;

*store*, in relation to fish, includes the act of placing the fish in a refrigerator, freezer, icebox or other storage container.
- (2) For the purposes of this Division, a person is, in the absence of proof to the contrary, taken to have packaged or stored fish if the person uses or has control of —
  - (a) a vehicle in which the fish is located; or
  - (b) a refrigerator, freezer, icebox or other storage container in which the fish is stored.

**16. Regulation 22 amended**

(1) Delete regulation 22(1) and insert:

- (1) A person who packages or stores finfish must ensure that a label, as described in subregulation (2), is securely attached —
- (a) to each package containing finfish; and
  - (b) to each finfish that is stored other than in a package.

Penalty for this subregulation: a fine of \$5 000 and the penalty provided in section 222 of the Act.

(2) In regulation 22(2):

- (a) delete “subregulation (1)” and insert:

subregulation (1),

- (b) in paragraphs (b) and (c) delete “fish” and insert:

finfish

(3) In regulation 22(3):

- (a) in paragraphs (a) and (b) delete “fish” and insert:

finfish

- (b) delete paragraph (c) and insert:

(c) Bait Fish, Garfish, Hardyhead or Mullet; or

- (c) in paragraph (d) delete “fish —” and insert:

finfish —

- (d) in paragraph (d)(i) delete “fish; and” and insert:

finfish; and

- (e) in paragraph (d)(ii) and (e) delete “fish” and insert:

finfish

- (f) after paragraph (e) insert:
  - (ea) finfish to which the labelling requirements under regulation 22AA apply; or
  - (g) in paragraph (f) delete “fish” (1<sup>st</sup> to 4<sup>th</sup> occurrences) and insert:  
  
finfish
  - (h) in paragraph (f)(i) delete “regulation 16D; and” and insert:  
  
regulation 16D(1) Table item 1; and
  - (i) in paragraph (f)(ii) delete “fish” and insert:  
  
finfish
- (4) Delete regulation 22(4) and (5).

Note: The heading to amended regulation 22 is to read:

**Labelling requirements for packed or stored finfish**

**17. Regulation 22AA inserted**

At the end of Part 4 Division 4 insert:

**22AA. Labelling requirements for higher quantity of finfish taken on extended fishing tour**

- (1) This regulation applies if —
  - (a) finfish (other than Bait Fish, Garfish, Hardyhead or Mullet) are taken during an extended fishing tour; and
  - (b) the finfish are brought onto land by a person at the completion of the tour; and
  - (c) the quantity of finfish brought onto land by the person is greater than the possession limit for finfish set out in regulation 16D(1) Table item 2.
- (2) A person who packages or stores the finfish must ensure that a label, as described in subregulation (3), is securely attached —
  - (a) to each package containing the finfish; and
  - (b) to each finfish that is stored other than in a package.

Penalty for this subregulation: a fine of \$5 000 and the penalty provided in section 222 of the Act.

- (3) For the purposes of subregulation (2), a label must —
- (a) be not less than 75 mm in length and 25 mm in width; and
  - (b) have legibly written on it —
    - (i) the full name of the owner of the package or finfish to which the label is attached; and
    - (ii) the name of the boat on which the extended fishing tour was undertaken; and
    - (iii) the date on which the finfish was brought onto land following completion of the tour;
- and
- (c) be attached to the package or finfish in such a manner that it is clearly visible for inspection.

**18. Regulation 64AA amended**

In regulation 64AA(2B):

- (a) delete paragraphs (b) and (c);
- (b) in paragraph (d) delete “purpose.” and insert:  
  
purpose; and
- (c) after paragraph (d) insert:  
  
  - (e) if the fish is a finfish —
    - (i) the fish, or the package containing it, is labelled in accordance with regulation 22 or 22AA; and
    - (ii) the person whose name is on the label is staying in accommodation provided by the exempt business.

**19. Regulation 64OAA amended**

- (1) In regulation 64OAA(1) delete the definition of *demersal scalefish*.
- (2) In regulation 64OAA(3):
  - (a) delete “demersal scalefish” and insert:  
  
demersal finfish
  - (b) delete “in the West Coast Region”.

**20. Regulation 64OE amended**

- (1) In regulation 64OE(1) delete “bait fish.” and insert:

Bait Fish, Garfish, Hardyhead or Mullet.

- (2) At the end of regulation 64OE(1) insert:

Penalty for this subregulation: a fine of \$2 000.

- (3) In regulation 64OE(2) delete “bait fish.” and insert:

Bait Fish, Garfish, Hardyhead or Mullet.

- (4) At the end of regulation 64OE(2) insert:

Penalty for this subregulation: a fine of \$2 000.

- (5) Delete regulation 64OE(4).

- (6) At the end of regulation 64OE delete the Penalty.

Note: The heading to amended regulation 64OE is to read:

**Use of throw nets****21. Regulation 64W amended**

In regulation 64W(1)(b)(i) delete “regulation 16D(1); and” and insert:

regulation 16D(1) Table items 1, 2 and 4; and

**22. Regulation 65A amended**

In regulation 65A(1) delete “(*demersal finfish*)”.

**23. Regulation 65B amended**

In regulation 65B(1) delete “(*demersal finfish*)”.

**24. Regulation 65C amended**

In regulation 65C(1) delete “(*large pelagic finfish*)”.

**25. Regulation 156 amended**

In regulation 156 in the Table:

- (a) delete “14(3),”;

(b) after “16B,” insert:

16DA,

(c) delete “22,” and insert:

22(1), 22AA(2),

**26. Schedule 7 Division 1 amended**

In Schedule 7 Division 1 delete “Family Epinephelidae” and insert:

Families Epinephelidae and Serranidae

**27. Schedule 12 Part 2 amended**

In Schedule 12 Part 2:

(a) in item 3 delete “22,” and insert:

22(1), 22AA(2),

(b) in item 4 delete “14(3),”;

(c) in item 4 delete “64OE,” and insert:

64OE(1) and (2),

(d) in item 5 delete “16E(3E),” and insert:

16DA

V. MOLAN, Clerk of the Executive Council.

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**JUSTICE**

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JU301

Magistrates Court Act 2004

**Magistrates Court (Fees) Amendment  
Regulations 2021****SL 2021/119**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Magistrates Court (Fees) Amendment Regulations 2021*.

**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 *Magistrates Court (Fees) Regulations 2005*.

**4. Regulation 3 amended**

In regulation 3 insert in alphabetical order:

*legal practitioner* means an Australian legal practitioner as defined in the *Legal Profession Act 2008* section 3;

**5. Regulation 5 amended**

In regulation 5(1):

- (a) in paragraph (b) delete “order.” and insert:

order; or

- (b) after paragraph (b) insert:
  - (c) an application under the *Mandatory Testing (Infectious Diseases) Act 2014* for a disease test order or to vary or revoke a disease test order.

**6. Regulation 6 amended**

In regulation 6(4)(a) delete “counsel or solicitor; and” and insert:

legal practitioner; and

**7. Regulation 6A inserted**

After regulation 6 insert:

**6A. Certain transcript fees must be waived**

- (1) In this regulation —
  - interim order* means a family violence restraining order or a violence restraining order made under the *Restraining Orders Act 1997* section 29(1)(a) the duration of which is more than 72 hours.
- (2) A registrar must waive the fee under Schedule 1 Division 1 item 8(a) for the provision of a transcript, or a part of a transcript, if —
  - (a) the transcript, or the part of the transcript, is of a hearing at which an interim order was made; and
  - (b) the interim order —
    - (i) is still in force under the *Restraining Orders Act 1997*; or
    - (ii) has become a final order under the *Restraining Orders Act 1997* section 32(2);and
  - (c) the person bound by the interim or final order (the *interim order respondent*) requests the provision of the transcript, or the part of the transcript, either personally or by legal practitioner; and
  - (d) the interim order respondent has not previously obtained the transcript, or the part of the transcript, under this subregulation.

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**LOCAL GOVERNMENT**

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LG301

Local Government Act 1995

**Local Government (Wanneroo - Change to Wards) Order 2021**

Made by the Governor in Executive Council.

**1. Citation**

This order is the *Local Government (Wanneroo - Change to Wards) Order 2021*.

**2. Commencement**

This order comes into operation as follows —

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

**3. Terms used**

In this order —

**Authority** means the Western Australian Land Information Authority established by the *Land Information Authority Act 2006* section 5(1);

**commencement day** means the day on which clause 4 comes into operation;

**Deposited Plan**, followed by a number, means the deposited plan of that number —

- (a) lodged with the Authority; and
- (b) certified by an authorised land officer as defined in the *Land Administration Act 1997* section 3(1); and
- (c) available —
  - (i) in paper form at the Authority's head office; and
  - (ii) in electronic form on the Authority's official website;

**next election** means the first ordinary election for the City of Wanneroo held after commencement day;

**next election day** means the day fixed for the holding of the poll for the next election.

**4. Abolition of wards**

All wards in the district of Wanneroo are abolished immediately before next election day.

**5. New wards established**

- (1) On next election day, the following wards are established in the district of Wanneroo —
  - (a) Central Ward;
  - (b) Central-East Ward;
  - (c) Central-West Ward;
  - (d) North Ward;
  - (e) North-East Ward;
  - (f) South Ward;
  - (g) South-West Ward.
- (2) The Central Ward consists of the land delineated in red and coloured orange on Deposited Plan 421304 version 1.
- (3) The Central-East Ward consists of the land delineated in red and coloured pink on Deposited Plan 421304 version 1.
- (4) The Central-West Ward consists of the land delineated in red and coloured green on Deposited Plan 421304 version 1.
- (5) The North Ward consists of the land delineated in red and coloured yellow on Deposited Plan 421304 version 1.
- (6) The North-East Ward consists of the land delineated in red and coloured brown on Deposited Plan 421304 version 1.
- (7) The South Ward consists of the land delineated in red and coloured blue on Deposited Plan 421304 version 1.
- (8) The South-West Ward consists of the land delineated in red and coloured red on Deposited Plan 421304 version 1.

**6. Number of councillors for new wards specified**

On and from next election day, the number of offices of councillor on the council of the City of Wanneroo —

- (a) for the Central Ward is 2; and
- (b) for the Central-East Ward is 2; and
- (c) for the Central-West Ward is 2; and
- (d) for the North Ward is 2; and
- (e) for the North-East Ward is 2; and
- (f) for the South Ward is 2; and
- (g) for the South-West Ward is 2.

**7. Continuing councillors allocated to new wards**

On and from next election day, a councillor on the council of the City of Wanneroo specified in the Table who holds office immediately before next election day is taken to have been elected as a councillor for the ward specified opposite them in the Table, as that ward is established under clause 5.

**Table**

<b>Councillor</b>	<b>Ward</b>
Christopher John Baker	North Ward
Srecko Frank Cvitan	Central Ward
Jacqueline Huntley	Central-East Ward
Xuan Vinh Nguyen	South-West Ward
Glynis Parker	North-East Ward
Natalie Maree Sangalli	Central-West Ward
Brett Milton Treby	South Ward

**8. Consequential directions**

In order to give effect to clauses 4 to 7 —

- (a) Part 4 of the Act applies to preparing for and conducting the next election as if the changes effected by clauses 4 to 7 take effect on commencement day; and
- (b) the operation of Part 4 of the Act is modified to the extent necessary for the purposes of paragraph (a).

V. MOLAN, Clerk of the Executive Council.

LG302

Local Government Act 1995

## **Local Government (Subiaco - Change to Wards) Order 2021**

Made by the Governor in Executive Council.

**1. Citation**

This order is the *Local Government (Subiaco - Change to Wards) Order 2021*.

**2. Commencement**

This order comes into operation as follows —

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

### 3. Terms used

In this order —

**Authority** means the Western Australian Land Information Authority established by the *Land Information Authority Act 2006* section 5(1);

**commencement day** means the day on which clause 4 comes into operation;

**Deposited Plan**, followed by a number, means the deposited plan of that number —

- (a) lodged with the Authority; and
- (b) certified by an authorised land officer as defined in the *Land Administration Act 1997* section 3(1); and
- (c) available —
  - (i) in paper form at the Authority's head office; and
  - (ii) in electronic form on the Authority's official website;

**next election** means the first ordinary election for the City of Subiaco held after commencement day;

**next election day** means the day fixed for the holding of the poll for the next election.

### 4. Ward boundaries changed

- (1) On next election day, the boundaries of the Central Ward in the district of Subiaco are changed so that the ward consists of the land delineated in red and coloured green on Deposited Plan 421306 version 1.
- (2) On next election day, the boundaries of the East Ward in the district of Subiaco are changed so that the ward consists of the land delineated in red and coloured yellow on Deposited Plan 421306 version 1.
- (3) On next election day, the boundaries of the North Ward in the district of Subiaco are changed so that the ward consists of the land delineated in red and coloured pink on Deposited Plan 421306 version 1.
- (4) On next election day, the boundaries of the South Ward in the district of Subiaco are changed so that the ward consists of the land delineated in red and coloured blue on Deposited Plan 421306 version 1.

### 5. Change in number of councillors

- (1) On and from next election day, the number of offices of councillor for the Central Ward on the council of the City of Subiaco is 2.

- (2) On and from next election day, the number of offices of councillor for the East Ward on the council of the City of Subiaco is 2.
- (3) On and from next election day, the number of offices of councillor for the North Ward on the council of the City of Subiaco is 2.
- (4) On and from next election day, the number of offices of councillor for the South Ward on the council of the City of Subiaco is 2.

**6. Consequential directions**

In order to give effect to clauses 4 and 5 —

- (a) Part 4 of the Act applies to preparing for and conducting the next election as if the changes effected by clauses 4 and 5 take effect on commencement day; and
- (b) the operation of Part 4 of the Act is modified to the extent necessary for the purposes of paragraph (a).

V. MOLAN, Clerk of the Executive Council.

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## **POLICE**

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PO301

Weapons Act 1999

# **Weapons Amendment Regulations 2021**

**SL 2021/120**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Weapons Amendment Regulations 2021*.

**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 *Weapons Regulations 1999*.

**4. Schedule 1 amended**

After Schedule 1 item 11A insert:

- 11B. Gel blaster            An article that is made or modified to be used to discharge a hydrated superabsorbent polymer ball or other similar gel-like missile and includes the ball or missile.

V. MOLAN, Clerk of the Executive Council.

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**RACING, GAMING AND LIQUOR**

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RA301

Liquor Control Act 1988

**Liquor Control (Parngurr Restricted Area)  
Amendment Regulations 2021**

SL 2021/113

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Liquor Control (Parngurr Restricted Area) Amendment Regulations 2021*.

**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 *Liquor Control (Parngurr Restricted Area) Regulations 2018*.

**4. Regulation 5 deleted**

Delete regulation 5.

**5. Regulation 11 replaced**

Delete regulation 11 and insert:

**11. Period during which these regulations have effect**

Unless sooner repealed, these regulations have effect for the period that ends at the close of 7 January 2022.

V. MOLAN, Clerk of the Executive Council.

RA302

Liquor Control Act 1988

**Liquor Control (Transitional Housing and Support Program Restricted Areas) Amendment Regulations 2021**

SL 2021/117

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Liquor Control (Transitional Housing and Support Program Restricted Areas) Amendment Regulations 2021*.

**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 *Liquor Control (Transitional Housing and Support Program Restricted Areas) Regulations 2016*.

**4. Regulation 4 deleted**

Delete regulation 4.

**5. Regulation 9 replaced**

Delete regulation 9 and insert:

**9. Period during which these regulations have effect**

Unless sooner repealed, these regulations have effect for the period that ends at the close of 30 July 2026.

**6. Schedule 1 amended**

In Schedule 1 in the Table delete item 7 and insert:

7.	The area of land described as Lot 105 on Plan 21681, comprised in Record of Certificate of Title Volume 2099 Folio 723	4 Masters Way, South Hedland
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V. MOLAN, Clerk of the Executive Council.

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**TREASURY AND FINANCE**

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TR301

Pay-roll Tax Assessment Act 2002

**Pay-roll Tax Assessment Amendment  
Regulations 2021**

SL 2021/115

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Pay-roll Tax Assessment Amendment Regulations 2021*.

**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 *Pay-roll Tax Assessment Regulations 2003*.

**4. Regulation 4 replaced**

Delete regulation 4 and insert:

**4. Departments and other organisations prescribed (Act s. 40(2)(q))**

- (1) The departments and other organisations listed in Schedule 1 are prescribed for the purposes of section 40(2)(q) of the Act.
- (2) Subregulation (1), to the extent that it prescribes the Health and Disability Services Complaints Office for the purposes of section 40(2)(q) of the Act, applies to wages paid or payable on or after 1 September 2018.

**5. Schedule 1 amended**

- (1) In Schedule 1 delete these items:

The Commissioner of Workplace Agreements  
The Curriculum Council  
The Department of Agriculture and Food  
The Department of the Attorney General  
The Department for Community Development  
The Department of Consumer and Employment Protection  
The Department of Corrective Services  
The Department of Culture and the Arts  
The Department of Education and Training  
The Department of Education Services  
The Department of Environment and Conservation  
The Department of Fisheries  
The Department of Indigenous Affairs  
The Department of Local Government and Regional Development  
The Department of Industry and Resources  
The Department for Planning and Infrastructure  
The Department of Racing, Gaming and Liquor  
The Department of Sport and Recreation  
The Department of Treasury and Finance  
The Department of Water  
The Disability Services Commission  
The Office of Energy

The Office of Water Regulation  
The Recreation Camps and Reserves Board  
The Water and Rivers Commission

(2) In Schedule 1 insert in alphabetical order:

The Department of Biodiversity, Conservation and Attractions  
The Department of Communities  
The Department of Education  
The Department of Finance  
The Department of Jobs, Tourism, Science and Innovation  
The Department of Justice  
The Department of Local Government, Sport and Cultural Industries  
The Department of Mines, Industry Regulation and Safety  
The Department of Planning, Lands and Heritage  
The Department of Primary Industries and Regional Development  
The Department of Treasury  
The Department of Water and Environmental Regulation  
The Health and Disability Services Complaints Office  
The School Curriculum and Standards Authority

V. MOLAN, Clerk of the Executive Council.

TR302

Taxation Administration Act 2003

## **Taxation Administration Amendment Regulations 2021**

SL 2021/116

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Taxation Administration Amendment Regulations 2021*.

**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 *Taxation Administration Regulations 2003*.

**4. Regulation 2B inserted**

Before regulation 3A insert:

**2B. Term used: tax information**

In these regulations —

***tax information*** means information or material that was disclosed to or obtained by the Commissioner under a taxation Act.

**5. Regulation 13D amended**

Delete regulation 13D(2) and insert:

- (2) If a member of the Parliament of the State or of the Commonwealth writes to the Minister on behalf of a person about the person's taxation affairs, the Commissioner may disclose tax information that relates to the person to the Minister for the purpose of enabling the Minister to respond to the member.

**6. Regulation 13F replaced**

Delete regulation 13F and insert:

**13F. Disclosure of information to Australian Border Force Commissioner (s. 114(3)(g))**

For the purposes of section 114(3)(g) of the Act, the Commissioner may disclose tax information to the Australian Border Force Commissioner (as defined in the *Australian Border Force Act 2015* (Commonwealth) section 4(1)).

**7. Regulation 13H amended**

Delete regulation 13H(2) and insert:

- (2) For the purposes of section 114(3)(g) of the Act, the Commissioner may disclose tax information to the ACNC Commissioner for a purpose related to the administration of a taxation Act or the *Australian Charities and Not-for-profits Commission Act 2012* (Commonwealth).

**8. Regulation 13L amended**

- (1) In regulation 13L(1) delete the definition of *tax information*.
- (2) In regulation 13L(1) in the definition of *public sector agency* delete “section 3(1);” and insert:

section 3(1).

**9. Regulation 13M replaced**

Delete regulation 13M and insert:

**13M. Disclosure of information to Australian Building and Construction Commissioner (s. 114(3)(g))**

- (1) In this regulation —  
*Australian Building and Construction Commissioner* means the Australian Building and Construction Commissioner referred to in the *Building and Construction Industry (Improving Productivity) Act 2016* (Commonwealth) section 15(1).
- (2) For the purposes of section 114(3)(g) of the Act, the Commissioner may disclose tax information to the Australian Building and Construction Commissioner for a purpose related to the Australian Building and Construction Commissioner carrying out their functions under the *Building and Construction Industry (Improving Productivity) Act 2016* (Commonwealth).

**13N. Disclosure of information to Building Commissioner (s. 114(3)(g))**

- (1) In this regulation —  
*Building Commissioner* means the officer referred to in the *Building Services (Complaint Resolution and Administration) Act 2011* section 85.

- (2) For the purposes of section 114(3)(g) of the Act, the Commissioner may disclose tax information to the Building Commissioner for a purpose related to the Building Commissioner carrying out their functions under the *Building Services (Complaint Resolution and Administration) Act 2011*.

**13O. Disclosure of information to Commissioner for Consumer Protection (s. 114(3)(g))**

- (1) In this regulation —  
*Commissioner for Consumer Protection* means the person designated as the Commissioner under the *Fair Trading Act 2010* section 55.
- (2) For the purposes of section 114(3)(g) of the Act, the Commissioner may disclose tax information to the Commissioner for Consumer Protection for a purpose related to the Commissioner for Consumer Protection carrying out their functions under the *Motor Vehicle Dealers Act 1973*.

**13P. Disclosure of information to industrial inspectors (s. 114(3)(g))**

- (1) In this regulation —  
*industrial inspector* means a person designated as an industrial inspector under the *Industrial Relations Act 1979* section 98(1).
- (2) For the purposes of section 114(3)(g) of the Act, the Commissioner may disclose tax information to an industrial inspector for a purpose related to the industrial inspector carrying out their functions under any of the following Acts —
- (a) the *Children and Community Services Act 2004*;
  - (b) the *Industrial Relations Act 1979*;
  - (c) the *Long Service Leave Act 1958*;
  - (d) the *Minimum Conditions of Employment Act 1993*.

V. MOLAN, Clerk of the Executive Council.

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## — PART 2 —

### AGRICULTURE AND FOOD

AG401

#### BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007

##### DETERMINATION OF RATES

Under section 130 of *Biosecurity and Agriculture Management Act 2007*, I determine rates chargeable on land in the prescribed areas for the financial year commencing 1 July 2021 as follows—

- (a) 0.0396 cents in the dollar on the unimproved value of freehold land in the local government districts of Dalwallinu, Koorda, Morawa and Perenjori, that is no less than 100 hectares in area with a minimum rates payable amount of \$80.
- (b) 0.0095 cents in the dollar on the unimproved value of freehold land in the local government districts of Carnamah, Coorow, Dandaragan, Mingenew, Moora, Irwin and Three Springs, that is no less than 100 hectares in area with a minimum rates payable amount of \$100.
- (c) 0.0262 cents in the dollar on the unimproved value of freehold land in the local government districts of Chapman Valley, Greater Geraldton and Northampton, that is no less than 100 hectares in area with a minimum rates payable amount of \$80.
- (d) a flat rate (fixed sum) on freehold land in the local government district of Esperance that is no less than 100 hectares in size as follows—

<i>Hectare ranges</i>	<i>Flat rate (fixed sum) \$</i>
100—5000	50
>5000—10 000	200
>10 000	500

- (e) a flat rate (fixed sum) of \$30 on freehold land on the rural, urban and/or metropolitan valuation rolls maintained under the *Valuation of Land Act 1978* in the local government districts of Harvey, Mandurah, Murray, Serpentine-Jarrahdale and Waroona, that is no less than one (1) hectare in area.
- (f) a flat rate (fixed sum) on freehold land in the local government district of Ravensthorpe that is described as urban farming or urban residential or urban vacant or urban miscellaneous on the non-rural and on the rural valuation rolls maintained under the *Valuation of Land Act 1978* as follows—

<i>Hectare ranges</i>	<i>Flat rate (fixed sum) \$</i>
50ha or less	24
>50—200	39
>200—500	75
>500—1000	141
>1000—2000	200
>2000—3500	377
>3500—5000	528
>5000—7500	698
>7500—9000	848
>9000	1107

- (g) a flat rate (fixed sum) on freehold land in the local government districts of Bunbury, Capel, Dardanup and Donnybrook-Balingup (*in the localities of Argyle, Beelerup, Brazier, Brookhampton, Charley Creek, Cundinup, Donnybrook, Glen Mervyn, Kirup, Lowden, Mumballup, Newlands, Noggerup, Paynedale, Queenwood, Thomson Brook, Upper Capel and Yabberup*), described as urban farming on the non-rural valuation roll and freehold land on the rural valuation roll maintained under the *Valuation of Land Act 1978* as follows—

<i>Hectare ranges</i>	<i>Flat rate (fixed sum) \$</i>
1—10	45
>10	60

- (h) a flat rate (fixed sum) on freehold land in the local government districts of Kondinin, Kulin, Lake Grace, Merredin, Mount Marshall, Mukinbudin, Narembeen, Nungarin, Trayning, Westonia and Yilgarn, that is no less than 20 hectares in area as follows—

<i>Hectare ranges</i>	<i>Flat rate (fixed sum) \$</i>
20—1000	30
>1,000—2,000	45
>2,000—5,000	140
>5,000—10,000	250
>10,000—15,000	400
>15,000	600

Hon. ALANNAH MacTIERNAN, Minister for Agriculture and Food.

Dated 23 June 2021.

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## ENERGY

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EN401

### ELECTRICITY INDUSTRY ACT 2004

#### ELECTRICITY NETWORKS ACCESS CODE AMENDMENTS 2021

I, Bill Johnston MLA, Minister for Energy for the State of Western Australia, hereby amend the *Electricity Networks Access Code 2004* established under section 104(1) of the *Electricity Industry Act 2004*.

Dated at Perth this 21st day of June, 2021.

BILL JOHNSTON, MLA, Minister for Energy.

Made by the Minister.

#### 1. Citation

These amendments may be cited as the *Electricity Networks Access Code Amendments 2021*.

#### 2. Commencement

These amendments come into operation on the date on which they are published in the *Gazette*.

#### 3. The Electricity Networks Access Code amended

These amendments are to the *Electricity Networks Access Code 2004*\*.

[\*Published in *Gazette* 30 November 2004, p. 5517-5700]

#### 4. Section 1.3 amended

Insert the following definitions and their accompanying notes in the appropriate alphabetical order—

“covered Pilbara network” has the meaning in the Act.

{Note: At the time this definition was inserted, the definition in section 3(1) of the Act was—

“covered Pilbara network” means a covered network that is located wholly or partly in the Pilbara region;}

“form of regulation decision” has the meaning in the *Pilbara Networks Access Code*.

{Note: At the time this definition was inserted, the definition in section 5 of the *PNAC* was—

“form of regulation decision” means a decision by the Minister as to whether a covered Pilbara network is to be fully regulated or lightly regulated.}

“fully regulated” has the meaning in the *Pilbara Networks Access Code*.

{Note: At the time this definition was inserted, the definition in section 5 of the *PNAC* was—

“fully regulated” in relation to a network, means that the network is a full regulation network.}

“Horizon Power coastal network” has the meaning in the *Pilbara Networks Access Code*.

{Note: At the time this definition was inserted, the definition in section 5 of the *PNAC* was—

“Horizon Power coastal network” means the *network* comprising—

- (a) the *network* which became a *covered network* as a result of the Minister’s final coverage decision of 2 February 2018 under the ENAC; and
- (b) any other *network* owned by Regional Power Corporation and *interconnected* as at the *code commencement date* with the *network* in paragraph (a); and

- (c) any *augmentation* as at the *code commencement date* of a *network* in paragraph (a) or (b); and
- (d) any *augmentation* of the *network* which forms part of the *network* under section 4(1).}

“**interconnected**” has the meaning in the *Pilbara Networks Access Code*.

{Note: At the time this definition was inserted, the definition in section 5 of the *PNAC* was—

“**interconnected**” means a state in which two *networks* are or become *connected*, such that electricity can be transferred between them.}

“**lightly regulated**” has the meaning in the *Pilbara Networks Access Code*.

{Note: At the time this definition was inserted, the definition in section 5 of the *PNAC* was—

“**lightly regulated**” in relation to a *network*, means that the *network* is a light regulation *network*.}

“**light regulation network**” has the meaning in the *Pilbara Networks Access Code*.

{Note: At the time this definition was inserted, the definition in section 5 of the *PNAC* was—

“**light regulation network**” means a covered Pilbara *network* which is regulated by Part 8A of the Act.}

“**Pilbara network**” has the meaning in the Act.

{Note: At the time this definition was inserted, the definition in section 3(1) of the Act was—

“**Pilbara network**” means *network infrastructure facilities* that are located wholly or partly in the Pilbara region;}

“**Pilbara Networks Access Code**” or “**PNAC**” means the *Pilbara Networks Access Code 2021*.

“**priority**” means, in relation to—

- (a) an “access application” under the *PNAC*, the priority that the “applicant” has, as against any other “applicant” with a competing “access application” to obtain “access” to “covered services” as determined in accordance with the “user access guide” (as each of those terms are defined in the *PNAC*); or
- (b) an *access application*, the priority that the *applicant* has, as against any other *applicant* with a competing *access application*, to obtain *access* to *covered services* as determined by the *applications and queuing policy* for the *covered Pilbara network*.

“**Regional Power Corporation**” means the body established by the *Electricity Corporations Act 2005* section 4(1)(d).

”

## 5. Chapter 3 amended

Insert the following {Note} at the start of Chapter 3—

“

{Note: This Chapter 3 deals with the two ways by which *networks* located anywhere in Western Australia can become covered, namely—

- by prescription as in Subchapter 3.1; or
- by Ministerial decision under Subchapter 3.2.

For *Pilbara networks*, there are two other ways a *network* can become covered, namely—

- by prescription in the *PNAC* (see section 120B(a) of the Act and Subchapter 3.1 of the *PNAC*); or
- by a *service provider* opting under the *PNAC* for the *Pilbara network* to be regulated under Part 8A of the Act (see Subchapter 3.3 of the *PNAC*).

All four classes of *covered network* may apply under this Code for revocation of coverage under section 3.30 (see section 104A(1)(b) of the Act).

If the Minister makes a *final coverage decision* that a *Pilbara network* be covered, then the Minister must concurrently make a *form of regulation decision* under the *PNAC*.

Under section 104A(2) of the Act this Code applies to regulate only *covered networks* that are regulated under Part 8 of the Act. The *PNAC* applies to regulate only *covered Pilbara networks* that are regulated under Part 8A of the Act (that is, *light regulation networks*).}

”

## 6. Section 3.1A amended

Replace the {Note} after section 3.1A with the following—

“

{Note: The Minister’s final coverage decision applies to those parts of the *Horizon Power coastal network* which were in existence on 2 February 2018. Section 17 of the *PNAC* then prescribes those parts, plus the balance of the *Horizon Power coastal network* as at 1 July 2021, to be *lightly regulated* under Part 8A of the Act. The combined effect is that the whole of the *Horizon Power coastal network* is a *covered network* from 1 July 2021. The Minister may make further decisions under section 3.1B of this Code extending the scope of that *covered network*.}

”

**7. Sections 3.1B and 3.1C inserted**

After section 3.1A the following sections are inserted—

“

- 3.1B The Minister may decide under section 104A(1)(a) of the Act that any *network* owned by *Regional Power Corporation* and *interconnected* with the *Horizon Power coastal network* is to be part of that *covered network*.
- 3.1C The Minister must *publish* a decision made under section 3.1B but Subchapters 3.2 and 3.3 do not apply to the making of that decision.

”

**8. Section 3.2A inserted**

After section 3.2 the following heading and section are inserted—

“

- 3.2A *Pilbara network* that is deemed to be a *light regulation network* under section 31(4) of the *PNAC* can only be the subject of a *coverage application* as provided for in section 31(5) of the *PNAC*.

”

**9. Subchapter 3.6 inserted**

After section 3.37 the following Subchapter is inserted—

“

**Subchapter 3.6—Transitional matters relating to form of regulation decision****Contracts preserved**

- 3.38 If the Minister makes a *form of regulation decision* under the *PNAC* that a *Pilbara network* which was previously *fully regulated* is to be *lightly regulated*, then any existing *contracts for services* in respect of the *Pilbara network* will continue in accordance with their terms, including for the duration of any option periods provided for in any such contracts (subject to any variations the parties may agree from time to time).
- 3.39 If a contract which is continued under section 3.38 depends upon a regulated outcome under this Code (for example, because it adopts a regulated tariff from time to time) then the arbitrator under the *PNAC* has jurisdiction to hear an access dispute in respect of the relevant contract and the provisions of Chapter 7 of the *PNAC* will apply to such dispute.
- 3.40 Section 3.39 applies in addition to any other dispute resolution mechanism included in a contract, and the arbitrator under the *PNAC* has jurisdiction to determine the effect of section 3.39.
- 3.41 If the Minister makes a *form of regulation decision* under the *PNAC* that a *Pilbara network* which was previously *lightly regulated* is to be *fully regulated*, then any existing “contracts for services” (as defined in the *PNAC*) in respect of the *Pilbara network* will continue in accordance with their terms, including for the duration of any option periods provided for in any such contracts (subject to any variations the parties may agree from time to time).

**How applications and disputes in progress are managed**

- 3.42 Following a form of regulation decision under the *PNAC* that a *Pilbara network* be lightly regulated—
- (a) any *access application* made before the date of the *form of regulation decision* is to be transitioned to being *lightly regulated* under the *PNAC*; and
  - (b) the *access application's priority* will remain the same under the *PNAC* as its *priority* under this Code; and
  - (c) the *applicant* and the *service provider* must meet expeditiously and negotiate in good faith with a view to agreeing any amendments or additional information needed in respect of the *access application* as a result of the transition, and failing agreement the question may be the subject of an access dispute under the *PNAC* but not an *access dispute* under this Code; and
  - (d) any *access dispute* notified to the *Authority* before the date of the *form of regulation decision* is to be transitioned to be determined by arbitration under the *PNAC*, in which case the *arbitrator* may make such orders as the *arbitrator* deems necessary in respect of the transition.

{Note: This gives the *arbitrator* the power to make orders to deal with the transition of an *access dispute* to be determined by arbitration under the *PNAC*. Similar powers also exist under the *PNAC*. The combined effect is that the arbitrators under both this Code and the *PNAC* can make the necessary orders to transition an *access dispute*.}

- 3.43 If the Minister makes a *form of regulation decision* under the *PNAC* that a *Pilbara network* which was previously *lightly regulated* is to be *fully regulated*, the *service provider* must submit to the *Authority*, as applicable, either—
- (a) if the *Pilbara network* has not previously had an *access arrangement*—a proposed *access arrangement* and *access arrangement information* under section 4.1; or
  - (b) if the *Pilbara network* has previously had an *access arrangement*—proposed revisions to the *access arrangement* and proposed revised *access arrangement information* under section 4.48.
- 3.44 The *form of regulation decision* that a *Pilbara network* is *fully regulated* does not take effect until, as applicable, the *access arrangement start date* or *revisions commencement date* in respect of the submission referred to in section 3.43.
- 3.45 Following a *form of regulation decision* that a *Pilbara network* which was previously *lightly regulated* is to be *fully regulated*—
- (a) any access application made under the *PNAC* before the date of the *form of regulation decision*, is to be transitioned to be determined under this Code; and
  - (b) the access application has effect for the purposes of this Code as though it was an *access application* lodged under the *service provider's access arrangement*; and
  - (c) the *access application's priority* will remain the same under this Code as its *priority* under the *PNAC*; and
  - (d) the *applicant* and the *service provider* must meet expeditiously and negotiate in good faith with a view to agreeing any amendments or additional information needed in respect of the *access application* as a result of the transition, and failing agreement the question may be the subject of an *access dispute* under this Code but not an access dispute under the *PNAC*; and
  - (e) any access dispute under the *PNAC* notified to the *Authority* before the date of the *form of regulation decision*, is to be transitioned to be determined as an *access dispute* under this Code, in which case the *arbitrator* may make such orders as the *arbitrator* deems necessary in respect of the transition.

{Note: This gives the *arbitrator* the power to make orders to deal with the transition of an access dispute under the *PNAC* to be determined as an *access dispute* under this Code. Similar powers also exist under the *PNAC*. The combined effect is that the arbitrators under both this Code and the *PNAC* can make the necessary orders to transition an *access dispute* under the *PNAC*.}

#### 10. Subsection 10.29(g) amended

The full stop at the end of subsection 10.29(g) is replaced with—

“  
; or

#### 11. Subsection 10.29(h) inserted

After subsection 10.29(g) the following subsection is inserted—

“  
(h) make an “immunity determination” under the *Electricity Industry (Pilbara Networks) Regulations 2021*.

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## FIRE AND EMERGENCY SERVICES

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FE401

### BUSH FIRES ACT 1954

#### BUSH FIRES (PROHIBITED BURNING TIMES) AMENDMENT NOTICE 2021

Made by the FES Commissioner of the Department of Fire and Emergency Services under section 17(1) of the *Bush Fires Act 1954*.

#### 1. Citation

This notice is the *Bush Fires (Prohibited Burning Times) Amendment Notice (No. 3) 2021*.

**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. The notice amended**

The amendments in this notice are to the Bush Fires (Prohibited Burning Times) Declaration 2012\*.

[\* Published in *Gazette* 3 February 2012, p. 610-615.]

**4. Schedule 1 amended**

Schedule 1 is amended by deleting the prohibited burning times of the Shire of Quairading and inserting the following instead—

Prohibited Burning Time	Zone of the State
1 November—28 February	Shire of Quairading

DARREN KLEMM AFSM, FES Commissioner of the Department of Fire and Emergency Services, as a delegate of the Minister under section 15 of the *Fire and Emergency Services Act 1998*.

Dated 28 June, 2021.

**FE402****BUSH FIRES ACT 1954****BUSH FIRES (PROHIBITED BURNING TIMES) NOTICE 2021**

Made by the FES Commissioner of the Department of Fire and Emergency Services under section 17(1) of the *Bush Fires Act 1954*.

**1. Citation**

This notice is the *Bush Fires (Prohibited Burning Times) Notice 2021*.

**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. Declaration of prohibited burning times**

(1) The times of the year stated in Schedule 1 column 1 are declared in respect of the corresponding zones of the State mentioned in Schedule 1 column 2.

**4. Revocation**

All instruments published, including amendments from time to time, to the extent to which they were made under section 17(1) of the Act in respect of the Shire of Busselton and City of Busselton are revoked.

**Schedule 1—Prohibited burning times**

Prohibited Burning Time	Zone of the State
1 December—28 February	City of Busselton

DARREN KLEMM AFSM, Commissioner of the Department of Fire and Emergency Services.

Dated 28 June, 2021.

**FE403****BUSH FIRES ACT 1954****BUSH FIRES (RESTRICTED BURNING TIMES) NOTICE 2021**

Made by the FES Commissioner of the Department of Fire and Emergency Services under section 18(2) of the *Bush Fires Act 1954*.

**1. Citation**

This notice is the *Bush Fires (Restricted Burning Times) Notice 2021*.

**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. Declaration of restricted burning times

(1) Under section 18(2) of the Act, the times of the year mentioned in Schedule 1 column 1 are declared in respect of the corresponding zones of the State mentioned in Schedule 1 column 2.

### 4. Revocation

All instruments published, including amendments from time to time, to the extent to which they were made under section 18(2) of the Act in respect of the Shire of Busselton and City of Busselton are revoked.

#### Schedule 1—Restricted burning times

Restricted Burning Time	Zone of the State
15 October—30 April	City of Busselton

DARREN KLEMM AFSM, Commissioner of the Department of  
Fire and Emergency Services.

Dated 28 June, 2021.

## FISHERIES

FI401

### FISH RESOURCES MANAGEMENT ACT 1994

#### SHARK BAY PRAWN MANAGED FISHERY MANAGEMENT PLAN 1993

#### Areas Closed to Fishing for Prawns in the Shark Bay Prawn Managed Fishery

Notice No. 3 of 2021

I, Rick Fletcher, Executive Director Fisheries and Agriculture Resource Management of the Department of Primary Industries and Regional Development, Western Australia, in accordance with clause 10 of the *Shark Bay Prawn Managed Fishery Management Plan 1993*, consider it in the better interest of the Shark Bay Prawn Managed Fishery (Fishery) to hereby—

1. Cancel *Notice of Areas Closed to Fishing for Prawns in the Shark Bay Prawn Managed Fishery: Notice No. 2 of 2021* dated 29 April 2021.
2. Permit the trialling of gear during daylight hours, provided the cod-end is open, in the area described as the ***Gear Trial Area*** in the Schedule to this Notice.
3. Except as provided for under Clause 2 of this Notice, prohibit fishing for prawns in those parts of the Fishery, between the times and dates provided for in items (a) to (f) below—
  - (a) fishing for prawns is prohibited from the date of the gazettal of *Notice No. 3 of 2021* to 0800 hours on 15 September 2021 in the following areas as described in the Schedule to this Notice—
    - i. ***Withnell Point Closure***;
    - ii. ***Quoin Bluff Closure***;
    - iii. ***West Peron Closure***.
    - iv. ***North Carnarvon Peron Line Closure***
  - (b) fishing for prawns is prohibited from the date of the gazettal of *Notice No. 3 of 2021* to 1700 hours on 5 July 2021 and from 0800 hours on 15 July 2021 to 0800 hours on 15 September 2021 in the area defined as the ***South Carnarvon Peron Line Closure*** in the Schedule to this Notice.
  - (c) fishing for prawns is prohibited from the date of gazettal to 1700 hours on 5 August 2021 in the area defined as the ***Denham Sound Closure*** in the Schedule to this Notice.
  - (d) fishing for prawns is prohibited from 1700 hours on 5 August 2021 to 0800 hours on 15 September 2021 in the area defined as the ***Extended Snapper/Trawl Closure*** in the Schedule to this Notice.
  - (e) in parts of the Fishery within the area defined as ***North of Koks Island*** in the Schedule to this Notice where fishing for prawns is not otherwise prohibited, fishing for prawns is prohibited between 1000 hours and 1700 hours each day between the date of the gazettal of *Notice No. 3 of 2021* and 15 September 2021.
  - (f) in parts of the Fishery within the area defined as ***South of Koks Island*** in the Schedule to this Notice where fishing for prawns is not otherwise prohibited, fishing for prawns is prohibited between 0800 hours and 1700 hours each day between the date of the gazettal of *Notice No. 3 of 2021* and 15 September 2021.
4. Fishing for prawns is prohibited in all parts of the Fishery following the fishing season which concludes at 0800 hours on 15 September 2021.

**Schedule 1****Gear Trial Area**

The part of the Fishery bounded by a line commencing at a point at 24° 50' south latitude and 113° 21.50' east longitude; then extending due south along the meridian to a point at 24° 52.75' south latitude and 113° 21.50' east longitude; then due east along the parallel to a point at 24° 52.75' south latitude and 113° 23.50' east longitude; then due north along the meridian a point at 24° 50' south latitude and 113° 23.50' east longitude; then due west along the parallel to the commencement point.

**Withnell Point Closure**

The part of the Fishery bounded by a line commencing at point at 25° 36' south latitude and 113° 01.63' east longitude (on Dirk Hartog Island); then extending due east along the parallel to a point at 25° 36' south latitude and 113° 03.75' east longitude; then due south along the meridian to a point at 25° 38' south latitude and 113° 03.75' east longitude; then due west along the parallel to a point at 25° 38' south latitude and 113° 02.29' east longitude (on Dirk Hartog Island); then generally northerly along the high water mark to the commencement point.

**South Carnarvon Peron Line Closure**

The part of the Fishery bounded by a line commencing at a point at 25° 26' south latitude and 113° 45.24' east longitude; then extending due west along the parallel to a point at 25° 26' south latitude and 113° 40' east longitude; then north-westerly along the geodesic to a point at 25° 20.40' south latitude and 113° 30.60' east longitude; then due north along the meridian to a point at 25° 15.20' south latitude and 113° 30.60' east longitude; then due east along the parallel to a point at 25° 15.20' south latitude and 113° 40.706' east longitude; then south-easterly along the geodesic to the commencement point.

**Quoin Bluff Closure**

The part of the Fishery bounded by a line commencing at a point at 24° 51.544' south latitude and 113° 10.51' east longitude; then extending south-easterly along the geodesic to a point at 25° 01.63' south latitude and 113° 18' east longitude; then due south along the meridian to a point at 25° 11' south latitude and 113° 18' east longitude; then north-westerly along the geodesic to a point at 24° 58.50' south latitude and 113° 09' east longitude; then north-easterly along the geodesic to a point at 24° 56.80' south latitude and 113° 10.25' east longitude; then due north along the meridian to a point at 24° 52.75' south latitude and 113° 10.25' east longitude; then northerly along the geodesic to the commencement point.

**North of Koks Island**

The part of the Fishery north of 24° 45.30' south latitude.

**South of Koks Island**

The part of the Fishery south of 24° 45.30' south latitude.

**West Peron Closure**

The part of the Fishery bounded by a line commencing at a point at 25° 32' south latitude and 113° 29.74' east longitude (on the mainland); then extending due west along the parallel to a point at 25° 32' south latitude and 113° 25' east longitude; then northerly along the geodesic to a point at 25° 20.40' south latitude and 113° 23.984' east longitude; then due east along the parallel to a point at 25° 20.40' south latitude and 113° 30.60' east longitude; then due south along the meridian to a point at 25° 30.261' south latitude and 113° 30.60' east longitude (on the mainland at Cape Peron North); then generally south-westerly along the high water mark to the commencement point.

**North Carnarvon Peron Line Closure**

The part of the Fishery bounded by a line commencing at a point at 24° 52.75' south latitude and 113° 37.60' east longitude (on Babbage Island); then extending due west along the parallel to a point at 24° 52.75' south latitude and 113° 21' east longitude; then due south along the meridian to a point at 24° 58.10' south latitude and 113° 21' east longitude; then south-easterly along the geodesic to a point at 25° 03' south latitude and 113° 22.46' east longitude; then due east along the parallel to a point at 25° 03' south latitude and 113° 33.517' east longitude; then northerly along the geodesic to a point at 24° 56.06' south latitude and 113° 31.887' east longitude; then due east along the parallel to a point at 24° 56.06' south latitude and 113° 40.90' east longitude (on the mainland); then generally north-westerly along the high water mark to the commencement point.

**Denham Sound Closure**

The part of the Fishery south of a line commencing at a point at 25° 32' south latitude and 113° 29.74' east longitude (on the mainland at Peron Peninsula); then extending due west along the parallel to a point at 25° 32' south latitude and 113° 25' east longitude; then westerly along the geodesic to a point at 25° 31.25' south latitude and 113° 09.75' east longitude; then westerly along the geodesic to a point at 25° 30' south latitude and 113° 01.40' east longitude (on Dirk Hartog Island at Cape Levillain); and in that part of the Fishery east of a line commencing at a point at 26° 07.30' south latitude and 113° 10.90' east longitude (on Dirk Hartog Island at Surf Point); then south-westerly along the geodesic to a point at 26° 08.62' south latitude and 113° 09.60' east longitude (on the mainland at Steep Point).

**Snapper/Trawl Closure**

The part of the Fishery south of a line commencing at a point at 25° 40.59' south latitude and 113° 02.87' east longitude (on Dirk Hartog Island); then extending due east along the parallel to a point at 25° 40.59' south latitude and 113° 04.80' east longitude; then south-easterly along the geodesic to a point at 25° 41' south latitude and 113° 05.63' east longitude; then due east along the parallel to a point at 25° 41' south latitude and 113° 08' east longitude; then south-easterly along the geodesic to a point

at 25° 46' south latitude and 113° 13' east longitude; then due east along the parallel to a point at 25° 46' south latitude and 113° 19' east longitude; then due north along the meridian to a point at 25° 38' south latitude and 113° 19' east longitude; then north-easterly along the geodesic to a point at 25° 32' south latitude and 113° 25' east longitude; then due east along the parallel to a point at 25° 32' south latitude and 113° 29.74' east longitude (on the mainland at Peron Peninsula); and in that part of the Fishery east of a line commencing at a point at 26° 07.30' south latitude and 113° 10.90' east longitude (on Dirk Hartog Island at Surf Point); then south-westerly along the geodesic to a point at 26° 08.62' south latitude and 113° 09.60' east longitude (on the mainland at Steep Point).

#### Extended Snapper/Trawl Closure

The part of the Fishery south of a line commencing at a point at 25° 40.59' south latitude and 113° 02.87' east longitude (on Dirk Hartog Island); then extending due east along the parallel to a point at 25° 40.59' south latitude and 113° 04.80' east longitude; then south-easterly along the geodesic to a point at 25° 41' south latitude and 113° 05.63' east longitude; then due east along the parallel to a point at 25° 41' south latitude and 113° 08' east longitude; then south-easterly along the geodesic to a point at 25° 42.40' south latitude and 113° 09.40' east longitude; then south along the meridian to a point at 25° 46.31' south latitude and 113° 09.40' east longitude; then south-easterly along the geodesic to a point at 25° 48.65' south latitude and 113° 12.17' east longitude; then due east along the parallel to a point at 25° 48.65' south latitude and 113° 20.20' east longitude; then due north along the meridian to a point at 25° 40' south latitude and 113° 20.20' east longitude; then due west along the parallel to a point at 25° 40' south latitude and 113° 19' east longitude; then north along the meridian to a point at 25° 38' south latitude and 113° 19' east longitude; then north-easterly along the geodesic to a point at 25° 32' south latitude and 113° 25' east longitude; then due east along the parallel to a point at 25° 32' south latitude and 113° 29.74' east longitude (on the mainland at Peron Peninsula).

RICK FLETCHER, Executive Director, Fisheries and Agriculture  
Resource Management as delegate for Chief Executive Officer.

Dated 29th day of June, 2021.

## LOCAL GOVERNMENT

### LG401

#### LOCAL GOVERNMENT ACT 1995

*City of Albany*  
BASIS OF RATES

I, Tim Fraser, 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 9 June 2021, determined that the method of valuation to be used by the City of Albany 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 Lots 515 to 529 inclusive and Lots 541 to 546 inclusive as shown on Deposited Plan on 418271.

TIM FRASER, Executive Director Local Government, Department of  
Local Government, Sport and Cultural Industries.

### LG402

#### LOCAL GOVERNMENT ACT 1995

*Shire of Murray*  
BASIS OF RATES

I, Tim Fraser, 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 7 May 2021, determined that the method of valuation to be used by the Shire of Murray as the basis for a rate in respect of the land referred to in the Schedules are to be the gross rental value of the land—

#### Schedule 'A'

	Designated Land
UV to GRV	All those portions of land being Lot 100 and Lot 101 as shown on Diagram 66141; Lot 51 and Lots 53 to 55 inclusive as shown on Diagram 96498.

**Schedule 'B'**

	Designated Land
UV to GRV	All those portions of land being Lot 601 and Lot 602 as shown on Deposited Plan 62481; Lot 100 and Lot 104 as shown on Deposited Plan 419845.

TIM FRASER, Executive Director, Local Government, Department of  
Local Government, Sport and Cultural Industries.

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## MINERALS AND PETROLEUM

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**MP401****MINING ACT 1978**

## APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines, Industry Regulation and Safety  
Leonora WA 6438.

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.

WARDEN CLEARY.

To be heard by the Warden at Leonora on 10 August 2021.

## MT MARGARET MINERAL FIELD

*Prospecting Licences*

P 37/9169 Daniels, Donald Maxwell  
P 37/9179 Muir, Kado Rentan Eldred Allison  
P 37/9259 Van Blitterswyk, Wayne Craig  
P 38/4465 Burton, Andrew Arthur  
P 39/5626 Wilson, Walter Scott  
P 39/5843 Heath, Ashley Michael

## NORTH COOLGARDIE MINERAL FIELD

*Prospecting Licences*

P 40/1401 Dale, Robert Charles  
P 40/1477 Markham, Graham Sydney

**MP402****MINING ACT 1978**

## APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines, Industry Regulation and Safety  
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.

WARDEN DE MAIO.

To be heard by the Warden at Mt. Magnet on 26 August 2021.

## EAST MURCHISON MINERAL FIELD

*Prospecting Licences*

P 57/1400 Bennett, Anthony George

## MURCHISON MINERAL FIELD

*Prospecting Licences*

P 58/1824 McAuliffe, Bernard James

## YALGOO MINERAL FIELD

*Prospecting Licences*

P 59/2215-S Steinki, Shannon Lee

**MP403****MINING ACT 1978**

## APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines, Industry Regulation and Safety  
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 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.

WARDEN DE MAIO.

To be heard by the Warden at Meekatharra on 25 AUGUST 2021.

## EAST MURCHISON MINERAL FIELD

*Prospecting Licences*

P 53/1676 King, Trent Nathan  
P 53/1677 King, Trent Nathan  
P 53/1678 King, Trent Nathan

## MURCHISON MINERAL FIELD

*Prospecting Licences*

P 51/3031 Pendragon (WA) Pty Ltd  
Roman Road Pty Ltd  
P 51/3079 Gutmanis, John Russell  
P 51/3086 Hodder, David Kenneth  
P 51/3136 Ace Minerals Group Pty Ltd  
P 51/3137 Ace Minerals Group Pty Ltd

## PEAK HILL MINERAL FIELD

*Prospecting Licences*

P 52/1584 Kent, John Carl  
Furniss, Roderic George  
Giblett, Maurice Charles

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**PLANNING**


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**PL101***CORRECTION***PLANNING AND DEVELOPMENT ACT 2005***City of South Perth*

## LOCAL PLANNING SCHEME NO. 6—AMENDMENT NO. 63

Ref: TPS/2546

It is hereby notified for public information that the notice under the above Amendment No. 63 published on page 2701, of the *Government Gazette* No. 113 dated 25 June 2021, contained an error which is now corrected as follows—

**For the words—**

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 South Perth Local Planning Scheme amendment on 14 June 2014 for the purpose of—

**To read—**

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 South Perth Local Planning Scheme amendment on 14 June 2021 for the purpose of—

G. GLASS, Chief Executive Officer.

**PL403**

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**  
*Shire of Augusta-Margaret River*  
 Local Planning Scheme No. 1—Amendment No. 62

Ref: TPS/2510

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Augusta-Margaret River Local Planning Scheme amendment on 14 June 2021 for the purpose of—

- a. Inserting the following into Schedule 2—

No.	Description of Land	Additional Use	Conditions
A62	Lot 5 (3) Old Ellen Brook Road, Gracetown	Reception Centre	1. Operational restrictions shall be applied through conditions of development approval to ensure no adverse impacts on the amenity of nearby and surrounds residents and ensure low vehicle trip generation. Condition shall address the following— <ul style="list-style-type: none"> <li>• Location of functions on the site;</li> <li>• Hours of operation;</li> <li>• Number of attendees at functions;</li> <li>• Noise management;</li> <li>• Traffic Management Measures.</li> </ul> 2. Development shall occur in accordance with an approved Bushfire Management Plan and Emergency Evacuation Plan.           3. Permanent structures associated with the reception centre use are to be located so as to avoid adverse landscape impacts when viewed from the Caves Road travel corridor.

- b. Amending the scheme map to include 3 (Lot 5) Old Ellen Brook Road, Gracetown, within the Additional Use designation 'A-62'.

P. TOWNSHEND, Shire President.  
 S. ADDISON-BROWN, Chief Executive Officer.

**PL401**

**PLANNING AND DEVELOPMENT ACT 2005**  
**METROPOLITAN REGION SCHEME MINOR AMENDMENT 1380/57**  
 South-East and South-West Districts Omnibus 4  
 Call for Public Submissions

The Western Australian Planning Commission (WAPC) is seeking public comment on proposals to amend the Metropolitan Region Scheme (MRS) for land in the local governments of Armadale, Cockburn, Gosnells, Kwinana, Rockingham and Serpentine-Jarrahdale.

The amendment proposes to update various zones and reservations in the south-east and south-west districts of the Perth metropolitan area at the request of Government agencies and landowners, or where it has been identified that the MRS should be updated.

Proposals in the amendment include; small scale amendments to the region scheme, the rationalisation of zones and reservations to match cadastral boundaries, updates to reflect infrastructure or buildings as constructed, and other general updates to ensure the MRS is kept up-to-date as the statutory plan for Perth.

The amendment contains 16 separate proposals in the Cities of Armadale, Cockburn, Gosnells, Kwinana and Rockingham and the Shire of Serpentine-Jarrahdale.

The Western Australian Planning Commission certifies that, in its opinion, the proposed amendment does not constitute a substantial alteration to the MRS.

**Display locations**

The plans showing the proposed changes and the WAPC amendment report which explains the proposals, will be available for public inspection from Friday 2 July 2021 to Friday 3 September 2021 at—

- Western Australian Planning Commission, 140 William Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- Cities of Armadale, Cockburn, Gosnells, Kwinana and Rockingham
- Shire of Serpentine-Jarrahdale

Documents can also be viewed online at the Department of Planning, Lands and Heritage website [www.dplh.wa.gov.au/mrs-amendments](http://www.dplh.wa.gov.au/mrs-amendments).

**Submissions**

Any person who desires to make a submission to support, object or provide comment on any part of the proposed amendment should do so on a Form 57, which is available from the display locations, the amendment report and online.

Submissions can be lodged online via <https://consultation.dplh.wa.gov.au>, emailed to [mrs@dplh.wa.gov.au](mailto:mrs@dplh.wa.gov.au) or posted to: Secretary, Western Australian Planning Commission, Locked Bag 2506, Perth WA 6001.

Submissions close 5pm, Friday 3 September 2021. Late submissions will not be considered.

Ms. SAM FAGAN, Secretary, Western Australian Planning Commission.

**PL402**

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**  
*City of Albany*  
 Local Planning Scheme No. 1—Amendment No. 27

Ref: TPS/2356

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Albany Local Planning Scheme amendment on 14 June 2021 for the purpose of—

- i. Transferring Lot 84 Harding Road, Lots 85 and 86 Home Road, and Lots 87 and 98 Frenchman Bay Road, Robinson from Schedule 14 Rural Residential Zone area No. 29 and Residential Zone to Rural Residential Zone Area No. 43.
- ii. Renaming Schedule 14 Rural Residential Zone Area No. 43 Specified Rural Residential Zone from 'Lot 114 Frenchman Bay Road Robinson' to 'Lot 114 Frenchman Bay Road Robinson and Lot 84 Harding Road, Lots 85 and 86 Home Road, and Lots 87 and 98 Frenchman Bay Road'.
- iii. Modify Provision 1 to read—
  1. Subdivision of RR43 shall generally be in accordance with an approved Local Structure Plan, and supported by a Site and Soil Evaluation and hydrogeological assessment of the site under the wettest time of year conditions.
- iv. Within Provisions 2 and 11 of Schedule 14 Rural Residential Zone Area No. 43 replacing 'Subdivision Guide Plan' with 'Local Structure Plan'.
- v. Within Provision 6 of Schedule 14 Rural Residential Zone Area No. 43, modify to read—
  6. Any building on a lot must be constructed within a building envelope and outside of the identified Effluent Disposal Exclusion Area, Vegetation Protection Area and the Vegetated Agricultural Buffer shown on the Local Structure Plan. Such building envelopes shall not exceed 2000m<sup>2</sup>. Indicative building envelopes are shown on the Local Structure Plan.
- iv. Within Provision 7 of Schedule 14 Rural Residential Zone Area No. 43, modify to read—
 

Notwithstanding the requirement the Local Government may permit an alternative Building Envelope location if it is shown to be specification of the Local Government that—

  - (a) The proposed location of the building envelope can achieve the setbacks outlined on Provision 8;
  - (b) All effluent disposal systems remain outside of the Onsite Effluent Disposal Exclusion Area;
  - (c) The proposed location of the building envelope can demonstrate that it can meet the requirements of the Government Sewerage Policy.
  - (d) The proposed location of the building envelope is located outside of Vegetation Protection Area and Vegetated Agricultural Buffer, and does not necessitate clearing for development or fire protection.

- vii. Replacing Provision 9 of Schedule 14 Rural Residential Zone Area No. 43 with the following—  
‘At the time of subdivision and development of Lot 84 Harding Road, Lots 85 and 86 Home Road, and Lots 87 and 98 Frenchman Bay Road, the developer shall connect to a reticulated water supply from a licensed water provider. For all other lots, and if reticulated water is not available; each dwelling shall be provided with a sustainable potable water supply with a minimum capacity of 50,000 litres.’
- viii. Within Provision 13 of Schedule 14 Rural Residential Zone Area No. 43 replacing ‘reduced by 7.5m’ with ‘reduced to 7.5’.
- ix. Placing Provision 17 of Schedule 14 Rural Residential Zone Area No. 43 under the heading of ‘Notification of Prospective Owners’, and replacing Provision 17 of Schedule 14 Rural Residential Zone Area No. 43 and with the following—  
‘The Local Government may require the subdivider to make arrangements satisfactory to the Local Government to ensure prospective purchases are advised that a Bushfire Management Plan may apply to the land; and the existence of sand extraction and horticulture activity taking place within 500 metres may affect rural amenity’.
- x. Replacing Provision 18 of Schedule 14 Rural Residential Zone Area No. 43 with the following—  
‘Where shown on a Local Structure Plan a vegetated agricultural buffer is to be provided to the minimum width of 20 metres, plus where shown, a 10 metre setback for access.’
- xi. Replacing Provision 19 of Schedule 14 Rural Residential Zone Area No. 43 with the following—  
‘In relation to the 20 metre vegetated agricultural buffer to the north of the existing market garden, species used in the closest 10 metre portion of the buffer shall not be capable of growing taller than 3 metres to prevent the incidence of overshadowing’.
- and
- xii. Updating the Scheme Maps accordingly.

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

#### PL404

### PLANNING AND DEVELOPMENT ACT 2005

#### AMENDMENTS TO THE STATE PLANNING POLICY 7.3—RESIDENTIAL DESIGN CODES VOLUME 1

It is hereby notified for public information, in accordance with section 31 of the *Planning and Development Act 2005* that the Minister of Planning approved the amendments to the State Planning Policy 7.3—Residential Design Codes, Volume 1 on 27 January 2021.

1. Modify title page as follows—
  - a. Replace “2019” with “2021”; and
  - b. Amend “and 24/5/2019” to “, 24/5/2019 and 2/7/2021”
2. Replace clause 2.3 Planning approval for single houses for single houses on small lots with the following—  
“Clause 2.3 Planning approval for single houses on small lots deleted by amendment dated 2/7/2021”
3. Replace clause 5.1 Context—Objectives with the following—  
“Objectives
  - (a) To ensure residential development meets community expectations regarding appearance, use and density.
  - (b) To ensure designs respond to the natural and built features of the local context and, in the case of precincts undergoing transition, the desired future character as stated in the local planning framework.
  - (c) To ensure adequate provision of direct sunlight and ventilation for buildings and to limit the impacts of building bulk, overlooking, and overshadowing on adjoining properties.
  - (d) To ensure open space (private and communal) is provided on site that—
    - is landscaped to enhance streetscapes;
    - complements nearby buildings; and
    - provides privacy, direct sunlight and recreational opportunities.
  - (e) To ensure that design and development is appropriately scaled, particularly in respect to bulk and height, and is sympathetic to the scale of the street and surrounding buildings, or in precincts undergoing transition, development achieves the desired future character identified in local planning framework.”

## 4. Replace clause 5.1.1—C1.3 with—

“C1.3 The following adjustments shall apply for the purposes of assessing compliance of a proposed development with the minimum and average site areas of Table 1—

- i. in the case of a lot with a corner truncation, up to a maximum of 20m<sup>2</sup> of that truncation shall be added to the area of the adjoining lot, survey strata lot or strata lot (refer Figure 1a); or
- ii. in the case of a rear battleaxe site, the site area is inclusive of the access leg provided that the area of the access leg contributes no more than 20 per cent of the site area as required by Table 1. Where the battleaxe lot (excluding the access leg) adjoins or abuts a right-of-way or reserve for open space, pedestrian access, school site or equivalent, half the width (up to a maximum depth of 2m) may be added to the site area (refer Figure 1b).”

## 5. Replace clause 5.1.1—C1.4 with—

“C1.4 Subject to clause 5.1.1 C1.3 only, the following variations to the minimum and average site area set out in Table 1 may be made—

- i. for an aged or dependent persons’ dwelling or a single bedroom dwelling that is the subject of a proposed development, the site area may be reduced by up to one third, in accordance with clauses 5.5.2 and 5.5.3;
- ii. in the case of a single house, grouped dwelling or multiple dwelling; the area of a lot, survey strata lot or strata lot approved by the WAPC; or
- iii. the area of any existing lot, survey strata lot or strata lot with permanent legal access to a public road, notwithstanding that the site area is less than that required in Table 1.”

## 6. Replace clause 5.1.2—C2.1 with the following—

“C 2.1 Buildings, excluding carports, unenclosed porches, balconies, verandahs, or equivalent, set back from the primary street boundary—

- i. in accordance with Table 1;
- ii. corresponding to the average of the setback of existing dwellings on each adjacent property fronting the same street;
- iii. reduced by up to 50 per cent provided that the area of any building, including a garage encroaching into the setback area, is compensated for by at least an equal area of open space that is located between the setback line and line drawn parallel to it at twice the setback distance (refer Figure 2a and 2c);
- iv. in the case of areas coded R15 or higher, the street setback may be reduced to 2.5m, or 1.5m to a porch, balcony, verandah, or equivalent (refer Figure 2e), where—
  - a grouped dwelling has its main frontage to a secondary street; or
  - a single house results from subdivision of an original corner lot and has its frontage to the original secondary street; or
  - a single house or grouped dwelling (where that grouped dwelling is not adjacent to the primary street), has its main frontage to a communal street, right-of-way or shared pedestrian or vehicle access way (Figure 2d); and
- v. to provide for registered easements for essential services.”

## 7. Replace clause 5.1.2—C2.4 with the following—

“C2.4 An unenclosed porch, balcony, verandah, or the equivalent may (subject to the Building Code of Australia) project into the primary street setback area to a maximum of half the required primary street setback without applying the compensating area of clause 5.2.1 C2.1 iii (Refer Figure 2e).”

## 8. Replace clause 5.1.3—C3.1 with the following—

“C3.1 Buildings which are set back in accordance with the following provisions, subject to any additional measures in other elements of the R-Codes—

- i. buildings set back from lot boundaries in accordance with Table 1 and Tables 2a and 2b (refer to Figure Series 3 and 4);
- ii. for patios, verandahs or equivalent structures, the lot boundary setbacks in Table 1 and Tables 2a and 2b may be reduced to nil to the posts where the structure\*—
  - a. is not more than 10m in length and 2.7m in height;
  - b. is located behind the primary street setback; and
  - c. has eaves, gutters and roofs set back at least 450mm from the lot boundary;
- iii. unenclosed areas accessible for use as outdoor living areas, elevated 0.5m or more above natural ground level, set back in accordance with Table 2b as though they have a wall height of 2.4m above the floor level;
- iv. separate single house, grouped or multiple dwelling buildings on the same lot, or facing portions of the same multiple dwelling building, set back from each other as though there were a lot boundary between them;
- v. minor projections such as a chimney, eaves overhang, or other architectural feature, not projecting more than 0.75m into a setback area; and

- vi. the stated setback distances may be reduced by half the width of an adjoining right-of-way, pedestrian access way, communal street or battleaxe lot access leg, to a maximum reduction of 2m (refer to Figure 4f).

*Note:* \*There are separate building code requirements which may also apply.”

9. Replace clauses 5.1.3—C3.2 and Note, with the following—

“C3.2 Boundary walls may be built behind the street setback (specified in Table 1 and in accordance with clauses 5.1.2 and 5.2.1), within the following limits and subject to the overshadowing provisions of clause 5.4.2 and Figure Series 11—

- i. where the wall abuts an existing or simultaneously constructed boundary wall of equal or greater dimension; or
- ii. in areas coded R20 and R25, walls not higher than 3.5m, up to a maximum length of the greater of 9m or one-third the length of the balance of the site boundary behind the front setback, to up to two site boundaries; or
- iii. in areas coded R30 and higher, walls not higher than 3.5m for two-thirds the length of the balance of the site boundary behind the front setback, to up to two site boundaries; or
- iv. where both the subject site and the affected adjoining site are created in a plan of subdivision submitted concurrently for the proposed development, and the boundary walls are interfacing and of equal dimension.

(Refer Figure Series 5)

*Note—*

- Pillars and posts with a horizontal dimension of 450mm by 450mm, or less, do not constitute a boundary wall.
- Retaining walls do not constitute boundary walls for the purpose of this clause. Setbacks for retaining walls are to be calculated in accordance with clause 5.3.7.”

10. Insert clause 5.1.3—C3.4 as follows—

“C3.4 Where boundary walls and retaining walls are proposed concurrently and the boundary wall is located immediately above the retaining wall—

- i. clause 5.3.7 does not apply; and
- ii. the boundary wall height is to include the height of the retaining wall for the purpose of clause 5.1.3 C3.2, with the exception of a retaining wall approved through a plan of subdivision.”

11. Replace clause 5.2.1—C1.2 with the following—

“C1.2 Carports set back in accordance with the primary street setback requirements of clause 5.1.2 C2.1i, except that the setback may be reduced by up to 50 per cent of the minimum setback stated in Table 1 where—

- i. the width of the carport does not exceed 60 per cent of the frontage;
- ii. the construction allows an unobstructed view between the dwelling and the street, right-of-way or equivalent; and
- iii. the carport roof pitch, colours and materials are compatible with the dwelling.

(Refer to Figure 8a)”

12. Replace clause 5.2.1—C1.3 with the following—

“C1.3 Garages and carports built up to the boundary abutting a communal street or right-of-way which is not the primary or secondary street boundary for the dwelling, with manoeuvring space of at least 6m, located immediately in front of the opening to the garage or carport and permanently available.”

13. Replace clause 5.2.1—P1.1 with the following—

“P1.1 Carports and garages set back to maintain clear sight lines along the street, to not obstruct views of dwellings from the street and vice versa, and designed to contribute positively to streetscapes and to the appearance of dwellings.”

14. Insert 5.2.1—P1.2 as follows—

“P1.2 Garages and/or carports set back to ensure any vehicle parking on a driveway does not impede on any existing or planned adjoining pedestrian, cycle or dual-use path.”

15. Replace clause 5.2.2—C2 with the following—

“C2 A garage door and its supporting structures (or a garage wall where a garage is aligned parallel to the street) facing the primary street is not to occupy more than 50 per cent of the frontage at the setback line as viewed from the street (refer Figure 8c). This may be increased up to 60 per cent where an upper floor or balcony extends for more than half the width of the garage and its supporting structures (or a garage wall where a garage is aligned parallel to the street) and the entrance to the dwelling is clearly visible from the primary street.”

16. Replace clause 5.2.4—C4.1 with the following—

“C4.1 Front fences within the primary street setback area that are visually permeable above 1.2m of natural ground level, measured from the primary street side of the front fence (refer Figure 12).”

## 17. Insert clause 5.2.4—C4.2 as follows—

“Solid pillars that form part of front fences not more than 1.8m above natural ground level provided the horizontal dimension of the pillars is not greater than 400mm by 400mm and pillars are separated by visually permeable fencing in line with C4.1 (Refer Figure 12).”

## 18. Replace clause 5.2.5—C5 with the following—

“Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, or other structures adjoin—

- i. a driveway that intersects a street, right-of-way or communal street;
- ii. a right-of-way or communal street that intersects a public street; and
- iii. two streets that intersect. (refer Figure 9a).”

## 19. Replace clause 5.3.1—P1.1 with the following—

“P1.1 A consolidated outdoor living area is provided to each single house and grouped dwelling which provides space for entertaining, leisure and connection to the outdoors that is—

- of sufficient size and dimension to be functional and usable;
- capable of use in conjunction with a primary living space of the dwelling;
- sufficient in uncovered area to allow for winter sun and natural ventilation into the dwelling;
- sufficient in uncovered area to provide for landscaping, including the planting of a tree(s); and
- optimises use of the northern aspect of the site.”

## 20. Replace clause 5.3.1—P1.2 with the following—

“P1.2 Multiple dwellings to be designed to have direct access to a balcony, courtyard or equivalent outdoor living area that—

- i. is of sufficient size to be used by the intended number of dwelling occupants;
- ii. is sited, oriented and designed for occupant amenity, including consideration of solar access and natural ventilation appropriate to the climatic region; and
- iii. is capable of being used in conjunction with the primary living space.”

## 21. Insert clause 5.3.1—P1.3 as follows—

“P1.3 Where provided within the street setback area, the outdoor living area to a single house or grouped dwelling—

- achieves the design principles of clause 5.3.1 P1.1;
- is designed to facilitate street surveillance between the dwelling and the street; and
- minimises the use of visually impermeable or solid front fences above 1.2m in height.”

## 22. Replace clause 5.3.1—C1.1 with the following—

“C1.1 An outdoor living area to be provided—

- i. in accordance with Table 1;
- ii. behind the street setback area;
- iii. directly accessible from the primary living space of the dwelling;
- iv. with a minimum length and width dimension of 4m; and
- v. with at least two-thirds of the required area without permanent roof cover (Figure 13).”

## 23. Replace clause 5.3.1—C1.2 and with the following—

“C1.2 Each multiple dwelling is provided with at least one balcony or the equivalent, opening directly from the primary living space and with a minimum area of 10m<sup>2</sup> and minimum dimension of 2.4m.

*Note:* Minimum dimension refers to the minimum length and width of all areas that contribute to the outdoor living area or balcony (or equivalent) space.”

## 24. Replace Clause 5.3.2—P2 with the following—

“P2 Landscaping of open spaces that—

- contribute to the appearance and amenity of the development for the residents;
- contribute to the streetscape;
- enhance security and safety for residents;
- contribute to positive local microclimates, including provision of shade and solar access as appropriate; and
- retains existing trees and/or provides new trees to maintain and enhance the tree canopy and local sense of place.”

## 25. Replace clause 5.3.2—C2.1 with the following—

“C2.1 Landscaping of grouped and multiple dwelling common property and communal open spaces in accordance with the following—

- i. the street setback area developed without car parking, except for visitors' bays;
- ii. pedestrian access providing wheelchair accessibility connecting entries to all ground floor buildings with the public footpath and car parking areas;

- iii. one tree to provide shade for every four uncovered car parking spaces (in addition to the trees required in C2.2), with the total number of trees to be rounded up to the nearest whole number;
- iv. lighting to pathways, and communal open space and car parking areas;
- v. bin storage areas conveniently located and screened from view;
- vi. trees which are greater than 3m in height shall be retained, in communal open space which is provided for the development;
- vii. adequate sight lines for pedestrians and vehicles;
- viii. clear line of sight between areas designated as communal open space and at least two habitable room windows; and
- ix. clothes drying areas which are secure and screened from view.”

26. Insert clause 5.3.2—C2.2 as follows—

“C2.2 Landscaping of single houses, grouped dwellings and multiple dwellings to include the following—

- i. the minimum number of trees and associated planting areas in the table below; and
- ii. landscaping of the street setback area, with not more than 50 per cent of this area to consist of impervious surfaces.

Dwelling type		Minimum tree requirement	Minimum tree planting area
Single houses and grouped dwellings (tree per dwelling)		1 tree	2m x 2m
Multiple dwellings (trees per site)	Less than 700m <sup>2</sup>	2 trees	
	700-1000m <sup>2</sup>	3 trees	
	Greater than 1000m <sup>2</sup>	4 trees	

Note—

- i. The minimum tree planting area is to be provided for each tree and shown on the site plan that is submitted with the application.
- ii. The tree planting area is to be free of impervious surfaces and roof cover.”

27. Replace notation to clause 5.3.3—C3.1 with the following—

“Location A = within—

- 800m of a train station on a high frequency rail route, measured in a straight line from the pedestrian entry to the train station platform to any part of a lot; or
- 250m of a high frequency bus route, or multiple bus routes that, if combined, have timed stops every 15 minutes during weekday peak periods (7—9am and 5—7pm), measured in a straight line from along any part of the bus route to any part of the lot.

Location B = includes all land that is not within Location A.”

28. Replace clause 5.3.3—C3.2 with the following—

“C3.2 On-site visitors’ car parking spaces for grouped and multiple dwelling developments provided at a rate of one space for each four dwellings, or part thereof in excess of four dwellings, served by a common access.

Dwellings	Visitor bays
0—3	nil
4	1
5—8	2
9—12	3
13—16	4
17 +	1 additional bay for every 4 dwellings or part thereof

29. Replace clause 5.3.5—C5.1 with the following—

“C5.1 Access to on site car parking spaces to be provided—

- where available, from a communal street or right-of-way available for lawful use to access the relevant site and which is adequately paved and drained from the property boundary to a constructed street; or
- from a secondary street where no right-of-way or communal street exists; or
- from the primary street frontage where no secondary street, right-of way, or communal street exists.”

30. Replace clause 5.3.6—C6.1 with the following—

“C6.1 Where a group of 10 or more dwellings is served by a communal street, between a public street or a communal car parking area and individual dwellings; a minimum 1.2m wide pedestrian path, separate from the vehicular access, is provided and designed according to AS1428.1 (as amended).”

31. Replace clause 5.3.6—C6.3 with the following—

“C6.3 A communal street or pedestrian path is to be no closer than 2.5m to any wall with a major opening unless privacy screening is provided to the communal street or pedestrian path.”

32. Replace clause 5.3.7—C7.1 with the following—

“C7.1 Retaining walls, fill and excavation between the street boundary and the street setback, not more than 0.5m above or below the natural ground level, except where necessary to provide for pedestrian, universal and/or vehicle access, drainage works or natural light to a dwelling.”

33. Replace clause 5.3.7—C7.2 with the following—

“Retaining walls, fill and excavation within the site and behind the required street setback to comply with Table 4”

34. Insert Table 4 within clause 5.3.7 as follows—

“Table 4—Setback of site works and retaining walls

Height of site works and/or retaining walls	Required minimum setback
0.5m or less	0m
1m	1m
1.5m	1.5m
2m	2m
2.5m	2.5m
3m	3m

Notes—

- i. Take the nearest higher value for all height and length calculations.
- ii. Measurement of the height of site works or retaining walls for the purpose of calculating Table 4 setback is to be taken from the natural ground level at the lot boundary adjacent to that point of the site works or retaining wall.
- iii. Visual privacy provisions under clause 5.4.1 and overshadowing provisions under clause 5.4.2 apply.
- iv. Where a boundary wall incorporates a retaining wall directly beneath the boundary wall, the retaining wall does not require assessment under clause 5.3.7 and is to be included in the wall height for the purpose of clause 5.1.3.”

35. Replace clause 5.3.8 Retaining walls with the following—

“Clause 5.3.8 Retaining walls deleted by amendment dated 02/07/2021”

36. Move clause 5.3.8—P8 to clause 5.3.7—P7.3.

37. Replace the note to Clause 5.4.2—C2.1 with the following—

“Note: With regard to clause 5.4.2 C2.1—

- dividing fences of up to 2.0 metres in height do not contribute to overshadowing calculations; and
- site area refers to the surface of the adjoining lot and is measured without regard to any building on it but taking into account its natural ground level.”

38. Replace clause 5.4.3—C3 with the following—

“C3 Outbuildings associated with a dwelling site address either—

- i. the standards for small outbuildings (A. Small outbuilding); or
- ii. the standards for large and multiple outbuildings (B. Large and multiple outbuildings).”

A. Small outbuilding	<ol style="list-style-type: none"> <li>(i) no more than one outbuilding per dwelling site;</li> <li>(ii) has no more than two boundary walls;</li> <li>(iii) does not exceed 10m<sup>2</sup> in area;</li> <li>(iv) does not exceed a wall and ridge height of 2.7m;</li> <li>(v) not located within the primary or secondary street setback area; and</li> <li>(vi) does not reduce open space and outdoor living area requirements in Table 1.</li> </ol>
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OR

B. Large and multiple outbuildings	<ul style="list-style-type: none"> <li>(i) individually or collectively does not exceed 60m<sup>2</sup> in area or 10 per cent in aggregate of the site area, whichever is the lesser;</li> <li>(ii) set back in accordance with Table 2a;</li> <li>(iii) does not exceed a wall height of 2.4m;</li> <li>(iv) does not exceed a ridge height of 4.2m;</li> <li>(v) not located within the primary or secondary street setback area; and</li> <li>(vi) does not reduce the open space and outdoor living area requirements in Table 1.</li> </ul>
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*Notes—*

- i. An outbuilding wall that meets (ii) for small outbuildings does not contribute to the number or dimension of boundary walls under clause 5.1.3.
  - ii. An existing outbuilding that meets the development standards for small outbuildings does not need to be set back in accordance with Table 2a for additional outbuildings that are proposed under B. Large and multiple outbuildings.
  - iii. There are separate building code requirements that may also apply.”
39. Replace clause 5.5.1—C1 with the following—  
 “C1 Ancillary dwelling associated with a single house and on the same lot where—
- i. the lot is not less than 350m<sup>2</sup> in area;
  - ii. there is a maximum plot ratio area of 70m<sup>2</sup>;
  - iii. parking is provided in accordance with clause 5.3.3 C3.1;
  - iv. ancillary dwelling is located behind the street setback line;
  - v. ancillary dwelling is designed to be compatible with the colour, roof pitch and materials of the single house on the same lot;
  - vi. ancillary dwelling does not preclude the single house from meeting the required minimum open space and outdoor living area; and
  - vii. ancillary dwelling complies with all other R-Code provisions, only as they apply to single houses, with the exception of clauses—
    - (a) 5.1.1 Site area;
    - (b) 5.2.3 Street surveillance (except where located on a lot with secondary street or right-of-way access); and
    - (c) 5.3.1 Outdoor living areas.”
40. Replace clause 5.5.1—P1 with the following—  
 “P1 Ancillary dwelling is of a small scale and designed to support people living independently or semi-dependently to the residents of the single house, sharing some site facilities and services.”
41. Insert clause 5.5.1—P2 with the following—  
 “Ancillary dwellings to positively contribute to its setting, including the existing single house and, where visible from the street or adjoining properties, to the amenity of the streetscape and context.”
42. Replace clause 7.2 with the following—  
 “Pre-existing local planning policies  
 If a properly adopted local planning policy, which came into effect prior to the gazettal of the R-Codes (as amended), is inconsistent with the R-Codes Volume 1—
- (a) For those sections of Part 5 modified in accordance with section 7.3.1, or modified with WAPC approval in accordance with section 7.3.2, the provisions of the R-Codes do not supersede any development standard provided for in that local planning policy.
  - (b) For those sections of Part 5 that are not identified in clause 7.3.1 and modified without WAPC approval, the provisions of the R-Codes Volume 1 prevail over that local planning policy to the extent of any inconsistency.”
43. Modify clause 7.3.1 as follows—
- a. Amend “5.1.1 street setbacks” to “5.1.2 street setbacks”
  - b. Insert under “Building design” “5.4.3 outbuildings”.
44. Amend Table 2a. and replace 1.5m to 1m for walls which are 3.5m or less and between 10m to 14m in length.

“Table 2a: Boundary setbacks—walls with no major openings

Wall length (m)	9 or less	10	11	12	13	14
Wall height (m)						
3.5 or less*	1	1	1	1	1	1

”

45. Replace Table 3 with the following—

“Table 3: Maximum building heights

Building category	Maximum height of wall	Maximum total building height	
		Gable, skillion and concealed roof	Hipped and pitched roof
Category A	3.5m	5m	7m
Category B	7m	8m	10m
Category C	9m	10m	12m

- i. Category B will apply unless a scheme, the relevant local planning policy, structure plan or local development plan requires the application of category A (generally single level development) or category C (development on three levels) or an alternative standard.”

46. Replace definition of “Activity Centre Plan” with the following—

“As defined under the Planning and Development (Local Planning Schemes) Regulations 2015 and are prepared in accordance with State Planning Policy 4.2.”

47. Insert definition of “Boundary, wall” as follows—

“A wall, on or less than 600mm from any site boundary (green title or survey strata lot), other than a street boundary.”

48. Replace definition of “Height, wall” as follows—

“This is the vertical distance between the point where the base of the wall meets the natural ground level at the boundary immediately adjacent to the wall to the roof or top of the parapet.”

49. Insert definition of “Impervious area/surface” as follows—

“Surfaces that do not permit the penetration of rainwater into the ground and instead generate stormwater run-off, typically to drainage systems.”

50. Insert definition of “National Construction Code (NCC)” as follows—

“National Construction Code, comprising the Building Code of Australia (BCA) and Plumbing Code of Australia (PCA).”

51. Replace definition of “Open space” with the following—

“Generally that area of a lot not occupied by any building and includes—

- open areas of accessible and useable flat roofs and outdoor living areas above natural ground level;
- areas beneath eaves;
- verandahs, patios or other such roofed structures not more than 0.5m above natural ground level, unenclosed on at least two sides, and covering no more than 10 per cent of the site area or 50m<sup>2</sup> whichever is the lesser;
- unroofed open structures such as pergolas;
- uncovered driveways (including access aisles in car parking areas) and uncovered car parking spaces;

but excludes—

- non-accessible roofs, verandahs, balconies and outdoor living areas over 0.5m above natural ground level; and/or
- covered car parking spaces and covered walkways, areas for rubbish disposal, stores, outbuildings or plant rooms.”

52. Replace definition of “Pergola” with the following—

“An open-framed structure covered in water permeable material, or operable louvred roofing, which may or may not be attached to a dwelling.”

53. Insert definition of “Primary living space” as follows—

“The area within a dwelling that is the focus of life and activity and usually the largest room. This area is connected with the outdoor living area or balcony, and includes the following room types: living room, lounge room, games room, family room, or an integrated living area that has one of these room types together with a kitchen or dining area.”

54. Replace definition of “Street setback” with the following—

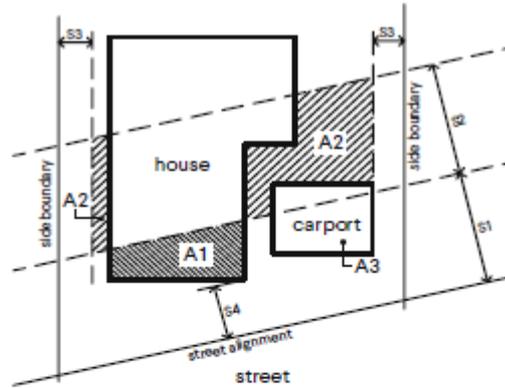
“The horizontal distance between the street boundary and a building, measured at right angles (90 degrees) to the street boundary.”

55. Replace definition of “Street setback area” with the following—

“The area between the street boundary and the street setback line as set out in Table 1 or as established in a particular case in accordance with the provisions of design element 5.2.”

56. Replace Figure 2a with the following—

**Figure 2a—Measuring primary street setbacks (clause 5.1.2 C2.1 iii)**



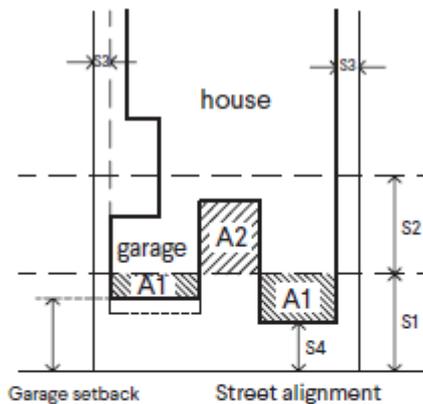
- A1 Area of building forward of **primary street setback**
- A2 Compensating open area behind **primary street setback**
- A3 The carport in S1 does not need to be compensated for in S2. The portion of the carport within S2 does not constitute open space and cannot contribute to A2
- S1 **Primary street setback** distance (Table 1)
- S2 Distance behind the **primary street setback**, equal to S1
- S3 Side boundary **setback** (Table 2a and 2b)
- S4 Maximum reduced **primary street setback** (half of S1)

57. Replace Figure 2b with the following—

“Figure 2b—Measuring minor projections into primary setback (clause 5.1.2 C2.4) deleted by amendment dated 2/7/2021”

58. Replace Figure 2c with the following—

**Figure 2c—Measuring street setback for garages (clause 5.1.2 and 5.2.1)**

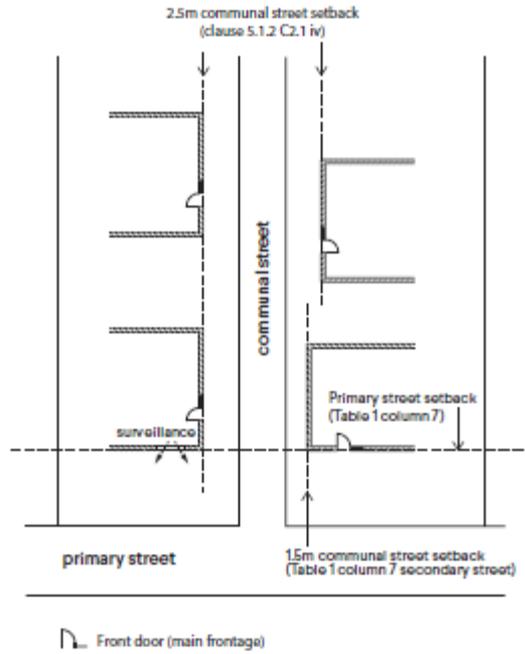


Garage setback may be reduced in accordance with 5.2.1 C1.1 (i and ii)

- A1 Area of building forward of **primary street setback**
- A2 Compensating open area behind **primary street setback**
- S1 **Primary street setback** distance (Table 1)
- S2 Distance behind the **primary street setback**, equal to S1
- S3 Side boundary **setback** (Table 2a and 2b)
- S4 Maximum reduced **primary street setback** (half of S1)

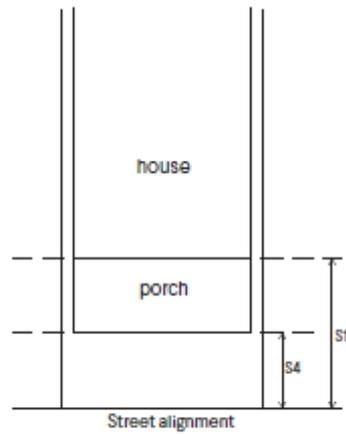
59. Replace Figure 2d with the following—

**Figure 2d—Measuring communal street setbacks (clause 5.1.2 C2.1 iv)**



60. Insert figure 2e as follows—

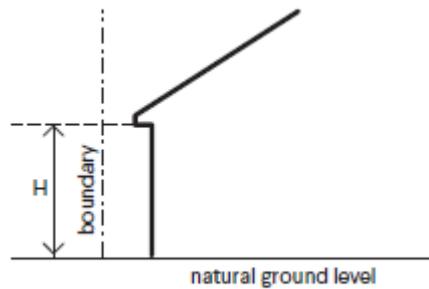
**Figure 2e—Measuring minor projections into primary street setback (clause 5.1.2 C2.4)**



Note: a porch, balcony, verandah or equivalent is not subject to the compensating area requirement stated in 5.1.2 C2.1 iii

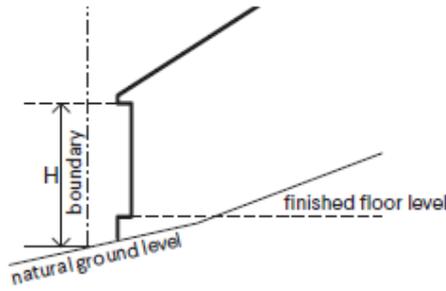
61. Replace Figure 3a with the following—

**Figure 3a—Cross section, flat site**



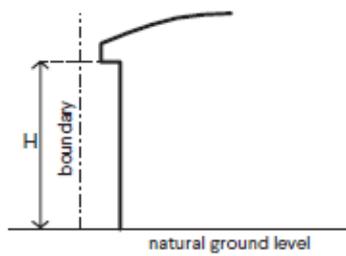
62. Replace Figure 3b with the following—

**Figure 3b—Cross section, sloping site**



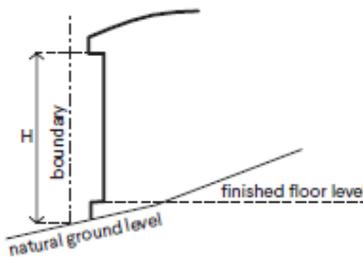
63. Replace Figure 3c with the following—

**Figure 3c—Cross section, flat site**



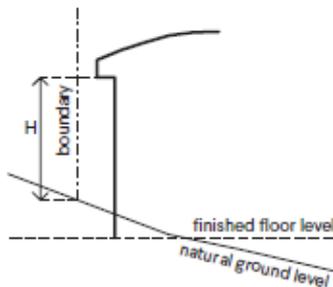
64. Replace Figure 3d with the following—

**Figure 3d—Cross section, sloped site**



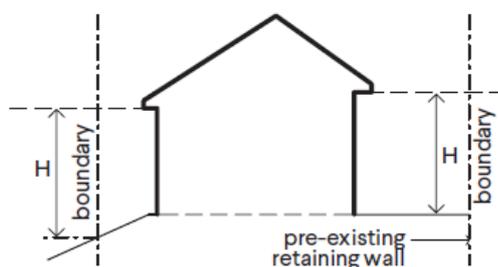
65. Replace Figure 3e with the following—

**Figure 3e—Cross section, sloped site**



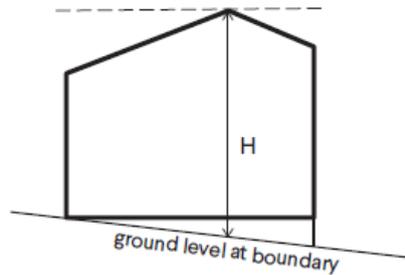
66. Replace Figure 3f with the following—

**Figure 3f—Cross section, alternate levels with existing retaining wall**



67. Replace Figure 3g with the following—

**Figure 3g—Skillion roof**



68. Replace Figure 3 series Notes with the following—

**NOTES:**

**H =** The height of the wall for the measurement of setbacks is measured from the natural ground level at the lot boundary adjacent to the wall to the highest point of the building vertically above that point where the wall touches the underside of the eave/gutter (Figures 3a-3g).

Where the lot boundary adjacent to the wall is lower than the natural ground level at the base of the wall, the greater height is used (Figures 3b, 3d and 3f).

Where the lot boundary adjacent to the wall is higher than the natural ground level at the base of the wall, the lesser height is used (Figure 3e).

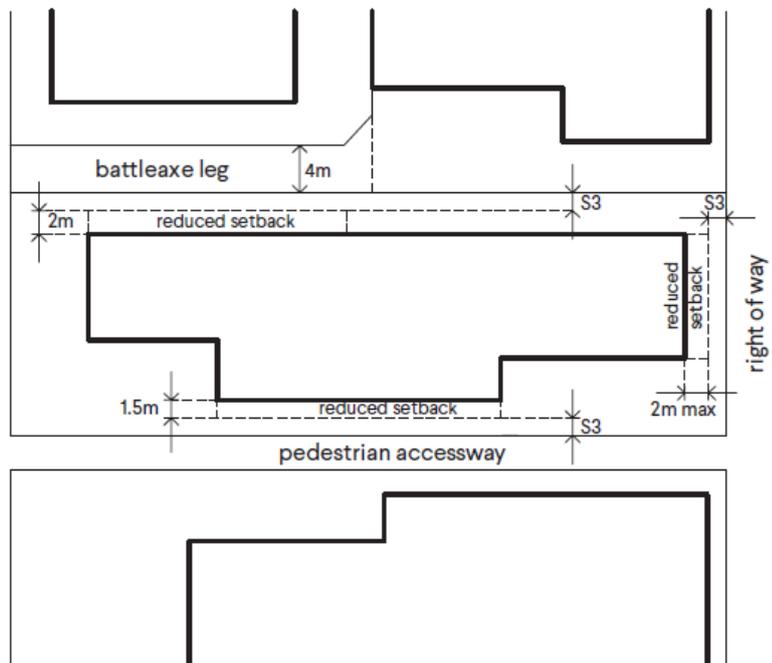
Where a wall has a skillion roof or gable roof above, the height of the wall is calculated to the highest point of the skillion or gable roof (Figure 3g).

69. Replace Figure 4e with the following—

“Figure 4e—Boundary setbacks for walls greater than Table 2a and 2b deleted by amendment dated 2/7/2021”

70. Insert Figure 4f as follows—

**Figure 4f—Reduced boundary setbacks (clause 5.1.3 C3.1 i and iv)**



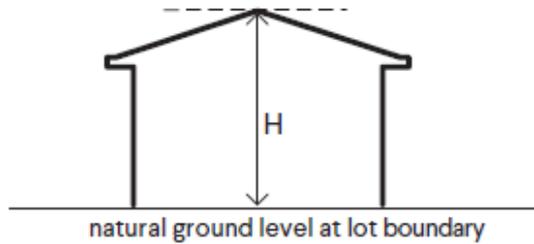
**Notes**

S3 Side boundary setback (Tables 2a and 2b)

Setbacks can be reduced by half the width of adjoining battleaxe lot legs, pedestrian access ways or rights-of-way to a maximum of 2m.

71. Replace Figure 5a with the following—

**Figure 5a—Elevation: flat site**

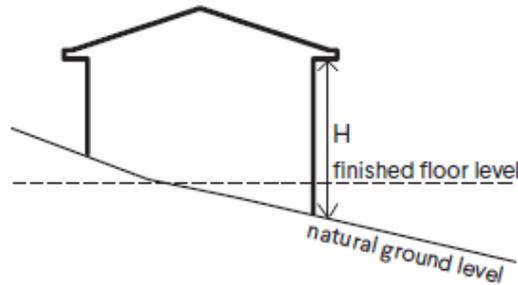


**Notes:**

The height of a lot boundary wall shall be measured to the point immediately above the natural ground level below.

72. Replace Figure 5b with the following—

**Figure 5b—Elevation: sloped site**

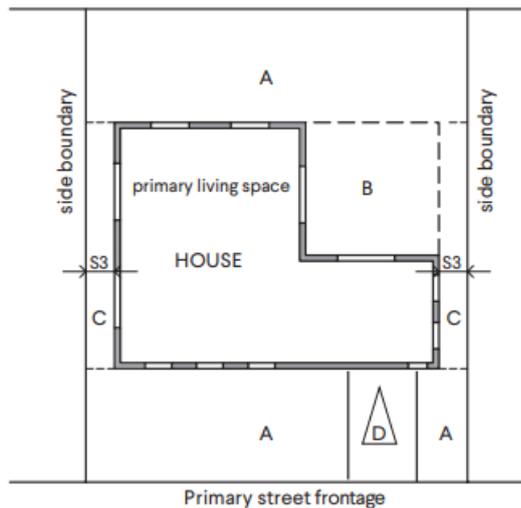


**Notes:**

The height shall be the height of the wall at its highest point above the natural ground level (H)

73. Replace Figure 6a with the following—

**Figure 6a—Measuring open space (clause 5.1.4 C4)**



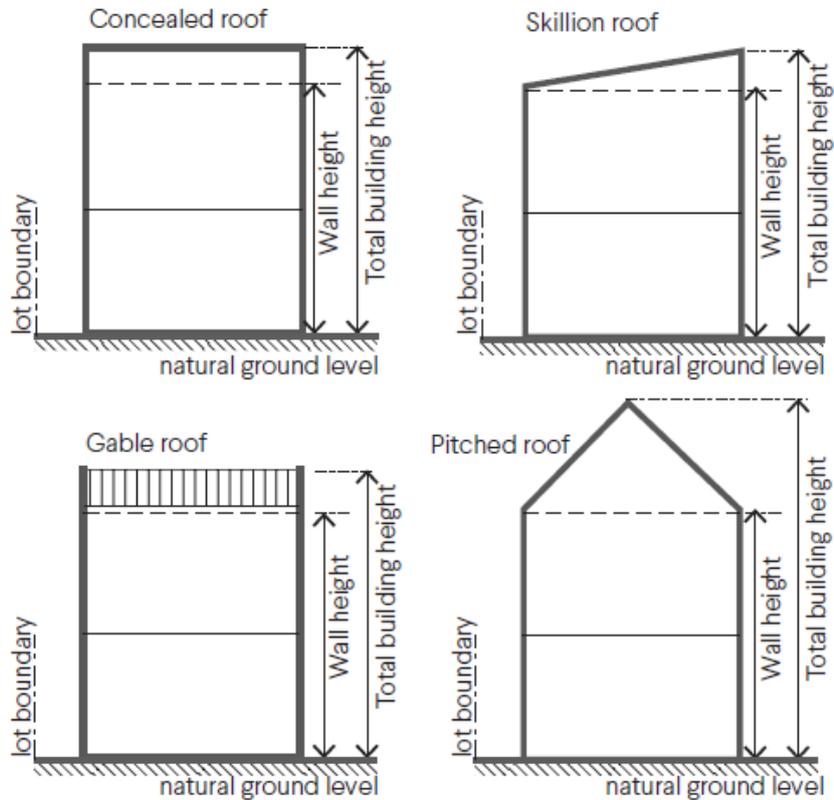
**Notes**

- S3 Side boundary setback (Tables 2a and 2b)
- A Uncovered open space
- B Unenclosed, covered outdoor living area (to a maximum 10 per cent site area or 50m<sup>2</sup>, whichever is lesser)
- C Side setback area
- D Uncovered driveway or uncovered car parking spaces

**OPEN SPACE = A + B + C + D**

74. Insert Figure 7c as follows—

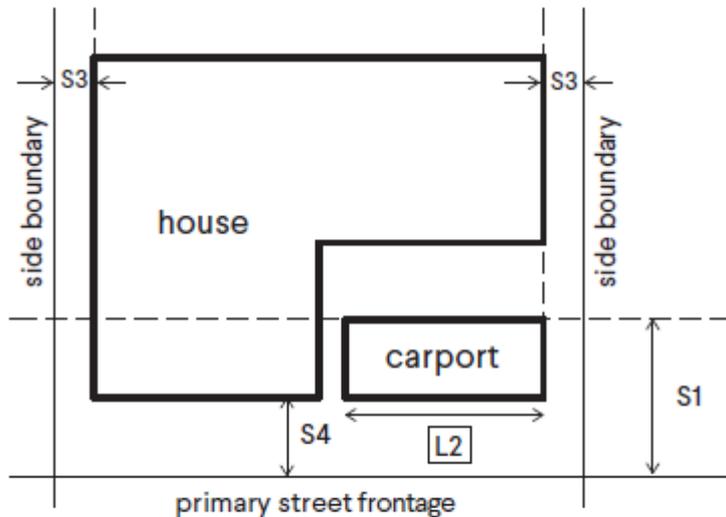
**Figure 7c—Building height calculations (clause 5.1.6)**



Two storey example for wall and building height

75. Replace Figure 8a with the following—

**Figure 8a—Carport setbacks (clause 5.2.1 C1.2)**

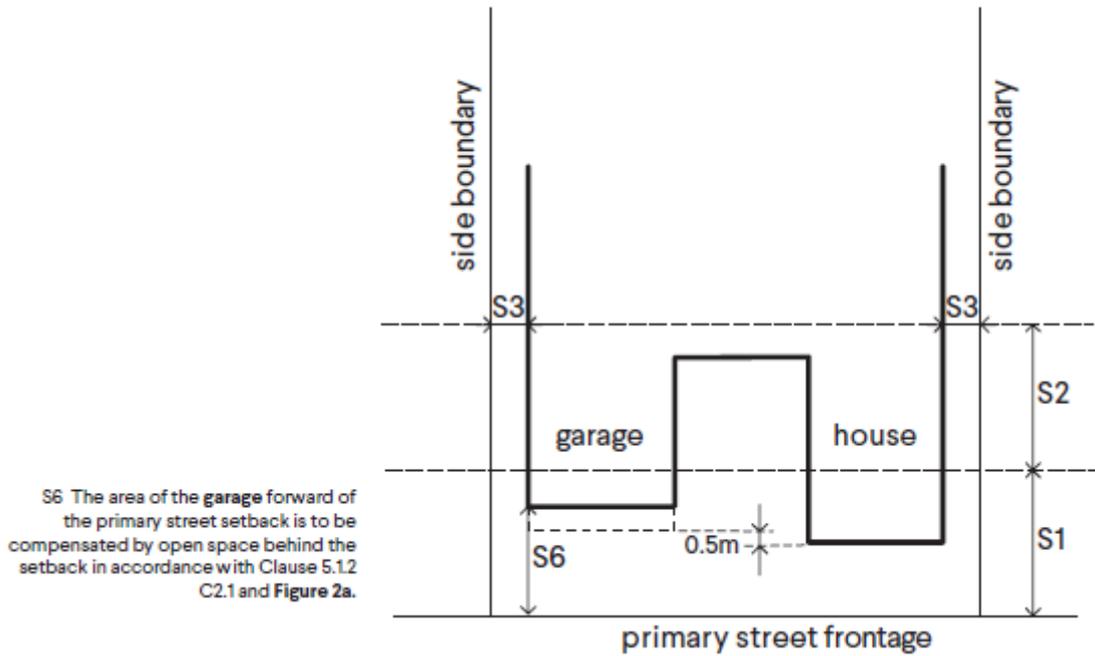


**NOTES:**

- S1 Primary street setback distance (Table 1)
- S3 Side boundary setback (Tables 2a and 2b)
- S4 Maximum reduced setback (half S1)
- L2 Maximum 60 per cent of frontage

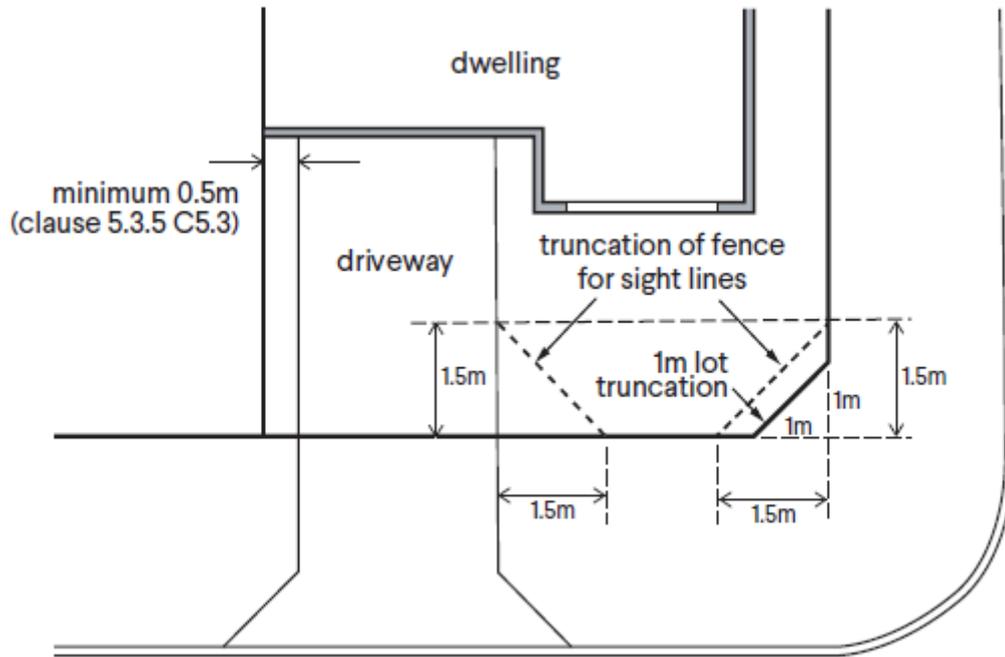
76. Replace Figure 8b with the following—

**Figure 8b—Garage setbacks (clause 5.2.1 C1.1)**



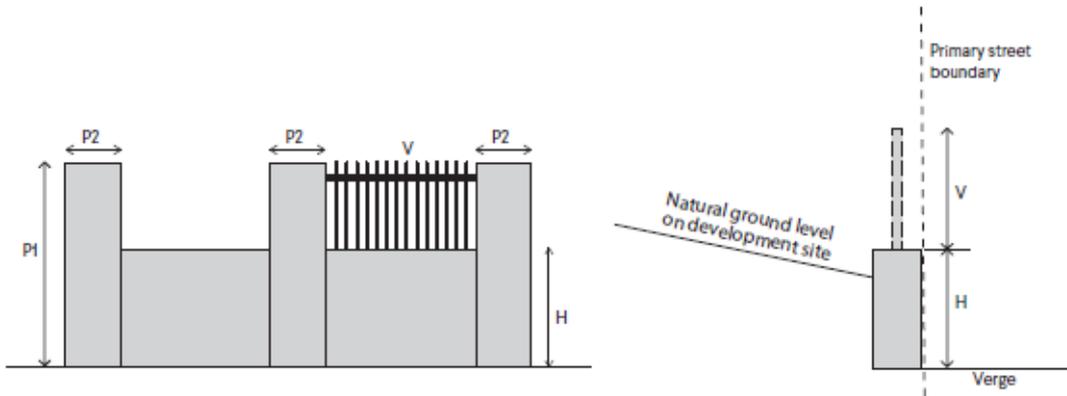
77. Replace Figure 9a with the following—

**Figure 9a—Locations of truncations or reduced fence height**



78. Insert Figure 12 as follows—

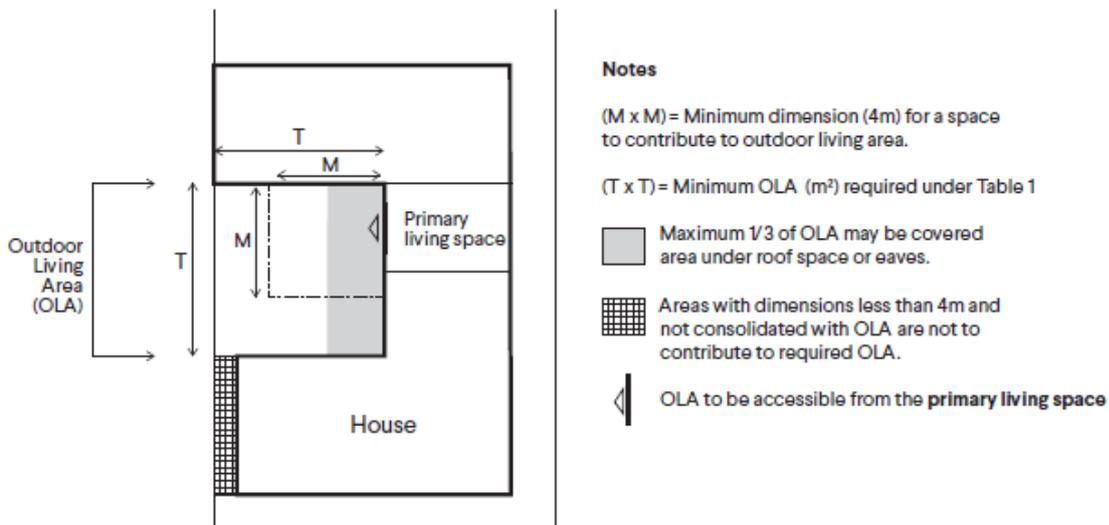
**Figure 12—Measuring visually permeable fences above 1.2m (Clause 5.2.4)**



**Note:**  
 H maximum height of visually impermeable fencing 1.2 m\*  
 P1 maximum pillar height of 1.8m\*  
 P2 pillar dimension 400mm x 400mm maximum  
 V area above 1.2m to be visually permeable\*  
 \* measured from natural ground level on the primary street side of the fence

79. Insert Figure 13 as follows—

**Figure 13—Dimensions and calculations for outdoor living areas (clause 5.3.1 C1.1)**




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## PREMIER AND CABINET

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PR401

### INTERPRETATION ACT 1984 MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor, in accordance with section 12(c) of the *Interpretation Act 1984*, has approved the following temporary appointment—

Hon. P. Papalia, MLA to act temporarily in the office of Minister for Mental Health; Aboriginal Affairs; Industrial Relations in the absence of the Hon. S. N. Dawson, MLC, for the period 5 to 8 July 2021 (both dates inclusive).

E. ROPER, A/Director General, Department of the Premier and Cabinet.

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**PUBLIC NOTICES**

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ZZ401

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

## Notice to Creditors and Claimants

Estate of Ralph Richard Jongedyk, late of 16 Sloop Place, Heathridge, Western Australia 6027, who died on or before 25 March 2021, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the said deceased person are required by the administrator of the deceased's estate, being Caryl Albert Jongedyk of 44 Karri Loop, Margaret River, Western Australia 6285, to send particulars of their claims to PO Box 782 Margaret River stated herein within 30 days of this notice, after which date the administrator may convey or distribute the assets having regard only to the claims of which he then has notice.

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ZZ402

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

## Notice to Creditors and Claimants

Any creditors having claims on the estate of the late Malcolm Gerard Bradshaw of 2 Aster Close, Beeliar, deceased 29 December 2020, are required to send particulars of their claims to Lee-Ann Mary Bradshaw, executor, c/- Avery & Ashoorian Lawyers, PO Box 3144, Myaree, WA 6154 by 3 August 2021, after which date the executor may distribute the assets having regard only to the claims of which they then have notice.

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ZZ403

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

## Notice to Creditors and Claimants

David Edwin Edwards, late of 68 Dunn Street, Ravensthorpe, Western Australia, Farmer, 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 2 March 2021, are required by the Executor, care of WA Property Lawyers, 48 Outram Street, West Perth, WA, 6005, Telephone: (08) 9380 3600, Facsimile: (08) 9322 1112 to send particulars of their claims to him within one (1) month from the date of publication of this notice, after which date the Executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

WA PROPERTY LAWYERS.

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ZZ404

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

## Notice to Creditors and Claimants

Carmen Eileen Hine late of Morrison Gardens, 1A North Street, Midland, 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 14 March 2021, are required by the personal representative Debra Leeanne Thomas c/- Lynn & Brown Lawyers, PO Box 1114, Morley, WA 6943 to send particulars of their claims to her by the 2 August 2021, after which date the personal representative may convey or distribute the assets of the estate, having regard only to the claims of which she then has notice.

**ZZ405****TRUSTEES ACT 1962****DECEASED ESTATES**

## Notice to Creditors and Claimants

In the matter of the Estate of Margaret Louise Heynemann (Bracegirdle) late of Unit 2, 6-8 Croesus Street, Morley 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 to the estate of the deceased who died on 19 September 2019 are required by the Administrator Catherine Margaret Hewick to send particulars of their claims to PO Box 3819 Success WA 6964 within 1 month of publication of this notice after which date the administrator may convey or distribute the assets, having regard only to the claims of which they then have notice.

**ZZ406****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 2 August 2021 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Arney, Frances also known as Arney, Francis, late of 248 Lyon Road, Aubin Grove, who died on 18 August 2020 (DE33169131 EM24).

Benjamin, Leonard David also known as Benjamin, Leonard, late of Hellenic Community Aged Care, 2 Hellenic Drive, Dianella, who died on 19 January 2021 (DE33112469 EM23).

Burleigh, Rita Emily, formerly of 1 Clipper Court, Edgewater, late of 30 Regent Park Road, Joondalup, who died on 30 April 2021 (DE19992104 EM18).

Elton, Derek George, late of Craigcare Ascot Waters, 2 Waterway Crescent, Ascot, who died on 4 May 2021 (DE19910531 EM17).

Hough, Robert Richard, late of 3-5 Vernon Street, Collie, who died on 1 May 2021 (DE19600031 EM16).

Isdale, Vera Phyllis, late of Hall & Prior Aged Care, 22 Morrison Road, Midland (PM33158334 EM214).

Nicholas, James, formerly of 129 Altone Road, Beechboro, late of Mertome Aged Care and Retirement Village, 30 Winifred Road, Bayswater who died on 17 May 2021 (DE19922194 EM17).

Reynolds, Robert Herbert, late of Unit 2, 88 Cockman Cross, Stratton, who died on 17 May 2021 (DE33090842 EM23).

Schipp, Iris Patricia, also known as Schipp, Pat, late of 2 Westralia Gardens, Rockingham, who died on 3 May 2021 (PM33140929 EM27).

Tanner, Peter John, late of Opal Carine Parkside, 29 Silica Road, Carine, who died on 22 May 2021 (DE19900728 EM110).

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