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Nil

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PUBLISHING DETAILS

The Western Australian *Government Gazette* is published by the Government Printer for the State of Western Australia on Tuesday and Friday of each week unless disrupted by Public Holidays or unforeseen circumstances.

Special *Government Gazettes* containing notices of an urgent or particular nature are published periodically.

The following guidelines should be followed to ensure publication in the *Government Gazette*—

- Material submitted to the Executive Council prior to gazettal will require a copy of the signed Executive Council Minute Paper.
- Copy must be lodged with the Publications Officer, Department of the Premier and Cabinet no later than 12 noon on Wednesday (Friday edition) or 12 noon on Friday (Tuesday edition)—

Email address:

gazette@dpc.wa.gov.au

- Inquiries regarding publication of notices can be directed to the Publications Officer on (08) 6552 6012.
- **Lengthy or complicated notices should be forwarded early to allow for preparation. Failure to observe this request could result in the notice being held over.**

After lodging any notices, confirmation is not required by post. *If original copy is forwarded later and published, the cost will be borne by the advertiser.*

GOVERNMENT GAZETTE

PUBLISHING DETAILS FOR EASTER 2022

A gazette will be published on **Thursday 14th April**
and closing time for copy is Wednesday 13th April at noon.

A gazette will be published on **Friday 22nd April**
and closing time for copy is Wednesday 20th April at noon.

The Gazette will not be published on Tuesday 19th April.

— PART 2 —

CONSUMER PROTECTION

CP401

ASSOCIATIONS INCORPORATION ACT 2015

ORDER TO CANCEL INCORPORATION

[Part 10, Division 3, s.147]

1. West Australian European Business Association Incorporated—A1022497B
2. The Marine Aquarists Society of WA (Inc.)—A1013051Z
3. Federation of Zoroastrian Associations of Oceania Incorporated—A1039343L
4. Consumers' Association of Western Australia (Inc.)—A1000529Z

On 04 October 2021 the Commissioner for Consumer Protection (Commissioner) served a notice on the above named Associations pursuant to section 145(1) of the *Associations Incorporation Act 2015* (Act) informing them that if they did not show cause on or before 60 days after the day on which the notice was given (Allowed Period) the incorporation of the Associations would be cancelled.

The Associations did not show cause within the Allowed Period.

On 10 December 2021 the Commissioner gave notice in writing to the Associations pursuant to section 147(2) of the Act stating that the Commissioner proposed to make an order cancelling their incorporation after the expiration of 28 days from the day on which the notice was given and advising the Associations that it could apply to the State Administrative Tribunal (SAT) for a review of the Commissioner's proposal within his period.

The Associations did not apply to SAT for a review within the period specified. Therefore, pursuant to section 147(1) of the Act, the Commissioner orders that the incorporation of the above named Associations be cancelled with effect on and from the date of this order.

Dated 21 March 2022.

DAVID MORRIS, Manager Associations and Charities.

CP402

ASSOCIATIONS INCORPORATION ACT 2015

ORDER TO CANCEL INCORPORATION

[Part 10, Division 3, s.147]

1. Medically Retired Western Australian Police Officers Association Inc—A1016910F
2. Melville and Districts Amateur Athletic Club—A0820178H
3. Toodyay Progress Association Incorporated—A1021875E
4. New Era Aboriginal Fellowship Inc.—A0690055V

On 11 November 2021 the Commissioner for Consumer Protection (Commissioner) served a notice on the above named Associations pursuant to section 145(1) of the *Associations Incorporation Act 2015* (Act) informing them that if they did not show cause on or before 60 days after the day on which the notice was given (Allowed Period) the incorporation of the Associations would be cancelled.

The Associations did not show cause within the Allowed Period.

On 24 January 2022 the Commissioner gave notice in writing to the Associations pursuant to section 147(2) of the Act stating that the Commissioner proposed to make an order cancelling their incorporation after the expiration of 28 days from the day on which the notice was given and advising the Associations that it could apply to the State Administrative Tribunal (SAT) for a review of the Commissioner's proposal within his period.

The Associations did not apply to SAT for a review within the period specified. Therefore, pursuant to section 147(1) of the Act, the Commissioner orders that the incorporation of the above named Associations be cancelled with effect on and from the date of this order.

Dated 22 March 2022.

DAVID MORRIS, Manager Associations and Charities.

ENERGY

EN401

GAS STANDARDS ACT 1972

GAS APPLIANCE APPROVAL REQUIREMENTS NOTICE 2022

Made by the Director of Energy Safety under s13E(3a) of the Act.

1. Citation

This notice is the *Gas Appliance Approval Requirements Notice 2022*.

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 *Government Gazette*; and
- (b) the rest of the notice—on the day after that day

3. Terms Used

- (a) **Director** means the Director of Energy Safety referred to in s5 of the *Energy Coordination Act 1994*; and
- (b) A reference to—
 - (i) **AS** means the document specified, as published by Standards Australia;
 - (ii) **AS/NZ** means the document specified, jointly published by Standards Australia and Standards New Zealand;
 - (iii) **SA TR** means the document specified, as published by Standards Australia; and
 - (iv) **IEC** means the document specified, as published by the International Electrotechnical Commission.

4. Revocation

The notice published in the *Government Gazette* dated 30 November 2007 on page 5,941 under provisions of the *Gas Standards Act 1972* and titled "Technical and Safety Requirements" is hereby revoked.

5. Gas appliance approval requirements

For the purposes of s13E(3a), the requirements contained in the standards referenced in column 2 of the below table are hereby specified as requirements for the approval of the corresponding classes and types of gas appliance set out in column 3.

Item No.	Standards	Type A Gas Appliance
1	AS 3645:2017	All type A gas appliances
2	AS/NZS 5263.0:2017	All type A gas appliances
3	AS/NZS 5263.1.1:2020	Domestic gas cooking appliances
4	AS/NZS 5263.1.2:2020	Gas fired water heaters for hot water supply and/or central heating
5	AS/NZS 5263.1.3:2021	Gas space heating appliances
6	AS/NZS 5263.1.4:2017	Radiant gas heaters
7	AS/NZS 5263.1.5:2019	Domestic gas refrigerators
8	AS/NZS 5263.1.6:2020	Indirect gas-fired ducted air heaters
9	AS/NZS 5263.1.7:2020	Domestic outdoor gas cooking appliances
10	AS/NZS 5263.1.8:2021	Decorative effect gas appliances
11	AS/NZS 5263.1.9:2019	Gas laundry dryers
12	AS/NZS 5263.1.10:2019	Gas direct fired air heaters
13	AS/NZS 5263.1.12:2019	Gas pool heaters
14	AS 4563:2022	Commercial catering equipment—boiling tables—open and closed top, chinese cooking tables
15		Commercial catering equipment—salamanders, grillers and toasters
16		Commercial catering equipment—solid grill plates and griddles
17		Commercial catering equipment—barbecue grillers
18		Commercial catering equipment—ovens
19		Commercial catering equipment—boiling water units
20		Commercial catering equipment—stockpots and brat pans

Item No.	Standards	Type A Gas Appliance
21		Commercial catering equipment—atmospheric steamers
22		Commercial catering equipment—fryers
23		Commercial catering equipment—food warmers, bain-marie
24		Commercial catering gas equipment—pasta cookers and rethermalizers
25	AS 2658:2022	Portable and mobile LP gas appliances
		Type B Gas Appliance
26	AS 62282.3.100:2021	Stationary fuel cell power systems
27	IEC 62282-4-101:2014	Fuel cell power systems for propulsion (other than road vehicles and auxiliary power units) in electrically powered industrial trucks—hydrogen fuel cells only
28	IEC 62282-5-100:2018	Portable fuel cell power systems
29	SA TR 15916:2021	All hydrogen appliances
30	AS 3814:2018	Industrial and commercial gas-fired Type B appliances
31	AS 1375-2013	Industrial Type B fuel fired gas appliances
32	AS/NZS 5263.1.11:2020	Small gas engine driven appliances

SAJ ABDOOLAKHAN, Director of Energy Safety,
Department of Mines, Industry Regulation and Safety.

FIRE AND EMERGENCY SERVICES

FE401

EMERGENCY MANAGEMENT ACT 2005

EXTENSION OF STATE OF EMERGENCY DECLARATION

I, Stephen Noel Dawson, the Minister for Emergency Services, hereby extend the state of emergency declaration made on 15 March 2020 at 12:45 pm.

The state of emergency declaration is extended for a period of fourteen (14) days.

The powers that may be exercised during the period by which the state of emergency declaration is extended are limited as follows: Nil limitations.

Time when declaration made: 9:35 am.

Date on which declaration made: 22 March 2022.

This declaration has effect from 12 am on 25 March 2022 and remains in force until—

- (a) 12 am on 8 April 2022; or
- (b) It is revoked under section 59 of the *Emergency Management Act 2005*.

This declaration of an extension of a state of emergency declaration is made under section 58 of the *Emergency Management Act 2005*.

STEPHEN NOEL DAWSON, Minister for Emergency Services.

FISHERIES

FI401

FISH RESOURCES MANAGEMENT ACT 1994

KIMBERLEY PRAWN MANAGED FISHERY MANAGEMENT PLAN 1993

Areas Closed to Fishing for Prawns in the Kimberley Prawn Managed Fishery for 2022

Notice No. 1 of 2022

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 17 of the *Kimberley Prawn Managed Fishery Management Plan 1993* (the Plan) and being of the opinion that the prohibition is required in the better interests of the Kimberley Prawn Managed Fishery, do hereby—

1. Cancel Notice of Areas Closed to Fishing for Prawns: *Notice No. 1 of 2021*, dated 12 March 2021; and

2. Prohibit fishing for prawns in those parts of the Kimberley Prawn Managed Fishery (the Fishery), between the times and dates provided in items (a) to (e) below—
- (a) Fishing for prawns is prohibited in the waters described in Schedule 1 of the Plan from the date of the gazettal of *Notice No. 1 of 2022*, until 0600 hours WST on 1 April 2022;
 - (b) Fishing for prawns is prohibited in the waters described in Schedule 1 of the Plan during the period commencing at 0800 hours WST on 15 June 2022 and ending 0600 hours WST on 1 August 2022;
 - (c) Fishing for prawns is prohibited in the waters described in Schedule 1 of the Plan during the period commencing at 1630 hours WST on 30 November 2022 until 0600 hours WST on 1 June 2023;
 - (d) Fishing for prawns is prohibited in the waters described in (i) and (ii) below from the date of gazettal of this Notice until 0800 hours WST on 15 June 2022—
 - (i) **Collier Bay Prawn Size Management Fish Ground**
Waters inshore of a line commencing at a point at 16° 15.34' south latitude and 124° 00' east longitude (on the mainland); then extending due north along the meridian to a point at 15° 50' south latitude and 124° 00' east longitude; then due east along the parallel to a point at 15° 50' south latitude and 124° 24.50' east longitude (on the mainland); but excluding all waters described in (e)(i) Collier Bay Inshore Closure;
 - (ii) **Napier Broome Bay Prawn Size Management Fish Ground**
Waters inshore of a line commencing at a point at 13° 56.84' south latitude and 126° 33.88' east longitude (on the mainland near Anjo Hill); then extending easterly along the geodesic to a point at 13° 56.26' south latitude and 126° 41.12' east longitude (on West Governor Island); then easterly along the geodesic to a point at 13° 55.75' south latitude and 126° 48.38' east longitude (on the mainland near Curran Point); but excluding all waters described in (e)(iv) Napier Broome Bay Inshore Closure;
 - (e) Fishing for prawns is prohibited at all times in the waters described in (i) to (iv) below—
 - (i) **Collier Bay Inshore Closure**
Waters inshore of a line commencing at a point at 15° 52.09' south latitude and 124° 26.20' east longitude (on the mainland); then extending southerly along the geodesic to a point at 16° 04.20' south latitude and 124° 26.30' east longitude; then south-westerly along the geodesic to a point at 16° 17' south latitude and 124° 18.10' east longitude; then westerly along the geodesic to a point at 16° 17.195' south latitude and 124° 07.861' east longitude (on the mainland);
 - (ii) **Brunswick Bay-York Sound Inshore Closure**
Waters inshore of a line commencing at a point at 15° 15.40' south latitude and 124° 40.57' east longitude (on the mainland near High Bluff); then extending north-easterly along the geodesic to a point at 15° 09.50' south latitude and 124° 50' east longitude (on the mainland near Cape Wellington); then north-easterly along the geodesic to a point at 15° 00.45' south latitude and 124° 54.20' east longitude (on Coronation Island); then north-easterly along the geodesic to a point at 14° 57.90' south latitude and 125° 01.20' east longitude (near Ena Island); then north-easterly along the geodesic to a point at 14° 45.30' south latitude and 125° 08.10' east longitude; then north-easterly along the geodesic to a point at 14° 43.95' south latitude and 125° 09.45' east longitude; then easterly along the geodesic to a point at 14° 43.99' south latitude and 125° 09.59' east longitude (on the mainland near Cape Pond);
 - (iii) **Admiralty Gulf Inshore Closure**
Waters inshore of a line commencing at a point at 14° 19.50' south latitude and 125° 43.50' east longitude (on the mainland); then extending south-easterly along the geodesic to a point at 14° 26.17' south latitude and 125° 48.79' east longitude; then due east along the parallel to a point at 14° 26.17' south latitude and 125° 54.54' east longitude; then north-easterly along the geodesic to a point at 14° 19.40' south latitude and 125° 57.60' east longitude (on South West Osborn Island); then due east along the parallel to a point at 14° 19.40' south latitude and 126° 05.31' east longitude (on the mainland);
 - (iv) **Napier Broome Bay Inshore Closure**
Waters inshore of a line commencing at the intersection 14° 02.63' south latitude and 126° 29.57' east longitude (on the mainland); then extending south-easterly along the geodesic to a point at 14° 05.20' south latitude and 126° 31.30' east longitude (on the mainland); then south-easterly along the geodesic to a point at 14° 06.35' south latitude and 126° 35.51' east longitude; then north-easterly along the geodesic to a point at 13° 58.30' south latitude and 126° 42.20' east longitude; then north-easterly to a point at 13° 55.75' south latitude and 126° 48.38' east longitude (on the mainland near Curran Point).

(WST—Western Standard Time)

Dated this 22nd day of March 2022.

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

FI402

FISH RESOURCES MANAGEMENT ACT 1994

WEST COAST ROCK LOBSTER MANAGED FISHERY MANAGEMENT PLAN 2012

Clause 23A(4)—Notice of Proposed Sale of Forfeited Entitlement

I, Heather Brayford, as delegate of the Chief Executive Officer of the Department of Primary Industries and Regional Development, pursuant to clause 23A(4) of the *West Coast Rock Lobster Managed Fishery Management Plan 2012*, provide notice that I intend to sell forfeited entitlement, and pursuant to clause 23A(5) I specify—

- (a) The number of units of forfeited entitlement represented by each certificate available for sale (cl. 23A(5)(a))—
 - (i) 84 certificates conferring 10 Zone A units of entitlement each;
 - (ii) 1 certificate conferring 5 Zone A units.
- (b) The value of a unit of forfeited entitlement (cl. 23A(5)(b))—
8.83 kilograms.
- (c) The method by which forfeited entitlement may be sold (cl. 23A(5)(c))—
Public tender.
- (d) Any terms of sale as may be required in the circumstance (cl. 23A(5)(d))—
Terms of sale are specified in the document *Invitation to Tender DPIRD 2022—Sale of 845 Zone A Units- West Coast Rock Lobster Managed Fishery*, which can be viewed online at the Tenders WA website. (www.tenders.wa.gov.au)
- (e) The date at which forfeited entitlement is to be made available for sale (cl. 23A(5)(e))—
The date of publication of this Notice in the *Gazette*.

Dated 24 March 2022.

HEATHER BRAYFORD (delegate), Chief Executive Officer,
Department of Primary Industries and Regional Development.

LOCAL GOVERNMENT

LG101

CORRECTION

LOCAL GOVERNMENT ACT 1995

Shire of Dowerin

It is hereby notified for public information that an error occurred in the local laws published in *Government Gazette* No 39 dated 17 March 2022 which are now corrected as follows—

1. ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW 2022
 - (a) On page 2218 in clause 1.2 delete the words “**authorised person** means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law” and replace with the words “**authorised person** means a person authorized by the local government under section 9.10 of the Act to perform any of the functions of an authorized person under this local law”; and
 - (b) Other than in clause 1.2 delete the word “authorise” or “authorised” wherever it appears in the local law and replace with the word “authorize” or “authorized”; and
 - (c) On page 2223 delete the heading for clause 3.2 and replace with “**3.2 Advertising signs and portable direction signs**”.
- AND
2. FENCING LOCAL LAW 2022

On page 2252 in clause 1.5 delete the words “**owner**” and “**occupier**” and replace with “**owner**” and “**occupier**”.

AND
3. MEETING PROCEDURES LOCAL LAW 2022

On page 2281 delete the heading for clause 19.2 and replace with “**19.2 Who can prosecute**”.

REBECCA MCCALL, Chief Executive Officer.

LG401

CAT ACT 2011
LOCAL GOVERNMENT ACT 1995
City of Kwinana
CAT LOCAL LAW 2022

Under the powers conferred by the *Cat Act 2011*, the *Local Government Act 1995* and all other powers enabling it, the Council of the City of Kwinana resolved on 23 February 2022 to adopt the following local law.

PART 1—PRELIMINARY

1.1 Citation

This Local Law may be cited as the *City of Kwinana Cat Local Law 2022*.

1.2 Definitions

(1) In this local law unless the context requires otherwise—

Act means the *Cat Act 2011*;

applicant means the occupier of the premises who makes an application for a permit under this local law;

authorised person has the same meaning as in the Act;

cat has the same meaning as in the Act;

cat management facility has the same meaning as in the Act;

Cat Haven means the Cat Welfare Society Inc., trading as “Cat Haven”;

cattery means a facility where two (2) or more cats are kept, bred, boarded, housed or trained temporarily, whether for profit or otherwise, and where the occupier of the premises is not the ordinary **person liable for the control** of such cats;

CEO means the Chief Executive Officer of the local government;

Council means the Council of the local government;

district means the district of the local government;

effective control in relation to a cat means any of the following methods—

- (a) held by a person who is capable of controlling the cat;
- (b) securely tethered;
- (c) secured in a cage;
- (d) any other means of preventing escape;

local government means the City of Kwinana;

owner in relation to a cat has the same meaning as in the Act;

permit means a permit issued by the local government under this local law;

permit holder means a person who holds a valid permit issued by the local government under this local law;

person liable for the control of means each of the following in relation to a cat—

- (a) the registered owner of the cat; or
- (b) the owner of the cat; or
- (c) the occupier of any premises where the cat is ordinarily kept or ordinarily permitted to live; or
- (d) a person who has the cat in their possession or under their control, but does not include a registered veterinary surgeon, or a person acting on their behalf, in the course of their professional practice;

premises has the same meaning as in the Act;

prescribed means prescribed under regulations made under the Act;

RSPCA means the Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia;

Schedule means a schedule to this local law;

veterinary clinic has the meaning given to it in the *Veterinary Surgeons Act 1960*; and

veterinary hospital has the meaning given to it in the *Veterinary Surgeons Act 1960*.

1.3 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.4 Application

This local law applies throughout the district.

PART 2—KEEPING OF CATS**2.1 Limit on number of cats**

(1) Subject to subclause (2), a person shall not—

- (a) keep more than two (2) cats on the premises at any one time; or
- (b) operate a cattery or cat management facility

without a valid permit issued by the local government.

(2) Subclause (1) does not apply to the following—

- (a) a cattery or cat management facility operated by either—
 - (i) the local government; or
 - (ii) a person or body prescribed by the *Cat Regulations 2012*;
- (b) a refuge of the RSPCA or Cat Haven; or
- (c) a veterinary clinic or veterinary hospital.

(3) For the purpose of calculating the number of cats on the premises pursuant to subclause (1), cats under 6 months of age are not to be included.

2.2 Application for permit

(1) Applications to the local government for a permit to be issued pursuant to clause 2.1(1) are to be—

- (a) made in writing in a form approved by the local government;
- (b) made by the occupier of the premises for which the permit is sought;
- (c) where the applicant is not the owner of the premises, an application must include the written consent of all property owners; and
- (d) be accompanied by such fee as may be determined by the local government.

(2) In determining an application for a permit pursuant to subclause (1) the local government may consider such matters as it deems appropriate and may request the applicant—

- (a) consult with nearby landowners and/or occupiers;
- (b) advise nearby landowners and/or occupiers that they may make submissions to the local government on the application for a permit within 14 days of receiving that advice, before determining the application for the permit; or
- (c) provide such further or other information as deemed necessary in order for it to make a determination.

2.3 Decision on application

(1) Upon receiving an application for a permit pursuant to clause 2.2(1), the local government may—

- (a) approve the application for a permit subject to the conditions specified at clause 2.4(1); or
- (b) refuse the application for a permit.

(2) If the local government approves an application under subclause (1), it shall issue a permit to the applicant in the form determined by the CEO.

(3) If the local government refuses to approve an application under subclause (1), it shall advise the applicant accordingly in writing as to the reasons why it was not granted.

2.4 Conditions

(1) Every permit issued by the local government pursuant to clause 2.3(2) are subject to the following conditions—

- (a) each cat kept on the premises to which the permit relates shall comply with the requirements of the Act;
- (b) each cat shall be contained on the premises unless under the effective control of a person;
- (c) the permit holder will provide adequate space for the exercise of the cats;
- (d) the premises shall be maintained in good order and in a clean and sanitary condition;
- (e) persons undertaking the breeding of cats are to keep records of purchases/transfer of kittens for two years (including details of the buyer's name, address and the microchip number);
- (f) premises may be inspected by the local government; and
- (g) such further conditions as the local government considers appropriate, including but not limited to the maximum number of cats permitted to be kept at the premises.

(2) The holder of a permit issued by the local government pursuant to clause 2.3(2) shall comply with all conditions specified by the local government in relation to such permit.

(3) The local government may revoke a permit in the event the permit holder fails to comply with a condition stipulated in a permit issued.

2.5 Duration of a permit

Unless otherwise specified in a condition on a permit, a permit commences on the date of issue and expires—

- (a) upon revoking by the local government; or
- (b) upon the permit holder ceasing to reside at the premises to which the permit relates.

2.6 Permit not transferable

A permit is not transferrable either in relation to the permit holder or the premises.

2.7 Permit to be kept at premises and available for view

A permit issued by the local government shall be kept at the premises to which it applies and shall be provided to an authorised person on demand.

PART 3—CONTROL OF CATS

3.1 Cats wandering

- (1) A cat shall not be in a public place unless the cat is under effective control.
- (2) A cat shall not be in a place that is not a public place without the consent of the owner or occupier.
- (3) If a cat is at any time in contravention of clause 3.1(1) or 3.1(2)—
 - (a) the person *liable for the control of such cat* commits an offence; and
 - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

3.2 Cat creating a nuisance

- (1) The *person liable for the control of a cat* shall prevent the cat from creating a nuisance.
- (2) For the purpose of subclause (1), the term nuisance includes—
 - (a) an activity or condition which causes an unreasonable interference with the use and enjoyment of a person in their ownership or occupation of land; or
 - (b) interference which causes material damage to land or other property on the land affected by the interference.
- (3) Where, in the opinion of an authorised person, a cat is creating a nuisance, the local government may give written notice to a *person liable for the control* of such cat requiring that person to abate the nuisance within the timeframe specified in such notice.
- (4) When a nuisance has occurred and a notice to abate the nuisance is given, the notice remains in force for the period specified by the local government on the notice or until the local government withdraws the notice.
- (5) A person given a notice to abate the nuisance shall comply with the notice within the period specified in the notice.

PART 4—FEES, CHARGES AND COSTS

4.1 Fees, charges and costs

The following are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*—

- (a) the charges to be levied under section 31(1)(a) of the Act relating to the removing and impounding of a cat;
- (b) the charges to be levied under section 31(1)(b) of the Act relating to keeping and caring for a cat;
- (c) the costs incurred by the operator of a cat management facility under section 31(1)(c) of the Act for the microchipping of a cat prior to release if so required under section 33 of the Act;
- (d) the cost incurred by the operator of a cat management facility under section 31(1)(d) of the Act for the sterilisation of a cat if so required under section 33 of the Act; and
- (e) the costs of the destruction and the disposal of a cat under section 34 of the Act.

PART 5—ENFORCEMENT

5.1 Penalties

A person who fails to comply with or who contravenes any provision of this local law commits an offence and is liable to a maximum penalty of not less than \$200 and not exceeding \$1,000 and, if the offence is a continuing offence, a maximum daily penalty of \$500.

5.2 Prescribed offences

- (1) An offence against any provision of this local law is a prescribed offence for the purposes of section 62(1) of the Act.
- (2) The amount appearing in the final column of Schedule 1, directly opposite a prescribed offence in that Schedule, is the modified penalty for that prescribed offence.
- (3) For the purposes of guidance only, before issuing an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that—
 - (a) the commission of the prescribed offence is a relatively minor matter; and
 - (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

5.3 Form of notices

- (1) The form of an infringement notice is Form 6 in the *Cat Regulations 2012*, Schedule 1.
- (2) The form of withdrawal of the infringement notice is Form 7 in the *Cat Regulations 2012*, Schedule 1.

5.4 Serving of infringement notices

An infringement notice served under section 62 of the Act or this local law may be given to a person by way of the following—

- (1) (a) personal service;
 (b) by registered mail addressed to the person; or
 (c) by leaving it for the person at her or his last known postal address.
- (2) If a person refuses to accept an infringement notice given by way of (a) personal service, the person serving the notice may leave it next to or near the person and orally draw his or her attention to it.

Schedule 1
Prescribed Offences

Item No	Offence	Nature of offence	Modified penalty \$
1	2.1(1)	Exceeding maximum number of cats at the premises	200
2	2.4(2)	Failure to comply with a permit condition	200
3	3.1	Cat wandering	200
4	3.2(1)	Cat causing a nuisance	200
5	3.2(5)	Failure to comply with a notice	200

Dated this 22nd day of March 2022.

The Common Seal of the City of Kwinana was hereunto affixed in the presence of—

CAROL ADAMS, Mayor.
 WAYNE JACK, Chief Executive Officer.

LG402

LOCAL GOVERNMENT ACT 1995

City of Joondalup

FENCING AMENDMENT LOCAL LAW 2021

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Joondalup resolved on 15 February 2022 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Joondalup Fencing Amendment Local Law 2021*.

1.2 Commencement

This local law commences 14 days after the day on which it is published in the *Government Gazette*.

1.3 Purpose and effect

- (1) The purpose of this local law is to amend the *City of Joondalup Fencing Local Law 2014*.
- (2) The effect of this local law is to better clarify the sufficient fence provisions and other requirements within *City of Joondalup Fencing Local Law 2014* and to ensure information is current with prevailing legislation.

PART 2—AMENDMENTS

2.1 City of Joondalup Fencing Local Law 2014 amended

This Part of the local law amends the *City of Joondalup Fencing Local Law 2014* as published in the *Government Gazette* on 14 January 2015.

2.2 Clause 1.6 amended

In clause 1.6—

- (a) amend the definition *commercial lot* by replacing “district” with “local”

- (b) delete the definition *district planning scheme* and insert in alphabetical order—
local planning scheme means the local planning scheme, or each of the local planning schemes, made by the local government and in force from time to time under the *Planning and Development Act 2005*;
- (c) amend the definition *industrial lot* by replacing “district” with “local”
- (d) insert in alphabetical order—
Residential Design Codes means the *Residential Design Codes* prepared as a State planning policy under section 26(1) of the *Planning and Development Act 2005*;
- (e) amend the definition *residential lot* by replacing “district” with “local”
- (f) delete the definition *rural lot*
- (g) delete the definition for *street setback* and insert in alphabetical order—
street setback has the meaning given to it in the *Residential Design Codes*;
- (h) delete the definition *street setback area* and insert in alphabetical order—
street setback area has the meaning given to it in the *Residential Design Codes*;

2.3 Clause 1.7 amended

In clause 1.7 replace all instances of “district” with “local”.

2.4 Clause 2.1 amended

- (1) In clause 2.1(c) delete “;” and insert “;”.
- (2) Delete clause 2.1(1)(d).
- (3) In clause 2.1(2)(b) delete “;” and insert “;”.
- (4) Delete clause 2.1(2)(c).
- (5) Delete clause 2.1(3).

2.5 Part 4 replaced

Replace Part 4 with—

Part 4—Approvals

4.1 Application for approval

- (1) Where a person is required to obtain the approval of the local government under this local law, that person shall apply for approval in accordance with subclause (2).
- (2) An application for approval under this local law shall—
 - (a) be in the form determined by the local government;
 - (b) be signed by the applicant and the owner of the lot;
 - (c) provide the information required by the form; and
 - (d) be forwarded to the local government together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the *Local Government Act 1995*.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for approval.
- (4) The local government may refuse to consider an application for approval which is not in accordance with subclauses (2) and (3).

4.2 Decision on application for approval

- (1) The local government may—
 - (a) approve an application for approval unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for approval.
- (2) If the local government approves an application for approval, it is to issue to the applicant an approval in the form determined by the local government.
- (3) If the local government refuses to approve an application for approval, it is to give written notice of that refusal to the applicant.
- (4) Where a clause of this local law refers to conditions which may be imposed on an approval or which are to be taken to be imposed on an approval, the clause does not limit the power of the local government to impose other conditions on the approval under subclause (1)(a).

4.3 Compliance with approval

Where an application for approval has been approved, the applicant and the owner or occupier of the lot to which the approval relates, shall comply with the terms and any conditions of that approval.

4.4 Duration of approval

Unless otherwise stated in the form of approval, an approval granted under this local law—

- (a) runs with the lot to which it relates;
- (b) may be relied upon by any subsequent occupier or owner of the lot; and
- (c) may be enforced by the local government against a subsequent occupier or owner of the lot.

2.6 Part 5 and Part 6 inserted

After Part 4 insert—

Part 5—Notices of Breach**5.1 Notices of breach**

- (1) Where a breach of any provision of this local law has occurred in relation to a fence on a lot, the local government may give a notice in writing to the owner of that lot.
- (2) A notice of breach shall—
 - (a) specify the provision of this local law which has been breached;
 - (b) specify the particulars of the breach; and
 - (c) state that the owner is required to remedy the breach within the time specified in the notice.
- (3) Should an owner fail to comply with a notice of breach, the local government may, by its employees, agents or contractors enter upon the lot to which the notice relates and remedy the breach, and may recover the expenses of so doing from the owner of the lot in a court of competent jurisdiction.
- (4) This local law is subject to section 3.25, 3.27 and Schedules 3.1 and 3.2 of the *Local Government Act 1995* and any power of entry exercised by the local government under this local law is subject to Part 3, Division 3, Subdivision 3 of the Act.

Part 6—Offences and penalties**6.1 Offences and penalties**

- (1) A person who fails to comply with a notice of breach commits an offence and is liable upon conviction to a penalty of not less than \$250 and not exceeding \$5,000 and, if the offence is a continuing offence, to a maximum daily penalty of \$500.
- (2) A person who fails to comply with or who contravenes any provision of this local law commits an offence and is liable on conviction to a penalty of not less than \$250 and not exceeding \$5,000 and, if the offence is a continuing offence, to a maximum daily penalty of \$500.

6.2 Modified penalties

- (1) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the *Local Government Act 1995*.
- (2) Unless otherwise specified, the amount of the modified penalty for an offence against any provision of this local law is \$125.

6.3 Form of notices

For the purposes of this local law—

- (a) the form of the infringement notice referred to in sections 9.16 and 9.17 of the *Local Government Act 1995* is to be in the form of Form 2 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of the withdrawal of infringement notice referred to in section 9.20 of the *Local Government Act 1995* is to be in the form of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

2.7 Schedule 1 replaced

Delete Schedule 1 and insert—

Schedule 1—Specifications for a sufficient fence on residential lot

A “sufficient fence” on a residential lot is a fence constructed of corrugated fibre reinforced pressed cement or steel sheeting constructed to manufacturer’s specifications or which otherwise satisfies the following specifications—

- (1) a minimum in-ground length of 25 per cent of the total length of the sheet, but in any case shall have a minimum in-ground depth of 600mm;
- (2) the total height and depth of the fence to consist of a single continuous fibre reinforced cement or steel sheet;
- (3) the sheets to be lapped and capped with extruded “snap-fit” type capping in accordance with the manufacturers written instructions; and
- (4) the height of the fence to be 1800mm from natural ground level except with respect to a fence within a street setback area which is subject to the relevant provisions of the *Residential Design Codes*.

2.8 Schedule 3 deleted

Delete Schedule 3.

Dated 8 March 2022.

The Common Seal of the City of Joondalup was affixed by authority of a resolution of the Council in the presence of—

HON. ALBERT JACOB JP, Mayor.
JAMES PEARSON, Chief Executive Officer.

MINERALS AND PETROLEUM

MP401**OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE ACT 2006****OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE (COMMONWEALTH-WESTERN AUSTRALIA OFFSHORE PETROLEUM JOINT AUTHORITY) DELEGATION 2022**

We, Keith Pitt, the responsible Commonwealth Minister, and William Joseph Johnston, the responsible State Minister, as the Commonwealth-Western Australia Offshore Petroleum Joint Authority—

- (a) under subsection 33(3) of the *Acts Interpretation Act 1901*, revoke all existing instruments of delegation for the Commonwealth-Western Australia Offshore Petroleum Joint Authority made under section 66 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (the Act); and
- (b) under section 66 of the Act, delegate all the functions and powers of the Joint Authority under the Act and the regulations made under the Act (other than the power to delegate Joint Authority functions or powers under section 66 of the Act) to the following two persons together—
 - i. the person from time to time occupying or performing the duties of General Manager, Offshore Resources Branch, Department of Industry, Science, Energy and Resources of the Commonwealth of Australia, representing the responsible Commonwealth Minister; and
 - ii. the person from time to time occupying or performing the duties of Executive Director Resource Tenure, Department of Mines, Industry Regulation and Safety of the State of Western Australia, representing the responsible State Minister.

Dated 17/12/2021

KEITH PITT,
Minister for Resources and Water
(the responsible Commonwealth Minister).

Dated 12/02/2022

WILLIAM JOSEPH JOHNSTON,
Minister for Mines and Petroleum; Energy;
Corrective Services
(the responsible State Minister).

PLANNING

PL101*CORRECTION***PLANNING AND DEVELOPMENT ACT 2005**

City of Swan

LOCAL PLANNING SCHEME NO. 17—AMENDMENT NO. 182

Ref: TPS/2557

It is hereby notified for public information that the notice under the above Amendment No. 182 published on page 479, of the *Government Gazette* No. 26 dated 4 March 2022, contained an error which is now corrected as follows—

For the words:

**Exempted
Development**

Solar Collectors
incidental to
buildings

AndOr:

Where the development is located within a Heritage Area designated by this Scheme or a lot that contains a place on the Heritage Lost prepared in accordance with this Scheme and meets all of the following criteria—

- is installed flush-mounted on the roof or other part of buildings that does not face any adjoining street or public land;
- satisfies the deemed-to-comply requirements of the R-Codes, if the R-Codes apply to the development;

To read—

**Exempted
Development**

Solar Collectors
incidental to buildings

Or:

Where the development is located within a Heritage Area designated by this Scheme or a lot that contains a place on the Heritage List prepared in accordance with this Scheme and meets all of the following criteria—

- is installed flush-mounted on the roof or other part of buildings that does not face any adjoining street or public land;
- satisfies the deemed-to-comply requirements of the R-Codes, if the R-Codes apply to the development;

J. EDWARDS, Chief Executive Officer.

PL401

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Boyup Brook
Local Planning Scheme No. 2—Amendment No. 20

Ref: TPS/2325

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 Boyup Brook Local Planning Scheme amendment on 8 March 2022 for the purpose of—

1. Replace terms as follows—‘Town Planning Scheme’ with ‘Local Planning Scheme’, ‘Residential Design Codes’ or ‘Residential Planning Codes’ with ‘R-Codes’, ‘planning approval’ with ‘development approval’, ‘Shire clerk’ with ‘Chief Executive Officer’ and ‘Department of Agriculture’ with ‘department responsible for agriculture’.
2. Replace ‘*Town Planning and Development Act 1928*’ with ‘*Planning and Development (Local Planning Schemes) Regulations 2015*’ or ‘*Planning and Development Act 2005*’ as applicable.
3. Amend Part 1 to align with Schedule 1 of the *Planning and Development Regulations 2015*, delete all clauses not contained in Schedule 1 and—
 - a. amend clause 2 by replacing “day on which it is published in the *Gazette*” with “day of publication of Notice of the Minister’s final approval thereof in the *Gazette*”;
 - b. amend clause 7 by replacing subclause 1(c) wording with “the supplemental deemed provisions outlined in Schedule A of the scheme text.”;
 - c. Insert the following text under clause 9 ‘Aims of Scheme’—
The aims of the Scheme are to—
 - (a) provide for reasonable expansion of residential, industrial and commercial uses based on the District’s established structure;
 - (b) protect the potential of agricultural land for primary production and to preserve the landscape and character of the rural areas;
 - (c) zone suitable land for development and establish the conditions under which such land may be subdivided, developed and maintained;
 - (d) permit, subject to adequate controls, uses which add to, and facilitate, the District’s potential for tourism and recreational use;
 - (e) require development, under a planning consent procedure, to achieve and maintain satisfactory standards of amenity;
 - (f) make provision for other matters authorised by the enabling Act;
 - (g) introduce measures by which places of natural beauty and places of historic or scientific interest may be conserved;
 - (h) assist with the long term natural resource management of the Blackwood Basin and to improve ecological, social and economic values.

4. Amend Part 2 to align with Schedule 1 of the *Planning and Development Regulations 2015* including replacing 'parks and recreation' with 'public open space', 'communications' with 'infrastructure services', 'railway reserve' with 'railways', 'major highway' and 'important local road' with 'primary distributor road' and 'local distributor road' and replace with model objectives.
5. Amend Part 3 as per provisions in Schedule 1 of the *Planning and Development Regulations 2015* including replacing 'urban' zone with 'rural townsite' zone and 'special rural' with 'rural residential' zone, deleting 'Additional use' zone and updating with the model zone objectives, deleting existing clause 3.2, 3.3, 3.4, 3.5 and 3.6, but retain the zoning table and update land uses and symbols as follows—
- **Delete:** 'agroforestry', 'alley farming', 'cabin', 'chalet', 'dry-cleaning premises', 'entertainment centre', 'farm stay', 'guesthouse', 'industry—hazardous', 'industry-noxious', 'laundromat', 'motor vehicle wrecking', 'museum', 'parking heavy haulage vehicles', 'place of public assembly' and 'woodyard';
 - **Rename:** 'ancillary accommodation' to 'ancillary dwelling', 'eco-tourist facility' to 'nature based park'; 'farm workers accommodation' to 'workforce accommodation', 'fast food outlet' and 'lunch bar' to 'fast food outlet/lunch bar', 'industry—general' to 'industry'; 'showroom' to 'bulky goods showroom', 'holiday home' to 'holiday house', 'plantation' to 'tree farm', 'parking—commercial vehicle' to 'commercial vehicle parking', 'nursery' to 'garden centre', 'restaurant' to 'restaurant/cafe', 'rural pursuit' to 'rural pursuit/hobby farm', 'storage' to 'warehouse/storage';
 - **Add:** 'holiday accommodation', 'repurposed dwelling' and 'second-hand dwelling', 'independent living complex' and 'residential aged care facility';
 - **Amend or insert** the following use symbols against each of the definitions as per the table below—

LAND USE	ZONES								
	Residential	Commercial	Light Industry	General Industry	Rural	Rural Townsite	Rural Residential	Special Use	Rural Small Holdings
Ancillary dwelling	P	D	X	X	P	P			P
Bed and Breakfast	A	D	X	X	D	D			D
Caretaker's Dwelling	X	D	D	D	D	D			X
Dam	X	X	X	X	P	X			P
Equestrian centre	X	X	X	X	A	X			A
Exhibition centre	X	D	X	X	D	D			X
Holiday accommodation	A	D	X	X	D	D			D
Home Business	D	D	X	X	D	A			D
Home Occupation	P	P	X	X	P	P			P
Home Office	P	P	X	X	P	P			P
Home Store	D	D	X	X	D	D			D
Independent living complex	A	A	X	X	X	A			X
Industry	X	X	D	D	X	X			X
Renewable energy facility	X	X	X	X	A	X			X
Repurposed dwelling	D	D	X	X	D	D			D
Residential aged care facility	A	A	X	X	X	A			X
Rural Home Business	X	X	X	X	D	X			A
Second-hand dwelling	D	D	X	X	D	D			D
Tree farm	X	X	X	X	A	X			A
Workforce accommodation	A	X	X	X	D	A			X

Insert model provision 18 in-lieu of clause 3.3 and model provisions 19 - 21 in-lieu of clause 5.6.

Clause 3.2 removes policy areas replicated by aims and objectives; and clauses 3.4—3.6 replicate deemed provisions.

6. Combine Part 3, 4 and move clauses 5.2—5.5 under model Part 3—
 - a. replace clauses 4.1 to 4.5 with model provisions 22, 23 and 24 within new Part 3;
 - b. insert sub-clause '(c) bushfire risk to the locality and adequacy of fire suppression measures.' to clause 5.2.1. and add words 'and is not supported by adequate bushfire suppression measures.' at the end of clause 5.2.3;
 - c. move clauses 5.1, 5.7—5.22 under new Part 4;
 - d. replace clause 5.1.1 with model clause 25 and retitle clause 5.1.2 as 'Modification of R-codes', and deleting clauses 5.1.2.4 and 5.1.3;
 - e. delete clauses 5.3.1, 5.3.4, 5.5.1—5.5.3 and 5.6 and remaining clauses retained in new Part 3;
 - f. after clause 5.2.6, add new clause 'An ancillary dwelling in the Rural zone is to be no greater than 100m², be co-located with the single house, allow for the continued use of the lot for rural purposes and to be constructed to a standard that ensures the visual amenity of the area is not adversely impacted';
 - g. modify sub-clauses of clause 5.3.2 heading and subclauses to read 'Structure plan to facilitate rezoning'—
 - i. Land denoted as SPA on the scheme map and set out in Schedule X will require structure planning to guide rezoning, and coordinate subdivision and future development.
 - ii. In relation to those matters to be addressed as set out in Schedule X (SPA), the following matters are to be demonstrated—
 - (a) coordination and provision of an electricity network supply to all proposed future lots;
 - (b) bushfire risk is managed consistent with environment protection; and
 - (c) road connectivity.
 - h. replace sub-clause 5.3.3(b) as follows 'Despite subclause (a), additional structure planning may not be required in accordance with clause 15 of the deemed provisions';
 - i. renumber Table '2' and move to beneath clause 5.5 (Commercial, light industry and general industry zones);
 - j. delete text under each zone heading which duplicates objectives;
 - k. change the text 'Schedule 6' in clause 5.10.2 to 'Australian Standard 2890';
 - l. amend car parking requirements under clause 5.10—Table 3 by deleting 'attached', 'grouped' and 'single dwelling' and the car space requirement, and rename relevant definitions as per the model land use definitions, and 'workshop' to 'industrial';
 - m. rename clause 5.17 'Re-sited/Transportable Dwellings' to 'Second Hand Dwellings and Repurposed Dwellings' and replace all sub-clauses with the following—
 - (1) Council shall be satisfied that a second-hand or repurposed dwelling is consistent with the objectives of the zone which it is proposed to be located;
 - (2) The design of a second-hand or repurposed dwelling shall be to the satisfaction of Council in matters such as the roof pitch, window size, external cladding materials, enclosure of the sub-floor area and landscaping, and that the dwelling or building will not, in the opinion of Council, adversely affect the amenity of other properties in the immediate locality;
 - (3) Any internal or external material containing asbestos fibres must be removed prior to the dwelling or building being transported within or into the scheme area.
 - n. move clause 5.18 sub-clause under clause 5.19 and retitle clause 5.19 to 'Tree farming' with the following provision, 'Tree farm as defined in Part 6 is a permissible use in the 'Rural' zone subject to compliance with all requirements of this Scheme.';
 - o. amend clause 5.22.1 to 'The use and development of land for a tourist development may only occur on a lot which has been included in either the Special Use zone or specified as an Additional Use within Table 3';
 - p. insert modified clause 8.4 headed 'Signage and advertisements' and text as "All advertisements require an application for development approval, unless exempted in Schedule A—Supplemental Provisions to the Deemed Provisions or Schedule X—Exempted Advertisements of this Scheme."
7. Align remaining parts of the Scheme text with the model provisions of Schedule 1 of the Planning and Development (Local Planning Schemes) Regulations 2015 though—
 - a. exclude model clauses 27 to 30, 32, 33 and 35;
 - b. amend the meaning of additional site and development requirements in model clause 34 to 'requirements set out in this Scheme, except does not apply to land use permissibility under the zoning table or development to which the R-Codes apply'; and

- c. remove the word “additional” throughout clause 34 and correct remaining syntax.
To ensure consistency with the Regulations and to reflect drafting instructions which have been applied in other schemes for clarity and interpretation. Clauses relating to restrictive covenants and applying State Planning Policy into Scheme are not proposed to be added as they are not relevant to the Shire.
8. Delete Parts 6, 7, 8 and 9. Insert the following text within Schedule 13 - Structure Plan Areas—
- a. amend the column headed ‘Matters to be addressed in structure plans’ by replacing the clause 10.1.4.4 reference with “to those set out in the Part 4, Schedule 2 of the Deemed Provisions”.
9. Retitle Part 10 as Part 5, delete entire clause 10.1, and insert model notation ‘There are no special control areas which apply to this Scheme.’
10. Retitle Schedule 1 as Part 6—‘Terms referred to in Scheme’ and amend all relevant provisions, terms and definitions, that correspond to the zoning table, from the model provisions and the following uses—

Camping ground means an area used for a camping ground as defined in the *Caravan Parks and Camping Grounds Act 1995*.

Dam means any man-made structure or excavation designed and constructed to intercept, accumulate and impound water flowing across, through or under any land and includes an off-stream dam, an on-stream dam, a gully-wall dam, a turkey-nest dam, an excavated soak and any structure, excavation or other device designed to act either solely or partly as a nutrient stripping basin but does not include ornamental ponds or other water feature associated with landscaping and gardens.

Equestrian centre means a premise used for the showing, competition or training of horses and includes a riding school.

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

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

Industry—rural means premises used for industry that—

- (a) supports and/or is associated with primary production; or
- (b) services plant or equipment used in primary production.

Nature based park means premises used for a nature based park as defined in the *Caravan Parks and Camping Grounds Regulations 1997*.

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

Second hand dwelling means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a modular home or transportable dwelling.

Wayside stall means a stall located adjacent to a street in which only fruit, vegetables and artefacts grown, produced or made on the land are sold or offered for sale.

Independent living complex means development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, but does not include a development which includes these features as a component of a residential aged care facility.

Residential aged care facility means a residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation, includes—

- (a) appropriate staffing to meet the nursing and personal care needs of residents;
- (b) meals and cleaning services;
- (c) furnishings, furniture and equipment.

This may consist of multiple components that include communal amenities and land uses for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short term) care and an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility.

Renewable energy facility means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or relating to, the generation of energy by a renewable resource. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business premises and any on selling to the grid is secondary.

11. After Part 6, add the following under the title ‘Schedule A—Supplemental Provisions to the Deemed Provisions’—

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

61. Development for which Development Approval Not Required

(1) Development approval is not required for works if—

- (a) the works are of a class specified in Column 1 of an item in the Table; and
 (b) if conditions are set out in Column 2 of the Table opposite that item—all of those conditions are satisfied in relation to the works.

Table

	Column 1 Works	Column 2 Conditions
21.(1)	The erection of, or alterations or additions to, a single house on a lot.	<p>(a) The single house is a permitted ‘P’ use in the zone where the R Codes do not apply.</p> <p>(b) The works comply with the development provisions of this Scheme for that zone.</p> <p>(c) The works are not located in a heritage-protected place.</p> <p>(d) The works are not within 100m of a watercourse.</p> <p>(e) The works are not within land prone to flooding.</p> <p>(f) The works do not require access from an unconstructed road or that is not a gazetted road reserve.</p>
21.(2)	<p>The erection of or installation of, or alterations to or additions to, any of the following on the same lot as a single house—</p> <p>(a) an ancillary dwelling;</p> <p>(b) an outbuilding;</p> <p>(c) an external fixture;</p> <p>(d) a boundary wall or fence;</p> <p>(e) a patio;</p> <p>(f) a pergola;</p> <p>(g) a verandah;</p> <p>(h) a deck;</p> <p>(i) a garage;</p> <p>(j) a carport;</p> <p>(k) a domestic animal enclosure;</p> <p>(l) a tree house;</p> <p>(m) landscaping.</p>	<p>(a) The single house is a permitted ‘P’ use in the zone where the R Codes do not apply.</p> <p>(b) The works comply with the development provisions of this Scheme for that zone.</p> <p>(c) The works are not located in a heritage-protected place.</p> <p>(d) The works are not within 100m of a watercourse.</p> <p>(e) The works are not within land prone to flooding.</p> <p>(f) The works do not require access from an unconstructed road or that is not a gazetted road reserve.</p> <p>(g) The animal enclosure does not exceed 3.0 metres in height above natural ground level or is not within 1.0 metre of the boundary with an adjacent lot.</p> <p>(h) In relation to a tree house, which as a structure, does not exceed 3 metres in height and 4.0m² of floor area.</p>
21.(3)	<p>The erection of or installation of, or alterations to or additions to, any of the following on a lot in the Rural or Rural Small Holding or Rural Residential zone—</p> <p>(a) a windmill;</p> <p>(b) a bore;</p> <p>(c) a well;</p> <p>(d) a water tank;</p> <p>(e) a dam.</p>	<p>(a) In relation to a water tank the conditions of the deemed provisions for the installation of a water tank are satisfied, other than the volume of the water tank may exceed 5,000 litres.</p> <p>(b) The water tank is not visible from the lot road frontage or if visible, it is to be treated to be compatible in its setting to the satisfaction of the local government.</p> <p>(c) Where a building envelope applies the water tank is located entirely within the building envelope.</p> <p>(d) The works are not located in a heritage-protected place.</p> <p>(e) The works comply with the development provisions of this Scheme for that zone.</p>

	Column 1 Works	Column 2 Conditions
21.(4)	The installation maintenance or repair works for and of any of the following for domestic or rural purposes— (a) service ducts; (b) cables; (c) pipes; (d) conduits.	(a) The works are not located in a heritage-protected place.
21.(5)	The erection, installation, or demolition of a sign or advertisement of a class specified in Schedule X (other than works referred to in items 9, 10 and 11).	(a) The sign or advertisement complies with the applicable provisions of Schedule (insert number) Table (insert number). (b) The sign or advertisement is not erected or installed within 1.5m of any part of a crossover or street truncation. (c) The works are not located in a heritage-protected place.
21.(6)	The minor filling, excavation or re-contouring of land, and construction of retaining walls on land.	(a) The R Codes do not apply. (b) there is no more than 0.9 metres change to the natural ground level. (c) The works comply with the development provisions of this Scheme for that zone. (d) The works are not located in a heritage-protected place. (e) The works are not within 100m of a watercourse. (f) The works are not within land prone to flooding. (g) The works do not require access from an unconstructed road or that is not a gazetted road reserve.

(2)(h) Development approval is not required for the following uses if—

- (a) the use is of a class specified in Column 1 of an item in the Table;
- (b) if conditions are set out in Column 2 of the Table opposite that item—all of those conditions are satisfied in relation to the use.

Table

	Column 1 Use	Column 2 Conditions
(1)	A use that is wholly located on land identified as a local reserve under this Scheme.	(a) The land is owned or vested in the local government or a public authority. (b) For a purpose for which the land is reserved under this Scheme. (c) For any purpose for which the land may be lawfully used by the local government or public authority.

12. Amend the prefixes used throughout Schedule 3 as follows: 'AA' to 'D'; 'SA' to 'A'; 'IP' to 'T'; as well as, denote 'Home occupation' as 'P'; rename 'guest house' as 'holiday accommodation' as 'A', and delete 'Public recreation', 'Caretakers house' and 'Market gardens'; and delete the subdivision guide plan after SR No.8.

13. Move detail in Schedule 4 and 5 into Tables 3 and 5 respectively and delete Schedule 6, 7, 8, 10 and 11. Amend Table 3 by replacing—

- a. the description of land reference as 'Lots 66 and 67 Boyup Brook-Arthur Road';
- b. 'Country Music Centre', and 'Place of Public Assembly' with 'recreation private' and 'club premises', and delete 'Short-Stay Accommodation' and reference the four uses (including camping) as 'P' uses';
- c. the wording in the 'conditions' column with 'To provide for agricultural entertainment such as rodeo events including associated uses, such as short-term accommodation, food and drink stalls, bar sales and live music.'; and,

amend Table 5 by—

- a. revising the description to 'Lot 336 Jackson Street';
- b. adding 'Recreation—private', renaming 'holiday accommodation' to 'holiday unit', deleting 'special events as approved by Council', and reference the uses as 'P' uses; and
- c. adding 'Provides for special events and activities such as live music, short-term accommodation, food and drink stalls and bar sales' in the 'conditions' column.

14. Amend Schedule 12—Rural Small Holding zone clauses as follows—
 - a. insert ‘if required’ after ‘Structure Plan’ at RSH1 b); and
 - b. insert ‘if required’ before ‘a Detailed Structure Plan’ and delete ‘Detailed’.
15. Renumber any clauses, tables or schedules as required due to modifications above and address any editorial matters necessary to correct formatting, numbering, administrative matters and inconsistencies including deleting the signature and date line in the preamble.
16. Amend all terminology throughout the scheme text and schedules to reflect updated zones, reserve and land uses where applicable.

Scheme map

Amend the Scheme maps as follows—

17. Remove the ‘Guided development area’ designation for the land between Bridge Street and Terry Road;
18. Update the scheme maps by updating reserve names, including designation of roads in accordance with the Western Australian Road Hierarchy and include suitable reference to them as Local Scheme Reserves in the Scheme Map Legend to reflect the new reserve names to be included in Part 2 of the Scheme Text;
19. Change all ‘Special Rural’ zone areas to ‘Rural Residential’ and all ‘Urban’ zone areas to ‘Rural Townsite’, and updating the legend accordingly;
20. Rename the ‘Special Rural’ map designations from ‘SR’ to ‘RR’ and retain the numbering, as well as, correct an existing numbering error located at Abels Road, inclusive of Lots 2 and 3 Abels Road and Lots 4, 5 and 6 Barron Court, from SR6 to RR4.

The SR6 land parcel is not correctly labelled.

G. AIRD, President.
S. CARSTAIRS, A/Chief Executive Officer.

PL402

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

DEL 2022/04 Powers of Officers (Housing Authority)

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

Preamble

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

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

Resolution under section 16 of the Act (delegation)

On 23 March 2022 pursuant to section 16 of the Act, the WAPC resolved—

- A. To revoke its delegation of powers and functions to committees as detailed in the instrument of delegation ‘DEL 2017/03 Powers of Officers (Department of Housing)’ as published in the *Government Gazette* on 30 June 2017.
- B. To delegate its powers and functions as set out in Column 1 of Schedule 1, to the person or persons from time to time holding or acting in the offices of the Housing Authority as specified in Column 2 of Schedule 1, subject to the conditions in Column 3 and terms set out in Schedule 2.

SAM FAGAN, Secretary, Western Australian Planning Commission.

Schedule 1

Column 1 (Powers and Functions)	Column 2 (Officers)	Column 3 (Conditions)
<p>Power to determine applications for approval of the development of public housing on zoned land made pursuant to the Metropolitan Region Scheme, the Peel Region Scheme or the Greater Bunbury Region Scheme, where such applications—</p> <ol style="list-style-type: none"> 1) propose the construction of— <ol style="list-style-type: none"> (a) any single dwelling, aged and dependant persons dwellings, single bedroom dwellings and ancillary dwellings, residential buildings or up to 10 grouped dwellings, provided the proposed works comply with the design principle provisions of Volume 1 of the R-Codes; (b) up to 10 multiple dwellings provided the proposed works comply with— <ol style="list-style-type: none"> (i) the design principle provisions where Volume 1 of the R-Codes applies; or (ii) the design element objective provisions where Volume 2 of the R-Codes applies. 2) propose demolition of a building or structure, provided that building or structure is not in a heritage-protected place. 	<ul style="list-style-type: none"> • Strategic Planner, Operations, Housing Authority 	<ol style="list-style-type: none"> 1) Application must be made by, or on behalf of, the Housing Authority; 2) The application does not vary development standards or requirements set out in the local planning scheme. 3) The application does not exceed any height limits set by the local planning scheme, or in the applicable volume of the R-Codes; 4) Excludes applications for land the subject of a development zone in a local planning scheme where no structure plan is in place. 5) Where required by the relevant local government scheme or policy, the application is referred to the Local Government design review panel and due regard is given to any recommendation of the panel.

Schedule 2

1. The officer performing the powers and functions of the WAPC specified in Schedule 1 shall provide bi annual reports to the WAPC, in the format prescribed by the WAPC.
2. The reports provided under (1) shall detail the number of applications received in that period, the type of development applied for and the decision made on each application
3. The officer performing the powers and functions of the WAPC specified in Schedule 1 and referred to under (2) shall publish the decisions on the Department of Communities website for public information (residential buildings excluded) in the format prescribed by the WAPC.
4. The first reporting period shall commence on the date of gazettal of this instrument, with the first report being required not later than 6 months after gazettal.

Interpretation

1. A position listed in this instrument contemplates and includes its successor in title.
2. A heritage-protected place is a place—
 - a. that is entered in the State Register of Heritage Places under the *Heritage Act 2018* section 42; or
 - b. that is under consideration for entry into the State Register of Heritage Places (where “under consideration” is as described in subclause (2) of clause 1A, Schedule 2, *Planning and Development (Local Planning Schemes) Regulations 2015 (the LPS Regulations)*); or
 - c. that is the subject of an order under the *Heritage Act 2018* Part 4; or
 - d. that is the subject of a heritage agreement that has been certified under the *Heritage Act 2018* section 90; or
 - e. that is included on a heritage list as defined in clause 7 of Sch. 2 of the LPS Regulations; or
 - f. that is within a heritage area as defined in clause 7 of Sch. 2 of the LPS Regulations.

WORKCOVER

WC401

WORKERS' COMPENSATION AND INJURY MANAGEMENT ACT 1981 EXEMPTION NOTICE

Given by the Board for the purposes of section 164 of the *Workers' Compensation and Injury Management Act 1981*.

Notice of Exemption

Notice is given that on 22 March 2022, the Governor, acting under section 164 of the *Workers' Compensation and Injury Management Act 1981* and with the advice and consent of Executive Council, exempted the organisations in the table below, from the obligation to insure pursuant to that Act, except for the obligation to insure against liability to pay compensation under that Act for, or to pay damages in respect of, any industrial disease of the kinds referred to in section 151(a)(iii) of that Act.

This exemption ensures the below employers are included as part of the Wesfarmers Ltd's exempt employer approval.

Organisations

R.J. Beaumont & Co. Pty Ltd
Wesfarmers A Plus Pty Ltd

SHARRYN JACKSON, Chair, WorkCover WA.

PUBLIC NOTICES

ZZ401

TRUSTEES ACT 1962 DECEASED ESTATES

Notice to Creditors and Claimants

In the matter of the Estate of Walter Irvine Orr late of Regis Embleton Aged Care, 46 Broun Avenue, Embleton in the State of Western Australia, previously of 11B Ellice Street, Morley in the State of Western Australia, Merchant Naval Officer/Labourer, 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 24 October 2021, are required by the Executor of care of Fort Knox Legal, P.O. Box 390, West Perth, WA 6872, to send the particulars of their claims to Fort Knox Legal by one month from the publication of this notice after which date the Personal Representative may convey or distribute the assets, having regard only to the claims of which he then has notice.
