



Western
Australian
Government

Gazette

ISSN 2204-4264 (online)

4607

PERTH, TUESDAY, 6 SEPTEMBER 2022 No. 133

PUBLISHED BY AUTHORITY GEOFF O. LAWN, GOVERNMENT PRINTER

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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.
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Clients who **have** an account will only be invoiced for charges over \$100.

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Clients without an account will need to supply credit card details at the time of lodging the notice.

— PART 2 —

ENERGY

EN401

ELECTRICITY INDUSTRY ACT 2004**TRANSFER OF LICENCE**

Notice is given that the following electricity generation licence has been transferred—

Licensee:	Merredin Project Company Pty Ltd ACN 654 466 378
Business address:	Suite 9, Level 2 330 Churchill Avenue Subiaco WA 6008
Classification:	Electricity Generation Licence (EGL28, Version 3)
Transfer date:	31 August 2022
Term of licence:	Up to and including 18 December 2047
Licence area:	The licence area is the area as set out in plan ERA-EL-148(A) in the State of Western Australia.
Inspection of licence:	Economic Regulation Authority 4th Floor, Albert Facey House 469 Wellington Street Perth WA 6000 http://www.erawa.com.au

Mr STEVE EDWELL, Chair,
Economic Regulation Authority.

FISHERIES

FI401

BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007**BIOSECURITY AND AGRICULTURE MANAGEMENT (PERMITTED ORGANISMS)
DECLARATION (NO. 04) 2022**

Made under Section 11 of the *Biosecurity and Agriculture Management Act 2007* by a Director of the Department of Primary Industries and Regional Development as delegate of the Minister.

1. Citation

This declaration is the *Biosecurity and Agriculture Management (Permitted Organisms) Declaration (No. 04) 2022*.

2. Permitted Organisms

1) The organisms listed below are declared under section 11(1) of the Act to be a permitted organism for the whole of the State.

2) All previous declarations under the Act relating to the organisms listed below are revoked.

- *Amaranthus hypochondriacus* L.
- *Euphorbia pulcherrima* Willd. ex Klotzsch x *Euphorbia coranstra*
- *Ficus altissima* Blume
- *Microgramma vacciniifolia* (Langsd. & Fisch.) Copel.
- *Prunus campanulata* Maxim.
- *Prunus xyedoensis* Matsum.

Dated 30 August 2022.

RON SHEPHERD, Director, Invasive Species and Environment Biosecurity,
Department of Primary Industries and Regional Development.

FI402

FISH RESOURCES MANAGEMENT ACT 1994
SOUTHERN DEMERSAL GILLNET AND DEMERSAL LONGLINE MANAGED FISHERY
MANAGEMENT PLAN AMENDMENT 2022

[A2681]

Made by the Minister under section 54.

1. CitationThis instrument is the *Southern Demersal Gillnet and Demersal Longline Managed Fishery Management Plan Amendment 2022*.**2. Management plan amended**The amendments in this instrument are to the *Southern Demersal Gillnet and Demersal Longline Managed Fishery Management Plan 2018*.**3. Clause 6A inserted**

After clause 6 insert—

6A. Additional criteria for the grant of a licence

- (1) Further to clause 6, the CEO may grant a person a licence where—
 - (a) On 30 May 2021 the person held Southern Demersal Gillnet and Demersal Longline Managed Fishery Licence SDGL250582518; and
 - (b) the person establishes to the satisfaction of the CEO that an application for the renewal of the licence referred to in paragraph (a) was not made due to the inadvertence of the holder; and
 - (c) the person applies for a licence before 30 November 2022.
- (2) Where a person makes an application for a licence pursuant to subclause (1), a fee of \$2000 is payable with respect to the costs of administering the Act.

4. Schedule 1 amended

Delete item (1) to Schedule 1 and insert—

- (1) The waters within the Australian Fishing Zone, and coastal waters, situated on the west and south coasts of the State between 33° south latitude and 129° east longitude.

Dated 30th of August 2022.

Hon. DON PUNCH, MLA, Minister for Fisheries.

HEALTH

HE401**PUBLIC HEALTH ACT 2016****EXTENSION OF DECLARATION (NO.3) OF PUBLIC HEALTH STATE OF EMERGENCY**Pursuant to section 170 of the *Public Health Act 2016* (WA) I, Roger Cook, the Acting Minister for Health, hereby extend the public health state of emergency declaration, which came into effect on 22 September 2021 at 16:25 hours.The duration of the public health state of emergency declaration is extended for a period of **14 days** (the extension).

Time of this extension: 9:20 am.

Date of this extension: 1 September 2022.

Hon. ROGER COOK, MLA, Acting Minister for Health.

HE402**MENTAL HEALTH ACT 2014****MENTAL HEALTH (AUTHORISED MENTAL HEALTH PRACTITIONERS)
REVOCATION ORDER (NO. 6) 2022**Made by the Chief Psychiatrist under section 539 of the *Mental Health Act 2014*.**1. Citation**This Order may be cited as the *Mental Health (Authorised Mental Health Practitioners) Revocation Order (No. 6) 2022*.**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) clause 3 – on the day after that day.

3. Revocation of designation

The designation, as an authorised mental health practitioner of the mental health practitioners specified in Schedule 1 to this order is revoked.

Schedule 1

Name	Profession
Bright, Kevin Richard	Registered Nurse
McCann, Pauline	Registered Nurse
Morley, Sharon Debra	Registered Nurse
Warnock, Andrea	Registered Nurse
Worsfold, Yvette Elizabeth	Registered Nurse

Dated 1 September 2022.

Dr NATHAN GIBSON, Chief Psychiatrist.

HE403

MENTAL HEALTH ACT 2014

MENTAL HEALTH (AUTHORISED MENTAL HEALTH PRACTITIONERS) ORDER (NO. 6) 2022

Made by the Chief Psychiatrist under section 539 of the *Mental Health Act 2014*;

1. Citation

This order may be cited as the *Mental Health (Authorised Mental Health Practitioners) Order (No. 6) 2022*.

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) clause 3 – on the day after that day.

3. Authorised Mental Health Practitioner

The mental health practitioners specified in Schedule 1 to this order are designated as Authorised Mental Health Practitioners.

Schedule 1

Name	Profession
Blomfield, Leanne Kim	Registered Nurse
Chiyangwa, Evelyn	Registered Nurse
Hazebroek, Angeline Emma Jane	Occupational Therapist
Humphreys, Tracey Carole Anne	Registered Nurse
Knott, Danica Lindsay	Registered Nurse
Kuwana, Tanyaradzwa Elisha	Registered Nurse
Madu, Jane Chetachi	Registered Nurse
McCool, Nicola	Registered Nurse
McDonald, Joshua	Registered Nurse
Mhembere, Stanslous Ranganai	Registered Nurse
Olaleye, Babatunde James	Registered Nurse
Pariagh, Penelope Christina	Registered Nurse
Pendleton, Nicola Diane	Registered Nurse
Pleydell-Bouverie, Morgan Ashleigh	Registered Nurse
Posthuma, Moira Elizabeth	Registered Nurse
Romero, Leah Jane	Registered Nurse
Stok, Madeleine	Social Worker
Su, Minche	Registered Nurse
Voigt, Yasmine Matha Wahyuni	Registered Nurse

Dated 1 September 2022.

Dr NATHAN GIBSON, Chief Psychiatrist.

JUSTICE

JU401

COURT SECURITY AND CUSTODIAL SERVICES ACT 1999
PERMIT DETAILS ISSUED

The following permits have been issued pursuant to Section 51 of the *Court Security and Custodial Services Act 1999*—

Surname	First Name(s)	Permit Number
Shreeve	Vanessa	170519-2
Stoffels	Christine	170115-2
Sam-Bindi	Yayah	220143
Waqa	Luisa	221618

Dated 1 September 2022.

MIKE REYNOLDS, Commissioner.

 JU402

COURT SECURITY AND CUSTODIAL SERVICES ACT 1999
PERMIT DETAILS ISSUED

The following permits have been issued pursuant to Section 51 of the *Court Security and Custodial Services Act 1999*—

Surname	First Name(s)	Permit Number
Sharma	Arun	220053

Dated 28 June 2022.

GARY BUDGE, A/Commissioner.

 JU403

JUSTICES OF THE PEACE ACT 2004
APPOINTMENTS

It is hereby notified for public information that the Governor in Executive Council has approved of the following to the Office of Justice of the Peace for the State of Western Australia—

Kylie Anne Hewitt of Dudley Park
Elizabeth Scheepers of Manmanning
Caroline Ann Whitelock of Meckering

JOANNE STAMPALIA, Executive Director, Court and Tribunal Services.

LOCAL GOVERNMENT

LG401

LOCAL GOVERNMENT ACT 1995
Shire of Capel
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 5 August 2022, determined that the method of valuation to be used by the Shire of Capel 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 189 to 199 inclusive as shown on Deposited Plan 422023.

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

LG402

LOCAL GOVERNMENT ACT 1995

DOG ACT 1976

City of Kalamunda

DOGS LOCAL LAW 2022

Under the powers conferred by the *Dog Act 1976*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Kalamunda resolved on (date) to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Kalamunda Dogs Local Law 2022*.

1.2 Commencement

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

1.3 Application

This local law applies throughout the district.

1.4 Repeal

This local law repeals the *Shire of Kalamunda Dogs Local Law 2010* published in the *Government Gazette* on 24 May 2010.

1.5 Definitions

In this local law unless the context otherwise requires—

Act means the *Dog Act 1976*;

adjoining includes land or premises which have a portion of a common boundary with a lot or is separated from that lot by a public reserve, road, right-of-way, pedestrian access way, access leg of a battle-axe lot or the equivalent not more than 6 metres in width;

authorised person means a person appointed by the local government to perform all or any of the functions conferred on an authorised person under this local law;

CEO means the Chief Executive Officer of the local government.

dangerous dog has the meaning given to it by section 3(1) of the Act;

district means the district of the City of Kalamunda;

dog management facility has the meaning given to it in section 3(1) of the Act;

infringement notice means the notice referred to in clause 7.4;

kennel establishment means any premises where more than the number of dogs under clause 3.2(2) over the age of three months are kept, boarded, trained or bred temporarily, usually for profit and where the occupier of the premises is not the ordinary keeper of the dogs;

licence means a licence to keep an approved kennel establishment on premises granted under clause 4.7;

licensee means the holder of a licence granted under clause 4.7;

local government means the City of Kalamunda;

local planning scheme means a planning scheme of the local government made under the *Planning and Development Act 2005*;

notice of withdrawal means the notice referred to in clause 7.7(1);

owner, in relation to a dog, has the same meaning as in section 3(1) and (2) of the Act;

person liable for the control of the dog has the same meaning as in section 3(1) of the Act;

premises in addition to the meaning given to it in section 3 of the Act, means the premises described in the application for a licence made under clause 4.1;

public place has the meaning given to it by section 3(1) of the Act;

Regulations means the *Dog Regulations 2013*;

Schedule means a schedule to this local law;

set fee means a fee or charge made by the local government in accordance with clause 2.1 or clause 4.8;

thoroughfare has the meaning given to it in section 1.4 of the *Local Government Act 1995*; and

transferee means a person who applies for the transfer of a licence to her or him under clause 4.12.

PART 2—IMPOUNDING OF DOGS

2.1 Fees and charges

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 29(4) of the Act relating to the seizure and impounding of a dog;
- (b) the additional set fee payable under section 29(4) of the Act where a dog is released at a time or on a day other than those determined under clause 2.2; and
- (c) application for additional costs of the destruction and the disposal of a dog referred to in section 29(15) of the Act.

2.2 Attendance of authorised person at dog management facility

An authorised person is to be in attendance at the dog management facility for the release of dogs at the times and on the days of the week as determined by the CEO.

2.3 Release of impounded dog

- (1) A claim for the release of a dog seized and impounded is to be made to an authorised person.
- (2) An authorised person is not to release a dog seized and impounded to any person unless that person has produced, to the satisfaction of an authorised person, evidence—
 - (a) of her or his ownership of the dog or of her or his authority to take delivery of it; or
 - (b) that he or she is the person identified as the owner on a microchip implanted in the dog.

2.4 Unauthorised release

Unauthorised release of dogs is dealt with by section 43 of the Act.

PART 3—KEEPING OF DOGS

3.1 Dogs to be confined

- (1) An occupier of premises on which a dog is kept must—
 - (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
 - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
 - (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises (unless the gate is temporarily opened in a manner that ensures that the dog remains confined) and is fitted with a proper latch or other means of fastening it;
 - (d) maintain the fence and all gates and doors in the fence in good order and condition; and
 - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.
- (2) Where an occupier fails to comply with subclause (1), he or she commits an offence.
- (3) Notwithstanding subclause (1) and (2), the confinement of dangerous dogs is dealt with in the Act and the Regulations.

3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been—
 - (a) licensed under Part 4 of this local law as an approved kennel establishment;
 - or
 - (b) granted an exemption under section 26(3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(3) of the Act— “two” (2) dogs over the age of 3 months and the young of those dogs under that age.

3.3 Application to keep additional dog or dogs

- (1) Subject to clause 3.5, the local government may consider an application to keep an additional dog or dogs where—
 - (a) the property is deemed suitable by an authorised person—
 - (i) having sufficient space capable of confining all dogs;
 - (ii) noise, odours, fleas, flies and other vectors of disease will be effectively controlled; and
 - (iii) the care and welfare of the dogs is considered adequate;

- (b) the details of every dog proposed to be kept on the premises are provided including name, age, colour/description, breed, registration number and microchip details; and
- (c) sufficient reason has been provided, including—
 - (i) to replace an elderly or sick dog not expected to live;
 - (ii) a family emergency resulting in the dog being inherited;
 - (iii) merging of two households;
 - (iv) where the applicants have had approval to keep an additional dog or dogs in another local authority; or
 - (v) on premises zoned as rural or rural residential under a local planning scheme, the dog or dogs are required for stock management or to be on the premises temporarily for the purposes of training for stock management.
- (d) in the case of a tenanted property provide written consent by either the landowner or their appointed property owner.

3.4 Determination of application

In determining an application for a licence, the local government is to have regard to—

- (a) the matters referred to in clause 3.3;
- (b) the effect which approval of the proposed may have on the environment or amenity of the neighbourhood;
- (c) whether approval of the application will create a nuisance for the owners and occupiers of adjoining premises.

3.5 Where application cannot be approved

The local government will not approve an application to keep an additional dog or dogs where it exceeds the limit “six” (6) referred to in the Act.

3.6 Conditions of approval

- (1) The local government may approve an application to keep an additional dog or dogs subject to any conditions as considered appropriate.
- (2) Approval of an application is not transferable to successive owners or occupiers of the premises.
- (3) A person who fails to comply with a condition imposed under subclause (1) commits an offence.

3.7 Revocation of licence to keep additional dogs

Where a person does not comply with the conditions of approval to keep an additional dog or dogs under clause 3.6 the local government may revoke the approval to keep an additional dog or dogs.

PART 4—APPROVED KENNEL ESTABLISHMENTS

4.1 Application for licence for approved kennel establishment

An application for a licence must contain the information listed in Schedule 1, and must be lodged with the local government together with—

- (a) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs nominated by the local government;
- (b) any other information reasonably required by the local government; and
- (c) the set fee for the application for a licence referred to in clause 4.8(1).

4.2 Notice of proposed use

- (1) An applicant for a licence must give notice of the proposed use of the premises as an approved kennel establishment after the application for a licence has been lodged—
 - (a) once in a newspaper circulating in the district; and
 - (b) to the owners and occupiers of any premises adjoining the premises.
- (2) The notices in subclause (1) must specify that—
 - (a) any written submissions as to the proposed use are to be lodged with the local government within 14 days of the date the notice is given; and
 - (b) the application plans and specifications may be inspected at the offices of the local government.
- (3) The local government may refuse to determine the application for a licence until the notice or notices, as the case may be, is given in accordance with its directions where—
 - (a) a notice given under subclause (1) does not clearly identify the premises; or
 - (b) a notice given under subclause (1)(a) is of a size or in a location in the newspaper which, in the opinion of the local government, would fail to serve the purpose of notifying persons of the proposed use of the premises.

4.3 Exemption from notice requirements

The requirements of clauses 4.2 and 4.4(a) and Schedule 1 clause 5(c) do not apply in respect of the application for a licence where under a local planning scheme an application for a licence is made in respect of premises on which an approved kennel establishment is either a—

- (a) permitted use; or

- (b) use which the local government may approve subject to compliance with specified notice requirements.

4.4 When application can be determined

An application for a licence is not to be determined by the local government until—

- (a) the applicant has complied with clause 4.2;
- (b) the applicant submits proof that the notices referred to in clause 4.2(1) have been given in accordance with that clause; and
- (c) the local government has considered any written submissions received within the time specified in clause 4.2(2)(a) on the proposed use of the premises.

4.5 Determination of application

In determining an application for a licence, the local government is to have regard to—

- (a) the matters referred to in clause 4.6;
- (b) any written submissions received within the time specified in clause 4.2(2)(a) on the proposed use of the premises;
- (c) any economic or social benefits which may be derived by any person in the district if the application for a licence is approved;
- (d) the effect which the kennel establishment may have on the environment or amenity of the neighbourhood;
- (e) whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and
- (f) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

4.6 Where application cannot be approved

The local government cannot approve an application for a licence where—

- (a) an approved kennel establishment cannot be permitted by the local government on the premises under a local planning scheme; or
- (b) an applicant for a licence or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.

4.7 Conditions of approval

(1) The local government may approve an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions as the local government considers appropriate.

(2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in Schedule 2.

(3) A person who fails to comply with a condition imposed under subclause (1) commits an offence.

4.8 Fees

(1) On lodging an application for a licence, the applicant is to pay a set fee to the local government.

(2) On the issue or renewal of a licence, the licensee is to pay a set fee to the local government.

(3) On lodging an application for the transfer of a valid licence, the transferee is to pay a set fee to the local government.

(4) The set fees referred to in subclauses (1) to (3) are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.

4.9 Form of licence

The licence is to be in the form determined by the local government from time to time and is to be issued to the licensee.

4.10 Period of licence

(1) The period of effect of a licence is set out in section 27(5) of the Act.

(2) A licence is to be renewed if the set fee referred to in clause 4.8(2) is paid to the local government prior to the expiry of the licence.

(3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

4.11 Variation or cancellation of licence

(1) The local government may vary the conditions of a licence.

(2) The local government may cancel a licence—

- (a) on the request of the licensee;
- (b) following a breach of the Act, the Regulations or this local law; or
- (c) if the licensee is not a fit and proper person.

(3) The date a licence is cancelled is to be, in the case of—

- (a) subclause (2)(a), the date requested by the licensee; or

(b) subclause (2)(b) or (c), the date determined under section 27(6) of the Act.

(4) If a licence is cancelled the set fee paid for that licence is not refundable for the term of the licence that has not yet expired.

4.12 Transfer

(1) A written application for the transfer of a valid licence from the licensee to another person must be—

- (a) made by the transferee;
- (b) made with the written consent of the licensee; and
- (c) lodged with the local government together with—
 - i. written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence;
 - ii. the set fee for the application for the transfer of a licence referred to in clause 4.8(3); and
 - iii. any other relevant information required.

(2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).

(3) The local government may approve, whether or not subject to such conditions as it considers appropriate, or refuse to approve an application for the transfer of a valid licence.

(4) Where the local government approves an application for the transfer of a valid licence, then on the date of approval, unless otherwise specified in the notice issued under clause 4.13(b), the transferee becomes the licensee of the licence for the purposes of this local law.

4.13 Notification

The local government is to give written notice to—

- a. an applicant for a licence of the local government's decision on her or his application;
- b. a transferee of the local government's decision on her or his application for the transfer of a valid licence;
- c. a licensee of any variation made under clause 4.11(1);
- d. a licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- e. a licensee when her or his licence is renewed;
- f. a licensee of the cancellation of a licence under clause 4.11(2)(a); and
- g. a licensee of the cancellation of a licence under clause 4.11(2)(b) or (c), which notice is to be given in accordance with section 27(6) of the Act.

4.14 Objections and appeals

(1) The provisions of Division 1 of Part 9 of the *Local Government Act 1995* and regulation 33 of the *Local Government (Functions and General) Regulations 1996* apply to a decision where the local government makes a decision as to whether it will—

- a. grant an application for a licence;
- b. vary or cancel a licence;
- c. impose or amend a condition to which a licence is subject; or
- d. transfer of a licence.

(2) Under these provisions, an affected person may have the right to object to, or to appeal against, a decision of the local government.

4.15 Inspection of kennel

With the consent of the occupier, an authorised person may inspect an approved kennel establishment at any time.

PART 5—DOGS IN PUBLIC PLACES

5.1 Places where dogs are prohibited absolutely

Designation of places where dogs are prohibited absolutely is dealt with in the Act.

5.2 Places which are dog exercise areas

Designation of places which are dog exercise areas is dealt with in the Act.

PART 6— MISCELLANEOUS

6.1 Fees and charges

Set fees and charges are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.

6.2 Offence to excrete

(1) A dog must not excrete on—

- (a) any thoroughfare or other public place; or
- (b) any land which is not a public place without the consent of the occupier.

(2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.

(3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.

(4) Notwithstanding clause 7.2, the maximum penalty for an offence under subclause (1) is \$1000.

PART 7— ENFORCEMENT

7.1 Offences

A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

7.2 General penalty

A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of the day during which the offence has continued.

7.3 Modified penalties

(1) The offences contained in Schedule 3 are offences in relation to which a modified penalty may be imposed.

(2) The amount appearing in the fourth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is not a dangerous dog.

(3) The amount appearing in the fifth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is a dangerous dog.

7.4 Issue of infringement notice

Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 2 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

7.5 Failure to pay modified penalty

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by an authorised person, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

7.6 Payment of modified penalty

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by an authorised person, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

7.7 Withdrawal of infringement notice

(1) Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice in the form of Form 3 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

(2) A person authorised to issue an infringement notice under clause 7.4 cannot sign or send a notice of withdrawal.

7.8 Service of notices

An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to her or his address as ascertained from her or him, or as recorded by the local government under the Act, or as ascertained from inquiries made by the local government.

Schedule 1

INFORMATION REQUIRED FOR APPLICATION FOR A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

[cl. 4.1]

1. Details of applicants—

- (a) Full name/s of applicant/s;
- (b) Postal address;
- (c) Telephone number;
- (d) Mobile number;
- (e) Fax number; and
- (f) E-mail address.

2. Address of proposed premises.

3. Dogs to be kept—
 - (1) Number; and
 - (2) Breed.
4. Either—
 - (a) Person residing on the premises—
 - i. Name;
 - ii. As from; and
 - iii. Mobile phone number, or
 - (b) Person sufficiently close to the premises so as to control the dogs and ensure their health and welfare—
 - i. Name;
 - ii. Address;
 - iii. As from; and
 - iv. Mobile phone number.
5. To be included—
 - (a) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
 - (b) plans and specifications of the proposed kennel establishment;
 - (c) copy of notice of proposed use to appear in newspaper and to be given to adjoining premises under clause 4.2;
 - (d) written evidence that a person will reside—
 - i. at the premises; or
 - ii. sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
 - (e) if the person in item (d) is not the applicant, written evidence that the person is a person in charge of the dogs.
6. Signature of applicant/s.
7. Date.

Schedule 2

CONDITIONS OF A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

[cl. 4.7]

An application for a licence for an approved kennel establishment may be approved subject to the following conditions—

- (a) each kennel, unless it is fully enclosed, must have a yard attached to it;
- (b) each kennel and each yard must be at a distance of not less than—
 - (i) 25 metres from the front boundary of the premises and 5 metres from any other boundary of the premises;
 - (ii) 10 metres from any dwelling; and
 - (iii) 25 metres from any church, school room, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;
- (c) each yard for a kennel must be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government;
- (d) the minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder;
- (e) the floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached;
- (f) the upper surface of the kennel floor must be—
 - (i) at least 100 millimetres above the surface of the surrounding ground;
 - (ii) smooth so as to facilitate cleaning;
 - (iii) rigid;
 - (iv) durable;
 - (v) slip resistant;
 - (vi) resistant to corrosion;
 - (vii) non-toxic;
 - (viii) impervious;
 - (ix) free from cracks, crevices and other defects; and

- (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the local government;
- (g) all kennel floor washings must pass through the drain in item (f)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government;
- (h) the kennel floor must have a durable up-stand rising 75 millimetres above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50 millimetres from the underside of the bottom plate to the floor;
- (i) where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel;
- (j) from the floor, the lowest internal height of a kennel must be, whichever is the lesser of—
- (i) 2000 millimetres; or
 - (ii) four times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position;
- (k) the walls of each kennel must be constructed of concrete, brick, stone or framing sheeted internally and externally with good quality new zincalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government;
- (l) all external surfaces of each kennel must be kept in good condition;
- (m) the roof of each kennel must be constructed of impervious material;
- (n) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorised person;
- (o) all refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage;
- (p) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
- (q) suitable water must be available at the kennel via a properly supported standpipe and tap; and
- (r) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside—
- (i) at the premises; or
 - (ii) in the opinion of the local government, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.

Schedule 3

PRESCRIBED OFFENCES

[cl. 7.3(1)]

Item	Clause	Nature of offence	Modified penalty \$	Dangerous Dog Modified Penalty \$
1	3.1	Failing to provide means for effectively confining a dog	200	As per Regulations
2	3.6	Failure to comply with conditions of approval to keep additional dog or dogs	200	500
3	4.7	Failure to comply with the conditions of a licence	200	200
4	6.2	Dog excreting in prohibited place	100	100

Dated: 23 August 2022.

The Common Seal of the City of Kalamunda was affixed in the presence of—

MARGARET THOMAS, Mayor.
RHONDA HARDY, Chief Executive Officer.

LG403**LOCAL GOVERNMENT ACT 1995***City of Busselton***BASIS OF RATES**

I, Kirsty Martin, 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 14 July 2022, determined that the method of valuation to be used by the City of Busselton as the basis for a rate in respect of the land referred to in the Schedule is to be the gross rental value of the land;

Schedule

	Designated Land
UV to GRV	All those portions of land being Lot 115 and Lot 116 as shown on Deposited Plan 423276.

KIRSTY MARTIN, A/Executive Director Local Government,
Department of Local Government, Sport and Cultural Industries.

LG404**LOCAL GOVERNMENT ACT 1995***Shire of Bridgetown-Greenbushes***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 11 February 2022, determined that the method of valuation to be used by the Shire of Bridgetown-Greenbushes 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 A

	Designated Land
UV to GRV	All that portion of land being Lot 3 as shown on Plan 21157.

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

LG405**LOCAL GOVERNMENT ACT 1995***City of Kwinana***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 31 August 2022, determined that the method of valuation to be used by the City of Kwinana 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 178 to 186 inclusive and Lots 193 to 201 inclusive as shown on Deposited Plan 423231.

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

LG501

BUSH FIRES ACT 1954
FIREBREAK NOTICE 2022—2023
City of Stirling

Notice to all property owners and occupiers within the City of Stirling.

Pursuant to Section 33 of the *Bush Fires Act 1954*, you are hereby required, on or before 30 November 2022 or within 14 days of becoming the owner or occupier after 30 November 2022, to remove from the land owned or occupied by you, all inflammable material and/or clear firebreaks in accordance with the following land areas and thereafter to maintain that land or firebreaks up to and including 31 March 2023—

Where the area of the land is less than 2,000 square metres—

Slash/mow all grass to a height no greater than five (5) centimetres and remove all slashed matter and other inflammable material from the land.

Where the area of the land is greater than 2,000 square metres—

Install a continuous firebreak of three (3) metres wide and a minimum of four (4) metres vertical, clear of all bush and inflammable material, around all structures and along all external boundaries of the land.

Prune trees and shrubs and remove dead inflammable material from around all structures. Ensure the roofs, gutters and walls of all buildings on the land are free of inflammable material.

These standards must be maintained until 31 March 2023.

'Inflammable material' is defined for the purpose of the notice to include any mineral, vegetable, substance, object, thing or matter that may, or is likely to, catch fire and burn, or any other thing deemed by an authorised officer to be capable of combustion. It does not include green standing trees, growing bushes, and plants in gardens and/or lawns—unless deemed otherwise.

If it is considered impracticable to clear a firebreak or to remove inflammable material from the land as required by this notice, an application to the City of Stirling in writing may be made prior to 14 November 2022 for permission to take alternative action to mitigate the fire hazard. Until written permission is received from the City, compliance with this notice is required.

Burning off without written authorisation is strictly prohibited within the City of Stirling.

The penalty for failing to comply with this notice is a fine of up to \$5,000. If the works are not carried out by the date required in this notice, the owner of the land is liable, whether prosecuted or not, to pay all costs for performing the works directed in this notice.

STUART JARDINE PSM, Chief Executive Officer, City of Stirling.

MARINE/MARITIME

MA401

WESTERN AUSTRALIAN MARINE ACT 1982
CLOSURE OF NAVIGABLE WATERS ORDER—ALL VESSELS
Ocean Reef Marina
City of Joondalup

Pursuant to section 66 of the *Western Australian Marine Act 1982*, I hereby close the waters to all vessels in the following area—

LOCATION—

Those waters within the breakwaters of the Ocean Reef Marina bounded by a line commencing on the shore north of the launching ramps at 31°45.6889'S, 115°43.6467'E; thence to 31°45.6937'S, 115°43.6302'E (approximately 30 metres west-south-westerly); thence to 31°45.6857'S, 115°43.5536'E (approximately 120 metres westerly); thence to a point on the northern breakwater at approximately 31°45.4574'S, 115°43.4304'E (460 metres north-north-westerly). All coordinates based on GDA94.

Providing however, this closure does not apply to the following vessels—

- All vessels owned and/or operated by any agency of Western Australian Government of the Australian Government while being operated in the normal course of their duties
- All works vessels associated with the development of the Ocean Reef Marina

MARK BRIANT, Navigational Safety and Moorings Manager,
and authorised person, Department of Transport.

MA402

NAVIGABLE WATERS REGULATIONS 1958

SWIMMING PROHIBITED

Ocean Reef Marina

City of Joondalup

Pursuant to regulation 10A of the *Navigable Waters Regulations 1958*, I hereby and prohibit swimming in the following area;

LOCATION—

Those waters within the breakwaters of the Ocean Reef Marina bounded by a line commencing on the shore north of the launching ramps at 31°45.6889'S, 115°43.6467'E; thence to 31°45.6937'S, 115°43.6302'E (approximately 30 metres west-south-westerly); thence to 31°45.6857'S, 115°43.5536'E (approximately 120 metres westerly); thence to a point on the northern breakwater at approximately 31°45.4574'S, 115°43.4304'E (460 metres north-north-westerly); but excluding—

- (i) any diving and swimming operations approved by the Department of transport within the above area.

All coordinates based on GDA94.

PETER BEATTIE, A/ Director Waterways Safety Management,
and delegate of the Chief Executive Officer,
Department of Transport.

PARLIAMENT

PA401

PARLIAMENT OF WESTERN AUSTRALIA

Royal Assent to Bills

It is hereby notified for public information that the Governor has Assented in the name and on behalf of Her Majesty the Queen, on the date shown, to the undermentioned Acts passed by the Legislative Council and the Legislative Assembly during the First Session of the Forty First Parliament.

Title of Acts	Date of Assent	Act No.
Conservation and Land Management Amendment Act 2022	31 August 2022	27 of 2022
Family Court Amendment Act 2022	31 August 2022	28 of 2022

Dated 1 September 2022.

SAM HASTINGS, Clerk of the Parliaments.

PLANNING

PL401

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

Shire of Ashburton

Local Planning Scheme No. 7—Amendment No. 33

Ref: TPS/2736

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 Ashburton Local Planning Scheme amendment on 27 April 2022 for the purpose of—

- Rezoning Lot 588 Beadon Creek Road from 'Tourism' to 'Industry';
- Incorporating additional Clause 4.6—Restricted Use which includes the following text—

4.6.1—The table below sets out—

- (a) restricted classes of use for specified land that apply instead of the classes of use that are permissible in the zone in which the land is located; and
- (b) the conditions that apply to that restricted use.

Table—Restricted uses for land in Scheme area No. Description of land Restricted use Conditions

No.	Description of Land	Restricted Use	Conditions
1	Lot 588 Beadon Creek Road, Onslow	All use classes in the Zoning table for this site are 'X' except as follows— 'D' use class <ul style="list-style-type: none"> • Transport Depot Transport depot means premises used primarily for the parking or garaging of 3 or more commercial vehicles including— <ol style="list-style-type: none"> (a) any ancillary maintenance or refuelling of those vehicles; and (b) any ancillary storage of goods brought to the premises by those vehicles; and (c) the transfer of goods or persons from one vehicle to another; 	<ol style="list-style-type: none"> 1. Any proposed development of the site for Transport Depot must demonstrate operations on the premises, will not cause any injury to, or will not adversely affect the adjoining property, Lot 100 on Deposited Plan 403216 by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, waste water or other waste products. 2. All applications for development approval shall include a traffic impact assessment prepared to the satisfaction of the local government. Details shall include, but not be limited to, the maximum classification of heavy vehicles authorised to access the site from the surrounding road network and demonstration of sufficient internal manoeuvring area so that vehicles can safely enter and exit the site in forward gear. 3. Activities associated with the handling, storage, loading and transportation of bulk ore materials and other basic raw materials are not permitted to be undertaken on the site.

4.6.2. Despite anything contained in the zoning table, land that is specified in the Table to subclause 4.6.1 may be used only for the restricted class of use set out in respect of that land subject to the conditions that apply to that use.

K WHITE, President.
K DONOHUE, Chief Executive Officer.

PUBLIC NOTICES

ZZ401

TRUSTEES ACT 1962 DECEASED ESTATES

Notice to Creditors and Claimants

In the estate of John William Snow who died on 21 November 2021, of 96A Corinthian Road, Shelley 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 said deceased person are required by the Executor of the deceased's estate being Peter Angus Tibbits, care of Angus Tibbits Solicitors, Suite 9, 73 Calley Drive, Leeming Western Australia, to send particulars of their claims to him by 30 September 2022, after which date the Executor may convey or distribute the assets having regard only to the claims of which he then has notice.

ZZ402

TRUSTEES ACT 1962 DECEASED ESTATES

Notice to Creditors and Claimants

In the estate of Reay Annie Beste who died on 7 January 2022, of Regents Garden, 2 Amur Place, Bateman 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 said deceased person are required by the Executor of the deceased's estate being Peter Angus Tibbits, care of Angus Tibbits Solicitors, Suite 9, 73 Calley Drive, Leeming Western Australia, to send particulars of their claims to him by 30 September 2022, after which date the Executor may convey or distribute the assets having regard only to the claims of which he then has notice.

ZZ403**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Graham Maurice Boyd, late of 262 Keymer Street, Cloverdale, Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the deceased, who died on 30 April 2021 are required by the Estate Executor, c/o 262 Keymer Street, Cloverdale, Western Australia, to send particulars of their claims to them within one (1) month of the date of publication of this notice, after which date the Administrator may convey or distribute the assets of the estate, having regard only to the claims of which they then have notice.

ZZ404**TRUSTEES ACT 1962 (WA)****DECEASED ESTATES**

Notice to Creditors and Claimants

Estate of Judith Anne Arbon late of 97 Festing Street, Mount Melville, Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962 (WA)* relates), in respect of the estate of the deceased who died on 19 October 2021 are requested by the Executor, Murray Noel Thornhill care of HHG Legal Group, Level 8, 863 Hay Street, Perth, Western Australia, to send particulars of their claims to the Executor at the above address, within 30 days of this notice, after which date the Executor may convey or distribute the assets of the estate, having regard only to the claims of which he then has notice.

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

Notice to Creditors and Claimants

Ian Peter Bishop, late of 42/12 Onslow Road, Shenton Park, Western Australia, Financial Advisor, 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 27 April 2022, are required by the Executor, Mr Robert Scales, to send particulars of their claims care of Scales Lawyers, PO Box Z5305 St Georges Terrace, Perth, WA, 6831, Telephone: (08) 9322 8479, by the date one (1) month following the publication of this notice, after which date the Executor may convey or distribute the assets, having regard only to the claims of which he has then had notice.

ROBERT WALTER FAHEY SCALES, Scales Lawyers.
