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## GOVERNMENT GAZETTE

### PUBLISHING DETAILS FOR EASTER AND ANZAC DAY 2023

A gazette will be published on **Thursday 6th April**  
and closing time for copy is Wednesday 5th April at noon.

A gazette will be published on **Friday 14th April**  
and closing time for copy is Wednesday 12th April at noon.

**The Gazette will not be published on Tuesday 11th April or  
on Tuesday 25th April**

# — PART 1 —

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## JUSTICE

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JU301

Criminal Procedure Act 2004

### Criminal Procedure Amendment Rules 2023

SL 2023/20

Made by the judges of the Supreme Court.

**1. Citation**

These rules are the *Criminal Procedure Amendment Rules 2023*.

**2. Commencement**

These rules come into operation as follows —

- (a) rules 1 and 2 — on the day on which these rules are published in the *Gazette*;
- (b) the rest of the rules — on the day after that day.

**3. Rules amended**

These rules amend the *Criminal Procedure Rules 2005*.

**4. Rule 39 amended**

(1) Before rule 39(1) insert:

(1A) In this rule —

*produce electronically*, in relation to a record or thing, means to provide the record or thing, in a format approved by the court, to the court —

- (a) by saving it to a CD-ROM, DVD or USB device and —
  - (i) providing the CD-ROM, DVD or USB device to the court in person; or

(ii) sending the CD-ROM, DVD or USB device to the court by post or courier;

or

(b) by other electronic means approved by a registrar.

(2) Delete rule 39(2) and insert:

(2) The witness may produce the record or thing —

(a) if the original record or thing is in electronic form — by producing it electronically; or

(b) otherwise — by providing it to the court in person or sending it to the court by post or courier.

(3) After rule 39(5) insert:

(5A) If the summons requires the production of a record and does not require that the original record be produced, the witness may comply with subrule (2) or (4)(b) by producing a copy of the record (whether in electronic form or otherwise).

(4) In rule 39(6) delete “a registrar” and insert:

a court officer

## 5. Schedule 1 Form 10 amended

In Schedule 1 Form 10:

(a) delete:

<b>Command</b>	<b>You are commanded to produce the records or things described below at the place, and on or before the date and time specified below.</b>
Time and place to produce record or thing	Date: _____ Time: _____ Court: Place:
Records or things to be produced	You must produce to the court the following: [Describe in reasonable detail each record or thing to be produced; on an attachment if necessary.]

and insert:

<b>Command</b>	<b>You are commanded to produce the records or things described below on or before the date and at or before the time specified below.</b>
Time to produce record or thing	Date: _____ Time: _____ Court: _____
Records or things to be produced	You must produce to the court the following: [List the records or things and whether the original of any record is required. If insufficient space, attach list.]

(b) after the last row insert:

<b>Notes</b>	
Production of copy of record instead of original record	Unless this summons states that the original of a record is required, you may produce a copy of it instead.

Date: 13 January 2023.

The Hon. Chief Justice Peter Quinlan  
Chief Justice of Western Australia  
Supreme Court of Western Australia.

JU302

Criminal Injuries Compensation Act 2003  
Criminal Procedure Act 2004

## **Attorney General Regulations Amendment (Electronic Processes) Regulations 2023**

**SL 2023/19**

Made by the deputy of the Governor in Executive Council.

### **Part 1 — Preliminary**

#### **1. Citation**

These regulations are the *Attorney General Regulations Amendment (Electronic Processes) Regulations 2023*.

**2. Commencement**

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

**Part 2 — *Criminal Injuries Compensation Regulations 2003* amended****3. Regulations amended**

This Part amends the *Criminal Injuries Compensation Regulations 2003*.

**4. Regulation 4A inserted**

At the end of Part 2 insert:

**4A. Compensation application may be made and given electronically**

For the purposes of section 11(1), a compensation application may be made and given to the Chief Assessor by means of the electronic case management system for the management of proceedings in Western Australian courts and tribunals.

**Part 3 — *Criminal Procedure Regulations 2005* amended****5. Regulations amended**

This Part amends the *Criminal Procedure Regulations 2005*.

**6. Regulation 26 amended**

- (1) Before regulation 26(1) insert:

- (1A) In this regulation —

*produce electronically*, in relation to a record or thing, means to provide the record or thing, in a format approved by the court, to the court —

- (a) by saving it to a CD-ROM, DVD or USB device and —
  - (i) providing the CD-ROM, DVD or USB device to the court in person; or
  - (ii) sending the CD-ROM, DVD or USB device to the court by post or courier;

or

- (b) by other electronic means approved by a registrar.

- (2) Delete regulation 26(2) and insert:

- (2) The witness may produce the record or thing —

- (a) if the original record or thing is in electronic form — by producing it electronically; or  
 (b) otherwise — by providing it to the court in person or sending it to the court by post or courier.

- (3) After regulation 26(5) insert:

- (5A) If the summons requires the production of a record and does not require that the original record be produced, the witness may comply with subregulation (2) or (4)(b) by producing a copy of the record (whether in electronic form or otherwise).

- (4) In regulation 26(6) delete “a registrar” and insert:

a court officer

Note: The heading to amended regulation 26 is to read:

**Early compliance with summons to produce**

## 7. Schedule 1 Form 11 amended

In Schedule 1 Form 11:

- (a) delete:

<b>Command</b>	<b>You are commanded to produce the records or things described below at the place, and on or before the date and time specified below.</b>
Time and place to produce record or thing	Date: _____ Time: _____ Court: Place:
Records or things to be produced	You must produce to the court the following: <i>[Describe in reasonable detail each record or thing to be produced; on an attachment if necessary.]</i>

and insert:

<b>Command</b>	<b>You are commanded to produce the records or things described below on or before the date and at or before the time specified below.</b>
Time to produce record or thing	Date: _____ Time: _____ Court: _____
Records or things to be produced	You must produce to the court the following: <i>[List the records or things and whether the original of any record is required. If insufficient space, attach list.]</i>

(b) after the last row insert:

<b>Notes</b>	
<b>Production of copy of record instead of original record</b>	Unless this summons states that the original of a record is required, you may produce a copy of it instead.

V. MOLAN, Clerk of the Executive Council.

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## — PART 2 —

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### CONSERVATION

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CO401

#### CONSERVATION AND LAND MANAGEMENT ACT 1984

CONSERVATION AND LAND MANAGEMENT (EXCISION FROM STATE FOREST) ORDER (NO. 3) 2022  
Made by the Minister for Environment under section 9(3)(b) of the *Conservation and Land Management Act 1984*.

#### 1. Citation

This order may be cited as the *Conservation and Land Management (Excision from State Forest) Order (No. 3) 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) the rest of the order—on the day after that day.

#### 3. Portions of State Forest No. 4 excised

The area described in Schedule 1 is ordered to be excised from State Forest No. 4.

#### Schedule 1—Land no longer part of State Forest No. 4

All that portion of land extending the eastern termination of Bradbury Road and comprising of Lot 500 on Deposited Plan 416496.

Area: 1.6188 hectares

On Landgate plan: COLLIE SE (2131-III-SE).

#### 4. Purpose of excision

The area described in Schedule 1 is to facilitate the dedication of an additional portion of Bradbury Road.

Hon. REECE WHITBY, MLA, Minister for Environment.

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### ELECTORAL

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EL401

#### ELECTORAL ACT 1907

#### REGISTRATION OF POLITICAL PARTIES—WESTERN AUSTRALIA

#### Notice of Continued Registration (Section 62H and 217)

The Greens (WA) Inc.

I hereby give notice that I am satisfied the application for continued registration made by The Greens (WA) Inc. complies with the *Electoral Act 1907*. Thus, in accordance with section 217 of the *Electoral Act 1907*, on Thursday, 9 March 2023 I retained the information in the register of political parties for "The Greens (WA) Inc" of the same political party name and registered abbreviation of "The Greens (WA)" for use on ballot papers.

ROBERT KENNEDY, Electoral Commissioner.

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## JUSTICE

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JU401

### JUSTICES OF THE PEACE ACT 2004 RESIGNATIONS

It is hereby notified for public information that the Minister has accepted the resignation of—  
Eby Mathew of Armadale  
Jacqueline Best of Murray Bridge  
from the Office of Justice of the Peace for the State of Western Australia.

JOANNE STAMPALIA, Executive Director, Court and Tribunal Services.

JU402

### 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—

Gregory William Payne of Currambine

JOANNE STAMPALIA, Executive Director, Court and Tribunal Services.

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## LOCAL GOVERNMENT

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LG401

### WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007 LOCAL GOVERNMENT ACT 1995

*City of Subiaco*

#### WASTE LOCAL LAW 2022

Under the powers conferred on it by the *Waste Avoidance and Resource Recovery Act 2007*, the *Local Government Act 1995* and under all other enabling powers, the Council of the City of Subiaco resolved on 21 February 2023 to make the following local law.

#### PART 1—PRELIMINARY

##### 1.1 Short title

This is the *City of Subiaco Waste Local Law 2022*.

##### 1.2 Commencement

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

##### 1.3 Application

This local law applies throughout the district.

##### 1.4 Repeal

*N/A.*

##### 1.5 Meaning of terms used in this local law

(1) In this local law—

**authorised person** means a person appointed by the local government under section 9.10 of the LG Act to perform any of the functions of an authorised person under this local law;

**collectable waste** means local government waste that is not—

- (a) liquid refuse;
- (b) liquid waste; or
- (c) non-collectable waste;

**Collectable waste receptacle** means a receptacle for the deposit and collection of collectable waste that is—

- (a) A recycling waste receptacle;
- (b) A general waste receptacle; or
- (c) An organic waste receptacle;

**collection**, when used in relation to a receptacle, means the collection and removal of collectable waste from the receptacle by the local government or its contractor;

**collection day** means the day determined by the local government for the collection of collectable waste in the district or a part of the district;

**collection time** means the time on the collection day determined by the local government for the collection of collectable waste in the district or a part of the district;

**costs** of the local government include administrative costs;

**Council** means the council of the local government;

**district** means the district of the local government;

**general waste receptacle** means a receptacle for the deposit and collection of collectable waste that is not recycling waste;

**LG Act** means the *Local Government Act 1995*;

**LG Regulations** means the *Local Government (Functions and General) Regulations 1996*;

**local government** means City of Subiaco;

**local government waste** has the same meaning as in the WARR Act;

**non-collectable waste** has the meaning set out in Schedule 1;

**occupier** in relation to premises, means any or all of the following—

- (a) a person by whom or on whose behalf the premises are actually occupied; or
- (b) a person having the management or control of the premises;

**organic waste** means waste that decomposes readily, such as garden waste or food waste;

**organic waste receptacle** means a receptacle for the deposit and collection of organic waste;

**owner** has the same meaning as in the LG Act;

**public place** includes a place to which the public ordinarily have access, whether or not by payment of a fee;

**receptacle**, means a receptacle—

- (a) that has been supplied for the use of the premises by the local government or its contractor, or which has otherwise been approved by the local government; and
- (b) the waste from which is collected and removed from the premises by the local government or its contractor;

**recycling waste receptacle** means a receptacle for the deposit and collection of recycling waste;

**recycling waste** means—

- (a) paper and cardboard;
- (b) plastic containers comprised of polyethylene terephthalate or high density polyethylene;
- (c) glass containers;
- (d) steel containers;
- (e) aluminium containers;
- (f) liquid paper board; and
- (g) any other waste determined by the local government to be recycling waste;

**specified** means specified by the local government or an authorised person, as the case may be;

**street alignment** means the boundary between the land comprising a street and the land that abuts the street;

**WARR Act** means the *Waste Avoidance and Resource Recovery Act 2007*;

**WARR Regulations** means the *Waste Avoidance and Resource Recovery Regulations 2008*;

**waste** has the same meaning as in the WARR Act; and

**waste service** has the same meaning as in the WARR Act.

(2) Where, in this local law, a duty or liability is imposed on an owner or occupier, or on an owner and occupier, the duty or liability is taken to be imposed jointly and severally on each of the owners or occupiers.

### 1.6 Local public notice of determinations

Where, under this local law, the local government has a power to determine a matter—

- (a) local public notice, under section 1.7 of the LG Act, must be given of the matter determined;
- (b) the determination becomes effective only after local public notice has been given;
- (c) the determination remains in force for the period of one year after the date that local public notice has been given under subclause (a);
- (d) after the period referred to in subclause (c), the determination continues in force only if, and for so long as, it is the subject of local public notice, given annually, under section 1.7 of the LG Act; and
- (e) the determination must be recorded in a publicly accessible register of determinations that must be maintained by the local government.

### 1.7 Rates, fees and charges

The local government's powers to impose rates, fees and charges in relation to waste services are set out in sections 66 to 68 of the WARR Act and sections 6.16 and 6.17 of the LG Act.

### 1.8 Power to provide waste services

The local government's power to provide, or enter into a contract for the provision of, waste services is dealt with in section 50 of the WARR Act.

## PART 2—LOCAL GOVERNMENT WASTE

### 2.1 Supply of receptacles

(1) The local government is to supply, for the use of each premises that are, or are capable of being, occupied or used for residential purposes, one or more receptacles for the collection and removal, from those premises, of collectable waste.

(2) The owner of premises to which subclause (1) applies must—

- (a) ensure that the fee or charge (if any) imposed by the local government in relation to each receptacle is paid to the local government; and
- (b) ensure that each receptacle is used, in respect of those premises, in accordance with this local law.

### 2.2 Deposit of waste in receptacles

(1) An owner or occupier of premises must not deposit or permit to be deposited in a receptacle any non-collectable waste.

(2) A person must not deposit waste in a receptacle that has been provided for the use of other premises without the consent of the owner or occupier of those premises.

### 2.3 General waste receptacles

(1) An owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle—

- (a) where the receptacle has a capacity of 240 litres—more than 70 kilograms of collectable waste; or
- (b) where the receptacle has any other capacity—more than the weight determined by the local government.

(2) Where the local government supplies recycling waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any recycling waste.

(3) Where the local government supplies organic waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any organic waste.

### 2.4 Recycling waste receptacles

An owner or occupier of premises must not deposit or permit to be deposited in a recycling waste receptacle—

- (a) anything other than the particular type of recycling waste for which that receptacle was provided by the local government for those premises;
- (b) where the receptacle has a capacity of 240 litres— more than 70 kilograms of recycling waste; or
- (c) where the receptacle has any other capacity—more than the weight determined by the local government.

### 2.5 Organic waste receptacles

An owner or occupier of premises must not deposit or permit to be deposited in an organic waste receptacle—

- (a) anything other than the particular type of organic waste for which that receptacle was provided by the local government for those premises;
- (b) where the receptacle has a capacity of 240 litres—more than 70 kilograms of organic waste; or
- (c) where the receptacle has any other capacity—more than the weight determined by the local government.

### 2.6 Direction to place or remove a receptacle

(1) The local government or an authorised person may give a written direction to an owner or occupier of specified premises—

- (a) to place a receptacle in respect of those premises for collection; or
- (b) to remove a receptacle in respect of those premises after collection.

(2) The direction under subclause (1) may specify when the placement or removal is to occur, or where the receptacle is to be placed, or both.

(3) An owner or occupier of premises must comply with a direction given under this clause.

### **2.7 Duties of owner or occupier**

An owner or occupier of premises must—

- (a) except for a reasonable period before and after collection time, keep each receptacle in a storage space or area that is behind the street alignment;
- (b) take reasonable steps, if placing a receptacle for collection on the verge adjoining the premises, or other area as determined by the local government, to ensure that, within a reasonable period before collection time, each receptacle is—
  - (i) within 1 metre of the carriageway;
  - (ii) placed so that it does not unduly obstruct any footpath, cycle way, right-of-way or carriageway; and
  - (iii) facing squarely to the edge of and opening towards the carriageway,or in such other position as is approved in writing by the local government or an authorised person; and
- (c) if the receptacle is lost, stolen, damaged or defective, notify the local government, as soon as practicable, after the event.

### **2.8 Exemption**

- (1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of clause 2.7(a) or (b).
- (2) The local government or an authorised person may grant, with or without conditions, or refuse an application for exemption from compliance under this clause.
- (3) An exemption granted under this clause must state—
  - (a) the premises to which the exemption applies;
  - (b) the period during which the exemption applies; and
  - (c) any conditions imposed by the local government or the authorised person.
- (4) An exemption granted under this clause ceases to apply—
  - (a) if the local government decides, on reasonable grounds, that there has been a failure to comply with a condition of the exemption; and
  - (b) from the date that the local government informs the owner or occupier of its decision under clause 2.8(4)(a).

### **2.9 Damaging or removing receptacles**

A person, other than the local government or its contractor, must not—

- (a) damage, destroy or interfere with a receptacle; or
- (b) except as permitted by this local law or as authorised by the local government or an authorised person, remove a receptacle from any premises to which it was delivered by the local government or its contractor.

### **2.10 Verge collections**

- (1) Where the local government has advertised a verge waste collection (such as a green waste, or a bulk waste, verge collection) a person, unless with and in accordance with the approval of the local government or an authorised person—
  - (a) must deposit waste only during the period of time, and in accordance with other terms and conditions, as advertised by the local government in relation to that verge waste collection; and
  - (b) must otherwise comply with those terms and conditions.
- (2) Where waste has been deposited on a verge for a verge waste collection, a person must not remove any of that waste for a commercial purpose but may remove it for any other purpose.
- (3) Except where waste is lawfully removed from a verge under this clause, a person must not disassemble or tamper with any waste deposited on a verge for a verge waste collection so as to increase the risk of harm to any person.
- (4) Clause 2.10(2) does not apply to the local government or a person engaged or contracted by the local government in relation to the verge waste collection.

## **PART 3—GENERAL DUTIES**

### **3.1 Duties of an owner or occupier**

An owner or occupier of premises must—

- (a) take reasonable steps to ensure that a sufficient number of receptacles are provided to contain all waste which accumulates or may accumulate in or from the premises;
- (b) ensure that each receptacle is kept in good condition and repair;
- (c) take all reasonable steps to—
  - (i) prevent fly breeding and keep each receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease;
  - (ii) prevent the emission of offensive or noxious odours from each receptacle; and
  - (iii) ensure that each receptacle does not cause a nuisance to an occupier of adjoining premises; and

- (d) whenever directed to do so by the local government or an authorised person, thoroughly clean, disinfect, deodorise and apply a residual insecticide to each receptacle.

### 3.2 Removal of waste from premises

- (1) A person must not remove any waste from premises unless that person is—
- the owner or occupier of the premises;
  - authorised to do so by the owner or occupier of the premises; or
  - authorised in writing to do so by the local government or an authorised person.
- (2) A person must not remove any waste from a receptacle without the approval of—
- the local government or an authorised person; or
  - the owner or occupier of the premises at which the receptacle is ordinarily kept.

### 3.3 Receptacles and containers for public use

A person must not, without the approval of the local government or an authorised person—

- deposit household, commercial or other waste from any premises on or into; or
- remove any waste from,

a receptacle provided for the use of the general public in a public place.

## PART 4—ENFORCEMENT

### 4.1 Objection and appeal rights

Division 1 of Part 9 of the LG Act applies to a decision under this local law to grant, renew, vary or cancel—

- an approval under clause 2.7(b);
- an exemption under clause 2.8(2);
- an approval under clause 2.9(b);
- an approval under clause 2.10(1);
- an authorisation under clause 3.2(1)(c);
- an approval under clause 3.2(2); and
- an approval under clause 3.3.

### 4.2 Offences and general penalty

(1) 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 a person is prohibited from doing, commits an offence.

(2) 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 a further penalty not exceeding \$500 in respect of each day or part of a day during which the offence has continued.

### 4.3 Other costs and expenses

(1) A person who is convicted of an offence under this local law is to be liable, in addition to any penalty imposed under clause 5.2, to pay to the local government the costs and expenses incurred by the local government in taking remedial action such as—

- removing and lawfully disposing of toxic, hazardous or poisonous waste; or

(2) The costs and expenses incurred by the local government are to be recoverable, as a debt due to the local government, in a court of competent civil jurisdiction.

### 4.4 Prescribed offences

(1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 9.16(1) of the LG Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 2.

### 4.5 Form of notices

(1) Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the LG Act is that of Form 1 in Schedule 1 of the LG Regulations.

(2) The form of the infringement notice given under section 9.16 of the LG Act is that of Form 2 in Schedule 1 of the LG Regulations.

(3) The form of the infringement withdrawal notice given under section 9.20 of the LG Act is that of Form 3 in Schedule 1 of the LG Regulations.

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**Schedule 1—Meaning of 'non-collectable waste'**

[Clause 1.5(1)]

**non-collectable waste** means—

- (a) hot or burning material;
- (b) household hazardous waste, including paint, acids, alkalis, fire extinguishers, solvents, pesticides, oils, gas cylinders, batteries, chemicals and heavy metals;
- (c) any other hazardous material, such as radioactive waste;
- (d) any explosive material, such as flares or ammunition;
- (e) electrical and electronic equipment;
- (f) hospital, medical, veterinary, laboratory or pathological substances;
- (g) construction or demolition waste;
- (h) sewage;
- (i) 'controlled waste' for the purposes of the *Environmental Protection (Controlled Waste) Regulations 2004*;
- (j) any object that is greater in length, width, or breadth than the corresponding dimension of the receptacle or that will not allow the lid of the receptacle to be tightly closed;
- (k) waste that is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non- absorbent or impervious material or placed in a sealed impervious and leak-proof container; and
- (l) any other waste determined by the local government to be non-collectable waste.

**Schedule 2—Prescribed offences**

<b>Item No.</b>	<b>Clause No.</b>	<b>Description</b>	<b>Modified Penalty</b>
1	2.1(2)(a)	Failing to pay fee or charge	\$350
2	2.1(2)(b)	Failing to ensure lawful use of receptacle	\$350
3	2.2(1)	Depositing non-collectable waste in a receptacle	\$350
4	2.2(2)	Depositing waste in another receptacle without consent	\$350
5	2.3(1)	Exceeding weight capacity of a general waste receptacle	\$350
6	2.3(2) and (3)	Depositing unauthorised waste in a general waste receptacle	\$350
7	2.4(a)	Depositing unauthorised waste in a recycling waste receptacle	\$350
8	2.4(b) and (c)	Exceeding weight capacity of a recycling waste receptacle	\$250
9	2.5(a)	Depositing unauthorized waste in an organic waste receptacle	\$350
10	2.5(b) and (c)	Exceeding weight capacity of an organic waste receptacle	\$350
11	2.6(3)	Failing to comply with a direction concerning placement or removal of a receptacle	\$250
12	2.7(a)	Failing to keep a receptacle in the required location	\$250
13	2.7(b)	Failing to place a receptacle for collection in a lawful position	\$250
14	2.7(c)	Failing to notify of a lost, stolen, damaged or defective receptacle	\$250
15	2.9(a)	Damaging, destroying or interfering with a receptacle	\$400
16	2.9(b)	Removing a receptacle from premises	\$400
17	2.10(1)	Failing to comply with a term or condition of verge waste collection	\$400
18	2.10(2)	Removing waste for commercial purposes	\$350
19	2.10(3)	Disassembling or leaving in disarray waste deposited for collection	\$250
20	3.1(a)	Failing to provide a sufficient number of receptacles	\$250
21	3.1(b)	Failing to keep a receptacle clean and in a good condition and repair	\$250
22	3.1(c)(i)	Failing to prevent fly breeding and vectors of disease in a receptacle	\$350
23	3.1(c)(ii)	Failing to prevent the emission of offensive odours from a receptacle	\$350

24	3.1(c)(iii)	Allowing a receptacle to cause a nuisance	\$350
25	3.1(d)	Failing to comply with a direction to clean, disinfect or deodorise receptacle	\$300
26	3.2(1)	Unauthorised removal of waste from premises	\$250
27	3.2(2)	Removing waste from a receptacle without approval	\$250

Dated this 28th day of February 2023.

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

COLIN CAMERON, Chief Executive Officer.  
DAVID MCMULLEN, Mayor.

Consented to—

MICHELLE ANDREWS, Director General,  
Department of Water and Environmental Regulation.

Dated this 21st day of December 2022.

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## PLANNING

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### PL401

**PLANNING AND DEVELOPMENT ACT 2005**  
APPROVED LOCAL PLANNING SCHEME AMENDMENT  
*Town of Mosman Park*  
Town Planning Scheme No. 3—Amendment No. 3

Ref: TPS/2938

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Town of Mosman Park Local Planning Scheme amendment on 1 February 2023 for the purpose of—

Including the following clause into Schedule A—Supplemental Provisions to the Deemed Provisions as shown below—

Clause 62 Transitional arrangements for Heritage-Listed properties and designation of Heritage Precinct areas.

Where a property has been included—

- on the Town's Municipal Inventory of Heritage Places (Local Heritage Survey) or
- designation of a Heritage Precinct area under the Town Planning Scheme No. 2 and/or
- in accordance with the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*,

they shall continue to have effect, as if they were included on a Heritage List under Local Planning Scheme No. 3 and may be amended or revoked.

P. SHAW, Mayor.  
C. BYWATER, Chief Executive Officer.

### PL402

**PLANNING AND DEVELOPMENT ACT 2005**  
APPROVED LOCAL PLANNING SCHEME AMENDMENT  
*Shire of Chittering*  
Local Planning Scheme No. 6—Amendment No. 73

Ref: TPS/2916

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 Chittering Local Planning Scheme amendment on 1 March 2023 for the purpose of—

**FINAL ADOPTION**

The Shire of Chittering under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act 2005* (as amended) hereby amends the above Town Planning Scheme No. 3 by—

Deleting the second sentence of clause 5.3.1 and in its place, insert the following provision—



*Development approval is required for any development within the Special Control Area, excluding development of a class specified in Column 1 of an item in the following Table and if all of the conditions set out in Column 2 of the Table opposite that item are satisfied in relation to the development.*

Table

	<b>Column 1 Development</b>	<b>Column 2 Conditions</b>
1.	<p>(a) Demolition of buildings and structures.</p> <p>(b) Internal building work.</p> <p>(c) Erection, installation, alterations, additions of or to pergolas, patios, garages, carports, decks, verandahs, shade sails, swimming pools that forming part of, connected to or are detached from (but associated with) an existing dwelling on the lot.</p> <p>(d) Outbuildings that are characterised as sheds, barns, workshops, lean -to's and similar buildings or structures that could be reasonably characterised as an outbuilding</p> <p>(e) Erection, installation, alterations, additions of or to boundary or retaining walls or fences and other means of boundary enclosures</p> <p>(f) Cubby houses.</p> <p>(g) Solar panels.</p> <p>(h) Flagpoles.</p> <p>(i) The signage and advertisements contained in Schedule 6 of this Scheme</p> <p>(j) Maintenance and repair works.</p> <p>(k) Works for public safety, the safety or security of plant or equipment, installation and maintenance of essential services or the protection of the environment</p>	<ul style="list-style-type: none"> <li>• The development works are not located in a heritage-protected place.</li> <li>• The development works are not located within 30 metres of any natural water body.</li> <li>• The development works do not alter the natural flow of surface water.</li> <li>• The relevant requirements of the R-Codes are satisfied.</li> <li>• The relevant requirements of Local Planning Policy No.18 Setbacks are satisfied.</li> <li>• The outbuildings the subject of d) that are not subject to the requirements of the R-Codes are to be used for warehouse/storage purposes associated with an existing approved land use on the lot, and the requirements of Local Planning Policy No. 7 -Outbuildings are satisfied.</li> <li>• The development requirements of this Scheme for, the underlying zone are satisfied.</li> <li>• The 'local government confirms that the Objectives of the underlying zone and the Purpose of any other Special Control Area applicable to the land are satisfied.</li> </ul>

*The provisions of this clause prevail where a conflict arises with any other provision of this Scheme that requires development approval for development of a class specified in Column 1 of the Table.'*

A KING, President.  
M PRINSLOO, Chief Executive Officer.

## PREMIER AND CABINET

### PR401

DEPARTMENT OF THE PREMIER AND CABINET

'Retention of Title 'Honourable'

It is hereby notified for public information that the Governor, on behalf of His Majesty the King, has approved the retention of the title "Honourable" by the Hon. Justice Graeme Harold Murphy, who will retire as a Judge of the Supreme Court of Western Australia on 1 May 2023.

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

### PR402

DEPARTMENT OF THE PREMIER AND CABINET

'Retention of Title 'Honourable'

It is hereby notified for public information that the Governor, on behalf of His Majesty the King, has approved the retention of the title "Honourable" by the Hon. Justice Kenneth Martin, who will retire as a Judge of the Supreme Court of Western Australia on 1 July 2023.

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

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## ROTTNEST ISLAND

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**RX401****ROTTNEST ISLAND AUTHORITY ACT 1987**

## ROTTNEST ISLAND AUTHORITY

## Draft Rottnest Island Management Plan 2023-28

The Rottnest Island Authority (RIA) gives notice, consistent with the *Rottnest Island Authority Act 1987* (the Act), of the release of the Draft Rottnest Island Management Plan 2023-28 (RIMP) for the statutory two month public submission period.

RIA operates a major holiday and recreation facility within a Class A Reserve in accordance with the provisions of the Act. The control and management of the Island is vested in the Authority for the purpose of enabling it to—

- provide and operate recreational and holiday facilities on the Island;
- protect the flora and fauna of the Island; and
- maintain and protect the natural environment and the man-made resources of the Island and, to the extent that the Authority's resources allow, repair its natural environment.

The draft RIMP can be viewed at RIA's website [www.ria.wa.gov.au](http://www.ria.wa.gov.au) or inspected at RIA's offices at 1 Mews Road, Fremantle, or the Rottnest Island Visitor Centre.

Written submissions on the proposed RIMP can be submitted via email to [enquiries@rotnnestisland.com](mailto:enquiries@rotnnestisland.com), delivered to RIA's offices at Fremantle or Rottnest Island, or posted to PO Box 693, Fremantle WA 6959.

The closing date for submissions is 5pm on Tuesday 9 May 2023.

JASON BANKS, Executive Director, Rottnest Island Authority.

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## PUBLIC NOTICES

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**ZZ401****TRUSTEES ACT 1962**

## DECEASED ESTATES

## Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estates of the undermentioned deceased persons are required by the Executor/Administrator of these estates to send particulars of their claims to the Executor/Administrator within one month from the date of publication of this Notice after which date the Executor/Administrator may convey or distribute the assets having regard only to the claims of which the Executor/Administrator then has notice.

Peter John Daines, late of 74A Dundobar Road, Wanneroo who died on 03/04/2021

Cheryl Anne Ransted late of 36 Watson Place, Maylands who died on 25/10/2022

Maureen Patricia Donnellan late of Unit 5, 73A Fourth Avenue, Mount Lawley, who died on 15/01/2023

HAYNES LEEUWIN, Solicitors for the Executors / Administrators,  
Suite 2, 190 Main Street, Osborne Park WA 6017. Tel: 9409 6300.

**ZZ402****TRUSTEES ACT 1962**

## DECEASED ESTATES

## Notice to Creditors and Claimants

Paul Nugent, late of 15 Vista Close, Edgewater, 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 30/12/2020, are required by the administrators of the deceased's estate, being Brianna Susan Nugent and Brodie Nugent both of 338 Skeet Road, Harrisdale 6112, to send particulars of their claims to them within one month from the date of publication of this notice, after which date the executors may convey or distribute the assets, having regard only to the claims of which they have notice.

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

## Notice to Creditors and Claimants

Edwina Charlotte Williams late of 7 Lomandra Place Wannanup WA 6210, 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 5 November 2022 are required by the Executor to send particulars of their claim within 28 days of this publication to the address below after which date Executor may convey or distribute the assets having regard only to the claims of which they then have notice.

Estate of the Late Edwina Williams, c/- The Executor, 7 Lomandra Place, Wannanup WA 6210.

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