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PUBLISHING DETAILS

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

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CONSERVATION

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CONSERVATION AND LAND MANAGEMENT ACT 1984

BARDI JAWI GAARRA MARINE PARK (CLASSIFIED WATERS) NOTICE 2024

Made by the Minister for the Environment under section 62(1a) of the Act.

1. Citation

This is the *Bardi Jawi Gaarra Marine Park (Classified Waters) Notice 2024*.

2. Interpretation

(1) In this notice—

approved joint management plan means the joint management plan for the Bardi Jawi Gaarra Marine Park, set out in the *Bardi Jawi Gaarra Marine Park Joint Management Plan 73 2022 Management Plan 99*, approved by the Minister under sections 14 and 60 of the *Conservation and Land Management Act 1984* as notified in the *Western Australian Government Gazette* of 29 July 2022.

Bardi and Jawi (WCD2005/003) Determination means the determination of native title made by the Federal Court of Australia in *Sampi on behalf of the Bardi and Jawi People v State of Western Australia (No 2) [2010] FCAFC 99*, National Native Title Tribunal file number WCD2005/003.

Bardi Jawi Gaarra Marine Park means the area reserved as Bardi Jawi Gaarra Marine Park under section 13B of the *Conservation and Land Management Act 1984* and classified as Class A by the *Bardi Jawi Gaarra Marine Park Order 2022*, published in the *Western Australian Government Gazette* of 5 July 2022.

Coastal waters of the State has the meaning given to that term in the *Coastal Waters (State Powers) Act 1980* (Commonwealth) section 3(1).

Mayala Marine Park means the area reserved as Mayala Marine Park under section 13B of the *Conservation and Land Management Act 1984* and classified as Class A by the *Mayala Marine Park Order 2022,* published in the *Western Australian Government Gazette* of 5 July 2022.

mean high water mark has the meaning given to that term in the Bardi and Jawi (WCD2005/003) Determination.

Table 1 means *Table 1: Summary of permitted uses for the Bardi Jawi Marine Gaarra Marine Park* set out in the approved joint management plan.

(2) All geographic coordinates are expressed in terms of the World Geodetic System 1984 (WGS84), unless otherwise defined.

(3) This technical description should be read in conjunction with the technical description for the boundary of Bardi Jawi Gaarra Marine Park.

3. Classification of general use areas

All waters of the Bardi Jawi Gaarra Marine Park described in Schedule 1 are classified under section 62(1a)(b) of the Act as general use areas.

4. Classification of sanctuary areas

All waters of the Bardi Jawi Gaarra Marine Park described in Schedule 2 are classified under section 62(1a)(c) of the Act as sanctuary areas.

5. Classification of special purpose areas

All waters of the Bardi Jawi Gaarra Marine Park described in Schedule 3 are classified under section 62(1a)(d) of the Act as special purpose areas.

6. Declaration of aquaculture as incompatible with a specified conservation purpose of certain special purpose areas

Under section 13B(3B)(a) of the Act, aquaculture is declared to be incompatible with the conservation purpose of—

(a) conserving the value of the land and waters to the culture and heritage of Bardi and Jawi people for the areas classified as special purpose area under clause 5 and described in Schedule 3 items 1-12 as special purpose zones (cultural protection); and

(b) providing for the conservation of ecologically and culturally important marine ecosystems for the areas classified as special purpose area under clause 5 and described in Schedule 3 items 13-16 as special purpose zones (biocultural conservation).

7. Declaration of certain types of commercial fishing as incompatible with a specified conservation purpose of certain special purpose areas

Under section 13B(3B)(c) of the Act, commercial fishing, other than of the type described in Table 1 as commercial trochus collection, is declared to be incompatible with the conservation purpose of conserving the value of the land and waters to the culture and heritage of Bardi and Jawi people for the areas classified as special purpose area under clause 5 and described in Schedule 3 items 1-12 as special purpose zones (cultural protection).

8. Declaration of certain types of commercial fishing as incompatible with a specified conservation purpose of certain special purpose areas

Under section 13B(3B)(c) of the Act, commercial fishing, other than of the type described in Table 1 as commercial trochus collection, commercial mackerel fishing, commercial specimen shell fishing, commercial crab fishing and commercial sea cucumber fishing, is declared to be incompatible with the conservation purpose of providing for the conservation of ecologically and culturally important marine ecosystems for the areas classified as special purpose area under clause 5 and described in Schedule 3 items 13-16 as special purpose zones (biocultural conservation).

9. Declaration of certain types of recreational fishing as incompatible with a specified conservation purpose of certain special purpose areas

Under section 13B(3B)(e) of the Act, recreational fishing, other than of the type described in Table 1 as recreational fishing undertaken as part of a commercial tourism operation, is declared to be incompatible with the conservation purpose of conserving the value of the land and waters to the culture and heritage of Bardi and Jawi people for the areas classified as special purpose area under clause 5 and described in Schedule 3 items 1-12 as special purpose zones (cultural protection).

10. Declaration of pearling activity as incompatible with a specified conservation purpose of certain special purposes areas

Under section 13B(3B)(f) of the Act, pearling activity is declared to be incompatible with the conservation purpose of—

(a) conserving the value of the land and waters to the culture and heritage of Bardi and Jawi people for the areas classified as special purpose area under clause 5 and described in Schedule 3 items 1-12 as special purpose zones (cultural protection); and

(b) providing for the conservation of ecologically and culturally important marine ecosystems for the areas classified as special purpose area under clause 5 and described in Schedule 3 items 13-16 as special purpose zones (biocultural conservation).

11. Declaration of exploratory drilling for, or production of, petroleum, geothermal energy resources or geothermal energy as incompatible with a specified conservation purpose of certain special purpose areas

Under section 13B(3B)(g) of the Act, activities of the type described in Table 1 as ground disturbing mining and petroleum exploration and development and non-ground-disturbing activities including geophysical surveys, geological mapping, sampling and geochemical surveys are declared to be incompatible with the conservation purpose of—

(a) conserving the value of the land and waters to the culture and heritage of Bardi and Jawi people for the areas classified as special purpose area under clause 5 and described in Schedule 3 items 1-12 as special purpose zones (cultural protection); and

(b) providing for the conservation of ecologically and culturally important marine ecosystems for the areas classified as special purpose area under clause 5 and described in Schedule 3 items 13-16 as special purpose zones (biocultural conservation).

SCHEDULE 1—GENERAL USE

General Use Zone

All that portion of Bardi Jawi Gaarra Marine Park that is not sanctuary area or special purpose area.

SCHEDULE 2— SANCTUARY AREAS

1. Ollongon Sanctuary Zone

Situated west of Dampier Peninsula in the vicinity of Pender Bay, Kelk Creek and Gilbut Creek, *Ollongon Sanctuary Zone* comprises all that portion of Bardi Jawi Gaarra Marine Park contained within and bounded by a line—

(i) commencing offshore generally north-west of Cape Borda at the point located at the intersection of the seaward limit of the coastal waters of the State and Latitude 16°38'30" South, and from that point;

(ii) extending east along that latitude to the point located at the intersection of that latitude and Longitude 122°44'51" East;

(iii) thence north-north easterly along the geodesic to the point located at Latitude 16°36'00" South, Longitude 122°46'18" East;

(iv) thence north along that longitude to the point located at the first intersection of that longitude and the mean high water mark near the south-western end of Packer Island;

(v) thence generally north-easterly, generally south-easterly, generally southerly and generally north-westerly along that water mark around Gilbut Creek, and continuing generally southerly, generally south-westerly and generally south-easterly along that water mark past Cape Borda, Jambullana Well and Pender Beach, and further continuing generally south-easterly along that water mark on the eastern side of Pender Bay past Lombardachin Bore, to the point located at the intersection of that water mark and the southernmost boundary of Bardi Jawi Gaarra Marine Park, that point being located on the northern boundary of Reserve 1834 alongside Kelk Creek;

(vi) thence westerly, generally north-westerly, generally west-north-westerly and again westerly along that marine park boundary, down Kelk Creek and across Pender Bay, to the point located at the intersection of that boundary and the seaward limit of the coastal waters of the State;

(vii) thence generally north-easterly and generally northerly along that limit to the point of commencement.

2. Joowanan and Moorroodooloon Sanctuary Zone

Situated north-east of Dampier Peninsula and extending into Sunday Strait, *Joowanan and Moorroodooloon Sanctuary Zone* comprises all that portion of Bardi Jawi Gaarra Marine Park contained within and bounded by a line—

(i) commencing offshore generally north-west of Ferrett Reef at the point located at Latitude 16°15'24" South, Longitude 123°'02'00" East, and from that point;

(ii) extending east along that latitude to the point located at the intersection of that latitude and a north-eastern boundary of Bardi Jawi Gaarra Marine Park, that boundary being contiguous with the boundary of Mayala Marine Park;

(iii) thence generally south-easterly along those contiguous marine park boundaries, through Sunday Strait, to the point located at the intersection of those contiguous boundaries and Longitude 123°17'24" East;

(iv) thence south along that longitude to the point located at the intersection of that longitude and Latitude 16°28'00" South;

(v) thence west along that latitude, past Amur Reef, to the point located at the intersection of that latitude and Longitude 123°14'00" East;

(vi) thence north along that longitude to the point located at the intersection of that longitude and Latitude 16°20'24" South;

(vii) thence west along that latitude, past Otway Shoal and Anchor Shoal, to the point located at the intersection of that latitude and Longitude 123°'02'00" East;

(viii) thence north along that longitude to the point of commencement.

3. Baniol Gaarra Sanctuary Zone

Situated east of Dampier Peninsula, *Baniol Gaarra Sanctuary Zone* comprises all that portion of Bardi Jawi Gaarra Marine Park contained within and bounded by a line—

(i) commencing offshore generally east of Cygnet Bay at the point located at Latitude 16°33'00" South, Longitude 123°02'54" East, and from that point;

(ii) extending east along that latitude to the point located at the intersection of that latitude and Longitude 123°12'00" East;

(iii) thence south along that longitude to the point located at the intersection of that longitude and Latitude 16°36'06" South;

(iv) thence west along that latitude to the point located at the intersection of that latitude and Longitude 123°02'54" East;

(v) thence north along that longitude to the point of commencement.

SCHEDULE 3—SPECIAL PURPOSE AREAS

1. Woolardgoon Special Purpose Zone (cultural protection)

Situated west of Dampier Peninsula in the vicinity of Packer Island and Chile Head, *Woolardgoon Special Purpose Zone (cultural protection)* comprises all that portion of Bardi Jawi Gaarra Marine Park contained within and bounded by a line—

(i) commencing offshore generally north of Chile Head at the point located at Latitude 16°28'36" South, Longitude 122°51'42" East, and from that point;

(ii) extending east along that latitude to the point located at the intersection of that latitude and Longitude 122°52'24" East;

(iii) thence south along that longitude to the point located at the intersection of that longitude and the mean high water mark of the mainland at the southern end of Thomas Bay;

(iv) thence generally westerly, generally northerly, and generally south-westerly along that water mark past Chile Head, and continuing along that water mark around Chile Creek, past the beach south-west of that creek, around Lombadina Creek and other adjacent creeks, past Lombadina Point, and around the seaward side and the south-western end of Packer Island, to the point located at the intersection of that water mark and Longitude 122°46'18" East on the south-eastern side of that island;

(v) thence south along that longitude to the point located at the intersection of that longitude and Latitude 16°36'00" South;

(vi) thence south-westerly along the geodesic to the point located at Latitude 16°38'30" South, Longitude 122°44'51" East;

(vii) thence west along that latitude, past McVilly Rock, to the point located at the intersection of that latitude and Longitude 122°'42'30" East;

(viii) thence north-easterly along the geodesic, past Packer Island, to the point located at Latitude 16°29'48" South, Longitude 122°51'12" East;

(ix) thence north-north-easterly along the geodesic to the point of commencement.

2. Bool Special Purpose Zone (cultural protection)

Situated west of Dampier Peninsula in the vicinity of Thomas Bay and generally north of that bay, *Bool Special Purpose Zone (cultural protection)* comprises all that portion of Bardi Jawi Gaarra Marine Park contained within and bounded by a line—

(i) commencing offshore generally south-west of Cape Leveque at the point located at Latitude 16°24'22.80" South, Longitude 122°54'18" East, and from that point;

(ii) extending east along that latitude to the point located at the intersection of that latitude and the mean high water mark of the mainland;

(iii) thence generally south-westerly along that water mark to the point located at the intersection of that water mark and Latitude 16°25'54" South;

(iv) thence west along that latitude to the point located at the intersection of that latitude and Longitude 122°54'00" East;

(v) thence south-westerly along the geodesic to the point located at Latitude 16°26'27" South, Longitude 122°53'42" East;

(vi) thence south along that longitude to the point located at the intersection of that longitude and Latitude 16°27'42" South;

(vii) thence south-westerly along the geodesic to the point located at Latitude 16°28'06" South, Longitude 122°53'30" East;

(viii) thence south along that longitude to the point located at the intersection of that longitude and Latitude 16°28'18" South;

(ix) thence east along that latitude to the point located at the intersection of that latitude and Longitude 122°54'09" East;

(x) thence north along that longitude to the point located at the intersection of that longitude and the mean high water mark of the mainland, that point being in the north of Thomas Bay;

(xi) thence generally south-easterly, generally southerly and generally south-westerly along that water mark, around Thomas Bay, to the point located at the intersection of that water mark and Longitude 122°53'18" East, that point being in the south of that bay;

(xii) thence north along that longitude to the point located at the intersection of that longitude and Latitude 16°28'36" South;

(xiii) thence north-westerly along the geodesic to the point located at Latitude 16°27'30" South, Longitude 122°52'09" East;

(xiv) thence north-easterly along the geodesic to the point of commencement.

3. Jilany Special Purpose Zone (cultural protection)

Situated on the western side of Dampier Peninsula generally south-south-west of Cape Leveque, *Jilany Special Purpose Zone (cultural protection)* comprises all that portion of Bardi Jawi Gaarra Marine Park contained within and bounded by a line—

(i) commencing on the northern side of the intertidal creek adjacent to Gnamagun Well at the point located at the intersection of Longitude 122°54'09" East and the mean high water mark of the mainland, that point being near the oceanic mouth of that creek, and from that point;

(ii) extending generally easterly, generally southerly, generally westerly and generally northerly along that water mark, around that creek, to the point located at the intersection of that water mark and Longitude 122°54'09" East on the southern side of that creek, that point again being near the oceanic mouth of that creek;

(iii) thence north along that longitude to the point of commencement.

4. Arnbarnani Special Purpose Zone (cultural protection)

Situated north of Dampier Peninsula in the vicinity of Leveque Island, *Arnbarnani Special Purpose Zone (cultural protection)* comprises all that portion of Bardi Jawi Gaarra Marine Park contained within and bounded by a line—

(i) commencing offshore generally north-west of Cape Leveque at the point located at Latitude 16°22'57" South, Longitude 122°55'16.80" East, and from that point;

(ii) extending east along that latitude to the point located at the intersection of that latitude and Longitude 122°55'41.40" East;

(iii) thence south along that longitude to the point located at the intersection of that longitude and Latitude 16°23'12" South;

(iv) thence west along that latitude to the point located at the intersection of that latitude and Longitude 122°55'16.80" East;

(v) thence north along that longitude to the point of commencement.

5. Birimbir Special Purpose Zone (cultural protection)

Situated north of Dampier Peninsula in the vicinity of Hunter Creek and nearby offshore area, *Birimbir Special Purpose Zone (cultural protection)* comprises all that portion of Bardi Jawi Gaarra Marine Park contained within and bounded by a line—

(i) commencing offshore generally east-north-east of Cape Leveque at the point located at Latitude 16°22'48" South, Longitude 122°57'18" East, and from that point;

(ii) extending east-north-easterly along the geodesic, past Jonas Shoal, to the point located at Latitude 16°21'05.40" South, Longitude 123°02'00" East;

(iii) thence south along that longitude to the point located at the intersection of that longitude and the mean high water mark of the mainland, that point being generally west of Swan Point;

(iv) thence generally south-westerly along that water mark, past the beach north-east of Hunter Creek, around that creek and past the beach south-west of that creek, to the point located at the intersection of that water mark and Longitude 122°57'18" East;

(v) thence north along that longitude to the point of commencement.

6. Oorroondoorroon Special Purpose Zone (cultural protection)

Situated north of Dampier Peninsula in the vicinity of Alarm Shoal, *Oorroondoorroon Special Purpose Zone (cultural protection)* comprises all that portion of Bardi Jawi Gaarra Marine Park contained within and bounded by a line—

(i) commencing offshore generally north of Alarm Shoal at the point located at the intersection of the seaward limit of the coastal waters of the State and Latitude 16°15'24" South, and from that point;

(ii) extending east along that latitude to the point located at the intersection of that latitude and Longitude 123°02'00" East;

(iii) thence south along that longitude to the point located at the intersection of that longitude and Latitude 16°20'24" South;

(iv) thence west along that latitude to the point located at the intersection of that latitude and the seaward limit of the coastal waters of the State;

(v) thence generally north-easterly along that limit to the point of commencement.

7. Iinalang Special Purpose Zone (cultural protection)

Situated north-east of Dampier Peninsula around Sunday Island and other islands in the vicinity, *Iinalang Special Purpose Zone (cultural protection)* comprises all that portion of Bardi Jawi Gaarra Marine Park contained within and bounded by a line—

(i) commencing offshore generally north-west of Swan Island at the point located at Latitude 16°20'24" South, Longitude 123°02'00" East, and from that point;

(ii) extending east along that latitude, past Anchor Shoal and Otway Shoal, to the point located at the intersection of that latitude and Longitude 123°14'00" East;

(iii) thence south along that longitude to the point located at the intersection of that longitude and Latitude 16°28'00" South;

(iv) thence west along that latitude to the point located at the intersection of that latitude and Longitude 123°06'00" East;

(v) thence north along that longitude to the point located at the intersection of that longitude and Latitude 16°26'40.20" South;

(vi) thence north-westerly along the geodesic to the point located at Latitude 16°26'28.20" South, Longitude 123°05'46.20" East;

(vii) thence west along that latitude to the point located at the intersection of that latitude and Longitude 123°05'25.80" East;

(viii) thence generally north-westerly, generally northerly and generally north-easterly, along the geodesics or longitudes as appropriate, through the following co-ordinates that approximate the reef edge along the eastern side of Pearl Passage and Pancake Passage—

(ix) Latitude 16°25'21" South, Longitude 123°03'54" East;

(x) Latitude 16°24'57" South, Longitude 123°03'42" East;

(xi) Latitude 16°24'48" South, Longitude 123°03'42" East;

(xii) Latitude 16°24'39" South, Longitude 123°03'51" East;

(xiii) Latitude 16°24'30" South, Longitude 123°04'00" East;

(xiv) Latitude 16°24'27" South, Longitude 123°04'12" East;

(xv) Latitude 16°24'09" South, Longitude 123°04'30" East;

(xvi) thence east along that latitude to the point located at the intersection of that latitude and Longitude 123°04'48" East;

(xvii) thence north along that longitude, past Dickie Rock, to the point located at the intersection of that longitude and Latitude 16°22'24" South;

(xviii) thence west along that latitude to the point located at the intersection of that latitude and Longitude 123°02'42" East;

(xix) thence south along that longitude to the point located at the intersection of that longitude and Latitude 16°24'39" South;

(xx) thence west along that latitude to the point located at the intersection of that latitude and Longitude 123°01'33" East;

(xxi) thence south along that longitude to the point located at the intersection of that longitude and the mean high water mark of the mainland, that point being in the south of Curlew Bay;

(xxii) thence generally north-westerly, generally east-north-easterly, and generally northerly along that water mark, around Curlew Bay, past Easton Point, Talboys Point, Nellie Point and Swan Point, and around the creeks between those points, to the point located at the intersection of that water mark and Longitude 123°02'00" East, that point being generally west of Swan Point;

(xxiii) thence north along that longitude, past Karrakatta Wreck and Karrakatta Rock, to the point of commencement.

8. Noobooloon Special Purpose Zone (cultural protection)

Situated east of Dampier Peninsula in the vicinity of Catamaran Bay, *Noobooloon Special Purpose Zone (cultural protection)* comprises all that portion of Bardi Jawi Gaarra Marine Park contained within and bounded by a line—

(i) commencing onshore in the north of that bay at the point located at the intersection of the mean high water mark of the mainland and Longitude 122°59'42" East, and from that point;

(ii) extending south along that longitude to the point located at the intersection of that longitude and Latitude 16°28'36" South;

(iii) thence east along that latitude to the point located at the intersection of that latitude and Longitude 123°00'15" East;

(iv) thence south-south-easterly along the geodesic to the point located at Latitude 16°29'12" South, Longitude 123°00'24" East;

(v) thence west along that latitude to the point located at the intersection of that latitude and the mean high water mark of the mainland;

(vi) thence generally northerly, generally westerly and generally north-easterly along that water mark, around Catamaran Bay and the creeks adjacent to that bay, to the point of commencement.

9. Garrambany Special Purpose Zone (cultural protection)

Situated east of Dampier Peninsula in the vicinity of Catamaran Bay, *Garrambany Special Purpose Zone (cultural protection)* comprises all that portion of Bardi Jawi Gaarra Marine Park contained within and bounded by a line—

(i) commencing onshore generally south-west of Bird Rocks at the point located at the intersection of the mean high water mark of the mainland and Longitude 122°59'42" East, and from that point;

(ii) extending south along that longitude to the point located at the intersection of that longitude and Latitude 16°31'06" South;

(iii) thence west along that latitude to the point located at the intersection of that latitude and the mean high water mark of the mainland, that intersection point being the one nearest Longitude 122°58'57" East;

(iv) thence generally north-westerly, generally west-south-westerly and generally north-easterly along that water mark, past Gallen Well, around Chunelarr Creek and other adjacent creeks, and along Catamaran Bay, to the point of commencement.

10. Maljin Special Purpose Zone (cultural protection)

Situated east of Dampier Peninsula in the vicinity of Cygnet Bay, *Maljin Special Purpose Zone (cultural protection)* comprises all that portion of Bardi Jawi Gaarra Marine Park contained within and bounded by a line—

(i) commencing onshore generally west-south-west of MacDonald Rock at the point located at the intersection of the mean high water mark of the mainland and Latitude 16°32'12" South, and from that point;

(ii) extending east along that latitude to the point located at the intersection of that latitude and Longitude 123°00'36" East;

(iii) thence south along that longitude to the point located at the intersection of that longitude and Latitude 16°33'00" South;

(iv) thence east along that latitude to the point located at the intersection of that latitude and Longitude 123°02'54" East;

(v) thence south along that longitude to the point located at the intersection of that longitude and Latitude 16°41'00" South;

(vi) thence east along that latitude to the point located at the intersection of that latitude and the mean high water mark of the mainland on the western side of the peninsula that leads to Deep Water Point;

(vii) thence generally southerly, generally westerly, generally northerly, generally south-westerly, and again generally northerly along that water mark, past Willie Point, around Rumbul Bay, Milligan Creek and other adjacent creeks, past Elephant Point and around the creeks north-west of that point, and continuing generally northerly along that water mark to the point of commencement.

11. Garramal Special Purpose Zone (cultural protection)

Situated east of Dampier Peninsula in the vicinity of Cunningham Point, *Garramal Special Purpose Zone (cultural protection)* comprises all that portion of Bardi Jawi Gaarra Marine Park contained within and bounded by a line—

(i) commencing onshore on the eastern side of the peninsula that leads to Deep Water Point at the point located at the intersection of the mean high water mark of the mainland and Latitude 16°42'00" South, and from that point;

(ii) extending east along that latitude to the point located at the intersection of that latitude and Longitude 123°07'57" East;

(iii) thence north along that longitude to the point located at the intersection of that longitude and Latitude 16°40'42" South;

(iv) thence east along that latitude to the point located at the intersection of that latitude and Longitude 123°10'00" East;

(v) thence south along that longitude to the point located at the intersection of that longitude and the easternmost southern boundary of Bardi Jawi Gaarra Marine Park;

(vi) thence west along that marine park boundary to the point located at the intersection of that boundary and the mean high water mark of the mainland, that point being generally south of Carlisle Head;

(vii) thence generally northerly, generally south-westerly and generally north-westerly along that water mark, past Carlisle Head, Cunningham Point, Park Hill and around the adjacent creeks, to the point of commencement.

12. Gararr and Oolala Special Purpose Zone (cultural protection)

Situated east of Dampier Peninsula in Sunday Strait, and adjacent to the portion of this zone in Mayala Marine Park, *Gararr and Oolala Special Purpose Zone (cultural protection)* comprises all that portion of Bardi Jawi Gaarra Marine Park contained within and bounded by a line—

(i) commencing offshore generally south-west of Mermaid Island at the point located at Latitude 16°28'00" South, Longitude 123°17'24" East, and from that point;

(ii) extending north along that longitude to the point located at the intersection of that longitude and a north-eastern boundary of Bardi Jawi Gaarra Marine Park, that boundary being contiguous with the boundary of Mayala Marine Park;

(iii) thence south-south-easterly and south-westerly along those contiguous marine park boundaries to the point located at the intersection of those contiguous boundaries and Latitude 16°28'00" South;

(iv) thence west along that latitude to the point of commencement.

13. Garrilal Special Purpose Zone (biocultural conservation)

Situated west of Dampier Peninsula in the vicinity of Thomas Bay, *Garrilal Special Purpose Zone (biocultural conservation)* comprises all that portion of Bardi Jawi Gaarra Marine Park contained within and bounded by a line—

(i) commencing offshore generally north-north-east of Chile Head at the point located at Latitude 16°27'30" South, Longitude 122°52'09" East, and from that point;

(ii) extending south-easterly along the geodesic to the point located at Latitude 16°28'36" South, Longitude 122°53'18" East;

(iii) thence south along that longitude to the point located at the intersection of that longitude and the mean high water mark of the mainland;

(iv) thence generally west-south-westerly along that water mark to the point located at the intersection of that water mark and Longitude 122°52'24" East;

(v) thence north along that longitude to the point located at the intersection of that longitude and Latitude 16°28'36" South;

(vi) thence west along that latitude to the point located at the intersection of that latitude and Longitude 122°51'42" East;

(vii) thence north-north-easterly along the geodesic to the point of commencement.

14. Looloorr Special Purpose Zone (biocultural conservation)

Situated west of Dampier Peninsula generally north of Thomas Bay, *Looloorr Special Purpose Zone (biocultural conservation)* comprises all that portion of Bardi Jawi Gaarra Marine Park contained within and bounded by a line—

(i) commencing offshore generally north-west of the creek adjacent to Gnamagun Well, at the point located at Latitude 16°25'54" South, Longitude 122°54'00" East, and from that point;

(ii) extending east along that latitude to the point located at the intersection of that latitude and the mean high water mark of the mainland;

(iii) thence generally south-westerly and generally north-easterly along that water mark to the point located at the intersection of that water mark and Longitude 122°54'09" East, that intersection point being the one on the northern side of the creek adjacent to Gnamagun Well near the oceanic mouth of that creek;

(iv) thence south along that longitude to the point located at the intersection of that longitude and the mean high water mark of the mainland on the southern side of that creek;

(v) thence generally south-westerly, generally southerly and generally easterly along that water mark to the point located at the intersection of that water mark and Longitude 122°54'09" East, that point being in the north of Thomas Bay;

(vi) thence south along that longitude to the point located at the intersection of that longitude and Latitude 16°28'18" South;

(vii) thence west along that latitude to the point located at the intersection of that latitude and Longitude 122°53'30" East;

(viii) thence north along that longitude to the point located at the intersection of that longitude and Latitude 16°28'06" South;

(ix) thence north-north-easterly along the geodesic to the point located at Latitude 16°27'42" South, Longitude 122°53'42" East;

(x) thence north along that longitude to the point located at the intersection of that longitude and Latitude 16°26'27" South;

(xi) thence north-north-easterly along the geodesic to the point of commencement.

15. Ambool Special Purpose Zone (biocultural conservation)

Situated north-east of Dampier Peninsula generally north of One Arm Point, *Ambool Special Purpose Zone (biocultural conservation)* comprises all that portion of Bardi Jawi Gaarra Marine Park contained within and bounded by a line—

(i) commencing offshore in Karrakatta Bay at the point located at Latitude 16°22'24" South, Longitude 123°02'42" East, and from that point;

(ii) extending east along that latitude to the point located at the intersection of that latitude and Longitude 123°04'48" East;

(iii) thence south along that longitude, past Dickie Rock, to the point located at the intersection of that longitude and Latitude 16°24'09" South;

(iv) thence west along that latitude to the point located at the intersection of that latitude and Longitude 123°04'30" East;

(v) thence generally south-westerly along the geodesics through the following co-ordinates that approximate the reef edge along the eastern side of Pancake Passage—

(vi) Latitude 16°24'27" South, Longitude 123°04'12" East;

(vii) Latitude 16°24'30" South, Longitude 123°04'00" East;

(viii) Latitude 16°24'39" South, Longitude 123°03'51" East;

(ix) thence west along that latitude to the point located at the intersection of that latitude and Longitude 123°02'42" East;

(x) thence north along that longitude to the point of commencement.

16. Jimarran Special Purpose Zone (biocultural conservation)

Situated east of Dampier Peninsula in the vicinity of Skeleton Point, *Jimarran Special Purpose Zone (biocultural conservation)* comprises all that portion of Bardi Jawi Gaarra Marine Park contained within and bounded by a line—

(i) commencing onshore near the southern entrance to Chunelarr Creek at the point located at the intersection of the mean high water mark of the mainland and Latitude 16°31'06" South, that intersection point being the one nearest Longitude 122°58'57" East, and from that point;

(ii) extending east along that latitude to the point located at the intersection of that latitude and Longitude 123°00'36" East;

(iii) thence south along that longitude, past Awong Rock and MacDonald Rock, to the point located at the intersection of that longitude and Latitude 16°32'12" South;

(iv) thence west along that latitude to the point located at the intersection of that latitude and the mean high water mark of the mainland;

(v) thence generally north-easterly, generally easterly, generally northerly, generally westerly and generally north-westerly along that water mark, past Skeleton Point and around the adjacent creeks, to the point of commencement.

Hon. MATTHEW SWINBOURN, MLC, Minister for the Environment.

FIRE AND EMERGENCY SERVICES

FE401

BUSH FIRES ACT 1954

BUSH FIRES (PROHIBITED BURNING TIMES) AMENDMENT NOTICE (NO. 3) 2025

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

1. Citation

This notice is the *Bush Fires (Prohibited Burning Times) Amendment Notice (No.3) 2025*.

2. Commencement

This notice comes into operation as follows—

(a) clauses 1 and 2—on the day on which this notice is published in the *Gazette*;

(b) the rest of the notice—on the day after that day.

3. The notice amended

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

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

4. Schedule 1 amended

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

Prohibited Burning Time	**Zone of the State**
15 December—15 March	**Shire of Harvey**

Dated 15 July 2025.

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

FE402

BUSH FIRES ACT 1954

BUSH FIRES (RESTRICTED BURNING TIMES) AMENDMENT NOTICE (NO. 4) 2025

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

1. Citation

This notice is the *Bush Fires (Restricted Burning Times) Amendment Notice (No. 4) 2025*.

2. Commencement

This notice comes into operation as follows—

(a) clauses 1 and 2—on the day on which this notice is published in the *Gazette*;

(b) the rest of the notice—on the day after that day.

3. The notice amended

The amendments in this notice are to the Bush Fires (Restricted Burning Times) Amendment Notice 2020*.

[* Published in *Gazette* 24 July 2020, p. 2410—2412.]

4. Schedule 1 amended

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

Restricted Burning Time	**Zone of the State**
1 November—15 May	**Shire of Harvey**

Dated 15 July 2025.

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

HEALTH

HE401

TOBACCO PRODUCTS CONTROL ACT 2006 (WA)

INSTRUMENT OF APPOINTMENT

Appointment of Investigators (No. 1) 2025

1. I, Dr Shirley Bowen, Chief Executive Officer of the Department of Health, acting pursuant to section 76 of the *Tobacco Products Control Act 2006* (Act), hereby appoint the persons employed in the Public Service under the *Public Sector Management Act 1994* Part 3, and listed in the attached Schedule, to be investigators for the purposes of the Act.
2. This instrument of appointment shall take effect upon signing and shall remain in force until otherwise amended or revoked.
3. The instrument of appointment titled '*Tobacco Products Control Act 2006* (WA)—Instrument of Appointment—Appointment of Investigators' and dated 10 May 2024, is hereby revoked.

Dated this 19th day of June 2025.

Dr SHIRLEY BOWEN, Chief Executive Officer, Director General.

Schedule

Position title	Position no(s).
Manager, Tobacco Control Compliance	00019964
Team Leader, Compliance and Enforcement, Tobacco Control Compliance	00014510
Scientific Officer, Tobacco Control Compliance	00018302, 00018303, 00018304
Compliance Officer, Tobacco Control Compliance	00001118
Manager, Health Products Compliance and Enforcement Unit	00022157
Investigation and Compliance Officer, Health Products Compliance and Enforcement Unit	00020482
Compliance Officer, Health Products Compliance and Enforcement Unit	00020476, 00020479, 00022158, 00022159
Manager, Monitoring and Compliance, Medicines and Poisons Regulation Branch	00004455
Investigator, Medicines and Poisons Regulation Branch	000015874
Compliance Officer, Medicines and Poisons Regulation Branch	00002461, 00008081

LOCAL GOVERNMENT

LG401

LOCAL GOVERNMENT ACT 1995

Shire of Gingin

EXTRACTIVE INDUSTRIES LOCAL LAW 2025

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Gingin resolved on 17 June 2025 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Gingin Extractive Industries Local Law 2025*.

1.2 Commencement

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

1.3 Application

(1) The provisions of this local law—

(a) subject to paragraphs (b), (c), (d) and (e)—

(i) apply and have force and effect throughout the whole of the district; and

(ii) apply to every excavation whether commenced prior to or following the coming into operation of this local law;

(b) do not apply to the extraction of minerals under the *Mining Act 1978*;

(c) do not apply to the carrying on of an extractive industry on Crown land; and

(d) do not apply to the carrying on of an extractive industry on land by the owner or occupier of that land solely for use on that land.

(2) In subclause (1)(d) land includes adjoining lots or locations in the same occupation or ownership of the owner or occupier.

1.4 Repeal

The *Shire of Gingin Extractive Industries Local Law 2004* as published in the *Government Gazette* on 13 September 2004 and amended in the *Government Gazette* on 10 October 2006 and 10 July 2015, is repealed.

1.5 Transitional provisions

(1) An application for, or the renewal of a licence, permit or other authorisation made under a repealed local law that has not been finally determined before the commencement day is to be dealt with and determined as if it were an application under this local law.

(2) A licence, permit or other authorisation under a repealed local law that is in force before the commencement day is to be regarded on and after that day as a licence under this local law and may be dealt with accordingly.

1.6 Terms used

In this local law unless the context otherwise requires—

Act means the *Local Government Act 1995*;

application for licence includes application to renew, transfer, vary or cancel a licence as the context requires;

authorised person means a person appointed by the local government under section 9.10 of the *Local Government Act 1995* to perform all or any of the functions conferred on an authorised person under this local law and includes the CEO;

carry on an extractive industry means quarrying and excavating for stone, gravel, sand and other material, and the transporting of the material off the site, but excludes extractive activities undertaken by statutory authorities;

CEO means the Chief Executive Officer of the local government;

cessation of operations means termination of activities associated with the extraction and transport of the materials whether permanent or temporary, but does not include activities under clauses 6.3 for the care and maintenance of the site, or clause 6.4.

district means the district of the Shire of Gingin;

excavation includes quarry;

infringement notice means the notice referred to in clause 10.4(a);

land, unless the context requires otherwise, means the land on which the applicant proposes carrying on the extractive industry to which the licence application relates, and includes adjoining lots or locations in the same occupation or ownership;

licence means a licence, permit or approval issued under this local law and a previous licence;

licensee means the person named in the licence as the licensee;

local government means the Shire of Gingin*;*

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

occupier has the meaning given to it in section 1.4 of the Act;

owner has the meaning given to it in section 1.4 of the Act;

person does not include the local government;

planning approval means an approval for a development or a land use that is issued under a local planning scheme administered by the local government;

previous licence means a licence that is in force at the date of commencement of this local law;

public notice means such notice as an authorised person considers necessary—

(a) stipulating duration and placement of notices as is considered relevant to inform the community,

(b) not requiring compliance with local public notice under section 1.7 of the Act; and

(c) the authorised person may place the notice as a public notice on the local government's website or other means of informing the public;

Schedule means a schedule to this local law;

secured sum means the sum required to be paid or the amount of a bond, bank guarantee or other security under clause 3.8;

set fee means a fee determined by the local government in accordance with sections 6.16 to 6.19 of the Act;

site means the land specified by the local government in a licence;

thoroughfare has the meaning given to it in section 1.4 of the Act; and

transferee means a person who applies for the transfer of a licence to her or him under clause 4.8.

PART 2—REQUIREMENT FOR LICENCE

2.1 Extractive industries prohibited without licence

A person must not carry on an extractive industry—

(a) unless the person is the holder of a valid and current licence; and

(b) otherwise than in accordance with any terms and conditions set out in, or applying in respect of, the licence.

PART 3—APPLICATION REQUIREMENTS

3.1 Applicant to advertise proposal

(1) Unless the local government first approves otherwise, a person seeking the issue of a licence shall, before making an application for a licence—

(a) forward a notice to—

(i) the owners and occupiers of all land adjoining the land upon which it is proposed to excavate, or within an area determined by the local government as likely to be affected by the granting of a licence; and

(ii) every authority or person having control or jurisdiction over any of the things referred to in clause 3.4(1)(g) and (h) within 500 metres from the boundaries of the land, or within an area determined by the local government as likely to be affected by the granting of a licence; and

(b) as soon as practicable after complying with the requirements of paragraph (a)—

(i) forward a copy of the notice to the local government; and

(ii) give such public notice as may be required by an authorised person.

(2) The information contained in the notice referred to in subclause (1) shall include but is not limited to—

(a) particulars of the proposed excavation; and

(b) inviting objections or comments to be made to the local government within 21 days of date of receipt of the notice.

(3) The local government may undertake a public consultation process including but not limited to—

(a) provision of information by mail or similar;

(b) electronically through a website or similar; and

(c) public meetings.

(4) The local government may, within 14 days after receiving a copy of a notice referred to in subclause (1), cause to be displayed, or require the proposed applicant to display, in a prominent position on the land one or more notices—

(a) in a form approved by the local government;

(b) the content, size, construction and position of which have been approved by the local government;

(c) specifying particulars of the proposed excavation; and

(d) inviting objections or comments within 21 days from the placement of the notice.

3.2 Application for licence

(1) An application for a licence shall—

(a) be made in writing;

(b) state—

(i) name of person or company for whom the application is being lodged;

(ii) name of primary contact person for the company and in relation to the application;

(iii) telephone, mobile phone and email contact details; and

(iv) postal and street address.

(c) be accompanied by—

(i) the set fee;

(ii) a current certificate of currency for public liability policy in accordance with clause 7.1;

(iii) the consent in writing to the application from the owner of the land of the proposed excavation site; and

(iv) a copy of the planning approval for an extractive industry to be conducted on the land;

(d) include any information that the local government may reasonably require; and

(e) be signed by the applicant.

(2) An application for a licence must be lodged with the local government together with details of the proposed excavation, including but not limited to—

(a) a plan of the excavation site in accordance with clause 3.4;

(b) a works and excavation program in accordance with clause 3.5;

(c) a rehabilitation and decommissioning program in accordance with clause 3.6;

(d) evidence that a datum peg has been established on the land related to a point approved by the local government on the surface of a constructed public thoroughfare or such other land in the vicinity;

(e) a certificate from a licensed surveyor;

(f) evidence that the requirements of clause 3.1(1) have been carried out;

(g) copies of all land use planning approvals required under any planning legislation;

(h) copies of any environmental approval required under any environmental legislation;

(i) details of Aboriginal and European heritage survey or assessment undertaken—

(j) copies of any geotechnical information relating to the excavation site;

(k) evidence that an application for a clearing permit has been lodged with the Department of Water and Environmental Regulation if that is required under section 51C(a) of the *Environmental Protection Act 1986*; and

(l) any other information that the local government may reasonably require.

(3) The application under subclause (1) and detailed information under subclause (2) shall consist of one signed paper copy and an electronic copy.

3.3 Applications by community or sporting organisations

(1) Notwithstanding any other provision, the local government may waive any requirement or provision of this local law (including a requirement to hold a valid licence), where the local government is satisfied on receiving a written application for an exemption under this clause that the extractive industry is to be carried out—

(a) solely for the benefit of a community or sporting organisation (whether incorporated or not) within the district; and

(b) will not be a commercial activity.

(2) Where the local government is so satisfied—

(a) the extractive industry may only be carried out if the local government has authorised it in writing;

(b) the local government may impose conditions on the authorisation pursuant to which the extractive industry shall operate (including in a case where the local government otherwise waives the requirement to hold a valid and current licence);

(c) the person carrying out the extractive industry shall comply with any conditions imposed by the local government on the authorisation;

(d) failure to comply with any condition imposed by the local government is deemed to be an offence pursuant to clause 2.1(b);

(e) the local government may from time to time vary or delete any conditions previously imposed, and may impose a new condition or conditions; and

(f) the local government may at any time determine that the extractive industry authorised pursuant to this clause shall cease, provided that the local government shall give written notice to the person carrying out the extractive industry which allows not less than 28 days for the cessation of operations.

3.4 Plan of excavation site

(1) The plan referred to in clause 3.2(2)(a) shall be in a scale of between 1:500 and 1:2000 showing—

(a) the existing and proposed land contours based on the Australian Height Datum and plotted at one metre contour intervals;

(b) the land on which the excavation site is to be located;

(c) the external surface dimensions of the land;

(d) the location and depth of the existing and proposed excavation of the land;

(e) the location of existing and proposed thoroughfares or other means of vehicle access to and egress from the land and to public thoroughfares in the vicinity of the land;

(f) the location of buildings, treatment plant, tanks and other improvements and developments existing on, approved for or proposed in respect of the land;

(g) the location of existing infrastructure services including but not limited to powerlines and communication cables, and any associated poles or pylons, sewers, pipelines, reserves, bridges, railway lines and registered grants of easement or other encumbrances over, on, under or adjacent to or in the vicinity of the land;

(h) the location of all existing bores, dams, watercourses, drains or sumps on or adjacent to the land;

(i) the location and description of existing and proposed fences, gates and warning signs around the land; and

(j) the locations of proposed stockpiles of excavated material, treated material, overburden and soil storage on the land and elsewhere.

(2) All survey data supplied by an applicant for the purpose of subclause (1) shall comply with Australian Height Datum and Australian Map Grid standards.

3.5 Works and excavation program

The works and excavation program referred to in clause 3.2(2)(b) shall contain—

(a) site—
  (i) the nature and estimated duration of the proposed excavation for which the licence is applied;
  (ii) the stages and the timing of the stages in which it is proposed to carry out the excavation;
  (iii) hours of operation including crushing, blasting and excavation;
  (iv) proposed end use of site;

(b) operations—
  (i) details of the methods to be employed in the proposed excavation and a description of any on-site processing works;
  (ii) details of the depth and extent of the existing and proposed excavation of the site;
  (iii) an estimate of the depth of and description of the nature and quantity of the overburden to be removed;
  (iv) a description of any proposed buildings, water supply, treatment plant, tanks and other improvements, including refueling facilities, and storage of chemicals and explosives;
  (v) type of material to be excavated;
  (vi) type of equipment to be used, including size of trucks and machinery;

(c) transport—
  (i) a description of the means of access to the excavation site and the types of thoroughfares to be constructed;
  (ii) details of the proposed number and size of trucks entering and leaving the site each day and the route or routes to be taken by those vehicles;
  (iii) proposed road warning signage;

(d) environmental—
  (i) a description of the methods by which existing vegetation is to be cleared and topsoil and overburden removed or stockpiled;
  (ii) details of drainage conditions applicable to the land and methods by which the excavation site is to be kept drained;
  (iii) a description of the measures to be taken to minimise sand drift, dust nuisance, erosion, watercourse siltation and dangers to the general public;
  (iv) a noise management plan, including a description of the measures to be taken to comply with the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*;
  (v) a description of the existing site environment and a report on the anticipated effect that the proposed excavation will have on the environment in the vicinity of the land;
  (vi) details of the nature of existing vegetation, shrubs and trees and a description of measures to be taken to minimise the destruction of existing vegetation;
  (vii) assessment of the risk of spreading *Phytophthora* dieback and management techniques appropriate to that level of risk;

(e) amenity—
  (i) a description of the measures to be taken in screening the excavation site, or otherwise minimising adverse visual impacts, from nearby thoroughfares or other areas; and
  (ii) details of measures to reduce impact on the adjoining owners and occupiers, and the wider community.

(f) heritage—
  (i) measures proposed for preservation of Aboriginal and European heritage, where identified.

(g) other matters—
  (i) any other information the local government may reasonably require.

3.6 Rehabilitation and decommissioning program

The rehabilitation and decommissioning program referred to in clause 3.2(2)(c) shall indicate—

(a) the objectives of the program, having due regard to the nature of the surrounding area and the proposed end-use of the excavation site;

(b) whether restoration and reinstatement of the excavation site is to be undertaken progressively or upon completion of excavation operations;

(c) how any face is to be made safe and batters sloped;

(d) the method by which topsoil is to be replaced and revegetated;

(e) the numbers and types of trees and shrubs to be planted and other landscaping features to be developed;

(f) how rehabilitated areas are to be maintained; and

(g) the program for the removal of buildings, plant, waste and final site clean up.

3.7 Certificate of a licensed surveyor

The certificate in clause 3.2(2)(e) shall certify the correctness of—

(a) the datum peg and related point referred to in clause 3.2(2)(d); and

(b) the plan referred to in clause 3.2(2)(a).

3.8 Security for restoration of excavation site and for road infrastructure

(1) The local government may require that the licensee shall give to the local government a bond, bank guarantee or other security, of a kind and in a form acceptable to the local government, in or for a sum determined by the local government, for the purposes of—

(a) ensuring that an excavation site is properly restored or reinstated; and

(b) ensuring that road infrastructure is repaired and maintained to the standard agreed in accordance with clause 4.5(2) and (3).

(2) The security required under subclause (1) may be required to be provided by the applicant to the local government—

(a) as a condition of a licence; or

(b) before the issue of a licence.

(3) A security required under subclause (1) is to be paid into a fund established by the local government for the purposes of this clause.

(4) If a bank guarantee or other security required under subclause (1) ceases to be current, excavation is to cease until a further security in a form acceptable to the local government has been provided.

(5) Subject to clause 7.4, any interest accrued in respect of the bond paid into the fund under subclause (3) is to be returned to the licensee at the completion of the restoration and reinstatement works required by the licence conditions or otherwise under this local law.

PART 4—LICENCING

4.1 When an application may be determined

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

(a) the applicant submits proof that the requirements for public notices, public information and consultation have been undertaken in accordance with clause 3.1(1) and (2);

(b) the applicant has made an application for a licence in accordance with clause 3.2;

(c) the local government has considered any written submissions received within the time specified in clauses 3.1(2)(b) and 3.1(4); and

(d) planning approval for an extractive industry use of the land has been obtained.

4.2 Determination of application

(1) Upon receipt of an application, the local government may—

(a) refuse the application; or

(b) approve the application—

(i) over the whole or part of the land in respect of which the application is made; and

(ii) on such terms and conditions, if any, as it sees fit.

(2) The local government may refuse to consider an application for a licence that does not comply with the requirements of clause 3.2.

(3) Where the local government approves an application for a licence, it shall—

(a) determine the licence period, not exceeding 5 years from the date of issue; and

(b) approve the issue of a licence in the form determined by the local government from time to time.

(4) Where the local government approves the issue of a licence, the local government shall issue the licence to the applicant upon receipt by the local government of—

(a) payment of the set fee;

(b) payment of the secured sum if any, imposed under clause 3.8;

(c) the documents, if any, executed to the satisfaction of an authorised person, under clause 3.8; and

(d) a copy of the public liability insurance policy required under clause 7.1(1).

4.3 Conditions which may be imposed

(1) Clause 4.5 applies as a condition to all licences.

(2) Without limiting clause 4.2(1), the local government may impose conditions in respect of the following matters, including but not limited to—

(a) the orientation of the excavation to reduce visibility from other land;

(b) the appropriate siting of access thoroughfares, buildings and plant;

(c) the stockpiling of material;

(d) the hours during which any excavation work may be carried out;

(e) the hours during which any processing plant associated with, or located on, the site may be operated;

(f) requiring all crushing and treatment plant to be enclosed within suitable buildings to minimise the emission of noise, dust, vapour and general nuisance to the satisfaction of the local government;

(g) the depths below which a person shall not excavate;

(h) distances from adjoining land or roads within which a person must not excavate;

(i) the safety of persons employed at or visiting the excavation site;

(j) the control of dust and wind-blown material;

(k) the planting, care and maintenance of trees, shrubs and other landscaping features during the time in which the extractive industry is carried out in order to effectively screen the area to be excavated and to provide for progressive rehabilitation;

(l) the prevention of the spread of *Phytophthora* dieback or other disease;

(m) the drainage of the excavation site and the disposal of water;

(n) the restoration and reinstatement of the excavation site, the staging of such works, and the minimising of the destruction of vegetation;

(o) the provision of retaining walls to prevent subsidence of any portion of the excavation or of land abutting the excavation;

(p) requiring the licensee to furnish to the local government a surveyor's certificate each year, prior to the set fee for renewal being payable, to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved excavation program;

(q) requiring the licensee to enter into an agreement with the local government to pay a contribution in respect of thoroughfares in the district used by heavy or extraordinary traffic conducted by or on behalf of the licensee under the licence, in accordance with clause 4.5(2) and (3)—

(i) any extraordinary expenses incurred by the local government;

(ii) requirement for increased maintenance; and

(iii) repair of damage caused;

(r) requiring the licensee to enter into an agreement with the local government in respect of any condition or conditions imposed under this local law; and

(s) any other matter for properly regulating the carrying on of an extractive industry.

4.4 Variation of conditions

(1) Within 30 days of the date of the annual report becoming due in accordance with clause 7.3, the local government may, in respect of the licence—

(a) vary or delete a condition; and

(b) impose one or more other conditions, as specified in clause 4.3(2).

(2) A condition that is varied, deleted or imposed under subclause (1) does not become effective until 90 days (or such longer period as is specified by the local government) after written notice of the condition is given by the local government to the licensee.

4.5 Transport of materials

(1) The local government may, from time to time, prescribe by giving written notice to the licensee—

(a) routes to be taken by the licensee for the transport of materials from the site through the roads within the district, if the proposed routes are not suitable for the proposed haulage;

(b) the tonnage limits to be transported along a particular route; and

(c) the times during which materials from the site may be transported through the roads within the district.

(2) If a road on a route prescribed under subclause (1) is inadequate for the transport of materials from the site, the local government may require the licensee to pay all or part of the costs or estimated costs, as determined by the local government, of upgrading the road to the standard required by the local government for these purposes.

(3) The licensee must pay to the local government, as and when required by the local government, the costs or estimated costs, as determined by the local government, of repairs and maintenance to any road that are required as a result of the transport of materials from the site.

(4) Each licence is to be taken to be subject to a condition requiring the licensee to comply with this clause.

4.6 Renewal of licence

(1) An application to renew a licence is not to be determined by the local government until the applicant has complied with subclause (2).

(2) An application to renew a licence shall—

(a) be made in writing;

(b) state—

(i) name of the person or company for whom the application is being lodged;

(ii) name of the primary contact person for the company and in relation to the application;

(iii) telephone, mobile phone and email contact details; and

(iv) postal and street address;

(c) be accompanied by—

(i) the set fee;

(ii) a copy of the current licence;

(iii) a current certificate of currency for public liability policy in accordance with clause 7.1;

(d) be lodged by the licensee at least 90 days before the date of expiry of the licence;

(e) include a plan showing the contours of the excavation carried out to the date of that application;

(f) detail the works, excavation and rehabilitation stages reached and any changes or proposed changes with respect to any of the things referred to in clause 3.2(2)(b) and (c); and

(g) submit any other things referred to in clauses 3.2 and 4.2.

(3) The local government may waive any of the requirements specified in subclause (2)(f) or (g).

(4) The applicant shall not be obliged, unless otherwise required by the local government, to submit details of any of the things referred to in clauses 3.2 and 4.2 if—

(a) an application to renew a licence is in relation to land in respect of which the current licence was issued less than 12 months prior to the date from which the new licence if granted would apply; and

(b) the methods to be employed in the proposed land excavation are identical to those being employed at the date of the application.

(5) Upon receipt of an application for renewal of a licence, the local government may—

(a) refuse the application; or

(b) approve the application on such terms and conditions as it sees fit.

(6) Where the local government renews, or refuses to renew, a licence under subclause (5), it shall notify the licensee and owner of the excavation site in writing.

4.7 Variation of licence

(1) An application to vary a licence by a licensee—

(a) may be made at any time; and

(b) is not to be determined by the local government until the applicant has complied with subclause (2).

(2) An application to vary a licence shall—

(a) be made in writing;

(b) state—

(i) name of person or company for whom the application is being lodged;

(ii) name of primary contact person for the company and in relation to the application;

(iii) telephone, mobile phone and email contact details; and

(iv) postal and street address;

(c) be accompanied by—

(i) the set fee;

(ii) a copy of the current licence; and

(iii) a current certificate of currency for public liability policy in accordance with clause 7.1;

(d) be lodged by the licensee at least 90 days before the date of expiry of the licence;

(e) include a plan showing the contours of the excavation carried out to the date of that application;

(f) detail the works, excavation and rehabilitation stages reached and any changes or proposed changes with respect to any of the things referred to in clause 3.2(2)(b) and (c);

(g) any other things referred to in clauses 3.2 and 4.2.

(h) include any information that the local government may reasonably require; and

(i) be signed by the licensee and the owner of the excavation site (if different to the licensee).

(3) The local government may waive any of the requirements specified in subclause (2)(f) or (g).

(4) The applicant shall not be obliged, unless otherwise required by the local government, to submit details of any of the things referred to in clauses 3.2 and 4.2 if—

(a) an application to vary a licence is in relation to land in respect of which the current licence was issued less than 12 months prior to the date from which the new licence if granted would apply; and

(b) the methods to be employed in the proposed land excavation are identical to those being employed at the date of the application.

(5) Upon receipt of an application to vary a licence, the local government may—

(a) refuse the application; or

(b) approve the application on such terms and conditions as it sees fit.

(6) Where the local government approves, or refuses to approve, a licence variation under subclause (5), it shall notify the licensee and owner of the excavation site in writing.

4.8 Transfer of licence

(1) An application to transfer a licence is not to be determined by the local government until the applicant has complied with subclause (2).

(2) An application to transfer a licence shall—

(a) be made in writing;

(b) state—

(i) name of person or company for whom the application is being lodged;

(ii) name of primary contact person for the company and in relation to the application;

(iii) telephone, mobile phone and email contact details; and

(iv) postal and street address;

(c) be accompanied by—

(i) the set fee;

(ii) a copy of the current licence;

(iii) a certificate of currency in the name of the proposed transferee for a public liability insurance policy in accordance with clause 7.1; and

(iv) the consent in writing to the transfer from the owner of the excavation site;

(d) be lodged by the licensee at least 90 days before the date of proposed transfer of the licence;

(e) comply with and satisfy all conditions and requirements of the current licence;

(f) provide equivalent security under clause 3.8 as is required by the current licence;

(g) include any information that the local government may reasonably require; and

(h) be signed by the licensee and the proposed transferee.

(3) Upon receipt of an application to transfer a licence, the local government may—

(a) refuse the application; or

(b) approve the application on such terms and conditions as it sees fit.

(4) Where the local government approves, or refuses to approve, the transfer of a licence under subclause (3), it shall notify the licensee and owner of the excavation site in writing.

(5) Where the local government approves the transfer of a licence it shall not be required to refund any part of the fees and charges paid by the former licensee in respect of the transferred licence.

(6) Where the local government does not approve the transfer of a licence—

(a) the local government may cancel the licence in accordance with clause 4.9, or

(b) the licensee may—

(i) continue operations in accordance with the licence issued; or

(ii) give notice of cessation of operations in accordance with clause 6.1.

4.9 Cancellation of licence

(1) The local government may cancel a licence where the licensee has—

(a) ceased to substantially carry on the extractive industry for a period in excess of 12 months or has not advised the local government of cessation of operations under clause 6.1;

(b) been convicted of an offence against—

(i) this local law; or

(ii) any other law relating to carrying on an extractive industry;

(c) failed to comply with—

(i) any of the conditions of the licence;

(ii) any provisions of this local law; or

(iii) any term of an agreement made with the local government in accordance with this local law and default continues for a period of 14 days from service on the licensee of written notice of default;

(d) transferred or assigned or attempted to transfer or assign the licence without the consent of the local government;

(e) permitted another person to carry on an extractive industry otherwise than in accordance with the terms and conditions of the licence and of the provisions of this local law;

(f) failed to make the annual report under clause 7.3;

(g) failed to have a current public liability insurance policy under clause 7.1(1); or

(h) failed to provide a copy of the policy or evidence of its renewal, as the case may be, under clause 7.1(2).

(2) Where the local government cancels a licence under this clause—

(a) the cancellation takes effect on and from the day on which the licensee is served with the notice; and

(b) the local government shall advise the licensee and owner of the excavation site in writing.

(3) Where the local government cancels a licence under subclause (1), the local government shall not be required to refund any part of the fees and charges paid by the licensee in respect of the cancelled licence.

(4) Where the local government cancels a licence under subclause (1), the licensee shall comply with clause 6.4, unless otherwise approved by the local government.

PART 5—LIMITATIONS, OBLIGATIONS AND PROHIBITIONS ON LICENSEE

5.1 Obligations of the licensee

A licensee shall—

(a) where the local government so requires, securely fence the excavation to a standard determined by the local government and keep the gateways locked when not actually in use in order to prevent unauthorised entry;

(b) erect and maintain warning signs along each of the boundaries of the area excavated under the licence so that each sign—

(i) is not more than 200 metres apart;

(ii) is not less than 300 mm high and not less than 450 mm wide;

(iii) has the top of the sign between 1.2 metres and 1.8 metres above ground level; and

(iv) bears the words "DANGER EXCAVATIONS—KEEP OUT";

(c) except where the local government approves otherwise, drain and keep drained to the local government's satisfaction any excavation to which the licence applies so as to prevent the accumulation of water;

(d) restore and reinstate the excavation site in accordance with the terms and conditions of the licence, the site plans and the works and excavation program approved by the local government;

(e) take all reasonable steps to prevent the emission of dust, noise, vibration and other forms of nuisance from the excavation site; and

(f) comply with the conditions imposed by the local government in accordance with clause 4.3.

5.2 Limits on excavation

Subject to any licence conditions imposed by the local government, a person shall not, without the written approval of the local government, excavate within—

(a) 50 metres of any bore, watercourse, wetland, swamp or other water reserve;

(b) 50 metres of any thoroughfare;

(c) 20 metres of any land affected by a registered grant of easement; or

(d) 2 metres of the estimated maximum groundwater level as determined from time to time by the Department of Water and Environmental Regulation or otherwise as adopted by the local government.

5.3 Prohibitions

A licensee shall not—

(a) remove any trees or shrubs within 40 metres of the boundary of any thoroughfare on land in respect of which a licence has been granted without written permission from the local government and, if required, the Department of Water and Environmental Regulation, except for the purpose of constructing access thoroughfares, erecting buildings or installing plant for use in connection with the excavation and then only with the written approval of the local government and subject to any conditions which the local government may impose in accordance with clause 4.3;

(b) store, or permit to be stored, except in the case of approved rock quarry sites, any explosives or explosive devices on the site to which the licence applies other than with the approval of the local government and the Department of Mines, Industry Regulation and Safety; or

(c) fill or excavate, other than in accordance with the terms and conditions of the licence, the site plans and the works and excavation program approved by the local government.

5.4 Blasting

(1) A person shall not carry out or permit to be carried out any blasting in the course of excavating unless—

(a) the local government has otherwise given approval in respect of blasting generally or in the case of each blast;

(b) subject to subclause (2), the blasting takes place only between the hours of 8.00am and 5.00pm, or as determined by the local government, on Mondays to Fridays inclusive;

(c) the blasting is carried out in strict accordance with the *Mines Safety and Inspection Act 1994*, the *Environmental Protection Act 1986*, and all relevant local laws of the local government; and

(d) in compliance with any other conditions imposed by the local government concerning—

(i) the time and duration of blasting;

(ii) the purposes for which the blasting may be used;

(iii) the methods of detonation and blasting;

(iv) the types of explosives to be used; and

(v) such other matters as the local government may reasonably require in the interests of the safety and protection of members of the public and of property within the district.

(2) A person shall not carry out or permit to be carried out any blasting on a Saturday, Sunday or public holiday except with the prior approval of the local government.

PART 6—CESSATION OF OPERATIONS

6.1 Notice of cessation of operations by licensee

(1) A notice of cessation shall—

(a) be made in writing not later than 1 week after operations have ceased;

(b) state—

(i) name of person or company for whom the application is being lodged;

(ii) name of primary contact person for the company and in relation to the application;

(iii) telephone, mobile phone and email contact details; and

(iv) postal and street address;

(c) be accompanied by—

(i) a copy of the current licence; and

(ii) a current certificate of currency for public liability policy in accordance with clause 7.1;

(d) advise if the cessation is to be—

(i) temporary and the expected duration or circumstances for re-commencement; or

(ii) permanent;

(e) detail arrangements for meeting any ongoing liabilities or environmental obligations including—

(i) name of person or company to whom matters are to be referred;

(ii) name of primary contact person for the company;

(iii) telephone, mobile phone and email contact details; and

(iv) postal and street address;

(f) be lodged by the licensee as soon as cessation of operations has been determined by the licensee and not more than 7 days after the operations have ceased in any event;

(g) include a plan showing the contours of the excavation carried out to the date of that application;

(h) detail the works, excavation and rehabilitation stages reached and of any changes or proposed changes with respect to any of the things referred to in clause 3.2(2)(b) and (c);

(i) any other things referred to in clauses 3.2 and 4.2.

(j) include any information that the local government may reasonably require; and

(k) be signed by the licensee.

(2) Upon notice of cessation of operations, the local government shall—

(a) acknowledge the notice of cessation of operations; and

(b) confirm the acceptability or otherwise of the arrangements for the cessation of operations.

6.2 Cessation of operations—permanent

(1) Where a licensee has given written notice to the local government of the intention to permanently cease carrying on an extractive industry on the site to which the licence applies, the licence is deemed to have expired on the date such cessation is so notified.

(2) The permanent cessation of the carrying on of an extractive industry on a site or the deemed expiration or cancellation of a licence does not entitle the licensee to any refund of any set fee.

6.3 Cessation of operation—temporary

(1) Where a licensee has given written notice of temporary cessation of operations, then on or before the annual report date, the licensee shall—

(a) confirm to the local government the matters in clause 6.1(1)(d) and (e); and

(b) provide a certificate of currency in the name of the licensee of the current public liability insurance policy required under clause 7.1.

(2) The licence granted under clause 4.2 shall remain valid for the term of the licence and shall not be extended by the duration of cessation of operations.

(3) The temporary cessation of the carrying on of an extractive industry on a site or the deemed expiration or cancellation of a licence does not entitle the licensee to any refund of any set fee.

6.4 Works to be carried out on permanent cessation of operations

Where the carrying on of an extractive industry on the site permanently ceases or on the expiration or cancellation of the licence applicable to the site, whichever first occurs, the licensee shall, as well as complying with the provisions of clause 6.1—

(a) restore and reinstate the excavated site in accordance with the proposals approved by the local government or in such other manner as the local government may subsequently agree in writing with the licensee;

(b) ensure that any face permitted to remain upon the excavation site is left safe with all loose materials removed and where the excavation site is—

(i) sand, the sides are sloped to a batter of not more than 1:3 (vertical:horizontal); and

(ii) limestone or material other than sand, the sides are sloped to a batter which, in the opinion of the local government, would enable the site to be left in a stable condition;

(c) ensure that the agreed floor level of the excavation is graded to an even surface or is otherwise in accordance with the rehabilitation and decommissioning program approved by the local government;

(d) ensure that all stockpiles or dumps of stone, sand or other materials are left so that no portion of that material can escape onto land not owned or occupied by the licensee nor into any stream, watercourse or drain that is not wholly situated within the land owned or occupied by the licensee;

(e) erect retaining walls where necessary to prevent subsidence of land in the vicinity of any excavation;

(f) remove from the site all buildings, plant and equipment erected, installed or used for or in relation to the carrying on of an extractive industry on the site and fill all holes remaining after such removal to the level of the surrounding ground and compact such filled holes sufficiently to prevent settling; and

(g) break up, scarify, cover with topsoil and plant with grass, trees and shrubs all parts of the site where buildings, plant and equipment were erected or installed and all areas which were used for stockpiling unless otherwise specified under this local law.

PART 7—MISCELLANEOUS

7.1 Public liability

(1) A licensee shall have at all times a current public liability insurance policy naming the local government and indemnifying the licensee and the local government for a sum of not less than $20,000,000 in respect of any one claim relating to any of the excavation operations.

(2) The licensee shall provide to the local government a copy of the policy taken out under subclause (1), within 14 days after the issue of that policy and shall provide to the local government evidence of policy renewal within 14 days of each policy renewal date.

7.2 *Mines Safety and Inspection Act 1994* and *Environmental Protection Act 1986*

(1) In any case where the *Mines Safety and Inspection Act 1994* or the *Environmental Protection Act 1986* applies to any excavation carried on or proposed to be carried on at a site, the licensee in respect of that site shall provide to the local government within 14 days full particulars of any inspection or report made under that Act or those Acts.

(2) In this clause, the *Mines Safety and Inspection Act 1994* and the *Environmental Protection Act 1986* include all subsidiary legislation made under those Acts.

7.3 Annual report

(1) Not less than one week prior to 30 June in each year, a licensee must report to the local government—

(a) the name of the person or company for whom the licence is held;

(b) the name of the primary contact person for the company and in relation to the application;

(c) the telephone, mobile phone and email contact details;

(d) the postal and street address.

(2) The report is to—

(a) be accompanied by—

(i) the set fee;

(ii) a copy of the current licence; and

(iii) a current certificate of currency for public liability policy in accordance with clause 7.1;

(b) include a plan showing the contours of the excavation carried out to the date of that application;

(c) detail the works, excavation and rehabilitation stages reached and of any changes or proposed changes with respect to any of the things referred to in clause 3.2(2)(b) and (c);

(d) any other things referred to in clauses 3.2 and 4.2;

(e) include any information that the local government may reasonably require; and

(f) be signed by the licensee.

(3) Upon receipt of the annual report, the local government shall—

(a) acknowledge receipt of the report and any notice of cessation of operations; and

(b) confirm the acceptability or otherwise of the arrangements for the cessation of operations.

7.4 Use of secured sum by the local government

(1) The provisions of clause 8.3 apply if a licensee fails to pay any fees and charges or carry out or complete the restoration and reinstatement works required by the licence conditions either—

(a) within the time specified in those conditions; or

(b) where no such time has been specified, within 60 days of the completion of the excavation or portion of the excavation specified in the licence conditions.

(2) The local government may apply the proceeds of any bond, bank guarantee or other security provided by the licensee under clause 3.8 towards its costs under this clause.

(3) The liability of a licensee to pay the local government's costs or any outstanding fees and charges under this clause is not limited to the amount, if any, secured under clause 3.8.

(4) For avoidance of doubt, the local government's powers under this clause are in addition to its other enforcement powers under this local law.

7.5 False or misleading statement

(1) A person shall not make a false or misleading statement in connection with any matter under this local law.

(2) In addition to any penalty imposed under clauses 10.2 or 10.3 the local government may—

(a) refuse to—

(i) approve an application for a licence;

(ii) renew a licence; or

(iii) transfer a licence; or

(b) revoke a licence where the statement was material to the decision to approve, renew or transfer the licence.

PART 8—NOTICES

8.1 Notice to remedy non-compliance

Where any thing is required to be done or not permitted to be done by this local law, an authorised person may give the licensee a notice in writing requiring the licensee to comply with the requirements of this local law.

8.2 Notice requirements

A notice given must—

(a) be in writing;

(b) specify the reason for giving the notice;

(c) specify the work or action that is required to be undertaken; and

(d) specify the time within which the work or action is to be undertaken, being—

(i) where the time is specified elsewhere in this local law, that time period; or

(ii) if not specified elsewhere in this local law, not less than 14 days.

8.3 Local government may undertake requirements of notice

(1) If a person fails to comply with a notice referred to in clause 8.1, the local government may—

(a) do the thing specified in the notice;

(a) take whatever remedial action it considers appropriate and which would have been taken if the breach or failure had not occurred; and

(b) recover all costs from the licensee as a debt.

(2) The provisions of this clause are subject to section 3.25 and item 12 of Division 1 of Schedule 3.1 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 of the *Local Government Act 1995*.

8.4 Offence to fail to comply with notice

A person who fails to comply with a notice given under this local law commits an offence.

PART 9—OBJECTIONS AND REVIEW

9.1 Objection and review rights

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

(a) grant a person a licence under this local law; or

(b) renew, vary, transfer or cancel a licence that a person has under this local law.

PART 10—OFFENCES AND PENALTIES

10.1 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.

10.2 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 $500 for each day or part of the day during which the offence has continued.

10.3 Modified penalties

(1) An offence against a clause in this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

(2) The amount of the modified penalty for a prescribed offence is $500.

10.4 Forms

For the purposes of this local law—

(a) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and

(b) the form of the notice sent under section 9.20 of the Act withdrawing an infringement notice is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

Dated this Twenty Fourth day of June 2025.

The Common Seal of the Shire of Gingin was affixed by authority of a resolution of Council in the presence of—

LINDA BALCOMBE, President.
SCOTT WILDGOOSE, Chief Executive Officer.

LG402

LOCAL GOVERNMENT ACT 1995

Shire of Gingin

FENCING LOCAL LAW 2025

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Gingin resolved on 17 June 2025 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Gingin Fencing Local Law 2025*.

1.2 Commencement

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

1.3 Repeal

The *Shire of Gingin Fencing Local Law* published in the *Government Gazette* on 2 December 2016 is repealed.

1.4 Application

This local law applies throughout the district.

1.5 Terms used

In this local law unless the context otherwise requires—

adversely affect land has the meaning given to it in section 3 of the *Building Act 2011*;

applicant means a person who makes an application for a licence under this local law;

AS or AS/NZS means an Australian or Australian/New Zealand Standard published by Standards Australia, and available for viewing free of charge at the Shire of Gingin Shire Office;

authorised person means a person authorised by the local government to perform any of the functions under this local law and includes the CEO;

barbed wire means a wire or strand of wires having small pieces of sharply pointed wire twisted around it at short intervals;

building setback has the meaning given to it in the local planning scheme;

CEO means the Chief Executive Officer of the local government;

conservation lot means a lot where a conservation use—

(a) is or may be permitted under a local planning scheme; and

(b) is or will be the predominant use of the lot;

dangerous in relation to any fence means—

(a) an electrified fence that does not comply with clause 5.2 or 5.3 of this local law;

(b) a fence containing barbed wire other than a fence constructed and maintained in accordance with this local law;

(c) a fence containing exposed broken glass, asbestos fibre, razor wire, metal spikes excluding manufactured decorative fencing panels or any other potentially harmful projection or material; or

(d) a fence that is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause;

district means the district of the local government;

dividing fence has the meaning given in section 5 of the *Dividing Fences Act 1961*;

electrified fence means a fence carrying or designed to carry an electric charge for the purposes of either—

(a) stock control; or

(b) security;

fence means any structure used or functioning as a barrier, other than a retaining wall, irrespective of where it is located and includes a gate or door that separates the road reserve and a lot adjacent to the road reserve;

front boundary means the boundary that separates a thoroughfare and the front of a lot;

front fence means a fence in the front setback area of a lot;

front setback area means the area between the building line of a lot and the front boundary of that lot, measured at a right angle to the front boundary;

future development lot means a lot where a future development use—

(a) is or may be permitted under a local planning scheme; and

(b) is or will be the predominant use of the lot;

general industry lot means a lot where a general industry use—

(c) is or may be permitted under a local planning scheme; and

(d) is or will be the predominant use of the lot;

general rural lot means a lot where a general rural use—

(a) is or may be permitted under a local planning scheme; and

(b) is or will be the predominant use of the lot;

general rural—coded lot means a lot where a general rural—coded use—

(a) is or may be permitted under a local planning scheme; and

(b) is or will be the predominant use of the lot;

height in relation to a fence means the vertical distance between the top of the fence at any point and—

(a) the ground level; or

(b) where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point;

land includes a house, building, work or structure in or on the land;

landscape protection lot means a lot where a landscape protection use—

(c) is or may be permitted under a local planning scheme; and

(d) is or will be the predominant use of the lot;

licence means a licence, permit or approval issued under this local law;

local government means the Shire of Gingin;

local planning scheme means a local planning scheme and includes any structure plan adopted or approved by the local government made under the *Planning and Development Act 2005*;

lot means a defined portion of land depicted on a plan or diagram available from, or deposited with, the Western Australian Land Information Authority and for which a separate Crown grant or certificate of title has been or can be issued and includes a strata lot;

masonry includes stone, concrete, brick or other solid material;

mixed business lot means a lot where a mixed business use—

(a) is or may be permitted under a local planning scheme; and

(b) is or will be the predominant use of the lot;

natural ground level, in relation to a development, means—

(a) the level approved, for the purposes of the development, by the local government, under a local planning scheme; or

(b) in any other case, the level that existed immediately before the commencement of the development (including any site works);

notice of breach means a notice referred to in clause 8.1;

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

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

razor wire means a coiled strong wire with pieces of sharp cutting edges set across it at close intervals;

repair has the meaning given to it in section 5 of the *Dividing Fences Act 1961*;

residential lot means a lot where a residential use—

(a) is or may be permitted under a local planning scheme;

(b) is or will be the predominant use or the lot;

retaining wall means any structure that prevents the movement of soil in order to allow ground levels of different elevations to exist adjacent to one another;

rural industry use means a lot where a rural industry use—

(a) is or may be permitted under a local planning scheme; and

(b) is or will be the predominant use of the lot;

Schedule means a Schedule to this local law;

secondary frontage in the case of a lot that has a frontage and access to more than one thoroughfare, means the longer or the longest of the boundaries that separates the lot from the thoroughfare;

set fee means a fee determined by the local government in accordance with sections 6.16 to 6.19 of the *Local Government Act 1995*;

special use lot means a lot where a special use—

(a) is or may be permitted under a local planning scheme; and

(b) is or will be the predominant use of the lot;

sufficient fence means a fence described in clause 2.2 or 2.3;

thoroughfare has the meaning given to it in section 1.4 of the *Local Government Act 1995*, but does not include a private thoroughfare that is not under the management or control of the local government;

tourism lot means a lot where a tourism use—

(a) is or may be permitted under a local planning scheme; and

(b) is or will be the predominant use of the lot;

town centre lot means a lot where a town centre use—

(a) is or may be permitted under a local planning scheme; and

(b) is or will be the predominant use of the lot;

visually permeable in reference to a wall, gate, door, screen or fence means that the vertical surface when viewed directly from the street or other public space has—

(a) continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area;

(b) continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or

(c) a surface offering equal or lesser obstruction to view; and

watercourse means a river, stream or creek in which water flows in a natural channel, whether permanently or intermittently.

1.6 Requirements of planning legislation and local planning scheme

Nothing within this local law affects any provision of—

(a) the *Planning and Development Act 2005*, or any regulations or orders made under that Act; or

(b) a local planning scheme.

1.7 Requirements of *Building Act 2011*

Nothing in this local law affects a provision in any written law in respect of a building permit for a fence.

1.8 Transitional provision

A dividing fence or fence lawfully constructed prior to this local law coming into operation constitutes a sufficient fence.

PART 2—SUFFICIENT FENCES

2.1 Sufficient fences—requirement

Subject to clause 2.4, a person shall not construct or alter a dividing fence that does not satisfy the requirements of a sufficient fence.

2.2 Sufficient fences—generally

Subject to clauses 2.3 and 2.4, a sufficient fence—

(a) on a residential lot, a town centre lot or a tourism lot, is a dividing fence constructed and maintained in accordance with Schedule 1;

(b) on a mixed business lot, general industry lot or a rural industry lot, is a dividing fence constructed and maintained in accordance with Schedule 2; and

(c) on a general rural lot, a general rural—coded lot, a rural living lot or a conservation lot, is a dividing fence constructed and maintained in accordance with Schedule 3;

(d) on a future development lot, is a dividing fence constructed and maintained in accordance with the requirements for a sufficient fence in accordance with the future zoning; or

(e) on a special use lot, is a dividing fence constructed and maintained in accordance with the requirements for a sufficient fence in accordance with the underlying zoning.

2.3 Sufficient fences—between lots having different requirements

Subject to clause 2.4, where a fence is constructed on or near the boundary a sufficient fence is a fence constructed and maintained—

between a—	and a—	in accordance with—
residential lot town centre lot tourism lot	mixed business lot general industry lot rural industry lot general rural lot general rural—coded lot landscape protection lot conservation lot future development lot special use lot	Schedule 1
mixed business lot general industry lot rural industry lot	general rural lot general rural—coded lot landscape protection lot conservation lot future development lot special use lot	Schedule 2

2.4 General discretion of the local government

(1) Notwithstanding the provisions of clauses 2.1, 2.2 or 2.3, and subject to Part 6, an authorised person may issue a licence for the construction or repair of a dividing fence that is not a sufficient fence where all of the owners of the lots adjoining the fence give written consent for a licence for that purpose.

(2) In determining whether to consent to the erection or repair of any fence, the authorised person may consider whether the construction or retention of the fence would have an adverse effect on—

(a) the safe or convenient use of any land; or

(b) the safety or convenience of any person.

(3) An agreement in respect of a dangerous fence is taken not to be an agreement between owners of adjoining properties for the purposes of subclause (1).

PART 3—FENCING GENERALLY

3.1 Fences within front setback areas

A person shall not construct a fence more than 1200mm in height within the front setback area of a residential lot, a town centre lot or a tourism lot without a licence.

3.2 Fences on secondary frontages

Subject to clauses 3.1 and 3.3 a person shall not construct or maintain a fence on any secondary frontage of a residential lot, a town centre lot or tourism lot unless—

(a) the fence is a sufficient fence;

(b) in accordance with the Residential Design Codes; or

(c) with approval of an authorised person.

3.3 Sightlines at vehicle access point

(1) Fences are to be truncated or reduced to a height not more than 750mm, within 1500mm where walls, fences and other structures adjoin vehicle access points where a driveway meets a thoroughfare and where two thoroughfares intersect—

(a) in accordance with the Residential Design Codes; or

(b) with approval of an authorised person.

(2) The provision of subclause (1) shall not apply to a visually permeable fence that does not obscure the lines of vision of a motorist using the driveway for access to a thoroughfare.

3.4 Obstruction of watercourse

No person shall construct a fence of impervious material in any place, position or location where it will, or is likely to, act as a barrier to or restrict the flow of a watercourse.

3.5 Gates or doors in fences

A person shall not construct a gate or door in a fence that—

(a) encroaches into or over any—

(i) thoroughfare; or

(ii) other land unless with the agreement of the owner of that land; or

(b) opens by sliding parallel to the fence on the outside of the fence.

3.6 Retaining walls

A person shall not construct a retaining wall exceeding 500mm in height unless a building permit has been granted under section 20 of the *Building Act 2011*.

3.7 Masonry fences and walls

A person shall not construct a wall or fence exceeding 750mm in height constructed or partially constructed of masonry unless a building permit has been granted under section 20 of the *Building Act 2011*.

3.8 Alteration of ground levels

(1) A person shall not alter the natural ground level of land on or within 1000mm of the boundary of a lot, whether by removing soil or bringing onto the land any fill of any kind, by more than 500mm without a licence.

(2) A fence constructed of corrugated fibre-reinforced pressed cement shall not have more than 150mm difference in the ground levels on each side of the fence.

3.9 Maintenance of fences

(1) An owner or occupier of a lot on which a fence is constructed shall maintain the fence in good condition so as to prevent it from becoming damaged, dangerous, dilapidated or unsightly.

(2) Where in the opinion of an authorised person, a fence is in a state of disrepair or is dangerous or is otherwise in breach of a provision of this local law, an authorised person may give a notice of breach under clause 8.1 to the owner or occupier of the lot on which the fence is constructed.

3.10 Fences across rights-of-way, public access ways or thoroughfares

A person shall not construct, place or maintain a fence or obstruction across any right-of-way, public access way or thoroughfare without the approval of the local government in accordance with regulation 9 of the *Local Government (Uniform Local Provisions) Regulations 1996*.

PART 4—FENCING MATERIALS

4.1 Prohibited materials

A person shall not construct, maintain or allow to remain a fence that is comprised, in whole or in part, of broken glass, jagged materials, barbed wire, razor wire, asbestos or any other dangerous material except to the extent provided for in Part 5.

4.2 Pre-used fencing materials

(1) A person shall not construct or maintain a dividing fence from pre-used materials without a licence issued by an authorised person.

(2) Where a licence is issued for the use of pre-used materials, the materials shall be structurally fit for the purpose, and comply with any conditions imposed by an authorised person.

(3) Conditions for use of pre-used fencing materials may include but are not limited to—

(a) painting;

(b) treatment;

(c) specific use or placement; and

(d) upgrading.

PART 5—RESTRICTED FENCING

5.1 Barbed wire fencing

(1) An owner or occupier of a residential lot, a town centre lot or a tourism lot shall not affix or allow to remain any barbed wire on any fence bounding that lot.

(2) An owner or occupier of a general rural lot, a general rural—coded lot, a rural living lot or a conservation lot shall not place or affix barbed wire upon a fence on that lot where the fence is adjacent to a thoroughfare or other public place unless the barbed wire is fixed to the side of the fence posts furthest from the thoroughfare or other public place.

(3) An owner or occupier of a mixed business lot, a general industry or a rural industry lot shall not construct or affix to any fence bounding that lot any barbed wire unless—

(a) the wire is attached on posts vertically or at an angle of 45 degrees; and

(b) the bottom row of wire is not less than 2000mm above the ground level.

(4) If the posts that carry the barbed wire referred to in subclause (3) are angled towards the outside of the lot bounded by the fence, the face of the fence shall be set back from the lot boundary a sufficient distance to ensure that the angled posts and barbed wire do not encroach onto or over adjoining land.

5.2 Electrified fencing for stock control

(1) An owner or occupier of a lot shall not construct or use an electrified fence for stock on that lot without first obtaining a licence.

(2) Notwithstanding subclause (1), a licence is not required for an electrified fence that is—

(a) constructed on a general rural lot or a conservation lot;

(b) for the purpose of stock control;

(c) installed in accordance with the manufacturer's specifications; and

(d) not the dividing fence with a residential lot.

(3) Notwithstanding subclause (2)(a) to (c), the local government may by written notice require an electrified fence to be removed where it is a dividing fence with an adjoining property having different requirements.

5.3 Electrified fencing for security

(1) An owner or occupier of a lot shall not construct or use an electrified fence for security on that lot without first obtaining a licence.

(2) An electrified fence for the purpose of security shall not be present on a lot unless it complies with *AS/NZS 3016:2002 Electrical Installations—Electric Security Fences*.

(3) A licence to have and use an electrified fence for the purpose of security shall not be issued—

(a) on a residential lot or for that portion of a fence adjoining a residential lot; or

(b) on any other lot without the approval of the local government.

5.4 Razor wire fencing

(1) An owner or occupier of a lot shall not construct a fence wholly or partly of razor wire on that lot without the approval of the local government under subclause (2).

(2) A licence to have a fence constructed wholly or partly of razor wire shall not be issued—

(a) in respect of a lot that is a residential lot or for that portion of a fence adjoining a residential lot;

(b) if the fence is within 3000mm of the boundary of the lot; or

(c) where any razor wire used in the construction of the fence is less than 2000mm or more than 2400mm above the ground level.

PART 6—LICENCES

6.1 Application for a licence

(1) An owner of a lot may apply to the local government for a licence under this Part.

(2) An application for a licence under this local law shall—

(a) provide all necessary documentation and information required for a decision;

(b) provide two copies of a plan and specifications of the proposed fence;

(c) provide engineering certification of structural or electrical engineering specifications, if required;

(d) be signed by the owner of the lot;

(e) be forwarded to the local government together with any set fee; and

(f) be in the form determined by the local government from time to time.

(3) An authorised person may require an applicant to provide additional information reasonably related to an application before determining an application for a licence.

(4) Any costs incurred in complying with the request under subclause (3) are to be paid by the applicant.

6.2 Determination of an application

(1) An authorised person may refuse to consider an application that does not comply with clause 6.1.

(2) An authorised person may—

(a) approve an application;

(b) approve an application subject to conditions as the authorised person sees fit; or

(c) refuse an application.

(3) In determining whether to issue a licence, an authorised person may consider, in addition to any other matter authorised to consider, whether the construction or retention of the fence would adversely affect land or impact on—

(a) the safe or convenient use of any land;

(b) the safety or convenience of any person; or

(c) the visual amenity of the streetscape or neighbouring properties.

(4) An authorised person may by written notice amend a condition imposed under subclause (2)(b).

(5) An amendment under subclause (4) is effective from the date specified in the notice.

(6) If an authorised person approves an application, a written licence and any conditions applied is to be given to the applicant.

(7) If an authorised person refuses to approve an application, written notice of that refusal and the reasons for the decision is to be given to the applicant.

6.3 Compliance with licence issued

Where a licence is issued under clause 6.2, the applicant and the owner or occupier of the lot to which the licence relates, shall comply with the terms and any conditions of that licence.

6.4 Cancellation of a licence

An authorised person may cancel a licence if—

(a) the owner or occupier requests an authorised person to do so;

(b) the fence to which the licence relates has been demolished and is not rebuilt for a period of 6 months;

(c) the circumstances have changed in such a way that a licence for the fence could no longer be granted under this local law;

(d) the owner or occupier fails to comply with a condition of the licence or breaches a provision of this local law in respect of the fence; or

(e) the owner or occupier fails to comply with a notice of breach issued under clause 8.1.

6.5 Duration of a licence

(1) Unless otherwise stated in the licence, a licence granted under this local law transfers with the lot to which it relates and is deemed to transfer to each successive owner or occupier of that lot.

(2) Where a licence is transferred under subclause (1), the successive owner or occupier may apply to an authorised person for written confirmation of this transfer.

(3) For the avoidance of doubt, a licence granted under this local law may be relied upon by any subsequent owner or occupier of the lot, and may be enforced against them by the local government.

6.6 False or misleading statement

A person shall not make a false or misleading statement in connection with any application, requirement or request under this local law.

PART 7—OBJECTIONS AND REVIEW

7.1 Objections and review

Division 1 of Part 9 of the *Local Government Act 1995* applies to a decision under this local law to—

(a) refuse an application for a licence;

(b) impose or vary a condition of a licence; or

(c) cancel a licence.

PART 8—ENFORCEMENT

8.1 Notices of breach

(1) Where a breach of any provision of this local law has occurred in relation to a fence on a lot, an authorised person may give a notice of breach in writing to the owner or occupier of that lot.

(2) A notice of breach shall—

(a) specify the provision of this local law that has been breached;

(b) specify the particulars of the breach; and

(c) state that the owner or occupier is required to remedy the breach within the time specified in the notice.

(3) An owner or occupier given a notice of breach shall comply with the terms of the notice and remedy the breach within the time specified in the notice.

(4) Should an owner or occupier fail to comply with a notice, an authorised person may enter upon the lot to which the notice relates and remedy the breach or cause the breach to be remedied, and may recover the expenses of doing so from the owner or occupier of the lot, as the case may be, in a court of competent jurisdiction.

(5) This local law is subject to sections 3.25 and 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.

8.2 Offences

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

8.3 General penalty

Any person who commits an offence under this local law is liable, upon conviction to a penalty not exceeding $5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding $500 for each day or part of a day during which the offence has continued.

8.4 Modified penalties

(1) An offence against a clause specified in Schedule 4 is a prescribed offence for the purposes of section 9.16(1) of the *Local Government Act 1995*.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 4.

8.5 Form of notices

For the purposes of this local law—

(a) the form of the infringement notice referred to in section 9.17 of the *Local Government Act 1995* is to be in the form of Form 2 in 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*.

Schedule 1—Sufficient fence for residential, town centre and tourism lots

[Clause 2.2(1)(a)]

1. On a residential lot, a town centre lot or a tourism lot a sufficient fence is a dividing fence that—
   (a) is constructed of—
      (i) corrugated fibre-reinforced pressed cement sheeting;
      (ii) timber pickets or post and rail;
      (iii) brick, stone or concrete;
      (iv) factory coloured sheet metal post and panelled fence; or
      (v) any combination of the materials described in paragraphs (i) to (iv);
   (b) in the case of a front fence—
      (i) is not more than 1200mm in height; or
      (ii) is between 1200mm and 1800mm in height; and is visually permeable fence above 1200mm;
   (c) in the case of a side boundary fence forward of the building setback line, a fence that—
      (i) uniformly slopes down from not more than 1800mm to not more than 1200mm in height; and
      (ii) is over a maximum distance of 1500mm from the start of the front setback area from the building to the front of the lot; and
   (d) in the case of any other dividing fence, where the fence is between 1750mm and 1850mm in height, and to which an extension of lattice or other permeable material as agreed between the owners or occupiers of adjoining properties parties may be added so that the total height of the fence is a maximum of 2100mm.
2. The fence shall not adversely affect land or impact on—
   (a) the safe or convenient use of any land;
   (b) the safety or convenience of any person; or
   (c) the visual amenity of the streetscape or neighbouring properties.

Schedule 2—Sufficient fence for mixed business, general industry and rural industry lots

[Clause 2.2(1)(b)]

1. On a mixed use lot, a general industry lot or a rural industry lot, a sufficient fence is a dividing fence that—
   (a) is constructed in accordance with Schedule 1; or
   (b) in the case of any other dividing fence, the fence is no more than 2000mm in height, unless topped with up to 3 strands of plain or barbed wire to not more than 2400mm in height;
   (c) is constructed of—
      (i) galvanised or PVC coated link mesh;
      (ii) fibre reinforced cement sheets;
      (iii) painted or galvanized steel or aluminium sheeting;
      (iv) factory coloured sheet metal post and panelled fence;
      (v) timber, brick, stone or concrete; or
      (vi) any combination of the materials described in paragraphs (i)-(v);
   (d) in the case of a front fence—
      (i) is not more than 1200mm in height; or
      (ii) with the approval of an authorised person, is more than 1200mm but not higher than 2000mm unless topped with up to 3 strands of plain or barbed wire to not more than 2400mm in height; and is visually permeable above 1200mm;
   (e) in the case of a side boundary fence forward of the building setback line, a fence that—
      (i) complies with subclause (c), and is of similar height and construction; or
      (ii) uniformly slopes down from not more than 2000mm to not more than 1200mm in height; and
      (iii) is over a maximum distance of 1500mm from the start of the front setback area from the building to the front of the lot.
2. Upon application, an authorised person may issue a licence varying clause 1(d), and may impose conditions.
3. The fence shall not adversely affect land or impact on—
   (a) the safe or convenient use of any land;
   (b) the safety or convenience of any person; or
   (c) the visual amenity of the streetscape or neighbouring properties.

Schedule 3—Sufficient fence for general rural, general rural—coded, rural living and conservation lots

[Clause 2.2(1)(c)]

1. On a general rural lot, a general rural—coded, rural living lot or a conservation lot a sufficient fence is a dividing fence that is at least 1200mm in height so as to prevent stock passing through and—
   (a) is of—
      (i) post and wire construction with at least five wires, including any electrified wire of an electrified fence, with the lower wires spaced closer together than the higher wires and each wire connected to posts in all cases; or
      (ii) post and rail construction, with at least three rails connected to posts in all cases; and
      (iii) not exceeding 1500mm in height without a licence; and
   (b) where any portion of the fence is an electrified fence, is constructed in accordance with clause 5.2(2) or clause 5.3 as the case may be.
2. The fence shall not adversely affect land or impact on—
   (a) the safe or convenient use of any land;
   (b) the safety or convenience of any person; or
   (c) the visual amenity of the streetscape or neighbouring properties.

Schedule 4—Prescribed offences

[Clause 8.4]

Item	Clause	Nature of offence	Modified penalty $
1	3.6	Construction of a retaining wall more than 500mm in height without a building permit	500
2	3.8(1)	Alteration of natural ground levels without a licence	500
3	3.10	Construction or maintenance of a fence across right-of-way etc. without approval	500
4	4.1	Use of prohibited materials in a fence	500
5	5.1(4)	Encroachment of barbed wire on a commercial, general industry, industrial, professional office or tourist lot over other land	500
6	5.3(1)	Construction of an electrified fence for the purposes of security without a licence	500
7	5.3(2)	Construction of a non-compliant electrified fence for the purposes of security	500
8	5.4(1)	Construction of a razor wire fence without a licence	500
9	6.3	Failure to comply with conditions of a licence for fence	500
10	6.6	Making a false or misleading statement	500
11	8.1(3)	Failure to comply with notice of breach in relation to Part 5—Restricted Fencing	500
12	8.2	Other offences not specified	250

Dated this Twenty Fourth day of June 2025.

The Common Seal of the Shire of Gingin was affixed by authority of a resolution of Council in the presence of—

LINDA BALCOMBE, President.
SCOTT WILDGOOSE, Chief Executive Officer.

LG403

LOCAL GOVERNMENT ACT 1995

Shire of Gingin

REPEAL LOCAL LAW 2025

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Gingin resolved on 17 June 2025 to make the following local law.

1.1 Citation

This local law may be cited as the *Shire of Gingin Repeal Local Law 2025*.

1.2 Commencement

This local law will come into operation 14 days after publication in the *Government Gazette*.

1.3 Repeal

The following local laws are repealed—

(a) *Gingin Road Board By-law No. 114*, published in the *Government Gazette* on 8 June 1917;

(b) *Gingin Road Board Building By-laws*, published in the *Government Gazette* on 24 September 1954;

(c) *Gingin Road Board Motel By-laws*, published in the *Government Gazette* on 27 October 1960;

(d) *Order on Council*, relating to application of the *Uniform Building Bylaws 1965*, published in the *Government Gazette* on 31 January 1975; and

(e) *Shire of Gingin Bee Keeping Local Law 2004*, published in the *Government Gazette* on 13 September 2004.

Dated this Twenty Fourth day of June 2025.

The Common Seal of the Shire of Gingin was affixed by authority of a resolution of the Council in the presence of—

LINDA BALCOMBE, President.
SCOTT WILDGOOSE, Chief Executive Officer.

LG404

BUSH FIRES ACT 1954

Shire of Augusta Margaret River

NOTICE OF APPOINTMENT OF BUSH FIRE CONTROL OFFICER

The following officers have been appointed by the CEO under section 38(1) *Bush Fires Act 1954* as a Bush Fire Control Officer for the Shire of Augusta Margaret River.

- Ranger, Ethan Allingham

LG501

BUSH FIRES ACT 1954

City of Rockingham

FIRE CONTROL NOTICE

First and final notice to owners and/or occupiers of all land within the City of Rockingham.

As a measure to assist in the control of bushfires and pursuant to the powers contained in Section 33 of the *Bush Fires Act 1954*, you have a legal requirement to carry out fire prevention works on your property. Your property must comply by **17 November 2025** and be maintained through to **31 May 2026.** Take notice that pursuant to Section 33(4) of the *Bush Fires Act 1954*, where the owner and/or occupier of the land fails or neglects to comply with the requisitions of this Notice within the specified times, the City of Rockingham may, by its officers and with such servants, workmen and contractors, vehicles and machinery as the officers deem fit, enter upon the land and carry out the requisitions of this notice which have not been complied with and pursuant to Section 33(5) of the *Bush Fires Act 1954*, the amount of any costs and expenses incurred may be recovered from you as the owner and/or occupier of the land.

Compliance inspections will commence on 17 November 2025. Failure to comply with the City's Fire Control Notice may result in a penalty of up to $5000, with additional contractor and administration costs to carry out fire prevention works on your property.

1. ALL LAND WITH AN AREA OF 4047m² OR MORE (more than one acre)

Owners/occupiers of developed and vacant land are required to—

1.1 Install and maintain mineral earth firebreaks as per firebreak specifications; and

1.2 Ensure driveways and access ways to all buildings are maintained at a minimum of three (3) metres in width and a vertical clearance height of four (4) metres, with all overhanging vegetation trimmed back to clear access.

2. ALL LAND WITH AN AREA OF LESS THAN 4047m² (less than one acre)

Owners/occupiers of vacant land are required to—

2.1 Remove accumulated fuel such as leaf litter, twigs, dead bush and dead trees capable of carrying a running fire; and

2.2 Have the entire vacant land clear of weeds or long grasses by slashing, mowing or other means to a height no greater than 50mm and maintained in this state.

Owners/occupiers of developed land are required to—

2.3 Ensure driveways and access ways to all buildings are maintained at a minimum of three (3) metres in width and a vertical clearance height of four (4) metres, with all overhanging vegetation trimmed back to clear access.

FIREBREAK SPECIFICATIONS

- Must not be less than three (3) metres wide immediately inside and along all boundaries (including on boundaries adjacent to roads, rail and drain reserves and all public open space reserves;
- Must not be more than four (4) metres wide (further width extensions may be considered upon written application for approval to the City);
- May have a corner turning radius of up to ten (10) metres;
- Must have a vertical clearance height of four (4) metres, with all overhanging vegetation trimmed back clear of the firebreak;
- Must be a mineral earth firebreak with a continuous trafficable surface for a 4WD vehicle, clear of any obstructions and must not terminate in a cul-de-sac (dead end); and
- Maintained and living lawns are acceptable in conjunction with, or in lieu of, mineral earth firebreaks, provided that the same width and height requirements for a firebreak are maintained.

Firebreaks are intended to minimise the spread or extension of a bushfire and provide safe access on your property for emergency vehicles (ensuring fire does not travel under the vehicles or underfoot).

BUSHFIRE MANAGEMENT PLANS (Previously known as a Fire Management Plan)

All properties that are subject to the City's Bushfire Management Plan 2023-2027 as a result of a subdivision or development application or an approved treatment plan, must comply with the requirements of such plans in their entirety.

ADDITIONAL WORKS

In addition to the requirements of this notice, regardless of land size and location, you may be required to carry out further fire prevention works to reduce hazards considered necessary by an Authorised Officer and specified by way of a "work order" forwarded to the address of the owner(s) and/or occupier(s). Some examples of these could be—

- Ensure roofs, gutters and walls of all buildings on the land are free of flammable matter.
- Remove accumulated fuel such as leaf litter, twigs, dead bush and dead trees capable of carrying a running fire.
- Reduce unmanaged grasses/weeds by slashing, mowing or other means.
- Reduce long grasses in areas not being grazed or cultivated by slashing, mowing, bailing or by other means.
- Reduce vegetation to a low threat state from the outer edge of the firebreak through to the property boundary (e.g. no long grass or overhanging branches).
- Specific measures to reduce risks identified in the City's **Bushfire Risk Management Plan 2023-2027.**

HIRING A CONTRACTOR

Any owner and/or occupier who engages a contractor to undertake works on their behalf is responsible for ensuring that the completed works meet the requirements of this Fire Control Notice.

Any Fire Control Notice previously published by the City of Rockingham in the *Government Gazette* or in any locally circulated newsprint is hereby revoked.

VARIATION TO THE FIRE CONTROL NOTICE

To request authorisation to use other methods of fire prevention on your land outside of this notice, please apply in writing together with an 'Application to Vary Firebreaks' form (available on the City's website rockingham.wa.gov.au/firecontrol). Submit completed forms to the City of Rockingham no later than **15 October 2025.**

If you require further information or would like to talk with a Fire Control Officer, please call 9528 0333 or email firecontrol@rockingham.wa.gov.au.

MICHAEL PARKER, Chief Executive Officer.

MINERALS AND PETROLEUM

MP401

MINING ACT 1978

NOTICE OF APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Energy, Mines, Industry Regulation and Safety,
Southern Cross WA 6426.

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

WARDEN DAVIES.

To be heard by the Warden at Southern Cross on 5 August 2025.

YILGARN MINERAL FIELD

Prospecting Licences

P 77/4480	Williams, Robert Hedley

MP402

MINING ACT 1978

NOTICE OF APPLICATION FOR AN ORDER FOR FORFEITURE

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

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

WARDEN DAVIES.

To be heard by the Warden at Leonora on 19 August 2025.

MT MARGARET MINERAL FIELD

Prospecting Licences

P 39/5848	Dalton, John Patrick

NORTH COOLGARDIE MINERAL FIELD

Prospecting Licences

P 40/1521	Sprigg, Andrew Boyd Adams, Darryl Raymond Jones, Suzanne Phyllis

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MP403

MINING ACT 1978

NOTICE OF APPLICATION FOR AN ORDER FOR FORFEITURE

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

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

WARDEN S. DAVIES.
23/06/2025.

To be heard by the Warden at Leonora on 19 August 2025.

MT MARGARET MINERAL FIELD

Prospecting Licences

P 37/9713	Upson, Aimee Elizabeth Dunbar, Brian Michael
P 39/5513	1220 Mining and Exploration Pty Ltd

MP404

MINING ACT 1978

NOTICE OF APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Energy, Mines, Industry Regulation and Safety,
Kalgoorlie WA 6430.

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

WARDEN DAVIES.

To be heard by the Warden in Kalgoorlie on 20 August 2025.

BROAD ARROW MINERAL FIELD

Prospecting Licences

P 24/5655	Campbell, Roderick Graeme

MP405

MINING ACT 1978

NOTICE OF APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines, Petroleum and Exploration,
Karratha WA 6741.

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

WARDEN MCPHEE.
1 July 2025.

To be heard by the Warden in Perth on 2 September 2025.

KIMBERLEY MINERAL FIELD

Prospecting Licences

P 80/1817	Halls Creek Resources Pty Ltd

MP406

PETROLEUM AND GEOTHERMAL ENERGY RESOURCES ACT 1967

Section 89(2)

PARTIAL SURRENDER OF PETROLEUM EXPLORATION PERMIT EP 391

The partial surrender of petroleum exploration permit EP 391 has been registered and has effect on and from the date this notice is published in the *Government Gazette*.

JEFF HANNAN, Acting Team Leader Resource Tenure,
Department of Mines, Petroleum and Exploration.

PLANNING

PL401

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

City of South Perth

Local Planning Scheme No. 7—Amendment No. 1

Ref: TPS/3225

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of South Perth Local Planning Scheme No. 7 on 1 July 2025 for the purpose of—

1. In clause 37 'Terms Used'—
   A. Delete the definition for short-term accommodation.
   B. Amend the general definition for cabin to—

      means a building that—

      (a) is an individual unit other than a chalet; and

      (b) forms part of—

      (i) tourist and visitor accommodation; or

      (ii) a caravan park; and

      (c) if the unit forms part of a caravan park—is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period.

   C. Amend the general definition for chalet to—

      means a building that—

      (a) is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and

      (b) forms part of—

      (i) tourist and visitor accommodation; or a caravan park; and

      (c) if the unit forms part of a caravan park—is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period
2. In clause 38 'Land Use Terms Used'—
   A. Delete the definitions for—
      A. bed and breakfast;
      B. holiday accommodation;
      C. holiday house;
      D. motel;
      E. serviced apartment; and
      F. tourist development.
   B. Insert the definition for tourist and visitor accommodation as per Schedule 1—Model Provisions.
3. In clause 17 'Zoning Table' insert in alphabetical order the following land uses and permissibility—
   A. hosted short term rental accommodation; designate as 'P' uses in all zones except the Centre zone and Refer clause 18(6) in the Centre zone.
   B. unhosted short term rental accommodation; designate as 'A' uses in all zones except the Centre zone and Refer clause 18(6) in the Centre zone.

C. tourist and visitor accommodation; designate as 'A' in Residential zone, 'X' in Private Community Purposes zone, 'A' in Mixed Use zone, 'A' in Local Centre zone, 'A' in Neighbourhood Centre zone and Refer clause 18(6) in the Centre zone.

4. In clause 17 'Zoning Table', delete all references to—
   A. bed and breakfast;
   B. holiday accommodation;
   C. holiday house;
   D. motel;
   E. serviced apartment; and
   F. tourist development.
5. In Schedule C—Additional Centre Requirements—ACR2—subject to the South Perth Activity Centre Plan 'Table 1: Land Use Permissibility' insert in alphabetical order the following land uses and permissibility—
   A. hosted short term rental accommodation; designate as a 'P' use in all Character Areas.
   B. unhosted short term rental accommodation; designate as A' uses in all Character Areas.
   C. tourist and visitor accommodation; designate as 'D' uses in the Mends and Richardson Character Areas and 'A' uses in the Hillside and Mill Point Character Areas.
6. In Schedule C—Additional Centre Requirements—ACR2—subject to the South Perth Activity Centre Plan 'Table 1: Land Use Permissibility' delete reference to—
   A. bed and breakfast;
   B. serviced apartment; and
   C. tourist development.

G. MILNER, Mayor.
M. BRADFORD, Chief Executive Officer.

PL402

PLANNING AND DEVELOPMENT ACT 2005

DECLARATION OF PLANNING CONTROL AREA 2

Wilman Wadandi Highway (Bunbury Outer Ring Road)

City of Bunbury

Shires of Capel, Dardanup and Harvey

File: RLS/1181

General Description

The Minister for Planning and Lands has granted approval to the declaration of Planning Control Area 2 for the Wilman Wadandi Highway (Bunbury Outer Ring Road), as shown on Western Australian Planning Commission (WAPC) plans numbered 1.8147 to 1.8162 (inclusive).

Purpose of the Planning Control Area

Planning Control Area 2 is intended to protect land identified for the Wilman Wadandi Highway (Bunbury Outer Ring Road).

The WAPC considers that the planning control area is required over the identified properties to ensure that no development occurs on this land which might prejudice this purpose until it may be reserved for Primary Regional Road Reservation in the Greater Bunbury Region Scheme.

Duration and Effects

The declaration remains in effect for a period of five years from the date of publication of this notice in the *Government Gazette*, being 18 July 2025, or until revoked by the WAPC with approval by the Minister, whichever is sooner.

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

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

Display Locations

Documents can be viewed online at the Department of Planning, Lands and Heritage's website at *https://www.dplh.wa.gov.au/planning-control-areas*

Ms SAM BOUCHER, Secretary, Western Australian Planning Commission.

PL403

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

Shire of Mundaring

Local Planning Scheme No. 4 Amendment No. 19

File: TPS/3242

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 abovementioned amendment to the Shire of Mundaring Local Planning Scheme No. 4 on 10 July 2025 for the purpose of—

1. In Schedule 1(2), 'Land Use Definitions'—
   A. Delete the land use definitions for—
      (a) Bed and Breakfast
      (b) Holiday Accommodation
      (c) Motel
   B. Insert the definition for tourist and visitor accommodation as follows—

      tourist and visitor accommodation—

      (a) means a building, or a group of buildings forming a complex, that—
         i. is wholly managed by a single person or body; and
         ii. is used to provide accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period; and
         iii. may include on-site services and facilities for use by guests; and
         iv. in the case of a single building—contains more than 1 separate accommodation unit or is capable of accommodating more than 12 people per night;

      and

      (b) includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest's stay by the owner or manager of the apartment or an agent of the owner or manager; but

      (c) does not include any of the following—
         i. an aged care facility as defined in the *Land Tax Assessment Act 2002* section 38A(1);
         ii. a caravan park;
         iii. hosted short-term rental accommodation;
         iv. a lodging-house as defined in the *Health (Miscellaneous Provisions) Act 1911* section 3(1);
         v. a park home park;
         vi. a retirement village as defined in the *Retirement Villages Act 1992* section 3(1);
         vii. a road house;
         viii. workforce accommodation;

   C. Delete the definition for Hotel and replace with—

      hotel means premises the subject of a hotel licence other than a small bar or tavern licence granted under the *Liquor Control Act 1988* including any betting agency on the premises;"

2. In Table 1 'Zoning Table' insert in alphabetical order the following land uses and permissibility—
   A. Hosted short-term rental accommodation; designate as a 'P' use in the zones Residential, Town Centre, Local Centre, Rural Residential, Rural Small Holdings and General Agriculture, and 'X' use in Service Commercial and Light Industry.
   B. Unhosted short-term rental accommodation; designate as a 'D' use in the zones Residential, Town Centre, Local Centre, Rural Residential, Rural Small Holdings and General Agriculture, and 'X' use in Service Commercial and Light Industry.
   C. Tourist and visitor accommodation and designate as a 'D' use in General Agriculture, an 'A' use in Residential, Town Centre, Local Centre, Rural Residential, and Rural Small Holdings, and a 'X' use in Service Commercial and Light Industry.
3. In Table 1 'Zoning Table', delete all references to—
   (a) Bed and Breakfast
   (b) Holiday Accommodation
4. In Table 1 'Zoning Table', change the use class Hotel/Motel to Hotel.

5. In Part 5 (General Development Requirements) clause 5.7.19 'Bed and Breakfast', replace all reference to the land use Bed and Breakfast with hosted short-term rental accommodation.
6. In Table 2 'Car Parking Requirements for Various Uses'—
   a. Replace the land use Bed and Breakfast with hosted short-term rental accommodation. The car parking requirements remaining unchanged.
   b. Add car parking requirements for the land use unhosted short-term rental accommodation, these being the same as those for hosted short-term rental accommodation.
   c. Delete the car parking requirements for the land use Holiday Accommodation.
   d. Replace the land use Motel with tourist and visitor accommodation. The car parking requirements remaining unchanged.
7. In Schedule 2 'Additional Uses' replace Holiday Accommodation with tourist and visitor accommodation for the following sites—
   (a) No.9—Lot 13 Leschenaultia Place, Chidlow
   (b) No.11—Lot 100 Great Eastern Highway, Mundaring
8. In Schedule 4 'Special Use Zones' number 32 (Lots 513 and 514 Great Eastern Highway, The Lakes) replace Motel with tourist and visitor accommodation.
9. In Schedule 4 'Special Use Zones' replace Holiday Accommodation with tourist and visitor accommodation for the following sites—
   (a) No.14—Lot 87 Falls Road, Hovea
   (b) No.15—Lot 80 Richardson Road, Hovea
   (c) No.18—Portion of Lot 1 Great Eastern Highway, Mahogany Creek
   (d) No.28—Lot 1037 Hall Road, Mundaring
   (e) No.31—Lots 41, 42, 45, 46, 307, 17966 and 26063 Coothallie Road, Chidlow.

P. MCNEIL, President.
J. WHITEAKER, Chief Executive Officer.

PL404

PLANNING AND DEVELOPMENT ACT 2005

METROPOLITAN REGION SCHEME

Notice of Resolution—Clause 23

East Wanneroo District Structure Plan Precincts 7 & 8 and Part Precinct 15

City of Wanneroo

Amendment 1442/23

File: RLS/1138, RLS/1132, RLS/1122

Notice is hereby given that, in accordance with clause 23 of the Metropolitan Region Scheme (MRS), the Western Australian Planning Commission (WAPC) resolved, on 25 June 2025, to transfer the East Wanneroo District Structure Plan Precincts 7 & 8 and Part Precinct 15 from the Urban Deferred zone to the Urban zone, as shown on WAPC plan number 3.2860/2.

Pursuant to section 126(3) of the *Planning and Development Act 2005*, the WAPC has the option of concurrently rezoning land that is being zoned Urban, under the MRS, to a zone which is consistent with the objective of the Urban zone in the corresponding local planning scheme.

The WAPC agreed to the land being zoned Urban within MRS Amendment 1442/23 being transferred to the Urban Development zone in the City of Wanneroo District Planning Scheme No. 2.

Accordingly, the amendment to the MRS and the City of Wanneroo District Planning Scheme No. 2 are effective from the date of publication of this notice in the *Government Gazette*.

All documents relating to this amendment can be viewed online on the Department of Planning, Lands and Heritage's website at *https://www.wa.gov.au/organisation/department-of-planning-lands-and-heritage/region-planning-schemes*

Ms SAM BOUCHER, Secretary, Western Australian Planning Commission.

POLICE

PO401

ROAD TRAFFIC (ADMINISTRATION) ACT 2008

TEMPORARY SUSPENSION OF WA ROAD TRAFFIC ACT AND/OR REGULATIONS

I, Simon Underwood, Acting Inspector being the delegated officer of the Minister for Transport under Section 139 of the *Road Traffic (Administration) Act 2008*, pursuant to the powers conferred by Section 139 of that Act, and the consent of the Local Authorities having been obtained and nominated for the purposes of—

A 2025 Karri Rally—SS1 Mersea by members/entrants of the West Australian Car Club Inc on 18 July 2025 between the hours of 15:00 Hrs and 22:00 Hrs do hereby approve the temporary suspension of the Road Traffic Act and/or Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the carriageway on—

Tom Road, Whim Landing Road, Kangaroo Road, Snake Road, Paul Road and unnamed tracks, in Yardup area. Temporary suspension of the Road Traffic Act and Regulations applies to: 'Car Rally Racing Only' in accordance with Motorsport Australia National Guidelines—on closed roads; in compliance with local authority approval and in accordance with the approved traffic management plan.

A 2025 Karri Rally—SS1 Mersea by members/entrants of the West Australian Car Club Inc on 19 July 2025 between the hours of 05:00 Hrs and 22:00 Hrs do hereby approve the temporary suspension of the Road Traffic Act and/or Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the carriageway on—

Tom Road, Whim Landing Road, Kangaroo Road, Snake Road, Paul Road, John Road, unnamed tracks, Formation Road and Ray Road, in Nyamup and surrounding Tone Forest. Temporary suspension of the Road Traffic Act and Regulations applies to: 'Car Rally Racing Only' in accordance with Motorsport Australia National Guidelines—on closed roads; in compliance with local authority approval and in accordance with the approved traffic management plan.

All participants to wear approved head protection at all times.

A 2025 Karri Rally—SS2 Yeticup by members/entrants of the West Australian Car Club Inc on 19 July 2025 between the hours of 05:00 Hrs and 22:00 Hrs do hereby approve the temporary suspension of the Road Traffic Act and/or Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the carriageway on—

Fairfield Road, Blechy Road, Yeticup Road, Kepal Road, Karri Landing Road and Jackson Road, in Nyamup and surrounding Tone Forest. Temporary suspension of the Road Traffic Act and Regulations applies to: 'Car Rally Racing Only' in accordance with Motorsport Australia National Guidelines—on closed roads; in compliance with local authority approval and in accordance with the approved traffic management plan.

A 2025 Karri Rally—SS 3 Mooralup by members/entrants of the West Australian Car Club Inc on 19 July 2025 between the hours of 05:00 Hrs and 22:00 Hrs do hereby approve the temporary suspension of the Road Traffic Act and/or Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the carriageway on—

Tick Road, Lionel Road, Kepal Road, Mooralup Road, Cardac Road, Ford Road and unnamed tracks, in Nyamup and surrounding Tone Forest. Temporary suspension of the Road Traffic Act and Regulations applies to: 'Car Rally Racing Only' in accordance with Motorsport Australia National Guidelines—on closed roads; in compliance with local authority approval and in accordance with the approved traffic management plan.

All participants to wear approved head protection at all times.

A 2025 Karri Rally—SS2 Yeticup by members/entrants of the West Australian Car Club Inc on 19 July 2025 between the hours of 05:00 Hrs and 22:00 Hrs do hereby approve the temporary suspension of the Road Traffic Act and/or Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the carriageway on—

Ned Road, in Shire of Manjimup. Temporary suspension of the Road Traffic Act and Regulations applies to: 'Car Rally Racing Only' in accordance with Motorsport Australia National Guidelines—on closed roads; in compliance with local authority approval and in accordance with the approved traffic management plan.

A Nabawa Backroads Gravel Bike Race by members/entrants of the The Event Team on 9 August 2025 between the hours of 07:00 Hrs and 17:00 Hrs do hereby approve the temporary suspension of the Road Traffic Act and/or Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—

Chapman Valley Road, Jacky Jupp Road, Indialla Road, Durawah Road, Wicka Road, Nabawa Road, Nabawa Road East, Burton Williamson Road, Valentine Road, Station Valentine Road, Station Road, Durahwah Northern Gully Road, Forrester Road, Heelan Maloney Road, Newmarracarra Road, Murphy Norris Road, Scott Road, Urch Road, Butcher Knife Road, Crabbe Road, Mount Erin-Nabawa Road, Lorimer Road and Thompson Reidy Road, in the Shire of Chapman Valley.

Temporary Suspension of the Road Traffic Act and Regulations applies to Regulation 130 (2) of the *Road Traffic Code 2000* (to allow cyclists to ride in a peloton and overtake each other more than two or three abreast). Cyclists must keep left of the centre of the road, unless overtaking a slow-moving vehicle where safe to do so, in accordance with the approved traffic management plan. Event participants and officials must comply with all of the other provisions of the WA Road Traffic Act and Regulations, including compliance with posted speed limits.

All participants to wear approved head protection at all times.

A Nabawa Backroads Trail Run Events by members/entrants of the The Event Team on 9 August 2025 between the hours of 07:00 Hrs and 17:00 Hrs do hereby approve the temporary suspension of the Road Traffic Act and/or Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—

Chapman Valley Road, Green Drive, Indialla Road, Crabbe Road, Durawah Road, Newmarracarra Road, Murphy Norris Road, Butcher Knife Road and Jacky Jupp Road, in the Shire of Chapman Valley. Temporary Suspension of the Road Traffic Act and Regulations applies to Regulations 203 (1), 203 (2), 203 (3) (a), 203 (3) (b) and 203 (4) of the *Road Traffic Code 2000* (to allow participating runners to proceed along the left side of the carriageway, even if a footpath is provided) in accordance with the approved traffic management plan. Event participants and officials must comply with all of the other provisions of the WA Road Traffic Act and Regulations.

A Cycling Road Race by members/entrants of the Collie Cycle Club Inc. on 16 August 2025 between the hours of 07:00 Hrs and 17:00 Hrs do hereby approve the temporary suspension of the Road Traffic Act and/or Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—

Throssell Street, Preston Road, Boyup Brook-Donnybrook Road, then turn around prior to South Western Highway and return along Boyup Brook-Donnybrook Road, Preston Road and Throssell Street, in the Shires of Collie and Donnybrook-Balingup. Temporary suspension of regulations applies to Regulation 50 of the *Road Traffic Code 2000* (to allow cyclists to contravene a stop sign/white stop line), where opposing traffic at those locations is stopped and held by accredited traffic controllers with stop/slow bats in accordance with the approved traffic management plan and Regulation 130 (2) of the Road Traffic Code (to allow cyclists to ride in a peloton and overtake each other more than two or three abreast) and cyclists must keep left of the centre of the road unless overtaking a slow moving vehicle where safe to do so. Event participants and officials must comply with all of the other provisions of the WA Road Traffic Act and Regulations, including compliance with posted speed limits.

All participants to wear approved head protection at all times.

A Road Race—Cycling by members/entrants of the Midland Cycle Club on 21 September 2025 between the hours of 08:00 Hrs and 12:30 Hrs, 30 November 2025 between the hours of 08:00 Hrs and 12:30 Hrs do hereby approve the temporary suspension of the Road Traffic Act and/or Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—

Pickering Brook Road, Patterson Road, Forrest Road, Repatriation Road and Pickering Brook Road, in City of Kalamunda. Temporary suspension of regulations applies to Regulation 50 of the *Road Traffic Code 2000* (to allow cyclists to contravene a stop sign/white stop line), where opposing traffic at those locations is stopped and held by accredited traffic controllers with stop/slow bats in accordance with the approved traffic management plan and Regulation 130 (2) of the Road Traffic Code (to allow cyclists to ride in a peloton and overtake each other more than two or three abreast). Cyclists must keep left of the centre of the road unless overtaking a slow-moving vehicle where safe to do so, or competing in a sprint finish where accredited traffic controllers with stop/slow bats are stopping and holding opposing traffic, in accordance with the approved traffic management plan. Temporary suspension of regulations applies to Regulation 112 of the *Road Traffic Code 2000* in this instance. Event participants and officials must comply with all of the other provisions of the WA Road Traffic Act and Regulations, including compliance with posted speed limits.

All participants to wear approved head protection at all times.

A Masters Cycling Road Race by members/entrants of the West Coast Masters Cycling Council on 20 July 2025 between the hours of 07:00 Hrs and 13:00 Hrs, 14 September 2025 between the hours of 07:00 Hrs and 13:00 Hrs do hereby approve the temporary suspension of the Road Traffic Act and/or Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—

Ash Road, Doconing Road, Old Northam Road, Herbert Street and Ash Road, in the Shire of Mundaring. Temporary suspension of the Road Traffic Act and Regulations applies to Regulation 50 of the *Road Traffic Code 2000* (contravene stop sign/white stop line)—where opposing traffic at those locations is stopped and held by accredited traffic controllers with stop/slow bats and Regulation 130 (2) of the *Road Traffic Code 2000* (to allow cyclists to ride in a peloton and overtake each other more than two or three abreast). Cyclists must keep left of the centre of the road, unless overtaking a slow-moving vehicle where safe to do so, or they are conducting the official start and sprint finish where accredited traffic controllers with stop/slow bats are stopping and holding opposing traffic in accordance with the approved traffic management plan. Event participants and officials must comply with all of the other provisions of the WA Road Traffic Act and Regulations, including compliance with posted speed limits.

All participants to wear approved head protection at all times.

A Cycling Road Race by members/entrants of the Midland Cycle Club on 26 October 2025 between the hours of 08:00 Hrs and 12:00 Hrs do hereby approve the temporary suspension of the Road Traffic Act and/or Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—

Liberton Road, Old Northam Road (which turns into Government Road), Needham Road, Liberton Road in the Shire of Mundaring. Temporary suspension of regulations applies to Regulation 50 of the *Road Traffic Code 2000* (to allow cyclists to contravene a stop sign/white stop line), where opposing traffic at those locations is stopped and held by accredited traffic controllers with stop/slow bats in accordance with the approved traffic management plan and Regulation 130 (2) of the Road Traffic Code (to allow cyclists to ride in a peloton and overtake each other more than two or three abreast). Cyclists must keep left of the centre of the road unless overtaking a slow-moving vehicle where safe to do so, or competing in a sprint finish where accredited traffic controllers with stop/slow bats are stopping and holding opposing traffic, in accordance with the approved traffic management plan. Temporary Suspension of regulations applies to Regulation 112 of the *Road Traffic Code 2000* in this instance. Event participants and officials must comply with all of the other provisions of the WA Road Traffic Act and Regulations, including compliance with posted speed limits.

All participants to wear approved head protection at all times.

S. UNDERWOOD, Acting Inspector.

RACING, GAMING AND LIQUOR

RA401

GAMING AND WAGERING COMMISSION ACT 1987

APPOINTMENT OF MEMBERS TO THE GAMING AND WAGERING COMMISSION OF WESTERN AUSTRALIA

- Under section 12(1)(b) of the *Gaming and Wagering Commission Act 1987,* on 23 June 2025, the Minister for Racing and Gaming appointed Ms Katina (Katie) Hodson-Thomas as a member of the Gaming and Wagering Commission of Western Australia for a term commencing on 1 July 2025 and expiring on 30 June 2026.
- Under section 12(1)(b) of the *Gaming and Wagering Commission Act 1987,* on 23 June 2025, the Minister for Racing and Gaming appointed Mr Colin Peter Murphy as a member of the Gaming and Wagering Commission of Western Australia for a term commencing on 1 July 2025 and expiring on 30 June 2026.
- Under section 12(1)(b) of the *Gaming and Wagering Commission Act 1987,* on 23 June 2025, the Minister for Racing and Gaming appointed Ms Helen Margaret Creed as a member of the Gaming and Wagering Commission of Western Australia for a term commencing on 1 July 2025 and expiring on 30 June 2026.
- Under section 12(1)(b) of the *Gaming and Wagering Commission Act 1987,* on 23 June 2025, the Minister for Racing and Gaming appointed Mr Samuel Conrad Buckeridge as a member of the Gaming and Wagering Commission of Western Australia for a term commencing on 1 July 2025 and expiring on 30 June 2026.

- Under section 12(1)(b) of the *Gaming and Wagering Commission Act 1987,* on 23 June 2025, the Minister for Racing and Gaming appointed Mr Paul Steel as a member of the Gaming and Wagering Commission of Western Australia for a term commencing on 1 August 2025 and expiring on 31 July 2026.
- Under section 12(1)(b) of the *Gaming and Wagering Commission Act 1987,* on 23 June 2025, the Minister for Racing and Gaming appointed Ms Melanie Cave as a member of the Gaming and Wagering Commission of Western Australia for a term commencing on 1 July 2025 and expiring on 30 June 2026.

Dated this fourteenth day of July 2025.

TIM FRASER, Executive Director, Racing Gaming and Liquor,
Department of Local Government, Industry Regulation and Safety.

PUBLIC NOTICES

ZZ401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Rosemary Elsby late of 12 New Clayton Street, Kambalda East in the State of Western Australia, who died on 22 September 2024, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the abovementioned deceased persons are required by the Personal Representatives to send the particulars of their claim to Ellery Brookman, Locked Bag 400, Kalgoorlie WA 6433, within one month of publication hereof, after which date the Personal Representative may convey or distribute the assets, having regard only to claims of which they then have notice.

ZZ402

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Estate of the late Janine Maree Sellin late of 4 Bedingfeld Road, Pinjarra, 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 22 January 2025 are requested by the Administrator, Gordon Charles Sellin care of HHG Legal Group, PO Box 231, Mandurah WA 6210 to send particulars of their claims to the address stated herein within 30 days of this notice, after which date the personal representatives may convey or distribute the assets having regard only to the claims of which they then have notice.

ZZ403

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

YuanYuan Ma, late of 3/77 Parkview Drive, Ballajura, 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 19 December 2024, are required by the Executors, Jason Paul Dinnerville and Minghui Feng, to send the particulars of their claim to Mr Jason Dinnerville, 1 Minster Place, Marangaroo, WA 6064, by the date being one (1) 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 then have notice.

ZZ404

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Alan John Rattenbury, late of 21/1-3 Leslie Street, Dudley Park, 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 the 22 May 2025 are required by the Executor John Lester Walters to send the particulars of their claims to John Walters of 12/1-3 Leslie Street, Dudley Park, WA 6210 within one (1) month of the date of publication of this notice after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

ZZ405

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Jack Thomas Mangan, late of 1 Volunteer Street, Two Rocks Western Australia 6037, 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 11th March 2025 are required by the Administrator David Anthony Mangan of 10 Clay Place Padbury, Western Australia 6025, to send the particulars of their claim within one (1) month of the date of publications of this notice to David Anthony Mangan PO Box 1073 Hillarys WA 6923, after which date the Administrator may convey or distribute the assets, having regard only to the claims of which they then have notice.

ZZ406

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Giovina Della Gatta late of 17 Law Street, Morley, 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 21 April 2025, are required by the trustee of the late Giovina Della Gatta of care of Lawley Legal, PO Box 208, Mount Lawley, Western Australia 6929 to send particulars of their claims to them within one (1) month from the date of publication of this notice, after which date the trustee may convey or distribute the assets, having regard only to the claims of which it then has notice.

ZZ407

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Maria Zita De Freitas Goncalves, late of 12 Pitta Corner, Success, Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the above-named deceased, who died on the 28 March 2025, are required by the Executor Natalie Francis to send the particulars of their claims to 13 Cornell Street, Yokine WA 6060, within one (1) month of the date of publication of this notice after which date the Administrator may convey or distribute the assets, having regard only to the claims of which they then have notice.

ZZ408

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Ruth Gale Barnes, late of 2 Jenniphur Court, Atwell, WA 6164, Insurance Co-ordinator, 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 17 August 2024 at St John of God Community Hospice, are required by the Executor and Trustee Robert John Barnes, c/- McVay Bates & Associates, 12/473 Beach Road, Duncraig WA 6023 to send particulars of their claims to him within one (1) month of the date of publication of this notice, after which date the Executor and Trustee may convey or distribute the assets, having regard only to the claims of which they then have notice.

ZZ409

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Paolina Catania (also known as Paola Catania and Paula Catania) late of 111 Shakespeare Street, Mount Hawthorn, 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 11 February 2025, are required by the trustee of the late Paolina Catania of care of Lawley Legal, PO Box 208, Mount Lawley, Western Australia 6929 to send particulars of their claims to them within one (1) month from the date of publication of this notice, after which date the trustee may convey or distribute the assets, having regard only to the claims of which it then has notice.

ZZ410

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Estate of Beverley Ann Sears, late of 15/9 Wakatipu Way, Joondalup WA 6027, 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 12/1/2025, are required by the Executor Leticia Joy Cannell of 8 Karri Court, Woodvale WA 6026 to send particulars of their claims to her within one (1) month by registered mail after which date she may convey or distribute the assets of the estate, having regard only to the claims of which she then has notice.

ZZ411

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Creditors and other persons having claims on the estate of the late Jason Edward McGrath of 9 Gainsford Road, Southampton, Hampshire, United Kingdom, deceased, who died on 18/01/2025, are required to send particulars of their claims to the administrator Morgan care of Solomon Hollett Lawyers, PO Box 840, West Perth WA 6872, by 17 August 2025, after which date the administrator may distribute the assets having regard only to the claims of which they then have notice.

ZZ412

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

John Paul Ducatez late of 32 Dower Street, Mandurah, in the State of Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased who died on 22 March 2025 are required by the Executor, Michelle Tanya Ulph, c/- Bell & Co Legal, PO Box 71, Pinjarra, WA 6208 to send particulars of their claims to her within one month of the publication of this notice, after which date the Executor may convey or distribute the assets having regard only to the claims of which she then has notice.

ZZ413

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before 18 August 2025, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Browne, Anthony Eric Joseph, late of Swancare Ningana, 3 Allen Court, Bentley, who died on 5 June 2025 (DE33060638 EM26).

Clarke, Larry Stephen, late of Fremantle Hospital, 2 Alma Street, Fremantle, who died on 4 April 2020 (PM33170152 EM12).

Clelland, Dolores Falconer, late of Bethanie Joondanna, 130 Edinboro Street, Joondanna, who died on 25 May 2025 (DE19900853 EM56).

Forbes, Kathleen, late of Regis Como, 36 Talbot Avenue, Como, who died on 7 July 2025 (PM19971544 EM54).

Halliday, Valerie Dawn, late of Juniper Karinya Residential Aged Care Home, 21 Embleton Avenue, Embleton, who died on 23 May 2025 (DE19751874 EM14).

Ironside, Janice Mary, late of 15 Arthurs Vale, Quinns Rocks, who died on 12 March 2025 (DE33061920 EM22).

King, Maureen Joan, late of Amana Living—Moline House, 7 Deanmore Road, Karrinyup, who died on 20 January 2025 (DE19742582 EM313).

McCuaig, Alexandra, late of Brightwater The Village, 150 Dundas Road, Inglewood, who died on 31 May 2025 (PM33212000 EM27).

Millington, Trevor Charles, late of Ritcher Lodge Aged Care Facility, 480 Guildford Road, Bayswater, who died on 6 August 2023 (DE20012401 EM15).

Penaluna, Lynne Maree, formerly of Unit 2, 143 Edinboro Street, Joondanna, late of 177 Ninth Avenue, Inglewood, who died on 3 June 2025 (DE19831485 EM110).

Turner, Arthur John, late of 19 Mission Place, Quinns Rocks, who died on 25 May 2025 (DE19972968 EM53).

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

ZZ501

DISPOSAL OF UNCOLLECTED GOODS ACT 1970

NOTICE UNDER PART III OF DISPOSAL OF UNCOLLECTED GOODS ASSESSED AT A VALUE NOT EXCEEDING $3,500.

To Mitch Coughlan, Bailor.

You were given notice on 6th November 2024 that the following goods: Hyundai Tucson situated at RAC Auto Services, Rockingham were ready for redelivery.

Unless not more than one month after the date of the giving of this notice you either take redelivery of the goods or give directions for their redelivery, RAC Automotive Services Pty Ltd (ABN 93 095 467 226) of 832 Wellington Street, West Perth, bailee, intends to sell or otherwise dispose of them in accordance with the Act. Should you wish to take repossession of the goods, please contact Stephen Botha on 1300 135 916.

Dated 14th July 2025.

RAC AUTOMOTIVE SERVICES.
