Western Australian Government Gazette
ISSN 2204-4264 (online)

PERTH, FRIDAY, 25 JULY 2025 No. 89

PUBLISHED BY AUTHORITY GEOFF O. LAWN, GOVERNMENT PRINTER

© STATE OF WESTERN AUSTRALIA

CONTENTS

	Page
Agriculture and Food	1265
Justice	1265
Local Government	1269
Minerals and Petroleum	1280
Planning	1281
Public Notices	1283

IMPORTANT COPYRIGHT NOTICE

© State of Western Australia

This work is copyright. Apart from any use as permitted under the *Copyright Act 1968*, no part may be reproduced by any process without written permission from the Attorney General for Western Australia. Enquiries in the first instance should be directed to the Government Printer, Parliamentary Counsel's Office, publications@pco.wa.gov.au.

Note: A Creative Commons Attribution 4.0 International Licence (CC BY 4.0) applies with respect to material on the WA Legislation Website (with certain exceptions), and to copies of Acts, and reprints of Acts and subsidiary legislation, printed by the Government Printer. To view relevant information and for a link to a copy of the licence, visit www.legislation.wa.gov.au.

PUBLISHING DETAILS

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

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

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

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

  Email address:

  gazette@dpc.wa.gov.au
- Enquiries regarding publication of notices can be directed to the Publications Officer on (08) 6552 6012.
- Enquiries regarding payment of notices can be directed to (08) 6552 6000 or sales@dpc.wa.gov.au
- **Lengthy or complicated notices should be forwarded early to allow for preparation. Failure to observe this request could result in the notice being held over.**

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

ADVERTISING RATES AND PAYMENTS

EFFECTIVE FROM 1 JULY 2024 (Prices include GST)

Public Notices Section—$80.16 minimum charge (except items of an exceptionally large nature. In these instances arrangements will be made for pricing the notice at time of lodging).

All other Notices—

Per Column Centimetre—$15.99

Bulk Notices—$292.74 per page

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

For charges under $100, clients will need to supply credit card details at time of lodging notice (i.e. a notice under 7cm would not be invoiced).

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

AGRICULTURE AND FOOD

AG401

BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007

BIOSECURITY AND AGRICULTURE MANAGEMENT (PERMITTED ORGANISMS) DECLARATION (NO. 3) 2025

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

1. Citation

This declaration is the *Biosecurity and Agriculture Management (Permitted Organisms) Declaration (No.3) 2025*.

2. Permitted Organism

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

- *Bucephalandra catherineae* P.C.Boyce, Bogner & Mayo
- *Bucephalandra pygmaea* (Becc.) P.C.Boyce & S.Y.Wong
- *Bucephalandra sordidula* S.Y.Wong & P.C.Boyce
- *Schismatoglottis prietoi* P.C.Boyce, Medecilo & S.Y.Wong
- *Carpenteria californica* Torr.
- *Medicago bonarotiana* Arcang.
- *Medicago ciliaris* (L.) All.
- *Medicago doliata* Carmign
- *Medicago rotata* Boiss.
- *Anthurium scherzerianum* Schott
- *Alocasia tandurusa* Pram. & A. Hay
- *Alocasia venusta* A. Hay
- *Dryadella* Luer
- *Begonia ferox* C.I Peng & Yan Liu
- *Begonia limprichtii* Irmsch.
- *Albizia lebbekoides* (DC.) Benth.
- *Bambusa spinosa* Roxb

3. Revocation

All previous declarations under the Act relating to the organisms listed above are revoked.

Dated 18 July 2025.

REBECCA REES, A/Deputy Director General, Biosecurity and Emergency Management, Department of Primary Industries and Regional Development.

JUSTICE

JU401

PROFESSIONAL STANDARDS ACT 1997

Authorisation and Publication Pursuant to Section 26

THE CPA AUSTRALIA PROFESSIONAL STANDARDS SCHEME

I, Dr Tony Buti MLA, Attorney General; Minister for Commerce; Tertiary and International Education; Multicultural Interests, pursuant to section 26 of the ***Professional Standards Act 1997*WA** (the Act), authorise the publication of The CPA Australia Professional Standards Scheme (the Scheme) submitted to me by the Professional Standards Council of New South Wales. The Scheme is published with this authorisation and commences on 21 August 2025. The Scheme remains in force for a period of 5 years from its commencement unless the Scheme is revoked, extended, or its operation ceases as specified in the Act.

Dated 14th July 2025.

Hon. Dr TONY BUTI MLA, Attorney General; Minister for Commerce; Tertiary and International Education; Multicultural Interests.

PROFESSIONAL STANDARDS ACT 1994 (NSW)

THE CPA AUSTRALIA PROFESSIONAL STANDARDS SCHEME

Preamble

A. CPA Australia Ltd (**CPA Australia**) is an occupational association for the purposes of the *Professional Standards Act 1994* (NSW) (the Act).

B. The Scheme is prepared by CPA Australia for the purposes of limiting Occupational Liability to the extent to which such liability may be limited under the Act.

C. The Scheme applies to all participating members referred to in clause 2 of the Scheme unless otherwise stated in that clause.

D. The Scheme will have force in New South Wales, Australia and is intended to apply in all Australian states and territories. To the extent that the Scheme applies to limit liability in the other jurisdictions, it is subject to the professional standards legislation of those jurisdictions.

E. CPA Australia has furnished the Council with a detailed list of the risk management strategies to be implemented in respect of its members, and details of the means by which those strategies are to be implemented.

F. CPA Australia has furnished the Council with details of its insurance standards and professional indemnity insurance claims monitoring process. CPA Australia will not amend these insurance standards while the Scheme is in force without prior approval of the Council.

G. CPA Australia has advised its members to whom the Scheme applies that they must have the benefit of a professional indemnity insurance policy that complies with the association's insurance standards and that the member remains liable for any difference between the amount payable to a plaintiff under the policy and the monetary ceiling specified in the Scheme.

H. CPA Australia has furnished the Council with details of its complaints system and discipline system.

I. CPA Australia and its members to whom the Scheme applies have undertaken to comply with all reporting obligations associated with the scheme, in furtherance of the statutory objects of improvement of the occupational standards of its members, and protection of the consumers of such members' services.

J. CPA Australia has undertaken to remit all Fees payable under the *Professional Standards Regulation 2024* (NSW) to the Council as and when these become due.

K. The Scheme is intended to commence on 21 August 2025 and remain in force for 5 years from its commencement unless, prior to that time, it is revoked, its operation ceases, or it is extended.

L. Occupational liability limited by this Scheme may also be subject to the provisions of Commonwealth legislation, which may provide for a different limitation of liability, or unlimited liability, in a particular case, and thereby alter the effect of the Scheme.

The CPA Australia Professional Standards Scheme

1. Occupational association

1.1 The CPA Australia Professional Standards Scheme (the Scheme) is a scheme under the *Professional Standards Act 1994* (NSW) (the Act) prepared by the CPA Australia Ltd (CPA Australia) whose business address is Level 20, 28 Freshwater Place, Southbank Victoria 3006.

2. Persons to whom the Scheme applies

2.1 The Scheme applies to—

2.1.1 all members of CPA Australia who hold a current Public Practice Certificate issued by CPA Australia; and

2.1.2 all persons to whom the Scheme applies, by virtue of the Act and the Corresponding Laws of other jurisdictions in which the Scheme applies.

(collectively "Participants" and each a "Participant").

2.2 A person referred to in clause 2.1.1 may, on application, be exempted from participation in the Scheme by CPA Australia with effect from the date specified CPA Australia.

3. Jurisdiction

3.1 The Scheme applies in New South Wales.

3.2 In addition to New South Wales, the Scheme is intended to operate in Australian Capital Territory, Northern Territory, Queensland, South Australia, Tasmania, Victoria and Western Australia in accordance with the Professional Standards Legislation of those states and territories and subject to the requirements of that legislation ("the Corresponding Laws"), so that references to a provision of the Act, the application of the Scheme to a liability, the limit of a liability under the Act, or what constitutes Occupational Liability, are intended to pick up the relevant provisions of the Corresponding Laws, applied mutatis mutandis, to the extent that is necessary for the application of the Scheme in any of those jurisdictions.

4. Limitation of liability

4.1 This Scheme only affects the Occupational Liability of a Participant for Damages arising from a single Cause of Action to the extent to which the liability results in Damages exceeding $2 million.

4.2 If a Participant who is, or was, at the time of the act or omission giving rise to Occupational Liability, a Participant to whom the Scheme applies, or applied, and against whom a proceeding relating to Occupational Liability is brought, is able to satisfy the court that the Participant has the benefit of an Insurance Policy in respect of the Occupational Liability relating to the Cause of Action (including any amount payable by the Participant by way of excess under or in relation to the Insurance Policy)—

(a) of a kind which complies with the standards determined by CPA Australia;

(b) insuring such person against the Occupational Liability to which the Cause of Action relates; and

(c) under which the amount payable in respect of that Occupational Liability is not less than the applicable monetary ceiling specified in clauses 4.3, 4.4 and 4.5 of this Scheme,

then that Participant is not liable in Damages in relation to that Cause of Action above the amount specified in the monetary ceiling in accordance with the relevant table set out at clauses 4.3, 4.4 and 4.5 of this Scheme.

4.3 The Category 1 monetary ceiling is an amount specified in the table below—

Groups	Monetary ceiling
1. Participants who at the Relevant Time were in an Accounting Practice which generated total annual Fee income, for the financial year immediately preceding the Relevant Time, of less than $10 million.	$2 million
2. Participants other than those in Groups 1 and 3.	$10 million
3. Participants who at the Relevant Time were in an Accounting Practice which generated total annual Fee income, for the financial year immediately preceding the Relevant Time, greater than $20 million.	$75 million

4.4 The Category 2 monetary ceiling is an amount specified in the table below—

Groups	Monetary ceiling
1. Participants who at the Relevant Time were in an Accounting Practice which generated total annual Fee income, for the financial year immediately preceding the Relevant Time, of less than $10 million.	$2 million
2. Participants other than those in Groups 1 and 3.	$10 million
3. Participants who at the Relevant Time were in an Accounting Practice which generated total annual Fee income, for the financial year immediately preceding the Relevant Time, greater than $20 million.	$20 million

4.5 The Category 3 monetary ceiling specified in the table below—

Groups	Monetary ceiling
1. Participants who at the Relevant Time were in an Accounting Practice which generated total annual Fee income, for the financial year immediately preceding the Relevant Time, of less than $10 million.	$2 million
2. Participants other than those in Groups 1 and 3.	$10 million
3. Participants who at the Relevant Time were in an Accounting Practice which generated total annual Fee income, for the financial year immediately preceding the Relevant Time, greater than $20 million.	$20 million

4.6 Clause 4.2 does not limit the amount of Damages to which a Participant is liable if the amount is less than the amount specified for the purpose in this Scheme in relation to a Participant.

4.7 In circumstances where the services provided by a Participant comprise a combination of Category 1 services and any of—

(a) Category 2 services;

(b) Category 3 services;

(c) Category 2 services and Category 3 services,

the Participant's liability under this scheme for Damages in respect of a proceeding in relation to Occupational Liability in excess of the applicable amount specified in clause 4.1 will be determined in accordance with those provisions of the scheme relating to Category 1 services only.

4.8 In circumstances where the services provided by a Participant comprise a combination of Category 2 services and Category 3 services, the Participant's liability under this scheme for Damages in respect of a proceeding in relation to Occupational Liability in excess of the applicable amount specified in clause 4.1 will be determined (subject to clause 4.7) in accordance with those provisions of the scheme relating to Category 2 services only.

4.9 This Scheme limits the Occupational Liability in respect of a Cause of Action against a Participant and founded on an act or omission committed by that Participant during the period when the Scheme was in force.

4.10 This Scheme only limits the amount of Damages for which a Participant is liable if and to the extent that the Damages exceed the amount specified in clause 4.1. Where the amount of Damages in relation to a Cause of Action exceeds the amount specified in clause 4.1, liability for Damages will be limited to the amount specified in the applicable other provisions of this clause 4, as provided for by section 28 of the Act.

4.11 Nothing in this Scheme is intended to increase, or has the effect of increasing, a Participant's liability for Damages to a person beyond the amount that, other than for the existence of this Scheme, the Participant would be liable in law.

4.12 Notwithstanding anything to the contrary contained in this Scheme if, in particular circumstances giving rise to Occupational Liability, the liability of any Participant is capped both by this Scheme and also by any other scheme under Professional Standards Legislation (whether of this jurisdiction or under the law of any other Australian state or territory) and, if the amount of such caps should differ, then the cap on the liability of such Participant arising from such circumstances which is higher shall be the applicable cap.

5. Conferral of discretionary authority

5.1 CPA Australia has discretionary authority, on application by a Participant to specify in relation to that Participant a higher maximum amount of liability than would otherwise apply under the Scheme, in all cases or in any specified case or class of case.

6. Commencement and duration

6.1 The Scheme will commence—

6.1.1 in New South Wales, the Northern Territory, Tasmania, Western Australia, Victoria, and Queensland, on 21 August 2025; and

6.1.2 in the Australian Capital Territory and in South Australia, on this same date, or such other later date, provided the date is specified in the relevant Minister's notice in relation to the Scheme; or

6.1.3 in all other cases, on this same date subject to the statutory provisions of each applicable jurisdiction.

6.2 The Scheme will be in force in all applicable jurisdictions for 5 years from the date of its commencement in New South Wales.

6.3 Clause 6.2 is subject to the provisions of each jurisdiction in relation to the revocation, extension, or cessation of a scheme.

7. Definitions

7.1 Relevant definitions for the purpose of this scheme are as follows—

"Accounting Practice" means the activities of a member including those who provide Public Accounting Services through an Approved Practice Entity (in accordance with the requirements of By-Law 9.3 of the By-Laws).

"Act" means *Professional Standards Act 1994 (NSW).*

"Approved Practice Entity" means such entities as defined as an Approved Practice Entity in By-Law 9.3 of the By-Laws.

"By-Laws" means the By-Laws of CPA Australia Ltd.

"Category 1 services" means—

(a) all services required by Australian law to be provided only by a registered company auditor;

(b) all other services provided by a registered company auditor in their capacity as auditor;

(c) all services the deliverables from which—

(i) will be used in determining the nature, timing and extent of audit procedures in the context of an audit of a financial report; or

(ii) will be incorporated into the financial report of an entity; or

(iii) are required by law or regulation to be filed with a regulator (excluding returns signed by a registered tax agent).

"Category 2 services" means—

(a) services to which Chapter 5 or Chapter 5A of the *Corporations Act 2001* (Cth) applies;

(b) services provided pursuant to section 233(2) of the Corporations Act;

(c) services to which the *Bankruptcy Act 1966* (Cth) applies; or

(d) services arising out of any court appointed liquidation or receivership.

"Category 3 services" means any services provided by a Participant in the performance of their occupation, which are not Category 1 or Category 2 services.

"Cause of Action" means and includes all causes of action arising from the same source or originating cause.

"Corresponding Laws" means the *Professional Standards Act 2004* (Qld), *Professional Standards Act 2003* (Vic), the *Professional Standards Act 2004* (SA), the *Professional Standards Act 1997* (WA), the *Professional Standards Act 2005* (Tas), the *Professional Standards Act* (NT), and the *Civil Law (Wrongs) Act 2002* (ACT).

"Court" has the same meaning as it has in the Act.

"Damages" has the same meaning as it has in the Act.

"Fee" means a payment made to a Participant in exchange for services but excludes disbursements and goods and services taxes.

"Insurance policy" means an insurance policy that complies with By-Law 9.8 of the By-Laws and section 27 of the Act.

"Occupational Liability" has the same meaning as it has in section 4 of the Act.

"Participant" means any person to whom the Scheme applies in accordance with clause 2.1.

"Public Accounting Services" means those services defined as Public Accounting services in the By-Laws.

"Public Practice Certificate" means a public practice certificate issued by CPA Australia Ltd, permitting a member to provide Public Accounting Services.

"Relevant Time" means, in respect of a liability potentially limited by the Scheme, the period from the time(s) of the act(s) or omission(s) giving rise to the liability until the date that is seven years after the last such act or omission took place.

JU402

COURT SECURITY AND CUSTODIAL SERVICES ACT 1999

PERMIT DETAILS ISSUED

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

Surname	First Name(s)	Permit Number
Scott	Dekota Anne Rose	254419

Dated 14 July 2025.

DAVID BRAMPTON, Deputy Commissioner.

LOCAL GOVERNMENT

LG401

CAT ACT 2011

LOCAL GOVERNMENT ACT 1995

City of Melville

CAT LOCAL LAW 2025

Under the powers conferred by the *Local Government Act 1995* and the *Cat Act 2011* and all other powers enabling it, the Council of the City of Melville resolved on 15 July 2025 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Melville Cat Local Law 2025.*

1.2 Commencement

This local law comes into operation three (3) months after the date of publication in the *Government Gazette*.

1.3 Interpretation

In this local law unless the context otherwise requires—

Act means *Cat Act 2011;*

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

authorised person means a person appointed by the CEO under section 9.10(2) of the Local Government Act to perform any of the functions of an authorised person under this local law;

cat has the meaning given to it in the Act;

cat management facility has the meaning given to it in the Act.

cat prohibited area means an area as outlined in Schedule 2 of this local law;

cattery means any premises where cats are boarded or housed temporarily, usually for profit, and where the occupier of the premises is not the ordinary keeper of the cats;

CEO means the Chief Executive Officer of the City of Melville;

City means the City of Melville;

commencement date means the date this local law comes into operation as per clause 1.2;

Council means the Council of the City of Melville;

district means the district of the City of Melville;

local government means the City of Melville;

Local Government Act means the *Local Government Act 1995* (WA);

nuisance means—

(a) an activity or condition which is harmful, offensive or annoying and which gives rise to legal liability in the tort of private or public nuisance at law;

(b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or

(c) interference which causes material damage to land or other property on the land affected by the interference.

owner has the meaning given to it in the Act;

permit means a permit issued by the City of Melville under this local law;

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

registered means registered with the City under section 9 of the *Cat Act 2011*.;

Schedule means a schedule to this local law;

1.4 Application

This local law applies throughout the district.

PART 2—CONTROL OF CATS

2.1 Cat nuisance

(1) An owner must not allow a cat to be or create a nuisance.

(2) Where the local government receives a complaint from a person, and where in the opinion of an authorised person that a cat is creating a nuisance, the local government may give a cat control notice to the owner of the cat requiring that person to abate the nuisance.

(3) A cat control notice given in subclause (2) remains in force for the period specified by the local government in the notice, which must not exceed 28 days.

(4) A person given a cat control notice must comply with the notice within the time specified in the notice.

(5) A cat control notice under subclause (2) must be in the form of Schedule 1, Form 3 of the *Cat Regulations 2012*.

2.2 Cats in a prohibited area

(1) A cat must not be in a cat prohibited area at any time.

(2) If a cat is in a cat prohibited area in contravention of subclause (1)—

(a) the owner of the cat commits an offence; and

(b) an authorised person may seize, impound and deal with the cat in accordance with the Act.

PART 3—KEEPING OF CATS

3.1 Interpretation

For the purposes of this Part, a cat does not include a cat that is under 6 months of age.

3.2 Limit on cats

(1) A person must not, without a valid permit, keep more than two cats at any premises within the district.

(2) Subclause (1) does not apply to cats—

(a) that do not ordinarily reside in or at the premises; or

(b) which are registered prior to the commencement date of this local law.

(3) Notwithstanding paragraph (2)(b) above, any cats registered prior to the commencement date of this local law are to be counted for the purposes of determining how many cats ordinarily reside at the household.

3.3 Approval to establish a cattery or cat management facility

A person must not, without a valid permit, operate a cattery or cat management facility.

3.4 Premises exempt from permit requirements

Clauses 3.2 and 3.3 do not apply to premises that are operated by an organisation referred to in regulation 9 of the *Cat Regulations 2012*.

3.5 Application for permit

(1) An application for a permit under this Part must—

(a) be made in the form prescribed by the local government;

(b) be made by the occupier of the premises where the cats are proposed to ordinarily reside;

(c) describe and specify the number of cats to be kept on the premises;

(d) be accompanied by a brief reason and justification for the request;

(e) be accompanied by the application fee determined and imposed by the local government under and in accordance with sections 6.16 to 6.19 of the Local Government Act.

(2) In determining an application for a permit, the local government may consider any matters it deems appropriate, and may request the applicant to—

(a) consult with nearby owners and/or occupiers;

(b) advise nearby owners and/or occupiers that they may, within 14 days of receiving that advice, make submissions to the local government on the application for a permit; or

(c) within 21 days, provide such further or other information as deemed necessary in order for it to make a determination.

3.6 Refusal to determine application

The local government may refuse to consider an application for a permit—

(a) which is not made in accordance with clause 3.5(1); or

(b) where the applicant has not complied with a request by the local government under clause 3.5(2).

3.7 Decision on application for permit

(1) The local government may, in respect of an application made under clause 3.5—

(a) approve it subject to the conditions in clause 3.8 and any other conditions the local government considers appropriate;

(b) approve it as per subclause (1)(a) but specify an alternative number of cats permitted to ordinarily reside premises; or

(c) refuse to approve it.

(2) The local government must decide whether or not to grant a permit within 21 days.

(3) Where the local government approves an application for a permit, it must issue the applicant a permit in the form prescribed by the local government.

(4) Where the local government refuses to approve an application for a permit, it must give written notice of the decision, together with grounds and reasons, to the applicant.

(5) Where the local government has not made a decision within the time mentioned in subclause (2), it is taken to have refused to grant a permit, and any fee payable under clause 3.5(1)(f) is to be refunded to the applicant.

3.8 Conditions which apply to permits

(1) If the local government approves an application for a permit under clause 3.7(1)(a) or (b), the application is taken to be approved subject to the following conditions—

(a) each cat kept on the premises to which the permit relates must comply with the requirements of the Act;

(b) the permit holder will provide adequate space for the exercise of the cats; and

(c) the premises shall be maintained in good order and in a clean and sanitary condition.

(2) In addition to the conditions listed in subclause (1), the local government may issue a permit subject to any other conditions it reasonably considers necessary and appropriate.

(3) The local government may, at any time, amend a condition of approval, and the amended condition takes effect 14 days after written notice of it is given to the applicant.

3.9 Compliance with conditions of permit

A permit holder who fails to comply with a condition of approval commits an offence

3.10 Validity of a permit

(1) Unless otherwise specified as a condition of approval, a permit issued under this Part commences on the date of issue and ceases to be valid upon—

(a) the permit holder ceasing to reside at the premises to which the permit relates;

(b) the permanent removal or relocation of the cat the subject of the permit from the premises;

(c) the death of the cat the subject of the permit; or

(d) the revocation of the permit by the local government under clause 3.11.

(2) Where a permit ceases to be valid as a result of an event listed in subclauses (1)(a), (b) or (c), the permit holder must notify the local government in writing within 7 days of the event occurring.

3.11 Revocation

(1) The local government may, by written notice to the permit holder, revoke a permit issued under this Part if the permit holder has not complied with a provision of this local law or a condition of approval.

(2) Where the local government decides to revoke a permit under subclause (1), it must give written notice of the decision, together with grounds and reasons, to the permit holder.

(3) A revocation under subclause (1) takes effect 14 days after the written notice in subclause (2) is given to the permit holder.

3.12 Permit not transferable

A permit issued under this Part is not transferrable either in relation to the permit holder or the premises to which the permit relates.

3.13 Permit to be kept at premises and available for inspection

A permit issued under this Part must be kept at the premises to which it relates and be provided to an authorised person on demand.

PART 4—ENFORCEMENT

4.1 Legal proceedings and evidence

Provisions relating to legal proceedings and evidence are contained in Part 4, Division 6 of the Act.

4.2 Offences and general penalty

(1) Any 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.

(2) A person who commits an offence under this local law is liable on conviction to a penalty not exceeding $5,000, and if the offence is of a continuing nature, to a further penalty not exceeding a fine of $500 in respect of each day or part of a day during which the offence has continued.

4.3 Modified penalties

(1) An offence against any provision of this local law is a prescribed offence for the purposes of section 62 of the Act.

(2) In accordance with section 62 of the Act, an authorised person who has reason to believe that a person has committed an offence against this local law may, within 28 days after the alleged offence is believed to have been committed, give an infringement notice, in the prescribed form, to the alleged offender.

(3) In accordance with Section 63 of the Act, a person who does wish to be prosecuted for the offence may, within the time specified in an infringement notice or within such further time as may, in any particular case, be allowed by the CEO under section 64 of the Act, pay the amount of money specified in the notice as being the modified penalty for that offence which, in accordance with section 66 of the Act, has the effect of preventing the local government from commencing a prosecution for the alleged offence.

(4) The amount appearing in the final column of Schedule 1 directly opposite a clause specified in that Schedule, is the modified penalty for that offence.

(5) In accordance with section 65 of the Act, the CEO may, whether or not the modified penalty has been paid, withdraw an infringement notice by sending a notice, in the prescribed form, to the person named in the infringement notice.

(6) A penalty for an offence against this local law may be recovered by the local government taking proceedings against the alleged offender in a Magistrate's Court.

(7) Provisions relating to modified penalties in general are contained in Part 4, Division 4 of the Act.

4.4 Forms of notices

(1) The form of notice prescribed for clause 4.3(2) is Form 6 in Schedule 1 of the *Cat Regulations 2012*.

(2) The form of notice prescribed for clause 4.3(5) is Form 7 in Schedule 1 of the *Cat Regulations 2012*.

(3) The form of notice prescribed for clause 4.7(1) is Form 8 in Schedule 1 of the *Cat Regulations 2012*.

4.5 Serving of infringement notices

(1) An infringement notice served under this local law may be given to a person—

(a) personally;

(b) by registered mail address to the person; or

(c) by leaving it for the person at her or his address.

(2) If a person refuses to accept an infringement notice given by way of paragraph (1)(a), the person servicing the notice may leave it next to or near the person and orally draw his or her attention to it.

4.6 Defences

It is a defence to a charge of an offence of contravening clause 3.2(1), if the owner charged satisfies the Court that at the material time some other person over the age of 18 years was the owner of the cat(s).

4.7 Objections and appeals

(1) Any person who is aggrieved by—

(a) the conditions imposed in relation to a permit;

(b) the refusal of the local government to grant a permit; or

(c) the revocation of a permit,

may object or appeal against the decision under Part 4, Division 5 of the Act.

SCHEDULE 1—MODIFIED PENALTIES

Item No	Clause	Nature of Offence	Modified Penalty
1	2.1(1)	Cat causing a nuisance	$300
2	2.1(2)	Failure to comply with cat control notice	$300
2	2.2(1)	Cat within prohibited area	$300
3	3.2	Keeping more than prescribed number of cats without a permit	$200
4	3.3	Establishing or operating a cattery or cat management facility without a permit	$200
5	3.9	Breach of a condition of approval	$200
6	3.10(2)	Failure to notify local government in writing of change in circumstances	$150
66	3.13	Failure to produce permit to authorised person when demanded	$150
		All other offences not specified	$200

SCHEDULE 2—CAT PROHIBITED AREAS

#	Common Name	Lot Number/s	Location	Suburb
1	Tompkins Park	39, 150, 9789, 10774	642b Canning Highway	Alfred Cove
2	Goolugatup Heathcote Reserve	304, 15050	58 Duncraig Road	Applecross
3	Jeff Joseph Reserve	7840	The Strand	Applecross
4	Al Richardson Reserve	2186, 2187	20 Grimsay Road	Ardross
5	Alfred Cove Nature Reserve	9595, 9962, 11093, 10790	Burke Drive	Attadale
6	Attadale Reserve	301	51 Burke Drive	Attadale
7	Ern Stapleton Reserve	5557	22 Ormond Road	Attadale
8	Harry Sandon Park	2, 8550	34 Haig Road	Attadale
9	Troy Park	301	51 Burke Drive	Attadale
10	Wal Hughes Reserve	8720	8 Loyola Way	Attadale
11	George Welby Park	2986	90 Marsengo Road	Bateman
12	Tom Firth Park	3681	33 Parry Avenue	Bateman
13	Bicton Baths Reserve	13016	80 Blackwall Reach Parade	Bicton
14	Blackwall Reach Reserve	11240	5 Honour Avenue	Bicton
15	Point Walter Reserve	11241	Honour Avenue	Bicton
16	Bob Crawford Reserve	11	Clements Road	Booragoon
17	Booragoon Lake Reserve	2306, 1672	500 Leach Highway	Booragoon
18	Connelly Park	10354	32 Connelly Way	Booragoon
19	Harry Stickland Park	361, 2955	10 Neesham Street	Booragoon
20	Hatfield Park	2573	36 Hatfield Way	Booragoon
21	Ken Ingram Park	2699	18 Colleran Way	Booragoon
22	Len Shearer Reserve	2005, 2744, 2348	521 Marmion Street	Booragoon
23	Wireless Hill Park	12884, 2674, 2335	4 Almondbury Road	Booragoon
24	Alec Lambert Park	2319, 3459,	4 Freeth Court	Brentwood
25	Bateman Park	2322, 2337, 4977, 4978	Moonlight Cove	Brentwood
26	Thomas Middleton Park	1733, 1734	3 Pulo Road	Brentwood
27	Bob Gordon Reserve	2352	10 Benningfield Road	Bull Creek
28	Brockman Park	2435, 3869, 3827, 3812, 3796	50 Brockman Avenue	Bull Creek
29	Centennial Park	3073	Cnr Parry Avenue and Benningfield Road	Bull Creek
30	Elizabeth Manion Park	2873, 2960	31 Oberthur Crescent	Bull Creek

#	Common Name	Lot Number/s	Location	Suburb
31	Reg Bourke Park	300	20 Camm Avenue	Bull Creek
32	Richard Lewis Park	2429, 2430	1 Bull Creek Drive	Bull Creek
33	Ron Carroll Reserve	2425	33 Bull Creek Drive	Bull Creek
34	Fred Johnson Park	2765	126 Darley Circle	Bull Creek
35	Trevor Gribble Park	3099	151 Parry Avenue	Bull Creek
36	Harold Field Reserve	2234	40 Ochiltree Way	Kardinya
37	Norm Godfrey Reserve	4212	42 Windelya Road	Kardinya
38	Red Gum Park West	4703, 500	16 Ellis Road	Kardinya
39	Beasley Park	501	14 Beasley Road	Leeming
40	Bill Brown Park	2563	1 Moyle Close	Leeming
41	Douglas Freeman Park	2874	44a Farrington Road	Leeming
42	Dudley Hartree Park	2823	14 Westall Terrace	Leeming
43	Harry Baker Park	2559	15 Hartfield Crescent	Leeming
44	John Connell Reserve	99, 300,	Dundee Street	Leeming
45	Ken Hurst Park	Lot 3 D 63916	Standard Guage Railway	Leeming
46	P J Hanley Park	562	6 Arvidson Court	Leeming
47	Peter Bosci Park	4114, 2830	21 Aulberry Parade	Leeming
48	Peter Ellis Reserve	3018	55 Farrington Road	Leeming
49	Phillip Jane Park	599, 608	37 Harrington Crescent	Leeming
50	Robert Weir Park	2927, 2735	18 Ramsdale Loop	Leeming
51	William Hall Park	2547	3 Irwin Street	Leeming
52	Bainton Park	485, 473	Bainton Road	Leeming
53	Art Wright Reserve	5699	244a Stock Road	Melville
54	Marmion Reserve	4,	440 Marmion Street	Melville
55	Olding Park	6677	2 Olding Way	Melville
56	Blue Gum Reserve	500, 488, 3451, 3423	25 Moolyeen Road	Mount Pleasant
57	Deep Water Point Reserve	11686, 3771	120 The Esplanade	Mount Pleasant
58	Mt Henry Bridge Reserve	3480	241 The Esplanade	Mount Pleasant
59	Reg Seal Reserve	1771, 1772	20 Darnell Avenue	Mount Pleasant
60	Quenda Wetlands	612	Murdoch Drive	Murdoch
61	Bill Sheehy Park	2727	51 McGregor Road	Palmyra
62	Arthur Kay Reserve	5831	1 Archibald Street	Willagee
63	Carawatha Park	8006	10 Archibald Street	Willagee
64	Piney Lakes Reserve	4768	555 Leach Highway	Winthrop

Dated 21 July 2025.

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

KAREN WHEATLAND, Deputy Mayor.
GAIL BOWMAN, Chief Executive Officer.

LG402

LOCAL GOVERNMENT ACT 1995

City of Melville

FENCING LOCAL LAW 2025

Under the powers conferred by the *Local Government Act 1995* and all powers enabling it, the Council of the City of Melville resolved on 15 July 2025 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Melville Fencing Local Law 2025*

1.2 Commencement

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

1.3 Repeal

The *By-Laws Relating to Fences* published in the *Government Gazette* on 15 February 1985 is repealed on the day this local law comes into operation.

1.4 Application

(1) This local law applies throughout the district.

(2) This local law does not bind the City of Melville in relation to land owned by, vested in, or under the care, control or management of the City.

1.5 Definitions

In this local law, unless the context requires otherwise—

Act means the *Local Government Act 1995*;

authorised person means a person appointed by the CEO under section 9.10(2) of the Act to perform any of the functions of an authorised person under this local law;

AS means an Australian Standard as published by Standards Australia and as amended from time to time;

City means the City of Melville;

cycle path has the meaning given to it by the *Road Traffic Code 2000;*

dangerous, in relation to any fence, means—

(a) an electrified fence other than a fence approved by the City under this local law;

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

(c) a fence containing exposed broken glass, asbestos fibre, razor wire or any other potentially harmful projection or material; or

(d) a fence which, in the opinion of an authorised person, is likely to collapse or fall, or part of which is likely to collapse or fall, from any reasonably predictable cause;

district means the district of the City of Melville;

dividing fence has the meaning given to it in the *Dividing Fences Act 1961*;

fence means any structure, not including a retaining wall, used or functioning as a barrier, irrespective of where it is located and includes any gate;

footpath has the meaning given to it by the *Road Traffic Code 2000;*

front boundary means the boundary line between a lot and the thoroughfare upon which that lot abuts, or in the case of a lot abutting on more than one thoroughfare, the boundary line between the lot and the primary thoroughfare;

front fence means a fence erected on the front boundary of a lot or a line adjacent to the front boundary;

height in relation to a fence means the vertical distance between—

(a) the top of the fence at any point; and

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

local government means the City of Melville;

local government property means anything except a thoroughfare—

(a) which belongs to the local government;

(b) of which the local government is the management body under the *Land Administration Act 1997*; or

(c) which is an 'otherwise unvested facility' under section 3.53 of the *Local Government Act 1995*;

local planning scheme means a local planning scheme made by the local government under the *Planning and Development Act 2005* that applies to the district or that part of the district in which the fence is located;

lot has the meaning given to it in the *Planning and Development Act 2005*;

non-residential lot means a lot where the following uses, or like uses, is or may be permitted under the local planning scheme and is or will be the predominant use of the lot—

(a) centre;

(b) mixed use;

(c) light industry;

(d) service commercial; and

(e) private clubs, institutions and places of worship;

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

owner has the meaning given to it in the *Dividing Fences Act 1961;*

public place includes any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include—

(a) premises on private property from which trading is lawfully conducted under a written law; and

(b) local government property;

residential lot means a lot where a residential use—

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

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

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

shared path has the meaning given to it in the *Road Traffic Code 2000;*

sufficient fence means a fence described in clause 2.1;

thoroughfare has the meaning given to it in the Act, and includes any carriageway, median strip, verge and path within the area bounded by the property lines of the lots abutting the thoroughfare, but does not include a private thoroughfare which is not under the management or control of the local government or the State;

1.7 Relationship with other laws

(1) In the event of any inconsistency between the provisions of the local planning scheme and the provisions of this local law, the provisions of the local planning scheme prevail.

(2) Nothing in this local law affects the need for compliance, in respect of a fence, with—

(a) any relevant provisions of the local planning scheme; and

(b) any relevant provisions that apply if a building permit is required for that fence under the *Building Act 2011* or *Building Regulations 2012*.

1.8 Public place—Item 4(1) of Division 1, Schedule 3.1 of the Act

The following places are specified as a public place for the purpose of item 4(1) of Division 1 of Schedule 3.1 of the Act—

(a) a public place, as that term is defined in clause 1.5 of this local law; and

(b) local government property.

PART 2—DIVIDING FENCES

2.1 Dividing fence must be a sufficient fence

A person may only erect a dividing fence—

(a) which meets the specifications and requirements of a sufficient fence as outlined in clause 2.2; or

(b) for a dividing fence separating non-residential lots, which conforms with a development approval given under the relevant provisions of the local planning scheme.

2.2 Meaning of a sufficient fence

(1) For the purposes of the *Dividing Fences Act 1961*, a dividing fence is a sufficient fence if it is—

(a) on or near the boundary between two residential lots and is constructed and maintained in accordance with the specifications and requirements of Schedule 1;

(b) on or near the boundary between two non-residential lots and is constructed and maintained in accordance with the specifications and requirements of Schedule 2; or

(c) on or near the boundary between a residential lot and non-residential lot and is constructed and maintained in accordance with the specifications and requirements of Schedule 1.

(2) Unless otherwise authorised by the local government, a sufficient fence between lots other than those specified in subclause (1) is a fence constructed and maintained in accordance with the specifications and requirements of Schedule 1.

(3) A dividing fence lawfully erected prior to this local law coming into operation is also deemed to be a sufficient fence for the purposes of the *Dividing Fences Act 1961*.

PART 3—FENCING WITHIN THE STREET SETBACK AREA

3.1 Sightlines at vehicle access points

(1) On a residential lot comprising a single house or 3 or less grouped dwellings, a fence adjacent to any vehicle access point must—

(a) be truncated or reduced in height to no greater than 0.75m within 1.5m of where a driveway meets a public street; or

(b) contain no more than one solid pier to a maximum width of 0.35m and maximum height of 2.1m within the 1.5m truncation area. The solid fencing otherwise within the truncation area must be a maximum height of 0.75m and any fencing above 0.75m must have a surface area which is 80% open and free of obstructions to view.

(2) For all other lots, a fence adjacent to any vehicle access point must be truncated or reduced in height to no greater than 0.75m within the "sight triangles" identified in clause 3.2.4 (b) and Figure 3.3 of AS2890.1:2004.

3.2 Gates in fences

(1) A person must not install a gate in a fence which when open—

(a) may obstruct any part of a thoroughfare, footpath, cycle path or shared path, or

(b) may obstruct the vision of a vehicle driver, pedestrian or cyclist using a thoroughfare, footpath, cycle path or shared path,

without first obtaining the written approval of the local government.

PART 4—FENCING MATERIALS AND REQUIREMENTS

4.1 Prohibited fencing materials

(1) In erecting or repairing a fence a person must not use—

(a) broken glass or any other potentially harmful projections or material;

(b) asbestos fibre; or

(c) material that is likely to collapse or fall, or part of which is likely to collapse or fall, from any reasonably foreseeable cause.

(2) A person must not affix to any fence on a residential lot any—

(a) barbed wire;

(b) razor wire;

(c) material with spiked, sharp or jagged projections; or

(d) material capable of inflicting injury on any person, animal or bird.

(3) A person must not erect an electrified fence on a residential lot.

4.2 Fencing materials requiring written approval

(1) A person must not affix to any fence, on a non-residential lot, any—

(a) barbed wire;

(b) razor wire;

(c) material with spiked, sharp or jagged projections; or

(d) material capable of inflicting injury on any person, animal or bird,

unless that person has the prior written permission of the local government.

(2) A person must not erect an electrified fence on a non-residential lot, unless that person has the prior written permission of the local government.

(3) A person must not erect a fence or repair a fence with anything other than new materials, unless that person has the prior written permission of the local government.

(4) Where the local government approves pre-used materials in the construction of a fence under subclause (3), that approval shall be conditional on the applicant painting or treating the pre-used materials as directed by an authorised person.

4.3 Maintenance of fences

(1) The owner of a lot on which a fence is erected must maintain the fence in good condition so as to prevent it from becoming dangerous, dilapidated or unsightly to the amenity of the locality.

(2) Where a fence separates adjoining private land, each of the owners of the adjoining land are liable to maintain the fence as required in subclause (1).

PART 5—APPROVALS

5.1 Application for approval

(1) Where a person is required to obtain the approval of the local government under this local law, that person must apply for approval in accordance with subclause (2).

(2) An application for approval under this local law must—

(a) be made in the form determined by the local government;

(b) be signed by the applicant and the owner of the lot;

(c) provide the information required by the form; and

(d) be accompanied by any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

(3) The local government may require an applicant to, within 21 days, provide additional information reasonably related to an application before determining an application for approval.

(4) The local government may refuse to consider an application for approval—

(a) which is not made in accordance with subclause (2); or

(b) where the applicant has not provided any additional information required under subclause (2).

(5) A person must not provide false or misleading information in relation to any application for approval under this local law.

Note: Part 5 applies to approvals under sections 3.2 and 4.2 of this local law.

5.2 Decision on application for approval

(1) The local government may, in respect of an application made under clause 5.1—

(a) approve it, whether unconditionally or subject to any conditions as the local government considers appropriate; or

(b) refuse to approve it.

(2) The local government must decide whether or not to approve an application within 21 days.

(3) In determining whether to grant approval under subclause (1), the local government is to have regard to any adverse effect the proposed fence would have on—

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

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

(c) the visual amenity of the locality.

(4) Where the local government refuses to approve an application for approval, it must give written notice of the decision, together with grounds and reasons, to the applicant.

(5) Where the local government has not made a decision within the time mentioned in subclause (2), it is taken to have refused to give approval, and any fee payable under subclause (2)(d) is to be refunded to the applicant.

(6) The local government may, at any time, amend a condition of approval, and the amended condition takes effect 14 days after written notice of it is given to the applicant.

5.3 Compliance with approval

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

5.4 Duration of approval

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

(a) runs with the lot to which it relates;

(b) may be relied on by any subsequent owner or occupier of the lot; and

(c) may be enforced by the local government against a subsequent occupier or owner of the lot.

5.5 Revocation of an approval

(1) The local government may, by written notice to the applicant and the owner of the lot to which the approval relates, revoke an approval where any works the subject of the approval are not completed within two (2) years of the date of approval.

(2) Where an approval is revoked pursuant to subclause (1), it ceases to be of any force and effect.

PART 6—ENFORCEMENT

6.1 Legal proceedings and evidence

Provisions relating to legal proceedings and evidence are contained in Subdivision 3 and 4 of Division 2 of Part 9 of the Act.

6.2 Notices of breach

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

(2) The notice of breach must—

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

(b) specify the particulars of the breach;

(c) state the actions that the owner must undertake to remedy the breach; and

(d) state the time by which the actions in the notice must be completed.

(3) An owner given a notice of breach must remedy the breach within the time specified in the notice.

(4) Should an owner fail to remedy the breach within the time specified in the notice, the local government may, by its employees, agents or contractors, enter upon the lot to which the notice relates and remedy the breach, and may recover the expenses of doing so from the owner of the lot in a court of competent jurisdiction.

(5) The provisions of this clause are subject to section 3.25 and item 12 of Division 1 of Schedule 3.1 of the Act, and any entry on to land must be in accordance with Part 3, Division 3 of the Act.

6.3 Offences and general penalty

(1) A person who fails to comply with a notice of breach, or 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.

(2) Any 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 a continuing offence, to an additional penalty not exceeding $500 for each day or part of the day during which the offence has continued.

6.4 Modified penalties

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

(2) In accordance with section 9.16 of the Act, an authorised person who has reason to believe that a person has committed an offence against this local law may, within 28 days after the alleged offence is believed to have been committed, give an infringement notice to the alleged offender.

(3) In accordance with section 9.17 of the Act, a person who does not contest an allegation that he or she has committed offence against this local law may, within the time specified in an infringement notice or within such further time as may, in any particular case, be allowed by the CEO, pay the modified penalty for that offence which, in accordance with section 9.21 of the Act, has the effect of preventing the local government from commencing a prosecution for the alleged offence.

(4) The amount appearing in the final column of Schedule 3 directly opposite a prescribed offence in that Schedule, is the modified penalty for that offence.

(5) Provisions relating to modified penalties in general are contained in Subdivision 2 of Division 2 of Part 9 of the Act.

6.5 Form of notices

(1) For the purposes of this local law—

(a) the form of infringement notice referred to in sections 9.16 and 9.17 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 referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

6.6 Objection and appeals

(1) When the local government makes a decision under clause 5.2, the provisions of Division 1 of Part 9 of the Act and regulation 33 of the *Local Government (Functions and General) Regulations 1996* apply to that decision.

Schedule 1—Sufficient Fence—Residential Lots

(1) This Schedule does not apply to a front fence.

(2) On a residential lot, a sufficient fence is a dividing fence that—

(a) is constructed of—

(i) timber pickets or palings;

(ii) masonry (including brick, stone or concrete);

(iii) factory-coloured sheet metal posts and panels; or

(iv) any combination of the materials described in paragraphs (i)-(iii); and

(b) is between 1.8m and 2.3m in height.

Schedule 2—Sufficient Fence—Non-Residential Lots

(1) This Schedule does not apply to a front fence.

(2) On a non-residential lot, a sufficient fence is a dividing fence that—

(a) meets the specifications of Schedule 1; or

(b) is constructed of—

(i) a galvanized or PVC steel frame and galvanized or PVC link mesh, chain mesh or steel mesh; or

(ii) painted or galvanized steel or aluminium sheeting; and

is between 1.8m and 2.3m in height.

Schedule 3—Modified Penalties

Item	Clause	Nature of Offence	Modified Penalty $
2	3.1	Constructing a front fence adjacent to a vehicle access point without an adequate truncation.	$250
3	3.3	Installing a gate in a fence that causes an obstruction when open.	$250
4	4.1(1)	Affixing prohibited materials to a fence.	$500
5	4.1(2)	Erecting an electrified fence on a residential lot.	$500
6	4.2(1)	Constructing or repairing a fence with restricted materials without the permission of the local government.	$500
7	4.2(2)	Erecting an electrified fence on a non-residential lot without the permission of the local government.	$500
8	4.2(3)	Constructing or repairing a fence with pre-used materials without the permission of the local government	$250
9	4.3	Failure to maintain a fence in a good condition.	$250
10	5.1(5)	Providing false or misleading information in relation to an application for approval.	$250
11	5.3	Failure to comply with terms or conditions of approval.	$500
12	6.2(3)	Failure to comply with notice of breach.	$500

Dated 21 July 2025.

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

KAREN WHEATLAND, Deputy Mayor.
GAIL BOWMAN, 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,
Coolgardie WA 6429.

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.

COOLGARDIE MINERAL FIELD

Prospecting Licences

P 16/3117	Carboon, Bevan Edward Owen, Tristan David

MP402

PETROLEUM PIPELINES ACT 1969

Section 23

NOTICE OF SURRENDER OF LICENCE PL 80

Licence PL 80 held by Latent Petroleum Pty Ltd has been surrendered by service of the registerable surrender instrument, effective 23 July 2025.

JACINTA SMITH, Tenure Officer, Resource Tenure Division.

PLANNING

PL401

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

Shire of Gnowangerup

Local Planning Scheme No. 2 Amendment No. 14

File: TPS/3101

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 Gnowangerup Local Planning Scheme No. 2 on 7 July 2025 for the purpose of—

1. Rezoning Lot 2387 to Deposited Plan 111237 Strathaven Road, Gnowangerup from 'General Agriculture' to 'Rural Residenitial'.
2. Inserting Rural Residential Area No. 4 (RR4) into Schedule 11—Rural Residential Zone Provisions and adding the following Special Conditions and Provisions—

Map No.	Property Description	Special Conditions and Provisions
RR4	Lot 2387 Strathaven Road, Gnowangerup	1. The minimum lot size shall be 1 hectare. 2. Habitable buildings are to be set back 50m from the lot boundary adjacent to the Gnowangerup-Jerramungup Road. 3. All other site and development requirements are to be in keeping with the standards for R2, set out in Table B of the Residential Design Codes. 4. At subdivision stage, conditions are to be imposed that would prevent any direct vehicular access to the Gnowangerup-Jerramungup Road.

3. Amending the Scheme Map to designate Lot 2387 to Rural Residential, and adding a 'RR4' label.

K. O'KEEFFE, President.
D. NICHOLSON, Chief Executive Officer.

PL402

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

Shire of Harvey

Local Planning Scheme No. 2 Amendment No. 1

File: TPS/3249

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 Harvey Local Planning Scheme No. 2 on 10 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

(ii) a caravan park;

(c) and 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—

- *"bed and breakfast"*;
- *"holiday accommodation"*;
- *"holiday house"*;
- *"motel"*;
- *"serviced apartment"*; and
- *"tourist development"*.

B. Amend the existing land use term for "*road house"* by deleting paragraph (d) and inserting—

"(d) 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."

C. Insert the definition for *tourist* and *visitor accommodation* as—

"(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;"

3. In clause 17 'Zoning Table', insert in alphabetical order the following land uses and permissibility—

- "Hosted Short-Term Rental Accommodation" and designate as 'P' in the Residential, Rural Residential, Mixed Use, District Centre, Neighbourhood Centre, Commercial, Environmental Conservation, Priority Agriculture and Rural zones and 'X' in all other zones.
- "Unhosted Short-Term Rental Accommodation" and designate as 'P' in the Tourism and District Centre zones, 'D' in the Environmental Conservation, Priority Agriculture and Rural zones, 'A' in the Residential and Rural Residential zones and 'X' in all other zones.
- "Tourist and Visitor Accommodation" and designate as 'P' in the Tourism zone, 'D' in the Mixed Use, District Centre, Neighbourhood Centre, Commercial, Priority Agriculture and Rural zones, 'A' in the Residential and Environmental Conservation zones and 'X' in all other zones.

4. In clause 17 'Zoning Table', delete "Bed and Breakfast", "Holiday Accommodation", "Holiday House", "Motel", "Service Apartment" and "Tourist Development".

5. In Schedule 1 Additional Uses, replace—

A. "Holiday Accommodation" with "Tourist and Visitor Accommodation" in the 'Additional use' and 'Conditions' columns of No. A3.

B. "Bed and Breakfast" and "Short Stay Accommodation" with "Unhosted Short-Term Rental Accommodation" in the 'Additional use' column of No. A12.

C. "Tourist Development" with "Tourist and Visitor Accommodation" in the 'Additional use' column of No. A13.

6. In Schedule 2 Restricted Uses, No. R1, replace "Holiday Accommodation", "Bed and Breakfast" and "Holiday House" with "Unhosted Short-Term Rental Accommodation" in the 'Additional use' column.
7. In Schedule 4 Additional Site and Development Requirements, Table 6 Car Parking Requirements, delete all references to—
   - "Bed and Breakfast";
   - "Holiday House";
   - "Motel"; and
   - "Serviced Apartment".
8. In Schedule 4 Additional Site and Development Requirements, Table 6 Car Parking Requirements amend the following in the "Land Use Class" column—
   - "Holiday Accommodation" to "Unhosted Short-Term Rental Accommodation"; and
   - "Tourist Development" to "Tourist and Visitor Accommodation".

M. CAMPBELL, President.
A. RIORDAN, Chief Executive Officer.

PL403

PLANNING AND DEVELOPMENT ACT 2005

GREATER BUNBURY REGION SCHEME

Notice of Resolution—Clause 13

Treendale East Development Area

Amendment 0071/13

Shire of Harvey

File: RLS/1177

Notice is hereby given that in accordance with Clause 13 of the Greater Bunbury Region Scheme (GBRS), the Western Australian Planning Commission (WAPC) resolved on 16 July 2025 to transfer approximately 188 hectares of land within the Treendale East Development Area from the Urban Deferred zone to the Urban zone, as shown on WAPC plan number 4.1677.

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 a region scheme, 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 Greater Bunbury Region Scheme Amendment 0071/13 being transferred to the Urban Development zone in the Shire of Harvey Local Planning Scheme No. 2.

Accordingly, the amendment to the Greater Bunbury Region Scheme and the Shire of Harvey Local Planning Scheme No. 2 are effective on and 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 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.

PUBLIC NOTICES

ZZ401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Stuart Anthony Spouse late of 5 The Arcade, Station Road, Liss, Hampshire in the United Kingdom, 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 13 December 2024, are required by the executor to send particulars of their claims to Lewis Kitson Lawyers of Level 1, 43 Kishorn Road, Applecross in the State of Western Australia within one (1) month of the date of this notice, after which date the trustee may convey or distribute the assets, having regard only to the claims which he then has notice.

ZZ402

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Audrey Brown, Late of U.17/385 Dandaragan Street, Moora, 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 29 March 2025, are required by the executor, to send particulars of their claims to care of P.J.Brown, 3 Burley Street, Mandurah, WA 6210, within thirty (30) days of the date of publication here of, after which the executor may convey or distribute the assets having regard only to the claims of which they then has notice.

ZZ403

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Pauline Ann Ashwin late of Craigcare Albany, Beaufort Road, Yakamia, 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 12th day of December 2024, are required by the Executor of the Estate of Pauline Ann Ashwin of c/- Haynes Robinson Lawyers of PO Box 485, Albany, Western Australia 6331 to send particulars of their claims to them within one (1) month from 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 it then has notice.

ZZ404

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Estate of Peter George Alexander Chappel, late of 14 Tonbridge Way, 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 above named deceased, who died on 1st April 2025, are required by the executor, Georgina Wade, 7 Brunswick Bend, Jane Brook, WA 6056, to send particulars of their claims to her within one month from the date of publication of this notice, after which date the executor may convey or distribute the assets, having regard only to the claims of which she has notice.

ZZ405

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Jean Margaret Aileen Geddes, late of 72 Huntriss Road, Gwelup, 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 25 October 2024, are required by the Executor, Monique Geddes, of 3/4 Mountjoy Road, Nedlands, WA 6009, to send particulars of their claim within one month of 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.

ZZ406

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before 25 August, 2025, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Bassi, Terence Anthony (also known as Terance Anthony Bassi, Terry Anthony Bassi and Terrance Anthony Bassi), formerly of Homestay Village Retirement Village, Unit 46, 267 Wharf Street, Queens Park, late of Hall & Prior Hamersley Nursing Home, 441 Rokeby Road, Shenton Park, who died on 8 November 2024 (DE33215373 EM24).

Bellotti, Len, late of Cleaver Street, Carnarvon, who died on 22 June 2015 (PM33111008 EM27).

Bradamante, Stefania, late of St David's Retirement Living Village, 17-19 Lawley Crescent, Mount Lawley, who died on 2 October 2020 (PM33113831 EM27).

Chambers, Molly, late of Amana Living—Edward Collick Home, 173 Wilson Street, Kalgoorlie, who died on 20 August 2018 (PM33108982 EM27).

Halnan, Valma Lorraine, late of 29C Wilcock Avenue, Balcatta, who died on 1 May 2025 (DE19761298 EM52).

Kirk, Elizabeth Ann (also known as Betty), late of Air Force Memorial Estate Gordon Lodge Unit 57, 2 Bull Creek Drive, Bull Creek, who died on 22 June 2025 (DE33001224 EM55).

Kostka, Willibald (also known as William Coster), late of Villa Pelletier, 48 Ruislip Street, West Leederville, who died on 10 November 2019 (PM33061318 EM27).

Laughton, Valerie Joy, late of St Vincents Aged Care, Room 212, 224 Swan Street W, Guildford, who died on 16 December 2024 (DE19982361 EM313).

Manthorpe, Robert Scott, formerly of 5 Ozone Court, Halls Head, late of Regis Port Coogee, 72 Pantheon Avenue, North Coogee, who died on 10 May 2025 (DE19990905 EM36).

McKeown, Peter Brian, late of Juniper Korumup Residential Aged Care Home, 11 Townsend Street, Lockyer, who died on 23 June 2025 (PM33192494 EM12).

Osbourne, Anne May, late of Lakeside Gardens Flexicare, Unit 20, 128 Bibra Drive, Bibra Lake, who died on 4 June 2025 (DE19933193 EM32).

Satour, Christina Mary, late of Juniper Hayloft Residential Aged Care, 1 Lewis Road, Martin, who died on 27 February 2025 (DE19872591 EM313).

Stevens, Shirley Yvonne, late of 27 Torquata Boulevard, Helena Valley, who died on 19 June 2025 (DE19991445 EM15).

Tripi, Calogera, late of Italian Village Fremantle, 95 Samson Street, White Gum Valley, who died on 29 June 2025 (DE33070984 EM55).

Weldermariam, Fessehaye Tesfamariam (also known as Fessehaye Weldermariam), late of Windsor Park Aged Care, 110 Star Street, Carlisle, who died on 12 February 2025 (PM33124287 EM12).

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

ZZ501

CHANGE OF CUSTODIANSHIP

Client closed Will files of Durack & Zilko Lawyers legal practice

Notice to Public

Please be advised that as of 30 June 2025, Fort Knox Legal of 123B Colin Street, West Perth, Western Australia, has taken over the custodianship of the closed client Will files of the former legal practice of Durack & Zilko Lawyers previously of Level 3, 95 Stirling Highway, Nedlands, Western Australia.
