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

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- 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:

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- Enquiries regarding publication of notices can be directed to the Publications Officer on (08) 6552 6012.
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CONSUMER PROTECTION

CP401

RETAIL TRADING HOURS ACT 1987**RETAIL TRADING HOURS (SHIRE OF KATANNING) VARIATION ORDER 2023**

Made by the Minister for Commerce under section 12E of the Act.

1. Citation

This order is the *Retail Trading Hours (Shire of Katanning) Variation Order 2023*.

2. Commencement

This order comes into operation as follows—

- (a) clauses 1 and 2—on the day on which this order is published in the *Gazette*;
- (b) the rest of the order—on the day after that day.

3. Variation of retail trading hours

- (1) General retail shops, other than motor vehicle shops, in the Katanning local government district are authorised to be open at times when those shops would otherwise be required to be closed—
 - (a) on Sunday in each week from 10.00am until 5.00pm; and
 - (b) on each public holiday or public half-holiday from 10.00am until 5.00pm.
- (2) Despite subclause (1) general retail shops within the Katanning local government district are required to be closed on Christmas Day, Good Friday and until 12.00pm on ANZAC Day.

4. Revocation

The *Retail Trading Hours (Shire of Katanning) Sunday Variation Order 2017* is revoked.

Hon. SUE ELLERY, MLC, Minister for Commerce.

ELECTORAL

EL401

ELECTORAL ACT 1907**REGISTRATION OF POLITICAL PARTIES—WESTERN AUSTRALIA****Notice of Continued Registration (Section 62H and 217)****Legalise Cannabis Party WA**

I hereby give notice that I am satisfied the application for continued registration made by the Legalise Cannabis Party WA complies with the *Electoral Act 1907*. Thus, in accordance with section 217 of the *Electoral Act 1907*, on Tuesday, 5 September 2023 I replaced the information in the register of political parties for “LEGALISE CANNABIS WESTERN AUSTRALIA” with the political party name “Legalise Cannabis Party WA”. The party has also registered “Legalise Cannabis Party WA” as the party name for use on ballot papers.

Dated 5 September 2023.

ROBERT KENNEDY, Electoral Commissioner.

FIRE AND EMERGENCY SERVICES

FE401

BUSH FIRES ACT 1954**TOTAL FIRE BAN DECLARATION**

Correspondence No. D18023

Pursuant to powers delegated under the *Bush Fires Act 1954*, the Assistant Commissioner of the Department of Fire and Emergency Services, declared under Section 22A of the *Bush Fires Act 1954*, a total fire ban for 3 September 2023 for the local government districts of—

Laverton and Menzies.

Dated 2 September 2023.

RICK CURTIS, Assistant Commissioner of the Department of Fire and Emergency Services, as a sub-delegate of the Minister under section 16 of the *Fire and Emergency Services Act 1998*.

JUSTICE

JU401

JUSTICES OF THE PEACE ACT 2004 TERMINATIONS

It is hereby notified for public information that the appointment of the following person from the Office of Justice of the Peace for the State of Western Australia has been terminated pursuant to section 14 of the *Justices of the Peace Act 2004 (WA)*—

Mrs Dawn Michelle Kelly of Warwick.

JOANNE STAMPALIA, Deputy Director General, Court and Tribunal Services.

LOCAL GOVERNMENT

LG401

LOCAL GOVERNMENT ACT 1995 *Shire of Kondinin*

FENCING LOCAL LAW 2023

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Kondinin resolved on 19 July 2023 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Kondinin Fencing Local Law 2023*.

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 *Municipality of the Shire of Kondinin By-laws Relating to Fences* as published in the *Government Gazette* on 9 November 1979, are 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 permit 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 Kondinin Shire Office;

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

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

CEO means the Chief Executive Officer of the local government;

commercial lot means a lot where a commercial 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 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 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;

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;

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;

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

- (a) is or may be permitted under a local planning scheme; and
- (b) is or will be the predominant use of the lot;

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

light industry lot means a lot where a light industrial use—

- (a) is or may be permitted under a local planning scheme; and
- (b) is or will be the predominant use of the lot;

local government means the Shire of Kondinin;

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;

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*;

permit means a permit issued under Part 6;

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) or may be permitted under a local planning scheme; and
- (b) 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 lot means a lot where a rural or rural residential use—

- (a) is or may be permitted under a local planning scheme; and
- (b) is or will be the predominant use of the lot;

rural residential lot means a lot where a rural residential use—

- (a) is or may be permitted under a local planning scheme; and
- (b) is or will be the predominant use of the lot;

rural townsite lot means a lot where a rural townsite 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 zoned as special use under a local planning scheme;

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;

urban development lot means a lot zoned as urban development under a local planning scheme;

visually permeable in reference to a wall, gate, door, screen or fence 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, rural townsite, special use or urban development lot is a dividing fence constructed and maintained in accordance with Schedule 1;
- (b) on a commercial, general industry or light industry lot is a dividing fence constructed and maintained in accordance with Schedule 2; and
- (c) on a rural residential lot is a dividing fence constructed and maintained in accordance with Schedule 3.

2.3 Sufficient fences—between lots having different requirements

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

- (a) a residential, rural townsite, special use or urban development lot and a lot zoned for any other purpose, a sufficient fence is a fence constructed and maintained in accordance with Schedule 1;
- (b) a commercial, general industry or light industry lot and a rural lot, a sufficient fence is a fence constructed in accordance with Schedule 2; and
- (c) a rural lot and any other lot, a sufficient fence is a fence constructed in accordance to the requirements of the other lot.

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 permit 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 permit for that purpose.
- (2) 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 without a permit.

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 unless the fence is a sufficient fence.

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.
- (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 other 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 permit.
- (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) Where land has been filled or retained to a height of more than 500mm above natural ground level at or within 1000mm of a boundary of a lot, a person shall only construct a dividing fence that is a sufficient fence on the said filled land or retaining wall if the person produces to an authorised person the written consent of the owners of the adjoining lot.

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 spikes, 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 permit issued by an authorised person.
- (2) Where a permit 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 shall not affix or allow to remain any barbed wire on any fence bounding that lot.
- (2) An owner or occupier of a rural townsite, special use or urban development lot shall not place or affix barbed wire upon a fence bounding that lot without first obtaining a permit.

- (3) An owner or occupier of a rural or rural residential 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.
- (4) An owner or occupier of a commercial, general industry or light industry lot shall not construct or affix to any fence bounding that lot any barbed wire unless—
 - (a) the wire or material are attached on posts vertically or at an angle of 45 degrees; and
 - (b) the bottom row of wire or other materials is not less than 2000mm above the ground level.
- (5) If the posts that carry the barbed wire or other materials referred to in subclause (4) 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, barbed wire or other materials do not encroach onto or over adjoining land.

5.2 Electrified fencing

- (1) An owner or occupier of a lot shall not construct or use an electrified fence on that lot without first obtaining a permit.
- (2) Notwithstanding subclause (1), a permit is not required for an electrified fence that is—
 - (a) constructed on a rural lot;
 - (b) for the purpose of animal 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.
- (4) 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*, as amended from time to time, and that is available for viewing free of charge at the Shire of Kondinin Administration Offices.
- (5) A permit to have and use an electrified fence for the purpose of security shall not be issued—
 - (a) in respect of a lot that is a residential lot or that portion of a fence adjoining a residential lot; and
 - (b) unless provision is made so as to enable the fence to be rendered inoperable during the hours of business operations, if any, on the lot where it is constructed.

5.3 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 first obtaining a permit under subclause (2).
- (2) A permit 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 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—PERMITS

6.1 Application for a permit

- (1) An owner of a lot may apply to the local government for a permit under this Part.
- (2) An application for a permit 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;
 - (c) 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 permit.

6.2 Determination of an application

- (1) An authorised person may refuse to consider an application that does not comply with clauses 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 permit, an authorised person may consider, in addition to any other matter authorised to consider, whether the construction or retention of the fence would have an 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 permit 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 permit issued

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

6.4 Revocation of a permit

An authorised person may revoke a permit if—

- (a) the owner or occupier requests an authorised person to do so;
- (b) the fence to which the permit 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 permit for the fence could no longer be granted under the local law;
- (d) the owner or occupier fails to comply with a condition of the permit 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 permit

- (1) Unless otherwise stated in the permit, a permit 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 permit 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 permit 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 permit;
- (b) impose or vary a condition of a permit; or
- (c) revoke a permit.

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, 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) 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*.
- (6) 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 and penalties

- (1) 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.
- (2) 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.

8.3 Prescribed offences

- (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.

8.4 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, rural townsite, special use or urban development lots

[Clause 2.2(a)]

1. On a residential, rural townsite, special use or urban development 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); and
 - (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; and
 - (iii) if the fence is a side boundary fence that uniformly slopes down from not more than 1800mm to no more than 1200mm in height over a maximum distance of 1500mm from the start of the front set back area from the building to the front of the lot;
 - (c) in the case of any other dividing fence, the fence is between 1750mm and 1850mm in height, and to which an extension of lattice or other permeable material as agreed between the owner 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 commercial, general industry or light industry lots

[Clause 2.2(b)]

1. On a commercial, general industry or light industry lot, a sufficient fence is a dividing fence that—
 - (a) is constructed in accordance with Schedule 1; or
 - (b) is constructed of—
 - (i) galvanised or PVC coated link mesh, that is no higher than 2000mm unless it is topped with up to 3 strands of plain or barbed wire;
 - (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); and
- (c) in the case of a front fence—
 - (i) is not more than 1200mm in height; or
 - (ii) 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; and
 - (iii) if the fence is a side boundary fence that uniformly slopes down from no more than 2000mm to no more than 1200mm in height over a maximum distance of 1500mm from the start of the front set back area from the building to the front of the lot; and
- (d) in the case of any other dividing fence, the fence is no more than 2400mm in height, including not more than three strands of plain or barbed wire.
- 2. Upon application, an authorised person may issue a permit varying clause 1(c) of this Schedule, 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 rural residential lots

[Clause 2.2(c)]

- 1. On a rural residential lot, a sufficient fence is a dividing fence that is at least 1200mm in height so as to prevent stock passing through and—
 - (a) in the case of a non-electrified fence, is of—
 - (i) post and wire construction with at least five wires, 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
 - (b) in the case of an electrified fence, constructed in accordance with clause 5.2(2).
- 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 8.3(1)]

Item	Clause	Nature of offence	Modified penalty \$
1	2.1	Construction or alteration of a dividing fence on a lot that is not a sufficient fence without a permit	200
2	3.1	Construction of a non-compliant fence within front setback area without a permit	200
3	3.2	Construction or maintenance of a non-compliant fence in a secondary setback area without a permit	200
4	3.3	Construction of a non-compliant fence, wall or other structure at a vehicle access point	200
5	3.4	Obstruction of a watercourse	200
6	3.5	Construction of a gate or fence encroaching over other land	200
7	3.6	Construction of a retaining wall more than 500mm in height without a building permit	500
8	3.7	Construction of a masonry wall or fence more than 750mm in height without a building permit	200
9	3.8(1)	Alteration of natural ground levels without a permit	500
10	3.8(2)	Construction of a corrugated fibre-reinforced pressed cement fence with more than 150m difference in ground levels on each side	200

11	3.8(3)	Construction of a fence or retaining wall more than 500mm in height within 1000mm of a boundary without written consent of adjoining owners	200
12	3.9(1)	Failure to maintain fence in good condition	200
13	3.10	Construction or maintenance of a fence across right-of-way etc. without approval	500
14	4.1	Use of prohibited materials in a fence	500
15	4.2(1)	Use of pre-used fencing materials without a permit	200
16	5.1(1)	Using or allowing to remain barbed wire on a residential, rural townsite, special use or urban development lot	200
17	5.1(2)	Using or allowing to remain barbed wire on a rural townsite, special use or urban development lot without a permit	200
18	5.1(3)	Non-compliant use of barbed wire on a rural or rural residential lot	200
19	5.1(4)	Non-compliant use of barbed wire on a commercial, general industry or light industry lot	500
20	5.2(1)	Construction of an electrified fence without a permit	500
21	5.3(1)	Construction of a razor wire fence without a permit	500
22	6.3	Failure to comply with conditions of a permit for fence	500
23	6.6	Making a false or misleading statement	500
24	8.1(3)	Failure to comply with notice of breach in relation to Part 5—Restricted Fencing	500
25	8.1(3)	Failure to comply with notice of breach in relation to all matters other than Part 5—Restricted Fencing	200
26	8.2(1)	Other offences not specified	200

Dated this 16th of August 2023.

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

R.K. MOURITZ, President.
D.N. BURTON, Chief Executive Officer.

LG402

LOCAL GOVERNMENT ACT 1995

City of Rockingham

BASIS OF RATES

I, Tim Fraser, being delegated by the Minister of the Crown to whom the administration of the *Local Government Act 1995* is committed by the Governor, and acting pursuant to section 6.28 (1) of that Act, hereby, and with effect from 30 August 2023, determined that the method of valuation to be used by the City of Rockingham as the basis for a rate in respect of the land referred to in the Schedule is to be the gross rental value of the land;

Schedule

	Designated Land
UV to GRV	All those portions of land being Lot 184 to Lot 191 inclusive, Lot 193 to Lot 203 inclusive, Lot 205, Lot 206, Lot 215, Lot 219, Lot 220, Lot 385 to Lot 388 inclusive and Lot 9017 as shown on Deposited Plan 408858.

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

MARINE/MARITIME

MA401

WESTERN AUSTRALIAN COASTAL SHIPPING COMMISSION ACT 1965

NOTICE OF VACANCY ON COMMISSION

Under the *Western Australian Coastal Shipping Commission Act 1965* section 11(1), the following offices are declared to be vacant as from and including the day on which this notice is published in the *Government Gazette*—

- (a) the office of Vice-Chairman to which Anne Nolan was appointed for a period ending on 15 October 2022.

K. COLLERAN, Clerk of the Executive Council.

MINERALS AND PETROLEUM

MP401

MINING ACT 1978

Section 19

INSTRUMENT OF VARIATION AND EXTENSION OF TERM OF EXEMPTION OF LAND

I, Kristian Hartley Dawson, Executive Director, Resource Tenure, pursuant to section 19 of the *Mining Act 1978* hereby extend the exemptions as described hereunder for a further period of two years expiring on 3 September 2025 and vary the exemptions of land originally declared on 4 September 2019 and published in the *Government Gazette* dated 20 September 2019 by varying the description to that as described hereunder (not being private land or land that is the subject of a mining tenement or an application for a mining tenement) exempt from Divisions 1 to 5 of Part IV of the *Mining Act 1978*.

Description of Land

Land designated in the TENGRAPH electronic plan of the Department of Mines, Industry Regulation and Safety as—

Exemption	Description	Area (hectares)	File No and Document ID *
19/377	Proposed Badamia Conservation Reserves	89,374.17	A1177/201901, 10424536
19/380	Proposed Buccaneer Archipelago Marine Park	421,018.14	A1180/201901, 10424563
19/381	Proposed Fitzroy River National Park	311,033.96	A1181/201901, 10439524
19/383	Proposed Helena Aurora National Park	290,496.66	A1183/201901, 10425596
19/384	Proposed Kalbarri National Park Addition	39,858.77	A1184/201901, 10425615
19/385	Proposed Kennedy Range National Park and Giralia National Park	506,164.82	A1185/201901 10428034
19/387	Proposed Mount Augustus National Park Additions	430,042.77	A1187/201901, 10425664
19/388	Proposed Muggon Wooleen National Park	190,194.65	A1188/201901, 10425668
19/389	Proposed Ningaloo Coastal Reserves	330.40	A1189/201901, 10425684
19/390	Proposed Pimbee Reserve	98,642.29	A1190/201901 10428152
19/393	Proposed Shark Bay Terrestrial Reserve Additions	456,020.67	A1193/201901, 10428671
19/394	Proposed Wanjarri Nature Reserve Addition and Kaluwiri and Lake Mason National Park	105,263.05	A1194/201901, 10428067

* A geospatial description or map is filed in the Department of Mines, Industry Regulation and Safety electronic file as listed for each item.

Dated at Perth this 31st day of August 2023.

KRISTIAN HARTLEY DAWSON, Executive Director, Resource Tenure.

MP402**MINING ACT 1978**

Section 19

INSTRUMENT OF EXTENSION OF TERM OF EXEMPTION OF LAND

I, Kristian Hartley Dawson, Executive Director, Resource Tenure, pursuant to section 19 of the *Mining Act 1978*, hereby extend the exemptions originally declared on 4 September 2019 and published in the *Government Gazette* dated 20 September 2019 and as described hereunder (not being private land or land that is the subject of a mining tenement or an application for a mining tenement) from Divisions 1 to 5 of Part IV of the *Mining Act 1978*, for a period of two years expiring on 3 September 2025.

Description of Land

Land designated in the TENGRAPH electronic plan of the Department of Mines, Industry Regulation and Safety as—

Exemption	Description	Area (hectares)	File No and Document ID *
S19/379	Proposed Booloogooro National Park	17,748.57	A1179/201901, 8586454
S19/392	Proposed Recherche Archipelago and Stokes Inlet Marine Park	437,193.00	A1192/201901, 8587183

* A geospatial description or map is filed in the Department of Mines, Industry Regulation and Safety electronic file as listed for each item.

Dated at Perth this 31st day of August 2023.

KRISTIAN HARTLEY DAWSON, Executive Director, Resource Tenure.

PARLIAMENT

PA401

PARLIAMENT OF WESTERN AUSTRALIA

Royal Assent to Bills

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

Title of Act	Date of Assent	Act No.
Appropriation (Recurrent 2023-24) Act 2023	31 August 2023	18 of 2023
Appropriation (Capital 2023-24) Act 2023	31 August 2023	19 of 2023

Dated 4 September 2023.

SAM HASTINGS, Clerk of the Parliaments.

PLANNING

PL401**PLANNING AND DEVELOPMENT ACT 2005**

METROPOLITAN REGION SCHEME MAJOR AMENDMENT 1404/41

Roe 8 Remainder and Roe 9

(Removal of Primary Regional Roads Reservation)

Call for Public Submissions

The Western Australian Planning Commission (WAPC) is seeking public comment on a proposal to amend the Metropolitan Region Scheme (MRS) for land currently reserved as Primary Regional Roads (PRR), known as Roe 8 and Roe 9, in the local government areas of Cockburn and Fremantle.

The amendment proposes to reclassify portions of the PRR reservation and some nearby Urban zoned land to the Parks and Recreation reservation. Other portions of the PRR reservation and nearby Parks and Recreation reservation are proposed to be transferred to the Urban zone. The total amendment area is approximately 58 hectares.

Areas of the site recognised as having high environmental and heritage values are proposed to be reserved for Parks and Recreation under the MRS.

Areas proposed to be rezoned Urban have the potential to support various existing and proposed land uses. The proposed Urban zone will facilitate further planning at the local level to identify appropriate areas for local open space, recreation, private education, commercial, mixed use, and residential development.

The proposed amendment was informed by the Roe 8 and Roe 9 Corridor Planning Study, led by the Department of Planning, Lands and Heritage, which included a preliminary stakeholder and community engagement process, detailed environmental assessment study, bushfire assessment and transport planning advice.

Display locations

The plans showing the proposed change and the WAPC's amendment report which explains the proposal, will be available for public inspection, free of charge from Friday 7 July 2023 to Friday 6 October 2023 at the following locations—

- WAPC—Level 2, 140 William Street, Perth
- J.S. Battye Library—Level 3, Alexander Library Building, Perth Cultural Centre
- City of Perth—Council House, 27 St Georges Terrace, Perth
- City of Cockburn—9 Coleville Crescent, Spearwood
- City of Fremantle—Walyalup Civic Centre, 151 High Street, Fremantle
- City of Melville—10 Almondbury Road, Booragoon

Documents can also be viewed online at the Department of Planning, Lands and Heritage website at www.wa.gov.au/roe-8-9.

Submissions

Any person who desires to make a submission to support, object or provide comment on any part of the proposed amendment should do so on a Form 41, which is available from the display locations, the amendment report and online.

Submissions can be lodged online via <https://consultation.dplh.wa.gov.au>, emailed to RegionPlanningSchemes@dplh.wa.gov.au or by post to: Secretary, Western Australian Planning Commission, Locked Bag 2506, Perth WA 6001.

Submissions close **Friday 6 October 2023**. Late submissions will not be considered.

Ms SAM FAGAN, Secretary, Western Australian Planning Commission.

PL402

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
City of Swan
Local Planning Scheme No. 17—Amendment No. 213

Ref: TPS/3036

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 Swan Local Planning Scheme amendment on 28 August 2023 for the purpose of—

- Amend the scheme maps to reclassify Lot 3 (No.37) Cassowary Drive, Ballajura that was made unzoned by the gazettal of Metropolitan Region Scheme Amendment No.1379/57 to local reserve 'Public Purpose'

M. CONGERTON, Deputy Mayor.
L. VAN DER LINDE, Chief Executive Officer.

PREMIER AND CABINET

PR401

INTERPRETATION ACT 1984
MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor, in accordance with section 12(c) of the *Interpretation Act 1984*, has approved the following temporary appointment.

Hon D. A. Templeman MLA to act temporarily in the office of Minister for Police; Corrective Services; Defence Industry; Veterans Issues in the absence of the Hon P. Papalia MLA for the period 10 to 19 September 2023 (both dates inclusive).

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

PR402**DEPUTY OF THE GOVERNOR NOTICE (NO.7) 2023**

Given under the *Letters Patent relating to the office of Governor of the State of Western Australia* dated 14 February 1986 clause XXI.

1. Citation

This notice is the Deputy of the Governor Notice (No. 7) 2023

2. Appointment of the deputy of the Governor

Under the *Letters Patent relating to the office of Governor of the State of Western Australia* dated 14 February 1986 clause XVI, the Governor has appointed the Honourable Chief Justice Peter Damien Quinlan, to be the deputy of the Governor and in that capacity to perform and exercise all of the powers and functions of the Governor for the period 10 to 17 September 2023 (both dates inclusive).

DIRECTOR GENERAL, Department of the Premier and Cabinet.

PUBLIC NOTICES

ZZ401**TRUSTEES ACT 1962****DECEASED ESTATES****Notice to Creditors and Claimants**

Paul Francis Rawlings, late of 80-82 Henley Street, Como, Western Australia, Entrepreneur, deceased. Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the deceased who died on 5 August 2022 are required by the Administrators Sonny Mark Rawlings and Suellen Maxine Spiteri of care of Birman & Ride, Level 3, 16 Irwin Street, Perth WA 6000 to send particulars of their claims to them by the date being one month from the date of publication of this notice after which date the Administrators may convey or distribute the assets having regard only to the claims of which they then have notice.

ZZ402**TRUSTEES ACT 1962****DECEASED ESTATES****Notice to Creditors and Claimants**

Frank Gordon Bell late of 12 Grovelands Way, Kelmscott, in the State of Western Australia, deceased. Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* (WA) relates) in respect of the Estate of the Deceased, who died on 22/04/2023, are required by the Administrator Suellen Marie Bell, to send the particulars of their claims care of Gregson & Associates PO Box Z5017, St Georges Terrace, Perth WA 6831 on or before 30 days 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 she then has notice.

ZZ403**TRUSTEES ACT 1962****DECEASED ESTATES****Notice to Creditors and Claimants**

Graham Maurice Campbell late of Unit 198, 2462 Albany Highway, Gosnells, Western Australia, 6110, 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 16 March 2023, are required by the executor, Alan David Campbell of care of Douglas Cheveralls Lawyers, 510A Hay Street, Subiaco, Western Australia 6008 to send particulars of their claims to him within one (1) 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 he then has notice.

ZZ404

TRUSTEES ACT 1962**DECEASED ESTATES**

Notice to Creditors and Claimants

In the estate of Olga Muriel Waite late of 2 Bramling Street, Maddington in the State of Western Australia, Care Worker, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* (WA) relates) in respect of the estate of the deceased, who died on 6 April 2022, are required by the executor, David Vernon Hogermeer of 4 Oxleys Road, Kettering in the State of Tasmania, to send particulars of their claims to him at HFM Legal of PO Box 2124, Broome WA 6725 by the date being one month following the publication of this notice, after which date the Executor may convey or distribute the assets, having regard only to claims of which he then has notice.

ZZ405

TRUSTEES ACT 1962**DECEASED ESTATES**

Notice to Creditors and Claimants

In the Estate of Barbara (Barbie) Thelma Haley, late of 1/8 Ulster Road, Albany, 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 at Craig Care Age Care, Albany, on the 22 May 2023, are required by the Executor Stephen John Haley of 1/9a Tennyson Street, Elwood, Victoria, 3184 to send particulars of their claims by the date one (1) month following the publication of this notice, after which date the Executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

ZZ406

TRUSTEES ACT 1962**DECEASED ESTATES**

Notice to Creditors and Claimants

Jennifer Tracy Green, late of 2 Kirkbride Meander, Waikiki 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 06/04/2022, are required by the trustee of the late Jennifer Tracy Green, c/- Mountains Lawyers, PO Box 5379, Rockingham Beach WA 6969 to send particulars of their claims to the trustee within 30 days of this notice, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

MOUNTAINS LAWYERS PTY LTD, Solicitors for the Trustee.
Ph: (08) 9592 7326.

ZZ407

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 9 October 2023. after which date, I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Belt, Barrington John, late of St Rita's Nursing Home, 25 View Street, North Perth, who died on 11 July 2023 (DE19943090 EM16).

Biddlestone, Margaret Elizabeth, late of 1A Cabarita Road, Armadale, who died on 13 May 2022 (DE33045472 EM36).

Burgess, Eileen, late of 21—23 Johnston Street, Redcliffe, who died on 15 April 2023 (PM33114114 EM214).

Clagnan, Susan Ann, late of 307 Lord Street Beechboro, who died on 13 August 2021 (DE33077402 EM24).

Collins, Janice Lorraine, late of 2 Dorothy Avenue, Falcon, who died on 27 June 2023 (DE19971862 EM35).

Goncalves, Jose Garces (also known as Jose Goncalves), late of Valencia Aged Care, 24 Valencia Road, Carmel, who died on 15 April 2021 (DE30287965 EM17).

Jones, Ann Pamela, late of Swancare Ningana, Unit 331, 3 Allen Court, Bentley, who died on 20 July 2023 (DE19931213 EM110).

Jones, Enid Rose, late of 363 Dale Avenue, Paraburdoo, who died on 12 December 2022 (DE19954213 EM16).

Latham, Marjorie Evelyn, late of 115 Point Walter Road, Bicton, who died on 30 June 2023 (DE19913085 EM37).

Morris, Pamela Anne, formerly of 18 Winterfold Road, Hilton, late of Aegis Carrington, 27 Ivermey Road, Hamilton Hill, who died on 28 March 2023 (DE33188321 EM35).

Parker, Veronica Ann, late of Bethanie Beachside Villas, 629 Two Rocks Road, Yanchep, who died on 13 March 2023 (DE19952031 EM26).

Richardson, Alan John, late of Unit 89, 16 Leeder Street, Glendalough, who died on 25 July 2023 (DE19862886 EM26).

Rose, Judith Joy, late of 1 Watt Street, Derby, who died on 16 May 2013 (DE33199806 EM23).

Townsend, Elizabeth Ann (also known as Ann Townsend), late of Mertome Village, 30 Winifred Road, Bayswater, who died on 31 January 2023 (PM30319104 EM214).

Turner, Colin Athol, formerly of 24 Berkeley Way, Orelia, late of 7 Stern Close, Waikiki, who died on 9 May 2023 (DE19940819 EM16).

Williams, Robert John, late of Peter Arney Nursing Home, 1 Gentilli Way, Salter Point, who died on 8 November 2021 (PM33151549 EM214).

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