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Government

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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)—

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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

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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).

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## AGRICULTURE AND FOOD

### AG401

**BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007**  
**BIOSECURITY AND AGRICULTURE MANAGEMENT REGULATIONS 2013**  
**BIOSECURITY AND AGRICULTURE MANAGEMENT (DECLARED PESTS)**  
**DECLARATION (NO. 2) 2024**

Made by the Minister for Agriculture and Food under section 22 of the Act and regulation 7 of the Regulations.

#### 1. Citation

This declaration is the *Biosecurity and Agriculture Management (Declared Pests) Declaration (No 2) 2024*.

#### 2. Declared Pests

- (1) The organism listed below is declared under section 22(2) of the Act to be a Declared Pests.
- (2) The organism listed below is assigned under regulation 7 to the control categories as listed for the areas as listed.
- (3) The organism listed below is assigned under regulation 7 to the keeping categories as listed for the areas as listed.
- (4) All previous declarations under the Act relating to the organism specified below are revoked.

Full organism name	Category	Area declared
<i>Hylotrupes bajulus</i> (European House Borer, aka 'EHB') (Linné, 1758)	C1 Exclusion Prohibited Keeping	All of the state except those zones designated as Restricted Movement Zones (RMZs) or Priority Movement Zones (PMZs) under the ARRP (EHB) Regulations 2006.
	C3 Management Prohibited Keeping	Any part of the state within those zones designated as Restricted Movement Zones (RMZs) or Priority Movement Zones (PMZs) under the ARRP (EHB) Regulations 2006.

Dated 26 June 2024.

Hon. JACKIE JARVIS, MLC, Minister for Agriculture and Food.

## CONSUMER PROTECTION

### CP401

**RETAIL TRADING HOURS ACT 1987**  
**RETAIL TRADING HOURS (SHIRE OF WAGIN) VARIATION ORDER 2024**

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

#### 1. Citation

This order is the *Retail Trading Hours (Shire of Wagin) Variation Order 2024*.

#### 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) The general retail shop known as Wagin Foodworks Supermarket, located at 3/11 Tavistock Street, Wagin is authorised to be open at times when that shop would otherwise be required to be closed—
  - (a) on Sunday in each week from 11.00am until 5.00pm
- (2) Despite subclause (1), this order does not authorise the shop referred to in that subclause to be open on Easter Sunday, ANZAC Day or Christmas Day.

Dated 2nd July 2024.

Hon. SUE ELLERY, MLC, Minister for Commerce.

## FIRE AND EMERGENCY SERVICES

### FE401

#### BUSH FIRES ACT 1954

##### BUSH FIRES (PROHIBITED BURNING TIMES) AMENDMENT NOTICE (NO.7) 2024

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

#### 1. Citation

This notice is the *Bush Fires (Prohibited Burning Times) Amendment Notice (No. 7) 2024*.

#### 2. Commencement

This notice comes into operation as follows—

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

#### 3. The notice amended

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

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

#### 4. Schedule 1 amended

Schedule 1 is amended by deleting the prohibited burning times of the City of Greater Geraldton and inserting the following instead—

Prohibited Burning Time	Zone of the State
1 October—28 February	City of Greater Geraldton

Dated 27 June 2024.

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

### FE402

#### BUSH FIRES ACT 1954

##### BUSH FIRES (RESTRICTED BURNING TIMES) AMENDMENT NOTICE (NO. 2) 2024

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

#### 1. Citation

This notice is the *Bush Fires (Restricted Burning Times) Amendment Notice (No. 2) 2024*.

#### 2. Commencement

This notice comes into operation as follows—

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

#### 3. The notice amended

The amendments in this notice are to the *Bush Fires (Restricted Burning Times) Notice 2012\**.

[\* Published in *Gazette* 3 February 2012, p. 615-619.]

#### 4. Schedule 1 amended

Schedule 1 is amended by deleting the restricted burning times of the City of Greater Geraldton and inserting the following instead—

Restricted Burning Time	Zone of the State
15 September—15 March	City of Greater Geraldton

Dated 27 June 2024.

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

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**GOVERNMENT EMPLOYEES SUPERANNUATION BOARD**

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GZ401

**STATE SUPERANNUATION ACT 2000**  
ELECTED PERSONGovernment Employees Superannuation Board,  
David Malcolm Justice Centre,  
28 Barrack Street,  
Perth WA 6000.

In accordance with section 8(1)(c) and clauses 3 and 4 of Schedule 1 to the *State Superannuation Act 2000* notice is given that UnionsWA conducted an election for an employee representative on the Government Employees Superannuation Board.

The following person has been declared as elected to the position of an Employee Representative on the Government Employees Superannuation Board for a three-year term commencing on 3 July 2024.

**Name**

Mr Bruce Hawkins

Mr BEN PALMER, Chief Executive Officer.

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**JUSTICE**

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JU401

**COURT SECURITY AND CUSTODIAL SERVICES ACT 1999**  
PERMIT DETAILS ISSUED

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

Surname	First Name(s)	Permit Number
Laiseni	Lucy Maraea	243214
Lewis	Shontae Kayla	243215
Moyses	Dylan Robert	243216
Tupe	Seilala	243217
Twomey	Damien Peter	240601

Dated 1 July 2024.

BRAD ROYCE APM, Commissioner.

JU402

**COURT SECURITY AND CUSTODIAL SERVICES ACT 1999**  
PERMIT DETAILS REVOKED

The following permits have been revoked pursuant to Section 56(1) of the *Court Security and Custodial Services Act 1999* –

Surname	First Name(s)	Permit Number
Cassidy	Ngaroria Eva Rose	232705
Freeman	Shantae Paige	232207
Parkinson	Nadine	210059
Pollard	Soren Peter	220043
Sidhu	Gagan Deep	242914

Dated 28 June 2024.

BRAD ROYCE APM, Commissioner.

## LOCAL GOVERNMENT

### LG401

#### LOCAL GOVERNMENT ACT 1995

*Shire of Waroona*

BASIS OF RATES

I, Suleila Felton, 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 22 June 2024, determined that the method of valuation to be used by the Shire of Waroona 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 that portion of land being Lot 701 as shown on Deposited Plan 59305.

SULEILA FELTON, A/Executive Director Local Government,  
Department of Local Government, Sport and Cultural Industries.

### LG402

#### LOCAL GOVERNMENT ACT 1995

*Shire of Serpentine Jarrahdale*

BASIS OF RATES

I, Suleila Felton, 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 25 June 2024, determined that the method of valuation to be used by the Shire of Serpentine Jarrahdale 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 170 and Lot 171 as shown on Deposited Plan 422304.

SULEILA FELTON, A/Executive Director Local Government,  
Department of Local Government, Sport and Cultural Industries.

### LG403

#### LOCAL GOVERNMENT ACT 1995

#### BUSH FIRES ACT 1954

*Shire of Mt Marshall*

#### BUSH FIRE BRIGADES LOCAL LAW 2024

#### PART 1—PRELIMINARY

##### 1.1 Citation and Application

- (1) This local law may be cited as the Shire of Mt Marshall Bush Fire Brigades Local Law 2024 and shall apply throughout the district and is made in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995*.
- (2) The Chief Executive Officer shall prepare, adopt, and implement Bush Fire Brigade Operating Procedures.

##### 1.2 Commencement

This local law will come into operation 14 days after the day on which it is published in the *Government Gazette*.

##### 1.3 Interpretation

- (1) In this local law unless the context specifies otherwise—

*Act* means the *Bush Fires Act 1954*;

*Bush Fire Brigade* means a Bush Fire Brigade for the time being registered in a register kept pursuant to *Section 41 of the Bush Fires Act 1954*;

***Bush Fire Control Officer/s*** means the duly appointed Bush Fire Control Officer/s of the Shire of Mt Marshall Bush Fire Brigades by the Local Government.

***Bush Fire Brigade Member*** means members of the Bush Fire Brigade, which may include the Bush Fire Control Officer/s.

***Chief Bush Fire Control Officer*** means the duly appointed Chief Bush Fire Control Officer of the Shire of Mt Marshall;

***Chief Executive Officer*** means the Chief Executive Officer of the Shire of Mt Marshall;

***Deputy Chief Bush Fire Control Officer/s*** means the duly appointed Deputy Chief Bush Fire Control Officer/s of the Shire of Mt Marshall;

***District*** means the district of the Local Government;

***Local Government*** means the Shire of Mt Marshall;

***Normal Brigade Activities*** is defined by section 35A of the Act;

***Procedures*** means the Bush Fire Brigade Operating Procedures prepared, adopted and implemented by the Chief Executive Officer as amended from time to time;

***Regulations*** means Regulations made under the Act;

(2) In this local law, unless the context otherwise requires, a reference to—

- (a) a Captain;
- (b) a Bush Fire Control Officer;
- (c) a First Lieutenant;
- (d) a Second Lieutenant;
- (e) any additional Lieutenants;
- (f) a President
- (g) a Secretary
- (h) a Treasurer

means a person holding that position in a Bush Fire Brigade.

## **PART 2—BUSH FIRE BRIGADES**

### **2.1 Establishment of Bush Fire Brigades**

- (1) The Local Government may establish a Bush Fire Brigade for the purpose of carrying out Normal Brigade Activities.
- (2) A Bush Fire Brigade is established on the date of the Local Government's decision under clause 2.1(1).

### **2.2 Name and Officers of Bush Fire Brigades**

- (1) On establishing a Bush Fire Brigade under clause 2.1(1), the Local Government is to—
  - (a) Give a name to the Bush Fire Brigade;
  - (b) Specify the Brigade Area in which the Bush Fire Brigade is primarily responsible for carrying out the Normal Brigade Activities; and
  - (c) Appoint—
    - (i) a Captain;
    - (ii) Bush Fire Control Officers;
    - (iii) a First Lieutenant;
    - (iv) a Second Lieutenant;
    - (v) any additional Lieutenants
    - (vi) a President
    - (vii) a Secretary
    - (viii) a Treasurer
- (2) A person appointed to a position pursuant to clause 2.2(1)(c) is to be taken to be a brigade member.
- (3) The appointments referred to in clause 2.2(1)(c) expire at the completion of the first annual general meeting of the Bush Fire Brigade.
- (4) An election is to be held in accordance with the Procedures at the first annual general meeting by the members of the Bush Fire Brigade for appointments to the positions referred to in clause 2.2(1)(c) and every subsequent annual general meeting with the exception of Bush Fire Control Officer(s) who are appointed by the Local Government.
- (5) If a position referred to in clause 2.2(1)(c) (with the exception of Bush Fire Control Officer(s)) becomes vacant prior to the completion of the first annual general meeting of the Bush Fire Brigade or at any time, then the Bush Fire Brigade members are to vote for a replacement member to be appointed in the position in accordance with the Procedures.
- (6) Any other Bush Fire Brigade members not listed in clause 2.2(1)(c) will be elected in accordance with the Procedures.

**PART 3—DISSOLUTION OF BUSH FIRE BRIGADES****3.1 Cancellation of Registration**

- (1) In accordance with Section 41(3) of the *Bush Fires Act 1954*, the Local Government may cancel the registration of a Bush Fire Brigade if it is of the opinion that the Bush Fire Brigade is not complying with the Act, this local law, the Procedures or is not achieving the objectives for which it was established.
- (2) Upon a Bush Fire Brigade's dissolution, the equipment, assets and funds of the brigade shall be placed under the control of the Local Government and dealt with in accordance with the *Local Government Act 1995*.

**3.2 New arrangement after dissolution**

If a Local Government cancels the registration of a Bush Fire Brigade, alternative arrangements are to be made in respect of the Brigade Area.

**PART 4—ORGANISATION AND MAINTENANCE OF BUSH FIRE BRIGADES****4.1 Local Government responsible for Structure**

- (1) The Local Government is to ensure that there is an appropriate structure through which the organisation of Bush Fire Brigades is maintained.
- (2) The Chief Executive Officer is to prepare, adopt and implement Procedures to govern the operation of a Bush Fire Brigade.
- (3) The Local Government may make other applicable rules, policies and procedures as determined necessary by the Local Government.

**4.2 Variation of Procedures**

- (1) The Chief Executive Officer, in consultation with the Chief Bush Fire Control Officer may vary the Procedures and their application to all Bush Fire Brigades.
- (2) The Chief Executive Officer is to notify all Bush Fire Brigades of any variation to the Procedures as soon as practicable.

**4.3 Bush Fire Brigades to be supplied with Act, Procedures and Policies**

The Chief Executive Officer is to supply each Bush Fire Brigade with a copy of the Act, the Regulations, this local law, the Procedures, and any other policies which may be applicable and relevant to the performance of the Bush Fire Brigade's functions, and any amendments, which are made thereto from time to time.

**4.4 Managerial Role of Chief Bush Fire Control Officer**

Subject to any directions by the Local Government, the Chief Bush Fire Control Officer has primary managerial responsibility for the organisation and maintenance of Bush Fire Brigades.

**4.5 Duties of Chief Bush Fire Control Officer**

The duties will include—

- (1) Where a vacancy occurs in a position appointed under clause 2.2(1)(c), to—
  - (i) Advise the Chief Executive Officer of the vacancy as soon as practicable; and
  - (ii) Make alternate suitable arrangements for that position until an appointment is made.
- (2) Nominate suitably qualified persons to the Chief Executive Officer for appointment as Bush Fire Control Officers by the Local Government;
- (3) Report to the Chief Executive Officer not later than 31 March each year, for consideration and appropriate provision being made in the next Local Government budget, the status of a Bush Fire Brigade's—
  - (i) Training and readiness;
  - (ii) Protective clothing;
  - (iii) Equipment; and
  - (iv) Vehicles and appliances.
- (4) Provide leadership to volunteer Bush Fire Brigades;
- (5) Monitor Bush Fire Brigades' resourcing, equipment (including protective clothing) and training levels and report thereon with recommendations at least once a year to the Local Government or as directed by the Chief Executive Officer;
- (6) Liaise with the Local Government concerning fire prevention/suppression matters generally and directions to be issued by the Local Government to Bush Fire Control Officers;
- (7) Ensure that Bush Fire Brigades are registered and that the lists of brigade members are maintained in accordance with the Procedures; and

In this clause—

**Chief Bush Fire Control Officer** includes the Deputy Chief Bush Fire Control Officer/s appointed by the Local Government, who may be acting in this position from time to time.



**4.6 Captain and Bush Fire Brigade officers**

- (1) The duties of the Captain are to—
  - (a) Provide leadership to Bush Fire Brigades;
  - (b) Monitor Bush Fire Brigades' resourcing, equipment and training levels;
  - (c) Liaise with the Local Government concerning—
    - (i) fire prevention or fire suppression matters generally;
    - (ii) Bush Fire Brigade officers;
  - (d) Ensure that a list of Bush Fire Brigade members is maintained;
  - (e) Report annually to the local government the office bearers of the Bush Fire Brigade in accordance with the Regulations; and
  - (f) Arrange for Normal Brigade Activities as authorised by the Act or by the Local Government.
- (2) The duties of other Bush Fire Brigade Officers are to support the Captain in their role.

**PART 5—ADMINISTRATION OF BUSH FIRE BRIGADES****5.1 Types of Membership of Bush Fire Brigade**

The types of membership of a Bush Fire Brigade shall be in accordance with the definitions contained in the Procedures.

**5.2 Brigade Membership**

- (1) The appointment, determination, dismissal and management of Bush Fire Brigade membership is governed by the Procedures.
- (2) Applications for membership, including registration of Bush Fire Brigade members, is to be in accordance with the Procedures.
- (3) Membership of the Bush Fire Brigade terminates if the member—
  - (i) dies
  - (ii) gives written notice of resignation;
  - (iii) does not maintain brigade training currency in line with the Procedures;
  - (iv) becomes permanently incapacitated. or
  - (v) is dismissed by the relevant decision maker in accordance with the Procedures.
- (4) The Chief Bush Fire Control Officer may terminate the membership of any brigade member who is determined to be, or considered to be, unfit to serve as a member of a Bush Fire Brigade. A member being considered unfit to serve is to be determined and defined in accordance with the Procedures and must follow processes of natural justice and procedural fairness as set out in the Procedures.
- (5) Membership of a Bush Fire Brigade member may be suspended at any time if, in the opinion of the Chief Bush Fire Control Officer, circumstances warrant suspending the member. A decision made to suspend must be in accordance with the Procedures and must follow processes of natural justice and procedural fairness as set out in the Procedures.
- (6) Where the Chief Bushfire Control Officer is involved in an incident or has a conflict of interest in the particular termination under clause (4) or suspension under clause (5), then the Chief Executive Officer should make the determination as they think fit.
- (7) Upon the expiry of the period of suspension under either clause 5 or 6, the relevant decision maker may—
  - (i) extend the period of suspension;
  - (ii) terminate the membership; or
  - (iii) reinstate the membership.
- (8) The resignation or dismissal of a member under clause 5.2(3) does not affect any liability of the brigade member arising prior to the date of resignation or dismissal.

**5.3 Grievance**

- (1) Grievances shall be managed in accordance with the Procedures and applicable policies.
- (2) In respect to grievance complaints or submissions, where the complaint relates to or is made against the Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer/s or Bush Fire Control Officers the matter will be determined by the Local Government.
- (3) The Local Government shall be the final decision making authority in regards to the grievances associated with membership and conduct of brigade members.

**5.4 Meetings of Bush Fire Brigades**

- (1) All Bush Fire Brigade meetings are to be conducted in accordance with the Procedures.
- (2) In this clause, a reference to a Bush Fire Brigade meeting means an—
  - (i) Annual general meeting of a Bush Fire Brigade to be held once each year;
  - (ii) Ordinary meeting of a Bush Fire Brigade; or
  - (iii) Special meeting of a Bush Fire Brigade.
- (3) Chief Bush Fire Control Officer may attend any brigade meeting as a non-voting member.

**5.5 Equipment and Maintenance of Bush Fire Brigades**

The maintenance, replacement and upkeep of all Bush Fire Brigade protective clothing, equipment and appliances is to be in accordance with the Procedures.

**PART 6—GENERAL****6.1 Consideration in the local government budget**

In addition to funding made available through emergency services grants, the Local Government may provide further funding depending upon the assessment of budget priorities for the year in question in accordance with Part 6 of the *Local Government Act 1995*.

Dated 18th June 2024.

BEN MCKAY, Chief Executive Officer.

**LG404****LOCAL GOVERNMENT ACT 1995**

*City of Swan*

**BASIS OF RATES**

I, Suleila Felton, 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 27 June 2024, determined that the method of valuation to be used by the City of Swan 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;

	Designated Land
UV to GRV	All those portions of land comprised in the schedules below— <b>SCHEDULE ‘A’</b> All that portion of land being Lot 136 as shown on Plan 3598. <b>SCHEDULE ‘C’</b> All that portion of land being Lot 109 as shown on Deposited Plan 30686.

SULEILA FELTON, A/Executive Director Local Government,  
Department of Local Government, Sport and Cultural Industries.

**LG405****LOCAL GOVERNMENT ACT 1995**

*City of Kwinana*

**BASIS OF RATES**

I, Suleila Felton, 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 27 June 2024, determined that the method of valuation to be used by the City of Kwinana as the basis for a rate in respect of the land referred to in the Schedule is to be the gross rental value of the land;

**Schedule**

	Designated Land
UV to GRV	All those portions of land being Lots 646 to 650 inclusive, Lots 697 to 710 inclusive, Lots 720 to 737 inclusive and Lots 750 to 757 inclusive as shown on Deposited Plan 427296.

SULEILA FELTON, A/Executive Director Local Government,  
Department of Local Government, Sport and Cultural Industries.

## LG406

## LOCAL GOVERNMENT ACT 1995

*Shire of Chittering*

## BASIS OF RATES

I, Suleila Felton, 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 17 June 2024, determined that the method of valuation to be used by the Shire of Chittering 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 1, Lot 2, Lot 13 and Lot 42 as shown on Deposited Plan 427129.

SULEILA FELTON, A/Executive Director Local Government,  
Department of Local Government, Sport and Cultural Industries.

## LG407

## LOCAL GOVERNMENT ACT 1995

*Shire of Denmark*

## FENCING LOCAL LAW 2024

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Denmark resolved on 25 June 2024 to make the following local law.

## PART 1—PRELIMINARY

## 1.1 Citation

This local law may be cited as the *Shire of Denmark Fencing Local Law 2024*.

## 1.2 Commencement

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

## 1.3 Repeal

The *Shire of Denmark Local Laws Relating to Fencing* published in the *Government Gazette* on 29 May 2001 and amended by the *Government Gazette* on 14 November 2008 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 licence under this local law;

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

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

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

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

***CEO*** means the Chief Executive Officer of the local government;

***commercial lot*** means a lot situated within a commercial zone as classified under a local planning scheme;

***dangerous*** in relation to any fence means—

- an electrified fence that does not comply with clause 5.2 or 5.3 of this local law;
- a fence containing barbed wire other than a fence constructed and maintained in accordance with this local law;
- a fence containing exposed broken glass, asbestos fibre, razor wire, metal spikes excluding manufactured decorative fencing panels, or any other potentially harmful projection or material; or
- a fence that is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause;

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

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

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

- (a) stock control; or
- (b) security;

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

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

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

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

**general industry lot** means a lot situated within a general industry zone as classified under a local planning scheme;

**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;

**industrial lot** means a lot situated within an industrial zone as classified under a local planning scheme;

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

**landscape protection lot** means a lot within a landscape protection zone as classified under a local planning scheme;

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

**local government** means the Shire of Denmark;

**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*;

**professional office lot** means a lot within a professional office zone as classified under a local planning scheme;

**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 within a residential zone as classified under a local planning scheme;

**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 within a rural zone as classified under a local planning scheme;

**rural—multiple occupancy** means a lot within a rural multiple occupancy zone as classified under a local planning scheme;

**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 residential lot** means a lot within a special residential zone as classified under a local planning scheme;

**special rural lot** means a lot within a special rural zone as classified under a local planning scheme;

**special use lot** means a lot within a special use zone as classified 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;

**tourist lot** means a lot within a tourist zone as classified 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, or a local planning policy made under that scheme.

### 1.7 Requirements of *Building Act 2011*

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

### 1.8 Transitional provision

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

## PART 2—SUFFICIENT FENCES

### 2.1 Sufficient fences—requirement

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

### 2.2 Sufficient fences—generally

Subject to clauses 2.3 and 2.4, a sufficient fence—

- (a) on a residential lot, a commercial lot or a professional office lot is a dividing fence constructed and maintained in accordance with Schedule 1;
- (b) on a general industry and an industrial lot is a dividing fence constructed and maintained in accordance with Schedule 2; and
- (c) on a special residential lot, a rural lot, a rural multiple occupancy lot, a landscape protection lot, a tourist lot, a special rural lot and a special use 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 a sufficient fence is a fence constructed and maintained—

between a—	and a—	in accordance with—
residential lot commercial lot professional office lot	general industry lot industrial lot special residential lot rural lot rural multiple occupancy landscape protection lot special rural lot special use lot tourist lot	Schedule 1
general industry lot industrial lot	special residential lot rural lot rural multiple occupancy landscape protection lot special rural lot special use lot tourist lot	Schedule 2

### 2.4 General discretion of the local government

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

- (2) In determining whether to consent to the erection or repair of any fence, the authorised person may consider, whether the construction or retention of the fence would have an adverse effect on—
  - (a) the safe or convenient use of any land; or
  - (b) the safety or convenience of any person.
- (3) An agreement in respect of a dangerous fence is taken not to be an agreement between owners of adjoining properties for the purposes of subclause (1).

### PART 3—FENCING GENERALLY

#### 3.1 Fences within front setback areas

A person shall not construct a fence more than 1200mm in height, within the front setback area of a residential lot unless—

- (a) in accordance with the Residential Design Codes; or
- (b) with approval of an authorised person.

#### 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—

- (a) the fence is a sufficient fence;
- (b) in accordance with the Residential Design Codes; or
- (c) with approval of an authorised person.

#### 3.3 Sightlines at vehicle access point

- (1) Fences are to be truncated or reduced to a height not more than 750mm, within 1500mm where walls, fences and other structures adjoin vehicle access points where a driveway meets a thoroughfare and where two thoroughfares intersect or—
  - (a) in accordance with the Residential Design Codes; or
  - (b) with approval of an authorised person.
- (2) The provision of subclause (1) shall not apply to a visually permeable fence that does not obscure the lines of vision of a motorist using the driveway for access to a thoroughfare.

#### 3.4 Obstruction of watercourse

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

#### 3.5 Gates or doors in fences

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

- (a) encroaches into or over any—
  - (i) thoroughfare; or
  - (ii) other land unless with the agreement of the owner of that land; or
- (b) opens by sliding parallel to the fence on the outside of the fence.

#### 3.6 Retaining walls

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

#### 3.7 Masonry fences and walls

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

#### 3.8 Alteration of ground levels

- (1) A person shall not alter the natural ground level of land on or within 1000mm of the boundary of a lot, whether by removing soil or bringing onto the land any fill of any kind, by more than 500mm—
  - (a) unless in accordance with the Residential Design Codes; or
  - (b) with approval of an authorised person.
- (2) A fence constructed of corrugated fibre-reinforced pressed cement shall not have more than 150mm difference in the ground levels on each side of the fence.

#### 3.9 Maintenance of fences

- (1) An owner or occupier of a lot on which a fence is constructed shall maintain the fence in good condition so as to prevent it from becoming damaged, dangerous, dilapidated or unsightly.
- (2) Where in the opinion of an authorised person, a fence is in a state of disrepair or is dangerous or is otherwise in breach of a provision of this local law, an authorised person may give a notice of breach under clause 8.1 to the owner or occupier of the lot on which the fence is constructed.

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

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

**PART 4—FENCING MATERIALS****4.1 Prohibited materials**

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

**4.2 Pre-used fencing materials**

- (1) A person shall not construct or maintain a dividing fence from pre-used materials without a licence issued by an authorised person.
- (2) Where a licence is issued for the use of pre-used materials, the materials shall be structurally fit for the purpose, and comply with any conditions imposed by an authorised person.
- (3) Conditions for use of pre-used fencing materials may include but are not limited to—
  - (a) painting;
  - (b) treatment;
  - (c) specific use or placement; and
  - (d) upgrading.

**PART 5—RESTRICTED FENCING****5.1 Barbed wire fencing**

- (1) An owner or occupier shall not affix or allow to remain any barbed wire on any fence bounding that lot where that lot is—
  - (a) a residential lot;
  - (b) a commercial lot or a professional office lot without the approval of an authorised person.
- (2) An owner or occupier of a, general industry lot or an industrial lot shall not construct or affix to any fence bounding that lot any barbed wire unless—
  - (a) in accordance with Schedule 2;
  - (b) the wire or material are attached on posts vertically or at an angle of 45 degrees; and
  - (c) the bottom row of wire or other materials is not less than 2000mm above the ground level.
- (3) An owner or occupier of a special residential lot, a landscape protection lot, a rural lot, a rural multiple occupancy lot, a special rural lot or tourist 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 special use 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 subclauses (3) and (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 for stock control**

- (1) An owner or occupier of a lot shall not construct or use an electrified fence on that lot without first obtaining a licence.
- (2) Notwithstanding subclause (1), a licence is not required for an electrified fence that is—
  - (a) constructed on a rural or rural multiple occupancy lot;
  - (b) for the purpose of stock control;
  - (c) installed in accordance with the manufacturer's specifications; and
  - (d) the dividing fence between rural and rural multiple occupancy lots.
- (3) Notwithstanding subclause (2)(a) to (d), the local government may by written notice require an electrified fence to be removed where it is a dividing fence with an adjoining property.

**5.3 Electrified fencing for security**

- (1) An owner or occupier of a lot shall not construct or use an electrified fence for security on that lot without first obtaining a licence.
- (2) An electrified fence for the purpose of security shall not be present on a lot unless it complies with *AS/NZS 3016:2002 Electrical Installations—Electric Security Fences* as amended from time to time.
- (3) A licence to have and use an electrified fence for the purpose of security shall not be issued—
  - (a) on a residential lot or a special residential lot or that portion of a fence adjoining a residential lot or special residential lot;
  - (b) on any other lot without the approval of the local government; and
  - (c) 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.

#### 5.4 Razor wire fencing

- (1) An owner or occupier of a lot shall not construct a fence wholly or partly of razor wire on that lot without the approval of the local government under subclause (2).
- (2) A licence to have a fence constructed wholly or partly of razor wire shall not be issued—
  - (a) in respect of a lot that is a residential lot or a special residential lot or that portion of a fence adjoining a residential lot or a special residential lot;
  - (b) if the fence is within 3000mm of the boundary of the lot; or
  - (c) where any razor wire used in the construction of the fence is less than 2000mm or more than 2400mm above the ground level.

### PART 6—LICENCES

#### 6.1 Application for a licence

- (1) An owner of a lot may apply to the local government for a licence under this Part.
- (2) An application for a licence under this local law shall—
  - (a) provide all necessary documentation and information required for a decision;
  - (b) provide two copies of a plan and specifications of the proposed;
  - (c) provide engineering certification of structural or electrical engineering specifications, if required;
  - (d) be signed by the owner of the lot;
  - (e) be forwarded to the local government together with any set fee; and
  - (f) be in the form determined by the local government from time to time.
- (3) An authorised person may require an applicant to provide—
  - (a) an engineering certification regarding the wind loading capacity of the proposed fence; and
  - (b) additional information reasonably related to an application before determining an application for a licence.
- (4) Any costs incurred in complying with the request under subclause (3) are to be paid by the applicant.

#### 6.2 Determination of an application

- (1) An authorised person may refuse to consider an application that does not comply with clause 6.1.
- (2) An authorised person may—
  - (a) approve an application;
  - (b) approve an application subject to conditions as the authorised person sees fit; or
  - (c) refuse an application.
- (3) In determining whether to issue a licence, an authorised person may consider, in addition to any other matter authorised to consider, whether the construction or retention of the fence would 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 licence and any conditions applied is to be given to the applicant.
- (7) If an authorised person refuses to approve an application, written notice of that refusal and the reasons for the decision is to be given to the applicant.

#### 6.3 Compliance with licence issued

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

#### 6.4 Cancellation of a licence

An authorised person may cancel a licence if—

- (a) the owner or occupier requests an authorised person to do so;
- (b) the fence to which the licence relates has been demolished and is not rebuilt for a period of 6 months;
- (c) the circumstances have changed in such a way that a licence for the fence could no longer be granted under this local law;
- (d) the owner or occupier fails to comply with a condition of the licence or breaches a provision of this local law in respect of the fence; or
- (e) the owner or occupier fails to comply with a notice of breach issued under clause 8.1.



**6.5 Duration of a licence**

- (1) Unless otherwise stated in the licence, a licence granted under this local law transfers with the lot to which it relates and is deemed to transfer to each successive owner or occupier of that lot.
- (2) Where a licence is transferred under subclause (1), the successive owner or occupier may apply to an authorised person for written confirmation of this transfer.
- (3) For the avoidance of doubt, a licence granted under this local law may be relied upon by any subsequent owner or occupier of the lot, and may be enforced against them by the local government.

**6.6 False or misleading statement**

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

**PART 7—OBJECTIONS AND REVIEW****7.1 Objections and review**

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

- (a) refuse an application for a licence;
- (b) impose or vary a condition of a licence; or
- (c) cancel a licence.

**PART 8—ENFORCEMENT****8.1 Notices of breach**

- (1) Where a breach of any provision of this local law has occurred in relation to a fence on a lot, an authorised person may give a notice of breach in writing to the owner or occupier of that lot.
- (2) A notice of breach shall—
  - (a) specify the provision of this local law that has been breached;
  - (b) specify the particulars of the breach; and
  - (c) state that the owner or occupier is required to remedy the breach within the time specified in the notice.
- (3) An owner or occupier given a notice of breach shall comply with the terms of the notice and remedy the breach within the time specified in the notice.
- (4) Should an owner or occupier fail to comply with a notice, an authorised person may enter upon the lot to which the notice relates and remedy the breach or cause the breach to be remedied, and may recover the expenses of doing so from the owner or occupier of the lot, as the case may be, in a court of competent jurisdiction.
- (5) This local law is subject to sections 3.25 and 3.27 and Schedules 3.1 and 3.2 of the *Local Government Act 1995* and any power of entry exercised by the local government under this local law is subject to Part 3, Division 3, Subdivision 3 of the Act.

**8.2 Offences**

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

**8.3 General penalty**

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

**8.4 Modified penalties**

- (1) An offence against a clause specified in Schedule 4 is a prescribed offence for the purposes of section 9.16(1) of the *Local Government Act 1995*.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 4.

**8.5 Form of notices**

For the purposes of this local law—

- (a) the form of the infringement notice referred to in section 9.17 of the *Local Government Act 1995* is to be in the form of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of the withdrawal of infringement notice referred to in section 9.20 of the *Local Government Act 1995* is to be in the form of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

**Schedule 1—Sufficient fence for residential, commercial and professional office lots**

[Clause 2.2(a)]

1. On a residential lot, a commercial lot or a professional office lot a sufficient fence is a dividing fence that—
  - (a) is constructed of—
    - (i) corrugated fibre-reinforced pressed cement sheeting;
    - (ii) timber pickets or post and rail;
    - (iii) brick, stone or concrete;
    - (iv) factory coloured sheet metal post and panelled fence; or
    - (v) any combination of the materials described in paragraphs (i) to (iv);
  - (b) in the case of a front fence—
    - (i) is not more than 1200mm in height; or
    - (ii) is between 1200mm and 1800mm in height; and is visually permeable fence above 1200mm;
  - (c) in the case of a side boundary fence forward of the building setback line, a fence that—
    - (i) uniformly slopes down from not more than 1800mm to not more than 1200mm in height;
    - (ii) over a maximum distance of 1500mm from the start of the front setback area from the building to the front of the lot; and
  - (d) in the case of any other dividing fence, 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.

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**Schedule 2—Sufficient fence for general industry and industry lots**

[Clause 2.2(b)]

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

**Schedule 3—Sufficient fence for special residential, rural, rural multiple occupancy, landscape protection, tourist, special rural and special use lots**

[Clause 2.2(c)]

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

**Schedule 4—Prescribed offences**

[Clause 8.4]

Item	Clause	Nature of offence	Modified penalty \$
1	2.1	Construction or alteration of a dividing fence on a lot that is not a sufficient fence without a licence	200
2	3.1	Construction of a non-compliant fence within front setback area without a licence	200
3	3.2	Construction or maintenance of a non-compliant fence in a secondary setback area without a licence	200
4	3.3	Construction of a non-compliant fence, wall or other structure at a vehicle access point or intersection of two thoroughfares	200
5	3.4	Obstruction of a watercourse	500
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	350
9	3.8(1)	Alteration of natural ground levels without a licence	500
10	3.8(2)	Construction of a corrugated fibre-reinforced pressed cement fence with more than 150mm 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 licence	200
16	5.1(1)	Using or allowing to remain barbed wire on a residential or special residential lot	350
17	5.1(2)	Non-compliant use of barbed wire on a landscape protection, rural, rural multiple occupancy, special rural or special use lot	350
18	5.1(3)	Non-compliant use of barbed wire on a commercial, general industry, industrial, professional office or tourist lot	350
19	5.1(4)	Encroachment of barbed wire on a commercial, general industry, industrial, professional office or tourist lot over other land	500
20	5.2(1)	Construction of an electrified fence for the purposes of stock control without a licence	350

Item	Clause	Nature of offence	Modified penalty \$
21	5.3(1)	Construction of an electrified fence for the purposes of security without a licence	500
22	5.3(2)	Construction of a non-compliant electrified fence for the purposes of security	500
23	5.4(1)	Construction of a razor wire fence without a licence	500
24	6.3	Failure to comply with conditions of a licence for fence	500
25	6.6	Making a false or misleading statement	500
26	8.1(3)	Failure to comply with notice of breach in relation to Part 5—Restricted Fencing	500
27	8.1(3)	Failure to comply with notice of breach in relation to all matters other than Part 5—Restricted Fencing	200
28	8.2(1)	Other offences not specified	200

Dated this 1st day of July 2024.

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

K. GIBSON, President.  
K. JENKINS, Acting Chief Executive Officer.

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## MINERALS AND PETROLEUM

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### MP401

#### 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 exemption originally declared on 10 July 2020 and published in the *Government Gazette* dated 24 July 2020 for that area 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 9 July 2026.

#### Locality

84km East of Morawa

#### Description of Land

Land designated S19/398 in the TENGRAPH electronic plan of the Department of Energy, Mines, Industry Regulation and Safety. A geospatial description is filed in the Department of Energy, Mines, Industry Regulation and Safety electronic file number A1998/201901, document ID A77357172.

#### Area of Land

1712.54 hectares

Dated at Perth this 26th day of June 2024.

KRISTIAN HARTLEY DAWSON, Executive Director Resource Tenure.

### MP402

#### MINING ACT 1978

##### Section 19

##### INSTRUMENT OF EXEMPTION OF LAND

I, Kristian Hartley Dawson, Executive Director, Resource Tenure, pursuant to section 19 of the *Mining Act 1978*, hereby declare the land 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*.

#### Locality

Lake Roe

**Description of Land**

Land designated S19/417 in the TENGRAPH electronic plan of the Department of Mines, Industry Regulation and Safety. A geospatial description of the land, being the land subject to the former Exploration Licence 28/3225, is filed on the Department of Energy, Mines, Industry Regulation and Safety electronic file qA2113284 and identified as document ID A71490263.

**Area of Land**

1474.53 hectares

Dated at Perth this 2nd day of July 2024.

KRISTIAN HARTLEY DAWSON, Executive Director, Resource Tenure.

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## PARLIAMENT

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**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.

<b>Title of Act</b>	<b>Date of Assent</b>	<b>Act No.</b>
Firearms Act 2024	27 June 2024	23 of 2024
Electoral Amendment Act 2024	27 June 2024	24 of 2024

Dated 1 July 2024.

SAM HASTINGS, Clerk of the Parliaments.

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## PLANNING

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**PL401****PLANNING AND DEVELOPMENT ACT 2005**

## APPROVED LOCAL PLANNING SCHEME AMENDMENT

*Shire of Chittering*

## Local Planning Scheme No. 6 Amendment No. 70

File: TPS/3117

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 Chittering Local Planning Scheme No. 6 on 24 June 2024 for the purpose of—

- (i) Rezoning Lots 30 on Deposited Plan 92433 and 202 on Deposited Plan 60290 Great Northern Highway and Lots 3 on Deposited Plan 20433 and 201 on Deposited Plan 60290 Muchea East Road, Muchea from 'Agricultural Resource' to 'Light Industry';
- (ii) Inserting development provisions into Schedule 11 as follows –

<b>No.</b>	<b>Description of Land</b>	<b>Conditions</b>
3	Precinct 1 North A of the Muchea Industrial Park Structure Plan— Lots 30 and 202 Great Northern Hwy and Lots 3 and 201 Muchea East Rd, Muchea	<p>General planning matters applicable to the Muchea Industrial Park are set out in clause 4.9, 4.20 and 5.7 of the Scheme. The purpose of this schedule is to identify more detailed planning matters relevant to the subject lots.</p> <p><b>1.0 Development</b></p> <p><b>1.1</b> In addition to the matters listed elsewhere in the Scheme and at clause 67 of the Deemed Provisions, development applications are to demonstrate—</p> <ul style="list-style-type: none"> <li>• The proposed use / development has a suitable and sustainable water supply to meet the operational needs of the land use;</li> </ul>

No.	Description of Land	Conditions
		<ul style="list-style-type: none"> <li>• Stormwater can be suitably managed on site in accordance with Local Planning Policy No. 33 Muchea Industrial Park Design Guidelines and Road and Drainage Guidance Note (as amended).</li> </ul> <p>1.2 As Lot 30 may be contaminated, future development on site may need to be preceded by a site contamination assessment conducted by a suitably qualified professional and undertaken to the relevant standards of the Department of Water and Environmental Regulation.</p>

- (iii) Remove Additional Uses 7 and 20 from Schedule 3; and  
 (iv) Amending the Scheme Map accordingly.

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

#### PL402

**PLANNING AND DEVELOPMENT ACT 2005**  
 APPROVED LOCAL PLANNING SCHEME AMENDMENT  
*City of Stirling*  
 Local Planning Scheme No. 3 Amendment No. 126

File: TPS/3082

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 City of Stirling Local Planning Scheme No. 3 on 24 June 2024 for the purpose of—

- Amending the Scheme Text by modifying ‘Schedule 2—Additional Uses’ to include the following—

No.	Description of Land	Additional Uses	Conditions
A95	Lot 66 House Number 220, Balcatta Road, Balcatta	Drive Through Fast Food Outlet ‘D’ Uses	

- Amending the Scheme Map by rezoning Lot 66 (House Number 220) Balcatta Road, Balcatta from ‘Local Centre’ to ‘Local Centre’ and ‘Additional Use (Drive Through Fast Food Outlet)’ by applying the ‘Additional Use (A95)’ designation as shown on the Amendment Map.

M. IRWIN, Mayor.  
 S. RODIC, Chief Executive Officer.

#### PL403

**PLANNING AND DEVELOPMENT ACT 2005**  
 APPROVED LOCAL PLANNING SCHEME AMENDMENT  
*Town of Mosman Park*  
 Local Planning Scheme No. 3 Amendment No. 7

File: TPS/3131

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 Town of Mosman Park Local Planning Scheme No. 3 on 24 June 2024 for the purpose of—

1. Modifying Schedule A—Supplemental provisions to the deemed provisions by deleting Clause 61(1)(k).
2. Deleting Schedule 2—Exempted Advertisements.

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

PL404

**PLANNING AND DEVELOPMENT ACT 2005**  
**DECLARATION OF PLANNING CONTROL AREA 180**  
Lot 99 Syros Court, Mindarie  
*City of Wanneroo*

File: RLS/1136

**General Description**

The Minister for Planning has granted approval to the declaration of a planning control area over Lot 99 Syros Court, Mindarie, as shown on Western Australian Planning Commission (WAPC) plan number 3.2836.

**Purpose of the Planning Control Area**

The purpose of the planning control area is to preserve Lot 99 for public access along the high amenity foreshore of Mindarie Keys.

**Duration and Effects**

The declaration remains in effect for a period of five years from the date of publication of this notice in the *Government Gazette*, being 05 July 2024, or until revoked by the WAPC with approval by the Minister, whichever is sooner.

A person shall not commence and carry out development in a planning control area without the prior approval of the WAPC. The penalty for failure to comply with this requirement is \$200,000 and, in the case of a continuing offence, a further fine of \$25,000 for each day during which the offence continues.

Compensation is payable in respect of land injuriously affected by this declaration, and land so affected may be acquired by the WAPC in the same circumstances and in the same manner as if the land had been reserved in the Metropolitan Region Scheme for a public purpose.

**Display Locations**

Documents can be viewed online at the Department of Planning, Lands and Heritage website <https://www.dplh.wa.gov.au/planning-control-areas>.

Ms SAM BOUCHER, Secretary, Western Australian Planning Commission.

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## PREMIER AND CABINET

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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 J. Jarvis MLC to act temporarily in the office of Minister for Early Childhood Education; Child Protection; Prevention of Family and Domestic Violence; Community Services in the absence of the Hon S. E. Winton MLA for the period 19 to 28 July 2024 (both dates inclusive).

This notice supersedes acting arrangements relating to the above office that were published in *Government Gazette* No.78 of 28 June 2024.

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

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## REGIONAL DEVELOPMENT

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RG401

**REGIONAL DEVELOPMENT COMMISSIONS ACT 1993**  
APPOINTMENTS

It is hereby notified for general information that the Minister for Regional Development has approved the following appointments in accordance with Part 3 of the *Regional Development Commissions Act 1993*—

Goldfields-Esperance Development Commission

Board of Management

Reappointment of Jaimen Hudson as Ministerial representative Member for a term expiring 31 December 2026.

Hon. DON PUNCH, MLA, Minister for Regional Development.

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**TRANSPORT**

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TN401

**ROAD TRAFFIC (VEHICLES) ACT 2012**  
**ELECTRIC AND SAFER FREIGHT VEHICLES ORDER**

I, Peter Woronzow, in my capacity as Commissioner of Main Roads, hereby make an order in accordance with Section 33 of the *Road Traffic (Vehicles) Act 2012* to modify the dimension and mass requirements for applicable heavy vehicles, subject to the conditions specified in this order.

**1. Citation**

This is the *Electric and Safer Freight Vehicles Order*.

**2. Commencement and Duration**

This order takes effect on the day that it is published and until the date the related *Road Traffic (Vehicles) Regulations 2014* amendments take effect.

**3. Interpretation**

In this Order—

**Electric Freight Vehicle** means a *Single Heavy Motor Vehicle* powered by an electric motor.

**GVM** stands for “Gross Vehicle Mass” and means the maximum loaded mass of the vehicle—

- (a) as specified by the manufacturer; or
- (b) as specified by the relevant authority if—
  - (i) the manufacturer has not specified a maximum loaded mass; or
  - (ii) the manufacturer cannot be identified; or
  - (iii) the vehicle has been modified to the extent that the manufacturer’s specification is no longer appropriate.

**Over-width** means exceeding 2.50 metres in width.

**Prime Mover** means a motor vehicle built primarily to tow a semi-trailer but does not include a truck or modified prime mover designed primarily to carry a load or carry out a function other than towing a semi-trailer.

**Safer Freight Vehicle** means a *Single Heavy Motor Vehicle* that, so far as they are applicable, complies with—

- (a) ADR 13/00 or a later version of ADR 13, except if the vehicle is a prime mover;
- (b) ADR 14/03 or a later version of ADR 14;
- (c) ADR 35/07 or a later version of ADR 35;
- (d) ADR 97/00 or a later version of ADR 97;
- (e) ADR 99/00 or a later version of ADR 99;
- (f) ADR 105/00 or a later version of ADR 105, if the vehicle has a GVM over 8 tonnes;
- (g) ADR 106/00 or a later version of ADR 106, except if the vehicle is a prime mover.

**Single Heavy Motor Vehicle** means a motor vehicle that, on its own, is a heavy vehicle.

**4. Application**

This Order applies to an *Electric Freight Vehicle* and a *Safer Freight Vehicle*.

**5. Modification of Dimension Requirements**

5.1 An *Electric Freight Vehicle* fitted with an over-width battery, together with its load, may exceed 2.50 metres in width, but must not exceed 2.55 metres in width.

5.2 A *Safer Freight Vehicle*, together with its load, may exceed 2.50 metres in width, but must not exceed 2.55 metres in width.

**6. Modification of Mass Requirements**

6.1 A single steer axle on an *Electric Freight Vehicle* and a *Safer Freight Vehicle* may exceed 6.0 tonnes, but must not exceed—

- (a) 6.5 tonnes on an axle fitted with tyres with a width equal to or greater than 295mm; or
- (b) 7.1 tonnes on an axle fitted with tyres with a width equal to or greater than 375mm.

6.2 A load sharing twin steer axle group on an *Electric Freight Vehicle* and a *Safer Freight Vehicle*, fitted with tyres with a width equal to or greater than 375mm on each steer axle, may exceed 11.0 tonnes but must not exceed 12 tonnes.

**7. Heavy Vehicle Accreditation**

This Order does not require a person to be accredited in relation to the vehicle, except where there is a requirement for a person to be accredited in relation to the vehicle due to a mass or dimension modification or an access approval separate to this Order.

PETER WORONZOW, Commissioner of Main Roads.



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**PUBLIC NOTICES**

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**ZZ401****TRUSTEES ACT 1962****DECEASED ESTATES**

## Notice to Creditors and Claimants

Vicki Narelle Platt late of 2 Stoke Lane, Carcoar in the state of New South Wales, 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 16 August 2022, are required by the Administrator Victor Everard Hunter, 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 he then has notice.

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**ZZ402****TRUSTEES ACT 1962****DECEASED ESTATES**

## Notice to Creditors and Claimants

Neil Birkett late of 3/106 Hamersley Road, Subiaco in the State of Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased, who died on 25 January 2024 are required by the Executor to send particulars of their claims to them care of GV Lawyers, Level 5, 16 Irwin Street, Perth by 5 August 2024 after which date the Executor may convey or distribute the assets having regard to the claims of which they then have notice.

GV LAWYERS, as Solicitors for the Executor.

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

## Notice to Creditors and Claimants

Irina Dhue, late of 80 Seymour Street, West Busselton, in the State of Western Australia, Home Duties, 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 31 May 2024 are required by the applicant for grant of representation, c/- CS Legal, Level 20, 77 St Georges Terrace, Perth WA 6000 to send particulars of their claims to the applicant within 30 days from the date of publication of this notice, after which date the applicant for grant of representation may convey or distribute the assets, having regard only to the claims of which she/he then has notice.

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**ZZ404****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 estate of Reginald George Clarke late of 3 Village Walk Ocean Reef WA deceased, who died on the 9th January 2024, are required by the executors of the Estate to send particulars of their claims to them, c/- Guardian Wills and Probate PO Box 26 Joondalup DC WA 6919, within one (1) month of the date of publication hereof, after which date the executors may convey or distribute the assets having regard to the claims of which they then have notice.

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**ZZ405****TRUSTEES ACT 1962**

## DECEASED ESTATES

## Notice to Creditors and Claimants

Estate of Evan Hendrik Ubels, late of 13 Avondale Street, Newtown, Toowoomba, Queensland, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the deceased, who died on 22 October 2023, are required by the Executor Helen Gwyneth Besier of 7 Thompson Street, Gladesville, New South Wales to send particulars of their claims to Safewill Legal of PO Box 533, Surry Hills NSW 2010, representatives for the estate, within 30 days by registered mail after which date they may convey or distribute the assets of the estate, having regard only to the claims of which she then has notice.

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**ZZ406****TRUSTEES ACT 1962**

## DECEASED ESTATES

## Notice to Creditors and Claimants

In the matter of Ceri Hills, late of 17 Silas Parade, Alkimos, 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 at Joondalup Health Campus, Joondalup, Western Australia on 9 December 2023 are required by the executor, Rebecca Hills care of Tang Law, Level 7, 12 St Georges Terrace, Perth, Western Australia, Tel: (08) 9328 7525 to send particulars of their claims to Tang Law by the 12 August 2024, after which date the executor may convey or distribute the assets, having regard only to the claims of which she then has notice.

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**ZZ407****TRUSTEES ACT 1962**

## DECEASED ESTATES

## Notice to Creditors and Claimants

In the estate of Reginald Hubert Copeman late of Blue Wren Lodge, Denmark in the State of Western Australia, Geology Assistant, 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 20 January 2024, are required by the executor, Derek Stone of 2 Maloney Close, Ocean Beach in the State of Western Australia to send particulars of their claims to them at HFM Legal of PO Box 1 Maddington, WA 6989, 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 they then have notice.

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**ZZ408****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 5 August 2024, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Davis, Amy Marion, late of Catholic Homes St Vincent's Residential Aged Care Guildford, 224 Swan Street, Guildford, who died on 1 June 2024 (DE19763001 EM26).

Drane, Joan Mary, late of 48 Sandpiper Loop, Yangebup, who died on 29 April 2024 (DE33092547 EM213).

Dyer, Barry Richard, late of Hall & Prior Rockingham Nursing Home and Aged Care, 14 Langley Street, Rockingham, who died on 8 April 2024 (DE19915408 EM14).

Forbes, John Wallace, late of Bethanie Beachside Aged Care Home, 629 Two Rocks Road, Yanchep, who died on 22 May 2024 (DE19731300 EM36).

Hardiman, Helene Emmi (also known as Helen Emmi Hardiman), late of BaptistCare Gracewood Aged Care Home, 20 Roebuck Drive, Salter Point, who died on 28 May 2024 (DE19760937 EM14).

- Jacobs, Marlene Lillian, 28 Wallsend Street, Safety Bay, who died on 11 April 2024 (11 April 2024).
- Jeps, John, late of 9 Parker Avenue, Mount Nasura, who died on 5 May 2024 (DE19980901 EM24).
- McCormick, Peter, late of Unit 9, 174 Fairway Circle, Connolly, who died on 17 April 2024 (DE20002494 EM37).
- McKernan, Dermot, formerly of Unit 9, 84 Collick Street, Hilton, late of Margaret Hubery Village, Unit 36, 36 Fifth Avenue, Rossmoyne, who died on 21 May 2024 (DE19811422 EM37).
- Oliver, Geoffrey, late of 208 Tamma Road, Bakers Hill, who died on 12 March 2024 (DE19916013 EM113).
- Patchett, Clement Charles, late of Unit 5, 18-22 Astley Street, Gosnells, who died on 4 March 2024 (DE33140812 EM26).
- Walker, Andrew Joseph Waldemar Karl (also known as Andrew Joseph Walker), late of 26 Hardey East Road, Wattle Grove, who died on 27 March 2024 (DE33049696 EM15).
- Wilson, Marilyn Joy (also known as Marylyn Joy Wilson), late of 2 Seabrook Street, Beverley, who died on 5 April 2024 (DE19831330 EM24).

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

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