



WESTERN  
AUSTRALIAN  
GOVERNMENT

# Gazette

367



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JOHN A. STRIJK,  
Acting Government Printer.

## PROCLAMATIONS

AA101

### RIGHTS IN WATER AND IRRIGATION ACT 1914

#### PROCLAMATION

WESTERNAUSTRALIA  
P. M. Jeffery,  
Governor.  
[L.S.]

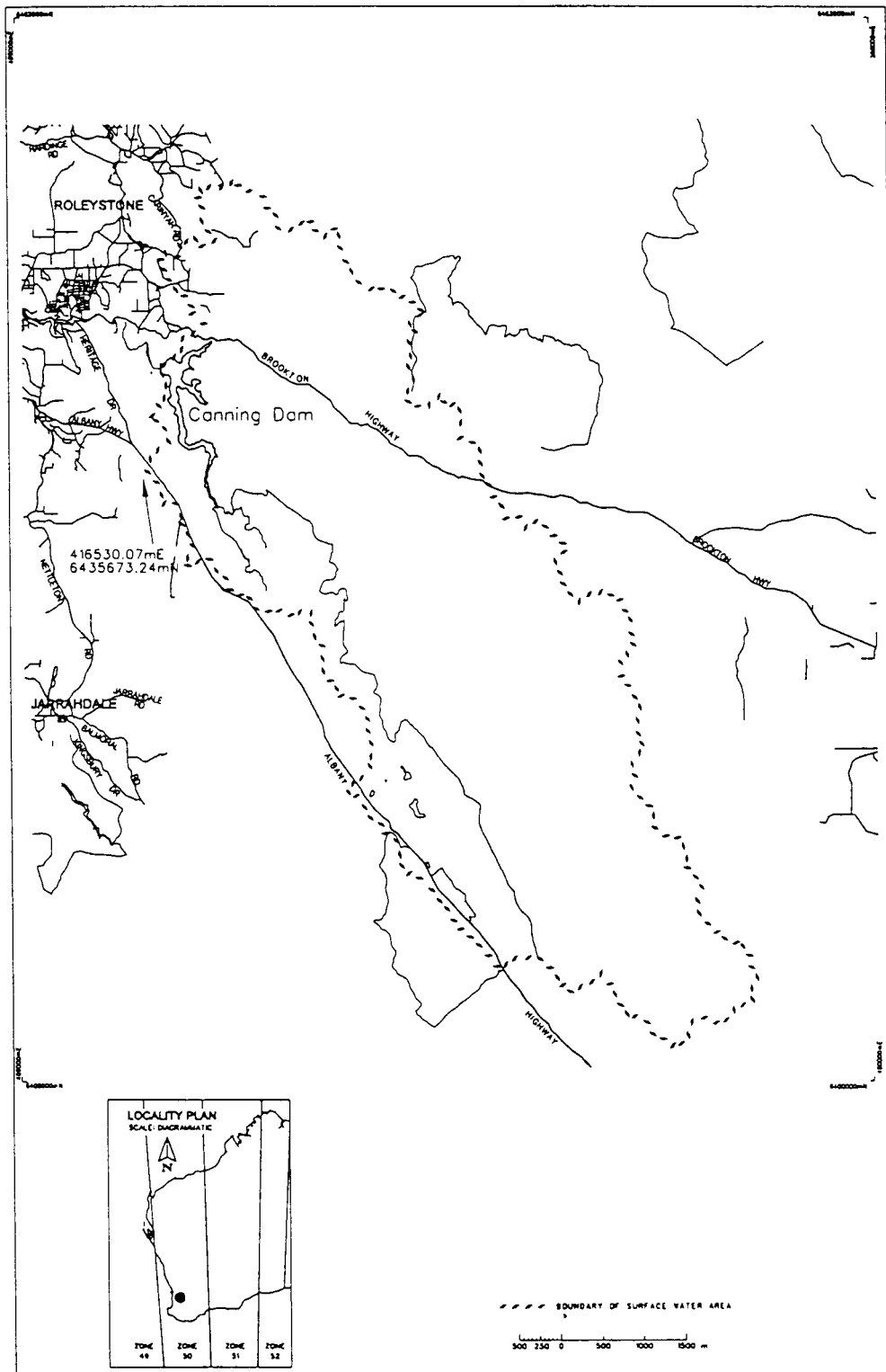
} By His Excellency Major General Philip Michael  
Jeffery, Companion of the Order of Australia, Officer  
of the Order of Australia (Military Division), Military  
Cross, Governor of the State of Western Australia.

I, the Governor, acting under section 6 (3) of the Rights in Water and Irrigation Act 1914, on the recommendation of the Minister and with the advice and consent of the Executive Council, declare that Division 1 of Part III of that Act applies and has effect in relation to any water-course, lake, lagoon, swamp or marsh situated within the following portions of the State, namely—

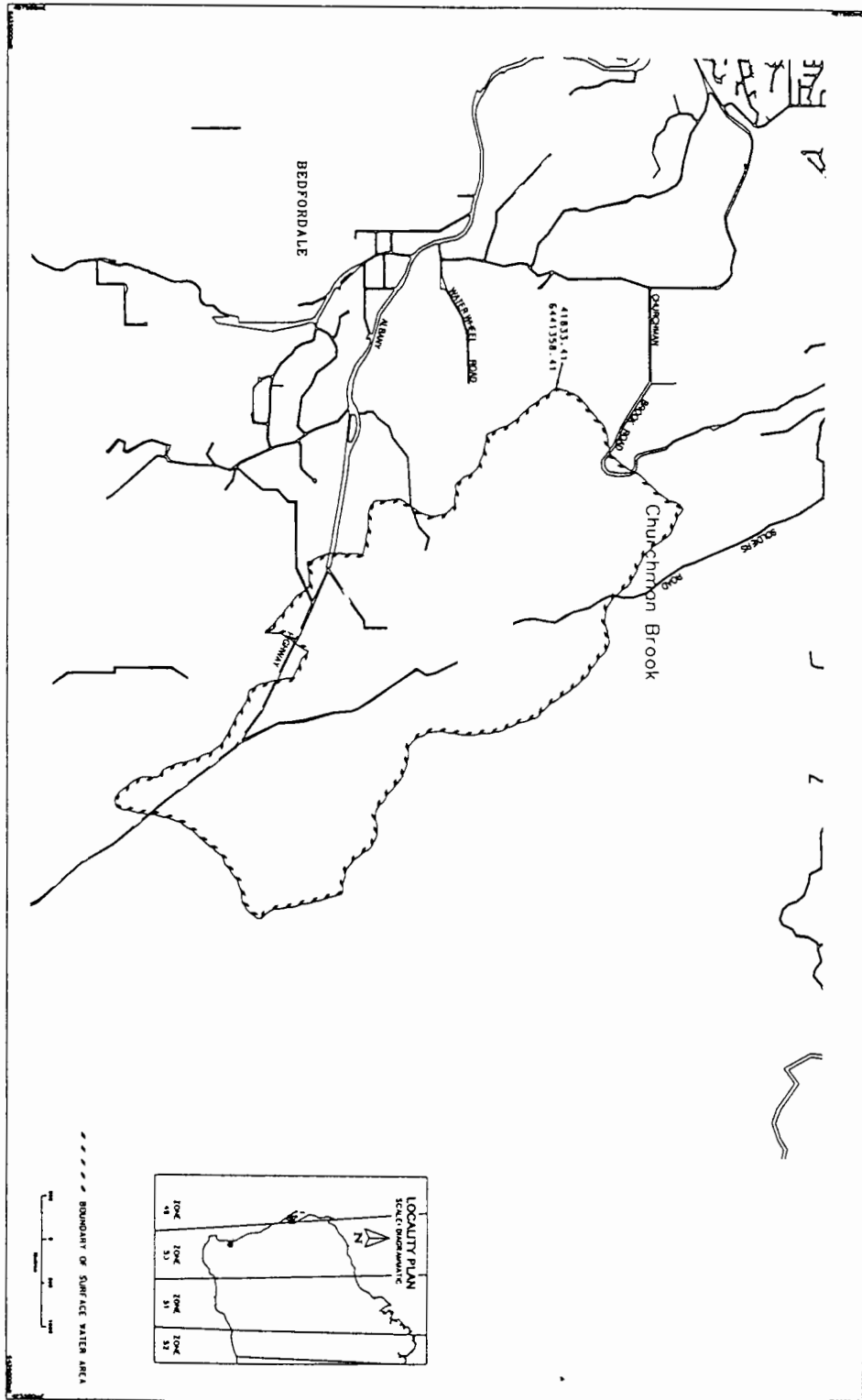
- (a) the area known as Bolganup Creek Surface Water Area contained within the border—
  - (i) outlined . . . . . on plan WRC1197-1-1 held by the Water and Rivers Commission at its offices at 3 Plain Street, East Perth; and
  - (ii) defined by straight lines connecting the Australian Map Grid coordinates for zone 50 specified on the annexure to the plan and extending along those coordinates in a clockwise direction from the first coordinate back to that coordinate,
 which area is represented for information purposes in the plan in Schedule 1;
- (b) the area known as Canning Dam Surface Water Area contained within the border—
  - (i) outlined . . . . . on plan WRC13-1-1 held by the Water and Rivers Commission at its offices at 3 Plain Street, East Perth; and
  - (ii) defined by straight lines connecting the Australian Map Grid coordinates for zone 50 specified on the annexure to the plan and extending along those coordinates in a clockwise direction from the first coordinate back to that coordinate,
 which area is represented for information purposes in the plan in Schedule 2;
- (c) the area known as Churchman's Brook Surface Water Area contained within the border—
  - (i) outlined . . . . . on plan WRC9-1-1 held by the Water and Rivers Commission at its offices at 3 Plain Street, East Perth; and
  - (ii) defined by straight lines connecting the Australian Map Grid coordinates for zone 50 specified on the annexure to the plan and extending along those coordinates in a clockwise direction from the first coordinate back to that coordinate,
 which area is represented for information purposes in the plan in Schedule 3;
- (d) the area known as Limeburner's Creek Surface Water Area contained within the border—
  - (i) outlined . . . . . on plan WRC1199-1-1 held by the Water and Rivers Commission at its offices at 3 Plain Street, East Perth; and
  - (ii) defined by—
    - (I) straight lines connecting the Australian Map Grid coordinates for zone 50 specified on the annexure to the plan and extending along those coordinates in a clockwise direction from the first coordinate to the final coordinate; and
    - (II) a line commencing at the final coordinate and following the high water mark of the coastline back to the first coordinate,
 which area is represented for information purposes in the plan in Schedule 4;
- (e) the area known as Mundaring Weir Surface Water Area contained within the border—
  - (i) outlined . . . . . on plan WRC11-1-1 held by the Water and Rivers Commission at its offices at 3 Plain Street, East Perth; and
  - (ii) defined by straight lines connecting the Australian Map Grid coordinates for zone 50 specified on the annexure to the plan and extending along those coordinates in a clockwise direction from the first coordinate back to that coordinate,
 which area is represented for information purposes in the plan in Schedule 5;
- (f) the area known as Victoria Dam Surface Water Area contained within the border—
  - (i) outlined . . . . . on plan WRC10-1-1 held by the Water and Rivers Commission at its offices at 3 Plain Street, East Perth; and
  - (ii) defined by straight lines connecting the Australian Map Grid coordinates for zone 50 specified on the annexure to the plan and extending along those coordinates in a clockwise direction from the first coordinate back to that coordinate,
 which area is represented for information purposes in the plan in Schedule 6; and
- (g) the area known as Wungong Dam Surface Water Area contained within the border—
  - (i) outlined . . . . . on plan WRC12-1-1 held by the Water and Rivers Commission at its offices at 3 Plain Street, East Perth; and
  - (ii) defined by straight lines connecting the Australian Map Grid coordinates for zone 50 specified on the annexure to the plan and extending along those coordinates in a clockwise direction from the first coordinate back to that coordinate,
 which area is represented for information purposes in the plan in Schedule 7.



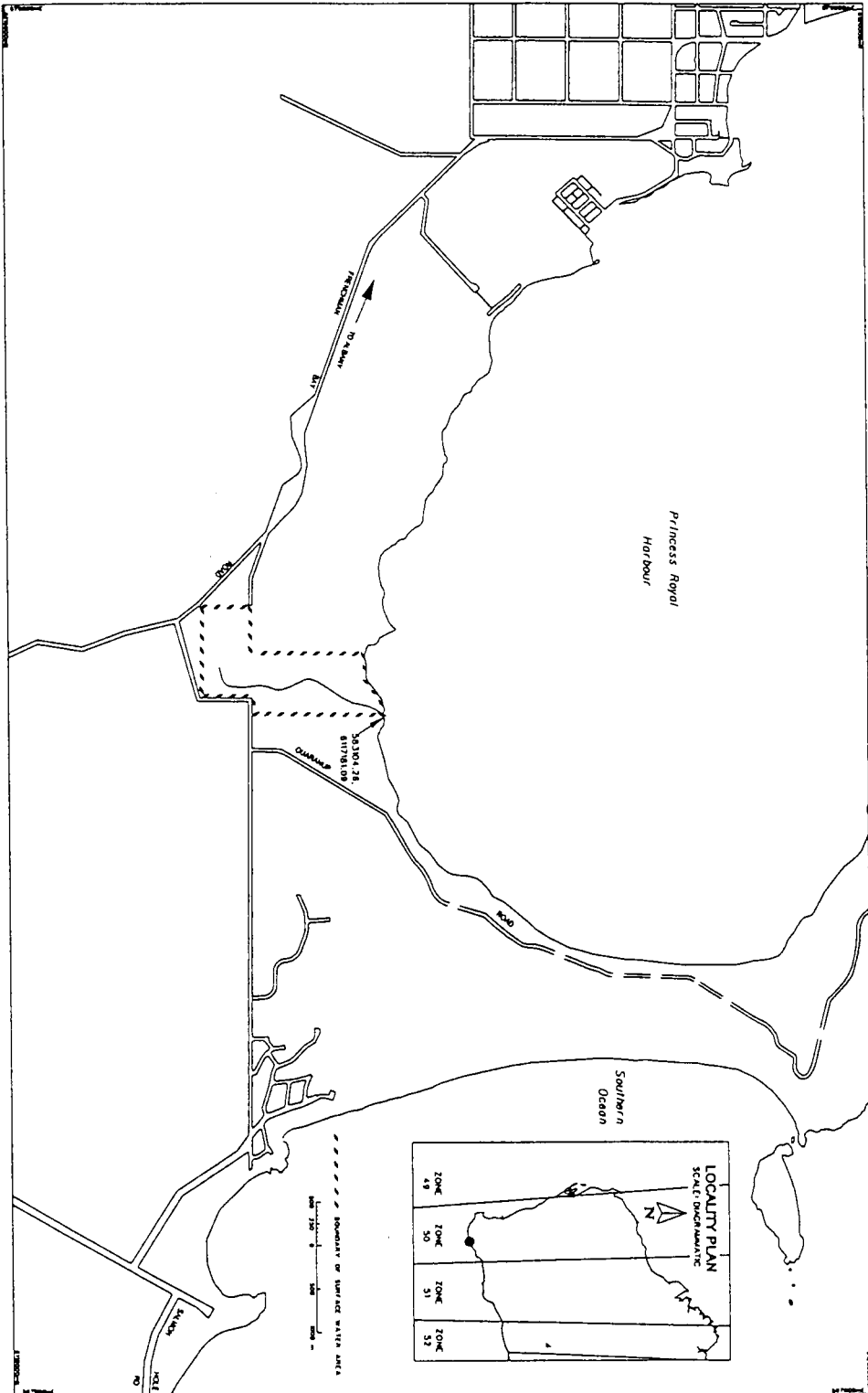
SCHEDULE 2—CANNING DAM SURFACE WATER AREA



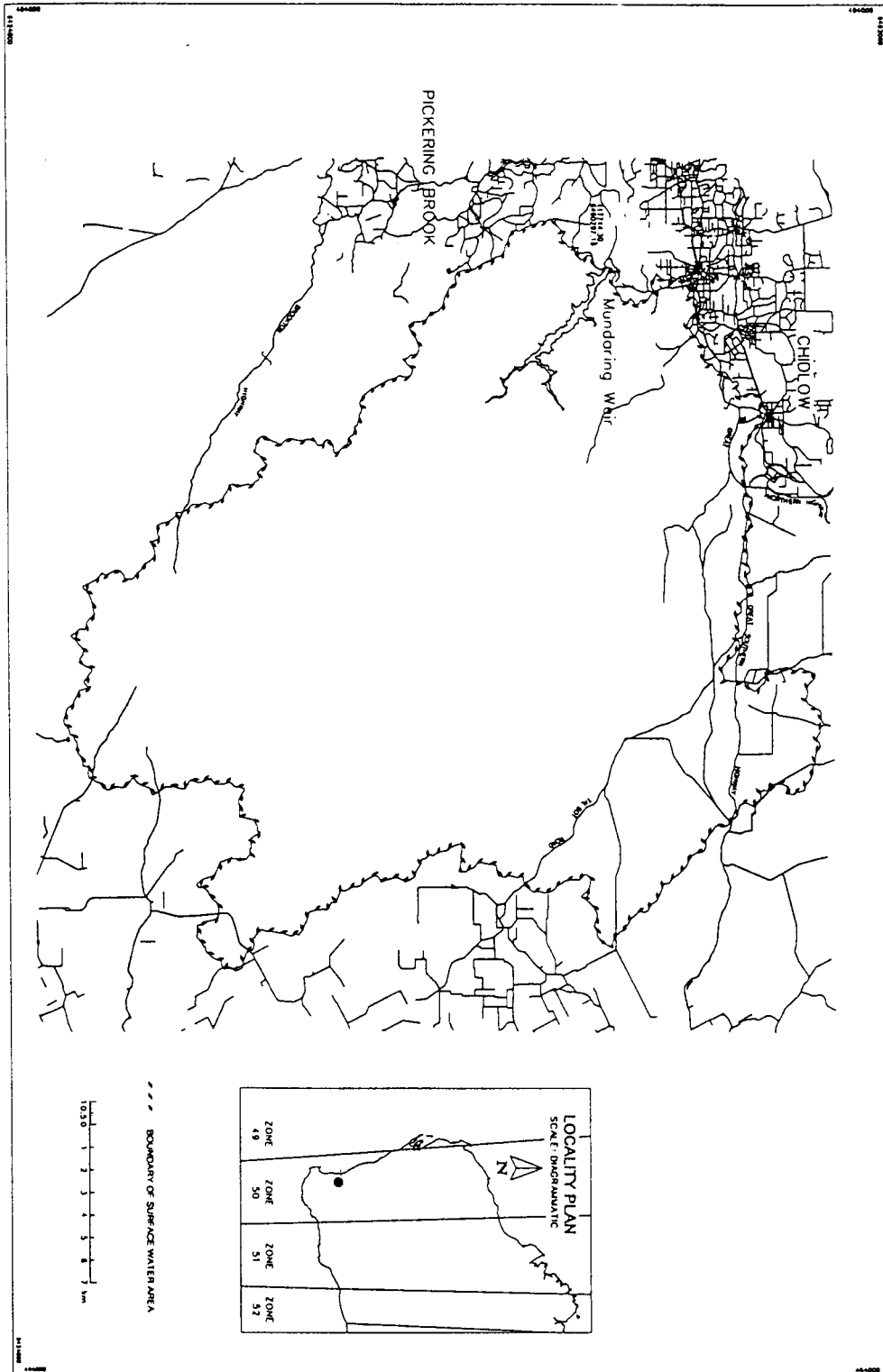
SCHEDULE 3—CHURCHMAN'S BROOK SURFACE WATER AREA



SCHEDULE 4—LIMEBURNER'S CREEK SURFACE WATER AREA



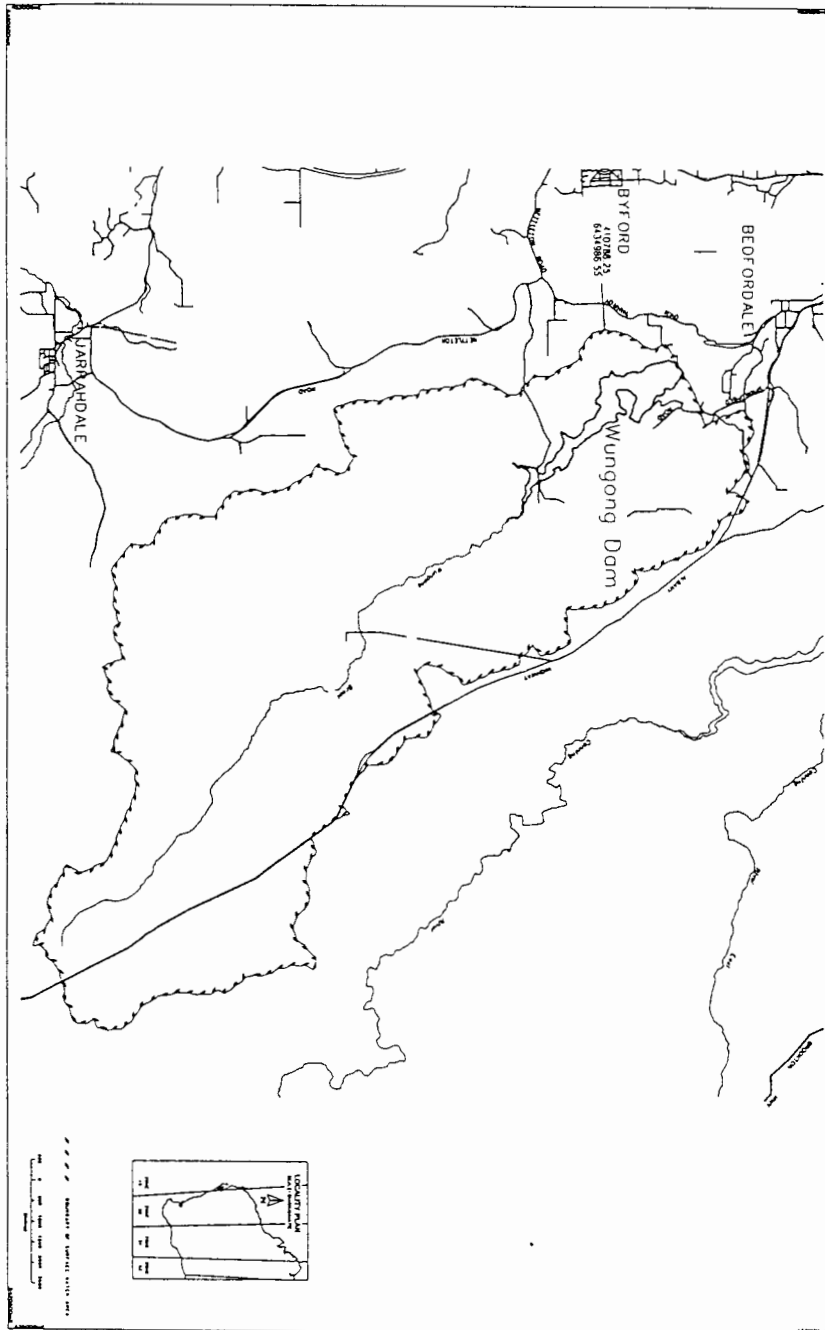
SCHEDULE 5—MUNDARING WEIR SURFACE WATER AREA







## SCHEDULE 7—WUNGONG SURFACE WATER AREA



AA102

## RIGHTS IN WATER AND IRRIGATION ACT 1914

## PROCLAMATION

WESTERN AUSTRALIA  
P. M. Jeffery,  
Governor.  
[L.S.]

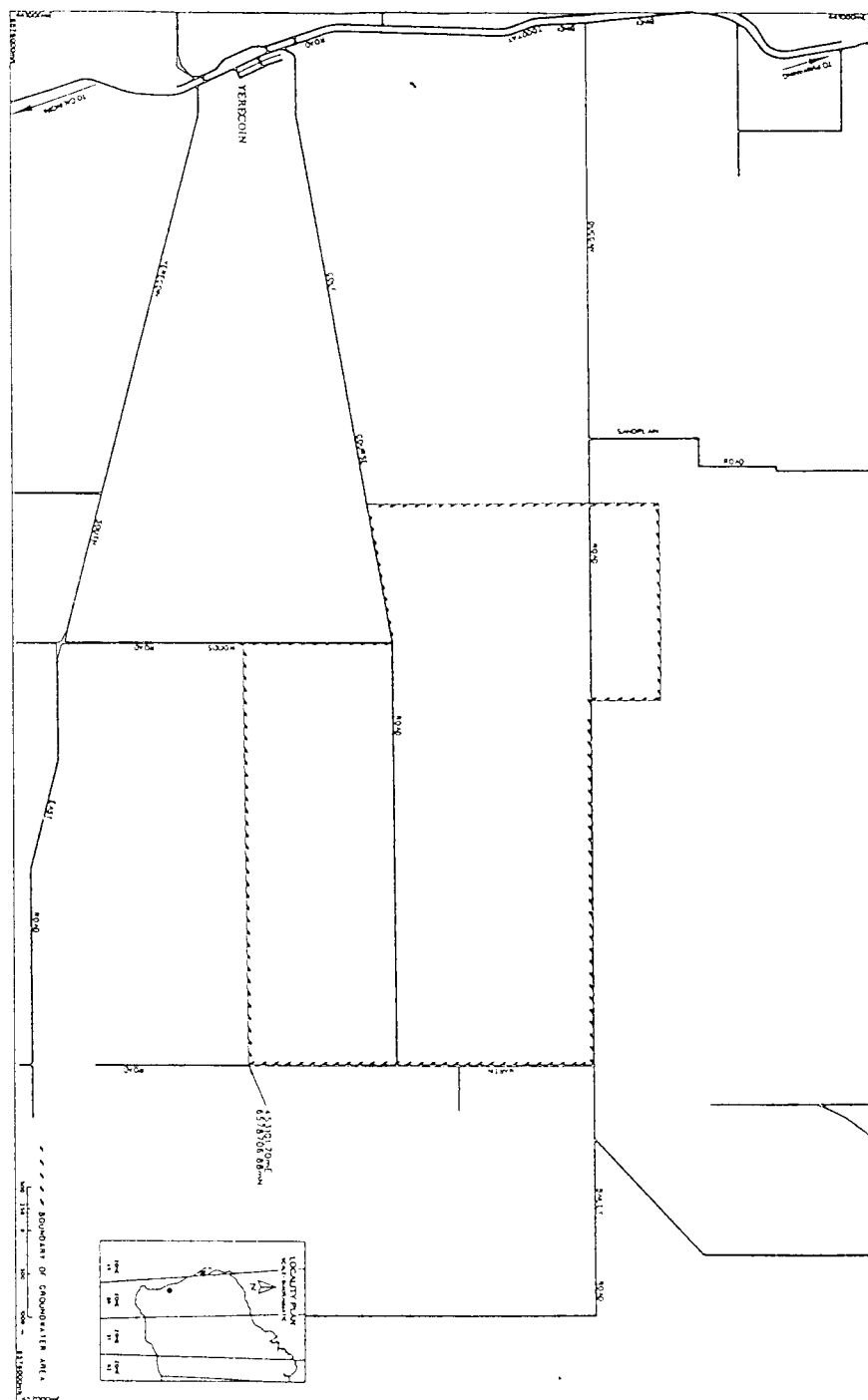
} By His Excellency Major General Philip Michael  
Jeffery, Companion of the Order of Australia, Officer  
of the Order of Australia (Military Division), Military  
Cross, Governor of the State of Western Australia.

I, the Governor, acting under section 26B (1) of the Rights in Water and Irrigation Act 1914, and with the advice and consent of the Executive Council, declare the following parts of the State to be proclaimed areas for the purposes of that section, namely—

- (a) the area known as New Norcia Groundwater Area contained within the border—
- (i) outlined **■■■■■■■■■■** on plan WRC29-1-1 held by the Water and Rivers Commission at its offices at 3 Plain Street, East Perth; and
  - (ii) defined by straight lines connecting the Australian Map Grid coordinates for zone 50 specified on the annexure to the plan and extending along those coordinates in a clockwise direction from the first coordinate back to that coordinate,
- which area is represented for information purposes in the plan in Schedule 1; and



## SCHEDULE 2—YERECOIN GROUNDWATER AREA



## AGRICULTURE

AG301

PLANT DISEASES ACT 1914

PLANT DISEASES AMENDMENT REGULATIONS (No. 4) 1996

Made by His Excellency the Governor in Executive Council.

### Citation

1. These regulations may be cited as the *Plant Diseases Amendment Regulations (No. 4) 1996*.

**Principal regulations**

2. In these regulations the *Plant Diseases Regulations 1989\** are referred to as the principal regulations.

[\* *Published in Gazette 30 June 1989, pp. 1980-93.*  
*For amendments to 22 October 1996 see 1995 Index to Legislation of Western Australia, Table 4, pp. 214-15 and Gazette 2 February, 7 June, 20 August and 3 September 1996.*]

**Regulation 6 amended**

3. Regulation 6 of the principal regulations is amended by repealing subregulation (3) and substituting the following subregulations —

“

(3) Inspection points referred to in subregulation (1) are at the following places —

- (a) the Port of Fremantle;
- (b) Perth Airport;
- (c) the Department of Agriculture Checkpoint on the Eyre Highway at the Western Australian/South Australian border;
- (d) the Department of Agriculture at Kalgoorlie;
- (e) the Department of Agriculture Checkpoint at Kununurra;
- (f) the East Perth Rail Terminal;
- (g) the Kalgoorlie Rail Terminal;
- (h) the Kewdale rail freight yards;
- (i) the Kalgoorlie rail freight yards;
- (j) the Australia Post Depot, Pilbara St, Welshpool.

(4) The driver of a conveyance shall on reaching an inspection point referred to in subregulation (3) (c) or (e) stop the conveyance and keep it stationary until permitted by an inspector to proceed.

(5) A person who fails to comply with subregulation (4) commits an offence.

Penalty: \$5 000.

”.

**Regulation 11 amended**

4. Regulation 11 (1) of the principal regulations is amended by deleting “an inspector may cause to be erected beside any road a warning sign” and substituting the following —

“ a warning sign may be erected beside any road ”.

**Regulation 15 repealed and a regulation substituted**

5. Regulation 15 of the principal regulations is repealed and the following regulation is substituted —

“

**Person in charge of conveyance or consignment may be requested to provide access, unload goods, etc.**

15. (1) An inspector may, in order to facilitate the inspection or search of a conveyance or consignment under section 13 or 23 of the Act, request the person in charge of the conveyance or consignment —

- (a) to open or otherwise provide access to the conveyance or consignment;

- (b) to unload any goods or things from the conveyance or forming part of the consignment; or
- (c) to open any package or container in or on the conveyance or forming part of the consignment,

to the satisfaction of the inspector.

(2) If a person fails to comply with a request under subregulation (1) —

- (a) the inspector may do the thing requested or cause it to be done; and
- (b) any costs incurred under paragraph (a) may be recovered by the Director General in a court of competent jurisdiction up to an amount of \$5 000.

”.

### Schedule 8 amended

6. Schedule 8 to the principal regulations is amended by inserting after item 7 the following item —

“

7A.	Regulation 6 (5)	Failure to stop a conveyance or keep it stationary at an inspection point	75
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”.

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.

AG302

## PLANT DISEASES ACT 1914

### PLANT DISEASES AMENDMENT REGULATIONS (No. 8) 1996

Made by His Excellency the Governor in Executive Council.

#### Citation

1. These regulations may be cited as the *Plant Diseases Amendment Regulations (No. 8) 1996*.

#### Principal regulations

2. In these regulations the *Plant Diseases Regulations 1989\** are referred to as the principal regulations.

[\* *Published in Gazette 30 June 1989, pp. 1980-93.*  
*For amendments to 5 December 1996 see 1995 Index to Legislation of Western Australia, Table 4, pp. 214-15, and Gazette 2 February, 7 June, 20 August and 3 September 1996.*]

#### Regulation 4A amended

3. Regulation 4A of the principal regulations is amended —

- (a) by inserting after the regulation designation “4A.” the subregulation designation “(1)”; and

(b) by inserting the following subregulation —

- “
- (2) An approval given for the purposes of subregulation (1) may specify —
- (a) the period during which the approval is to have effect; and
- (b) such conditions relating to the entry of the potential carrier as the Director General thinks fit.
- ”

#### **Regulation 4B inserted**

4. After regulation 4A of the principal regulations the following regulation is inserted —

- “
- Potential carriers — entry for processing or export**
- 4B.** (1) Notwithstanding regulation 4, the Minister may approve the entry into the State of an otherwise prohibited or restricted potential carrier for the purpose of processing or export from the State.
- (2) An approval given for the purposes of subregulation (1) may specify —
- (a) the period during which the approval is to have effect; and
- (b) such conditions relating to the entry of the potential carrier as the Minister thinks fit.
- ”

#### **Schedule 1 amended**

5. (1) Schedule 1 to the principal regulations is amended in Part A in column 5 —

- (a) in the item relating to “Avocado” by deleting “4/9C” and substituting the following —
- “ 4/4B/9C ”;
- (b) in the items relating to “Caimito (Star apple)” and “Carambola” by deleting “4/9C” and substituting in each case the following —
- “ 4/4A/9C ”;
- (c) in the item relating to “Durian” by deleting “4/9C” and substituting the following —
- “ 4/9/9C ”;
- (d) in the item relating to “Longan” by deleting “4/9/9C” and substituting the following —
- “ 4/4A/9/9C ”;
- (e) in the item relating to “Lychee” by deleting “4/7/9/9C” and substituting the following —
- “ 4/4A/7/9/9C ”;
- (f) in the item relating to “Mango” by deleting “4/7/9B/9E” and substituting the following —
- “ 4/4B/7/9B/9E ”;
- (g) in the item relating to “Passionfruit” by deleting “4/9H” and substituting the following —
- “ 4/4A/9H ”; and

- (h) in the item relating to "Rambutan" by deleting "4/7/9C" and substituting the following —

" 4/4A/7/9/9C ".

- (2) Schedule 1 to the principal regulations is amended in Part B —

- (a) in item 4 —

- (i) by deleting "(*Tephritidae*)" and substituting the following —

"  
(*B. tryoni*, *B. aquilonis*, *B. cucumis*, *B. musae*,  
*B. frauenfeldi* and *B. neohumeralis*)  
";

and

- (ii) in paragraph (a) (ii) by inserting after "400 mg/L" the following —

" of ";

- (b) by inserting after item 4 the following items —

"  
4A. Caimito, Carambola, Longan, Lychee, Passionfruit  
and Rambutan — Fruit Fly (*B. tryoni*, *B. aquilonis*,  
*B. cucumis* and *B. neohumeralis*)

To be certified as —

- (a) having been immersed in a dip containing  
400 mg/L of dimethoate or fenthion for at least  
10 seconds; and  
(b) having remained wet for at least 1 minute  
before drying.

4B. Avocado and Mango — Fruit Fly (*B. tryoni*,  
*B. aquilonis*, *B. frauenfeldi* and *B. neohumeralis*)

To be certified as —

- (a) having been sprayed after harvest with  
400 mg/L of fenthion at a rate of 0.6 L/m<sup>2</sup> per  
minute for at least 15 seconds; and  
(b) having remained wet for at least 1 minute  
before drying.

";

- (c) by deleting item 9 and substituting the following item —

"  
9. Durian, Jaboticaba, Jackfruit, Longan, Lychee,  
Pomegranate and Rambutan — Fruit Fly (*B. tryoni*,  
*B. aquilonis* and *B. neohumeralis*)

(1) To be certified that each individual fruit has been  
inspected and has unbroken skin.

(2) In addition Rambutan fruit to be certified as not  
over ripe.

";

and

- (d) in item 41 by deleting "500 km" and substituting the following —

" 100 km ".





## LOCAL GOVERNMENT

**LG401****LOCAL GOVERNMENT ACT 1995**

*Shire of Mount Magnet*  
Acting Chief Executive Officer

It is hereby notified for public information that David Hepburn Tindale has been appointed Acting Chief Executive Officer of the Shire of Mount Magnet from 16 January 1997 until 6 March 1997.

K. M. BRAND, President.

**LG701****HEALTH ACT 1911**

Section 57(2)

*Shire of Moora*

**SEWERAGE SCHEME EXTENSIONS**

Moora Townsite

Seaforth Street

Notice of Intention

The Shire of Moora proposes to construct an extension to the existing townsite sewerage scheme for the purpose of draining waste water and sewerage from dwellings within the area delineated on Fraser Consultants Drawings No. 031/07072-S-2 and 031/07072-S-1 and to treat the waste water and sewerage in the treatment works already constructed. It is estimated that the capital cost of the extension will cost \$20 000, it is proposed to finance the work from Municipal Funds provided on Council's Budget.

The estimated capital cost of the properties to be served by the proposed extension is \$700 000.

Water supply for the Sewerage Scheme comes from the existing country areas water supply for Moora Townsite.

A general plan and description of the proposed extension has been deposited with the Executive Director, Public Health and copies may be inspected at the Council Office, objections will be received until 21 January 1997.

J. N. WARNE, Chief Executive Officer.

## MAIN ROADS

**MA401**

MRWA 42-219-B

**MAIN ROADS ACT 1930****LAND ACQUISITION AND PUBLIC WORKS ACT 1902****NOTICE OF INTENTION TO TAKE OR RESUME LAND**

The Minister for Works hereby gives notice, in accordance with the provisions of section 17 (2) of the Land Acquisition and Public Works Act 1902, that it is intended to take or resume under section 17 (1) of that Act the pieces or parcels of land described in the Schedule hereto and being all in the Northampton District, for the purpose of the following public works namely, construction of the Port Gregory-Kalbarri Road—Utcha Swamp Section (SLK Section 0.0-42.0) and that the said pieces or parcels of land are marked off on MRWA Drawings 9604-010-4 and 9604-172 which may be inspected at the office of the Commissioner of Main Roads, Waterloo Crescent, East Perth.

Schedule

No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (Approx.)
1.	William Hose and Robert James Hose and Honora Mary Hose as Executors of the will and Codicil of Robert James Hose, deceased of one undivided third share and the said William Hose of one undivided third share and the said Robert James Hose of one undivided third share as tenants in common	W. Hose, R. J. Hose & H. M. Hose as Executors of the will and Codicil of R. J. Hose, deceased of one undivided third share and the said W. Hose of one undivided third share and the said R. J. Hose of one undivided third share	Portion of Victoria Location 6687 and portion of Victoria Location 6882 and being part of the land comprised in Certificate of Title Volume 1220 Folio 067	9.6194 ha

Schedule—*continued*

No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (Approx.)
2.	Crown	B. W. & M. I. Hutton	Portion of Victoria Location No. 11491 and being part of the land comprised in Crown Lease 1945/1989	3.8600 ha
3.	Bruce William Hutton and Margrit Hutton of 921 undivided 1250th shares and Grahame Bennett of 329 undivided 1250th shares	B. W. & M. Hutton and G. Bennett	Portion of Victoria Location 4829 and being part of the land comprised in Certificate of Title Volume 1876 Folio 3	4.2810 ha
4.	Kathe Brealey	K. Brealey	Portion of Victoria Location 3581 and being part of the land comprised in Certificate of Title Volume 1876 Folio 1	7.3336 ha
5.	Graham Keith Simkin and Robin Lilian Simkin	G. K. & R. L. Simkin	Portion of Victoria Location 4830 and being part of the land comprised in Certificate of Title Volume 1876 Folio 2	2.7123 ha
6.	Fred William Horsfield and Eliska Horsfield	F. W. & E. H. Horsfield	Portion of Victoria Location 4831 and being part of the land comprised in Certificate of Title Volume 1670 Folio 583	3.2429 ha

Dated this 10th day of January 1997.

R. D. GILES, A/Director Corporate Services.

## MEAT

### MM401

#### WESTERN AUSTRALIAN MEAT INDUSTRY AUTHORITY ACT 1976

Western Australian Meat Industry Authority,  
Midland.

I, Monty House, Minister for Primary Industry, hereby appoint the following persons as inspectors pursuant to section 24G of the Western Australian Meat Industry Authority Act 1976—

Roger David Beer  
Jack Peter Lee  
Melanie Kaye Bridger  
Ronald Norman Goldspring

MONTY HOUSE, Minister for Primary Industry.

## PLANNING

### PD401

#### TOWN PLANNING AND DEVELOPMENT ACT 1928 APPROVED TOWN PLANNING SCHEME AMENDMENT *Shire of Albany*

Town Planning Scheme No. 3—Amendment No. 124

Ref: 853/5/4/5 Pt 124

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Albany Town Planning Scheme Amendment on January 6, 1997 for the purpose of—

1. Rezoning Lot 129 Coombes Road, Torbay from "Rural" to "Special Rural" zone as depicted in the Scheme Amendment Map.

2. Including the land and special provisions referring to the land within the First Schedule of the Scheme Text as follows—

A) SPECIFIED AREA OF LOCALITY	B) SPECIAL PROVISIONS TO REFER TO A)
Lot 129 Coombes Road, Trbay	<p>1.0 PLAN OF SUBDIVISION</p> <p>1.1 Subdivision of Special Rural Zone Area No. 13 land shall be generally in accordance with the Subdivision Guide Plan endorsed by the Chief Executive Officer.</p> <p>1.2 The minimum lot size shall be 2.0 hectares, however the Western Australian Planning Commission may approve minor variations to the Subdivision Guide Plan on the recommendation of Council.</p> <p>2.0 OBJECTIVE OF ZONE</p> <p>2.1 Within Special Rural Zone No. 13 the objective is to subdivide the land to create a rural-residential retreat in a coastal area in a manner which preserves the landscape quality of the locality with particular attention given to the protection of fauna and flora, fire control and the siting and appearance of buildings with the emphasis on minimizing impact on both the landscape and natural vegetation.</p> <p>3.0 LANDSCAPE</p> <p>3.1 Within Special Rural Zone No. 13 the following uses are permitted—</p> <ul style="list-style-type: none"> <li>• Rural Residential Dwelling</li> </ul> <p>3.2 The following uses may be permitted subject to the special approval of Council:</p> <ul style="list-style-type: none"> <li>• Home Occupation</li> <li>• Craft Studio</li> </ul> <p>4.0 KEEPING OF LIVESTOCK/ANIMALS</p> <p>4.1 With the intention of protecting native flora and fauna and preventing land degradation and practices detrimental to the amenity of the area, the keeping of horses, goats, sheep, cattle, cats and any other animal so determined by Council shall not be permitted.</p> <p>5.0 LOCATION OF BUILDINGS AND STRUCTURES</p> <p>5.1 Buildings, tanks and structures shall not be constructed within the "Development Exclusion Area" designated on the Subdivision Guide Plan.</p> <p>5.2 All buildings and structures shall be located within a building envelope of 3,000m<sup>2</sup> not in the Development Exclusion Zone to the satisfaction of and approved by Council.</p> <p>5.3 Dwellings shall be sited to allow a "lowfuel zone" not less than 20m wide, which does not encroach any vegetation protection area.</p> <p>5.4 Fences shall not be permitted across strategic fire breaks.</p> <p>5.5 Boundary fences shall not be permitted along internal common boundaries. Fences along road boundaries and the northern, eastern and western perimeter boundaries of Lot 129 may be permitted with Council approval.</p> <p>6.0 BUILDING DESIGN MATERIALS AND COLOUR</p> <p>6.1 Dwellings and outbuildings shall be designed and constructed of materials which allow them to blend into the landscape of the site. Council shall refuse to approve walls and roofs constructed of reflective materials such as unpainted "zincalume" and "off-white" colours. Council will be supportive of walls and roofs with green, brown or red tonings in keeping with the amenity of the area.</p> <p>6.2 Dwelling houses and all outbuildings shall not exceed 7.5m in height which is measured vertically from the natural ground level.</p>

## A) SPECIFIED AREA OF LOCALITY

## B) SPECIAL PROVISIONS TO REFER TO A)

- 6.3 No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket. If fencing is utilized, it should be of rural-construction such as post and strand (or similar) to the satisfaction of Council.
- 6.4 Water tanks shall be painted or coloured an appropriate shade of brown or green or suitably screened with vegetation to the satisfaction of Council.
- 7.0 VEGETATION PROTECTION AND REVEGETATION
- 7.1 No clearing of vegetation shall occur except for—
- (a) clearing to comply with the requirements of the Bush Fires Act 1954 (as amended).
  - (b) clearing within the approved building envelope as may reasonably be required to construct an approved building and curtilage.
  - (c) trees which are dead, diseased or dangerous.
  - (d) clearing to gain vehicular access to an approved dwelling or any other clearing which may be approved by the Council.
  - (e) clearing to establish a low fuel zone.
- 7.2 The Council may request the Commission to impose a condition at the time of subdivision which requires the subdivider to revegetate the road verge and any other areas affected by site works.
- 7.3 Additional tree planting may be required as a condition of development approval.
- 7.4 Lot access roads and other earthworks shall be designed to minimise visual impact and wind erosion and where practical shall be aligned to the contour.
- 8.0 WATER SUPPLY
- 8.1 Each dwelling house shall be provided with a water supply with a minimum capacity of 92,000 litres. This may be supplied from underground supplies or rain-water storage system to the satisfaction of Council and the Health Department of WA.
- 9.0 EFFLUENT DISPOSAL
- 9.1 On-site effluent disposal shall be responsibility of the individual landowners.
- 9.2 The disposal of liquid and/or solid wastes shall be carried out with an effluent disposal system approved by Council and the Health Department of WA. Systems shall be designed and located to minimize nutrient export and/or release into any waterway or groundwater. Effluent disposal areas for new dwellings shall be set back a minimum of 100m from the natural permanent watercourse and situated 2m above the highest known groundwater level.
- 9.3 Council shall require the use of amended soil type effluent disposal systems, such as EcoMax/ATU Systems in the following situations—
- where a 100m setback from a creekline or watercourse cannot be achieved;
  - where soil conditions are not conducive to the retention of nutrients; and
  - in low lying areas.
- 9.4 Variations to the design or location of effluent disposal areas require a suitably qualified practitioner demonstrating that effluent disposal will not cause environmental or health impact to the satisfaction of Council and the Health Department of WA.
- 9.5 No more than one effluent disposal system will be permitted on one lot.

A) SPECIFIED AREA OF LOCALITY	B) SPECIAL PROVISIONS TO REFER TO A)
	10.0 BUSHFIRE MANAGEMENT AND CONTROL
	10.1 The Council may request the Commission to impose a condition at the time of subdivision which requires the construction of the strategic firebreak as indicated on the Subdivision Guide Plan to the satisfaction of Council and the Bush Fires Board.
	10.2 The strategic firebreaks shall be located to minimise erosion, constructed to a standard suitable for all year access by heavy duty fire appliances and maintained by slashing.
	10.3 Where a lot is traversed by a Strategic Firebreak as shown on the Subdivision Guide Plan, the owner of the lot shall maintain such firebreak by slashing to the satisfaction of Council. Access along the strategic firebreak shall remain available at all times. Fencing and/or gates across the strategic firebreak shall only be permitted at the discretion of and to the satisfaction of Council and the Bushfires Board.
	10.4 Low fuel zones, at least 20m wide shall be established and maintained by slashing around all buildings.
	10.5 In cases where only part of the area is developed, the Council may request the Commission to impose a condition at the time of subdivision which requires an alternative fire break system or strategic fire break system to be prepared and put in place, to the satisfaction of Council and the Bushfires Board.
	10.6 The Council may request the Commission to impose a condition at the time of subdivision which requires a contribution to the provision of fire fighting facilities.
	10.7 Water for fire fighting purposes shall be available. As a minimum standard the Board requires one 25,000 litre tank per 50 houses in areas where mains water is not available. A minimum flow rate of 450 litres per minute at the outlet, or standpipe, as well as an arrangement which ensures that the tank is maintained full at all times, is required.
	10.8 The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers, in the transfer of lots, are aware of the fire management guidelines of the Homeowners Bushfire Survival manual and the Australian Standard 3959-1991 "Construction of Buildings in Bushfire Prone Areas".
	11.0 ELECTRICITY
	11.1 The Council may request the Commission to impose a condition at the time of subdivision for the provision of underground power.
	12.0 NOTIFICATION OF PROSPECTIVE OWNERS
	12.1 Provision shall be made to Council's satisfaction to ensure prospective purchasers of land within Special Rural Zone Area No. 13 are given a copy of these Special Provisions prior to entering into an agreement to acquire any property.
	13.0 ROAD ACCESS
	13.1 Council may request the Commission to impose a condition at the time of subdivision for the upgrading of Torbay Beach Road.
	13.2 Council may request the Commission to impose a condition at the time of subdivision requiring battleaxe legs to be constructed to the specifications and satisfaction of Council.
	13.3 Council may request the Commission to impose a condition at the time of subdivision enabling adjoining landowners within the subdivision rights of carriage-way across the proposed battleaxe legs.

A) SPECIFIED AREA OF LOCALITY	B) SPECIAL PROVISIONS TO REFER TO A)
	14.0 APPLICATIONS FOR DEVELOPMENT APPROVAL
	14.1 Within Special Rural Zone No. 13 the construction of buildings including associated works such as filling, excavation, construction of retaining walls, and the removal of vegetation in accordance with special provision 7.0 shall require Planning Scheme Consent.
	14.2 Application for Planning Scheme Consent shall require the submission of—
	(i) A completed "Application for Grant of Planning Scheme Consent" form.
	(ii) Three copies of a plan showing the precise location and size of all the buildings proposed and the parkland clearing and fire protection measures to be adopted;
	(iii) Three scaled elevation plans showing the elevation of the buildings proposed and the materials and colour to be used.

K. G. BEECK, President.  
R. GERAGHTY, Chief Executive Officer.

**PD402**

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**APPROVED TOWN PLANNING SCHEME AMENDMENT**

*Shire of Albany*

Town Planning Scheme No. 3—Amendment No. 127

Ref: 853/5/4/5 Pt 127

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Albany Town Planning Scheme Amendment on January 6, 1997 for the purpose of—

1. Replacing the Identification and Special Provisions within Schedule of the Scheme that relate to Special Rural Zone Area No. 6 (Swan Point) with the Identification and Provisions that follow:
2. Replacing the Subdivision Guide Plan for Special Rural Zone Area No. 6 with Subdivision Guide Plan A95-41-1.

SCHEDULE 1 Continued

SPECIAL RURAL ZONES

Area	Locality	Lots	Locations
6	Swan Point	Pt 15	730 & 731
		117-147	2161, 2156 & 1569
		163-165	731
		168-181	497 & 1569
		Pt 182	1569
		Pt 203	767 & 1569

1.0 Plan of Subdivision

- 1.1 Subdivision of Special Rural Zone Area 6 shall generally be in accordance with the Subdivision Guide Plan endorsed by the Chief Executive Officer.
- 1.2 The minimum lot size should be no less than 2.0 hectares; however the Western Australian Planning Commission may approve minor variations to the Subdivision Guide Plan on the recommendation of Council.

2.0 Objective of Zone

The objective of Swan Point Special Rural Area 6 is to provide a combined hobby farm and rural retreat area with an emphasis on the merging of development with the landscape and the minimisation of nutrient export.

3.0 Landuse

- 3.1 Within Special Rural zone Area No. 6 the following uses are permitted—
  - Rural—Residential Dwelling;
  - Public Recreation.

3.2 The following uses may be permitted subject to the special approval of Council—

- Home Occupation;  
Means, for the purpose of Special Rural Area No. 6, the activities described in Clause 1.6 of the Scheme Text with the following exceptions—
  - (i) outdoor storage may be permitted subject to the provision of adequate screening and buffering to Council's satisfaction.
  - (ii) the use of up to 150m<sup>2</sup> in floor area may be permitted subject to compatibility with the objectives of the zone;
  - (iii) planning consent for a Home Occupation shall be—
    - (a) valid for a period of 12 calendar months from the first day of the month following that month in which Council resolved to grant approval and
    - (b) be personal to the person to whom the consent was granted and shall not be transferred to any other party or site without the prior approval of Council.
- Craft Studio
  - (i) planning consent for a Craft Studio use shall be valid for a period of 12 calendar months from the first day of the month following that month in which Council resolved to grant approval.
- Country Kitchen
  - (i) planning consent for a Country Kitchen use shall be valid for a period of 12 calendar months from the first day of the month following that month in which Council resolved to grant approval.
- Bed and Breakfast
  - (i) planning consent for a Bed and Breakfast use shall be valid for a period of 12 calendar months from the first day of the month following that month in which Council resolved to grant approval.
- Public Utilities
- Dam and/or Soak construction
- Rural use as follows, where conflicts would not be caused with adjoining/nearby rural residential uses and where nutrient losses to Oyster Harbour are prevented/minimised—  
Rural Use—  
for the purpose of Special Rural Area No. 6, "Rural Use" means the use of land for any of the purposes set out hereunder, subject to Special Provision No. 4, and shall include such building normally associated therewith—
  - (i) the growing of vegetables, fruit, cereals or food crops;
  - (ii) The rearing or agistment of goats, sheep, cattle or beasts of burden;
  - (iii) the breeding and raising of freshwater fish and crustaceans (aquaculture);
  - (iv) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or individual gardens;
  - (v) free-range poultry farming; and
  - (vi) the wholesale marketing of produce grown solely on the lot.
 On lots over 5 hectares in area—
  - Kennels
  - Equestrian Establishment—  
means for land for a horse riding school; or the stabling, agistment or training of more than 2 horses.
 On lots over 5 hectares in area with frontage solely to Gull Rock Road:  
Cultural Use—  
means for the purpose of Special Rural Area No. 6, the activities described in Clause 1.6 of the Scheme Text with the intent of allowing the outdoor display primarily of native animals (but not to the scale of Zoological Gardens) and display, primarily outdoors, fostering appreciation of the Australian Heritage and the Natural Heritage generally (along a tourist road).
- Other incidental or non defined activities considered appropriate by Council which are consistent with the objectives of the zone.

#### 4.0 Keeping of Livestock/Animals

- 4.1 The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the Council and these animals shall be restricted to fenced and existing cleared areas of the lot to the satisfaction of Council. The Owner/Tenant shall be responsible for the construction and maintenance of stock proof fencing to protect native vegetation and revegetation areas. Controlled (fenced) stock access to un-revegetated areas on soaks may be permitted. The keeping of animals shall not result in the removal or damage of revegetation and trees or result in soil degradation and dust pollution.
- 4.2 Where in the opinion of Council the continued presence of animals on any portion of land is likely to contribute, or is contributing to dust pollution or soil degradation, notice may be served on the owner of the said land, requiring immediate removal of those animals specified in the notice for a period specified in the notice.



When notice has been served on a landowner in accordance with this Clause the Council may also require the land to be fully rehabilitated within 3 months of serving the notice.

In the event that such action is not undertaken, Council may carry out such works as are deemed necessary, with all costs being borne by the landowner.

#### 5.0 Location of Buildings and Structures

- 5.1 All new buildings and structures shall be set back a minimum of 40 metres from the lot boundary abutting Gull Rock Road or Nanarup Road and 15 metres from all other lot boundaries.
- 5.2 No new building or structure shall be constructed within 15m of a lot boundary unless Council approves a lesser distance; that is, if Council is of the opinion that (i) the topography or shape of the lot, or natural vegetation on it, makes it desirable to alter this provision and (ii) that the location of the building or structure will not detract from the environmental quality of the area or from the amenity of existing or future residences on adjoining lots.
- 5.3 No building shall be located within 30m of the centre line of a watercourse, except in the case of Lots 204, 205 & 206 as shown on the Subdivision Guide Plan, where a minimum setback of 15m shall apply. Any variation to the creekline setbacks shall be determined onsite in consultation with officers from the Albany Waterways Management Authority and the Shire of Albany.

#### 6.0 Building Design, Materials and Colour

- 6.1 New dwellings and outbuildings shall be designed and constructed of materials which allow them to blend into the landscape of the site. Council will not approve walls and roofs constructed of reflective materials such as unpainted 'zincalume' and pale or 'off-white' colours. Council will be supportive of walls and roofs with green, brown or red tonings in keeping with the amenity of the area.
- 6.2 New dwelling houses and all outbuildings shall not exceed 7.5 metres in height which is measured vertically from the natural ground level.
- 6.3 No new fencing shall be constructed of fibre cement, metal sheeting or wooden picket. If fencing is utilised, it should be of rural-construction such as post and strand (or similar) to the satisfaction of Council.
- 6.4 New water tanks shall be painted or coloured an appropriate shade of brown or green or suitably screened with vegetation to the satisfaction of Council.

#### 7.0 Vegetation Protection and Revegetation

- 7.1 No new clearing of vegetation shall occur except for—
  - a) clearing to comply with the requirements of the Bush Fires Act 1954 (as amended);
  - b) Clearing as may reasonably be required to construct an approved building and curtilage;
  - c) trees which are dead, diseased or dangerous;
  - d) clearing to gain vehicular access to an approved dwelling or any other clearing which may be approved by the Council.
- 7.2 Council may request the Commission to impose a condition at the time of subdivision for the revegetation of the relevant areas shown on the Subdivision Guide Plan. Such vegetation shall be maintained for a period of at least 3 years and consist of endemic native trees and shrubs of species approved by Council.
- 7.3 Additional tree planting may be required as a condition of development approval.
- 7.4 Council may request the Commission to impose a condition at the time of subdivision for the revegetation and fencing of creeklines.
- 7.5 Council may request the Commission to impose a condition at the time of subdivision for the revegetation and fencing of the foreshore reserve.
- 7.6 Where a lot is abuts the foreshore reserve or Reserve 27107, the owner of the lot shall maintain boundary fencing to the satisfaction of Council.

#### 8.0 Water Supply

Each new dwelling house shall be provided with a water supply with a minimum capacity of 92,000 litres. This may be supplied from underground supplies or a rainwater storage system to the satisfaction of Council and the Department of Health.

#### 9.0 Effluent Disposal

- 9.1 On-site effluent disposal shall be the responsibility of the individual landowners. The disposal of liquid and/or solid wastes shall be carried out with an effluent disposal system approved by Council and the Department of Health. Systems shall be designed and located to minimise nutrient export and/or release into any waterway or groundwater.
- 9.2 Council shall require the use of amended soil type effluent disposal systems, such as Eco max/ATU's in the following situations
  - where a 100 metre setback from a creek line or water course cannot be achieved;
  - where soil conditions are not conducive to the retention of nutrients;
  - in low lying areas; and
  - in areas where there is a perched winter water table.

No effluent disposal system shall be permitted within a 50 metre setback from a creekline or watercourse.

9.3 Where the applicant is able to substantiate that a conventional septic system can be used without detrimental effect on the environment, it shall be set back a minimum of 100 metres from any natural permanent watercourse or water body and situated 2 metres above the highest known groundwater level. Council shall also require deep ripping of the effluent irrigation field (to 750mm) and the use of a twin alternating leach drains.

9.4 Variations to the design or location of effluent disposal areas require a suitably qualified practitioner demonstrating that the proposed effluent disposal systems will not cause environmental or health impact to the satisfaction of Council and the Department of Health.

9.5 No more than one effluent disposal system will be permitted per lot.

#### 10.0 Bushfire Management and Control

10.1 Council may request the Commission to impose a condition at the time of subdivision for the provision of the Strategic Fire Break shown on the Subdivision Guide Plan to the satisfaction of Council and the Bush Fires Board.

10.2 The strategic firebreaks shall be constructed to a standard suitable for all year access by heavy duty fire appliances.

10.3 Where a lot is traversed by a Strategic Fire Break as shown on the Subdivision Guide Plan, the owner of the lot shall maintain such firebreak to the satisfaction of Council. Access along the strategic firebreak shall remain available at all times. Fencing and/or gates across the strategic firebreak shall only be permitted at the discretion of and to the satisfaction of Council and the Bush Fire Board.

10.4 Low fuel buffers, at least 20 metres wide shall be established and maintained around all buildings.

10.5 In cases where only part of the area is developed, an alternative fire break system or strategic fire break system shall be prepared and put in place, to the satisfaction of Council and the Bush Fires Board prior to clearance of subdivision.

10.6 Council may request the Commission to impose a condition at the time of subdivision for a contribution towards the provision of fire fighting facilities.

10.7 The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers, in the transfer of lots, are aware of the fire management guidelines of the Home owners Bushfire Survival Manual and the Australian Standard 3959-1991 'Construction of Buildings in Bushfire Prone Areas'.

#### 11.0 Road Upgrading, Access and Design

11.1 Council may request the Commission to impose a condition at the time of subdivision for a contribution towards the upgrading of Gull Rock Road.

#### 12.0 Notification of Prospective Owners

12.1 Prospective owners are to be advised that a restrictive covenant exists within Special Rural Zone Area No. 6, this may affect the location of structures and/or revegetation/tree planting.

12.2 Provision shall be made to Council's satisfaction to ensure prospective purchasers of land within Special Rural Zone Area No. 6 are given a copy of these Special Provisions prior to entering into an agreement to acquire any property.

K. G. BEECK, President.  
R. GERAGHTY, Chief Executive Officer.

### PD403

#### TOWN PLANNING AND DEVELOPMENT ACT 1928 APPROVED TOWN PLANNING SCHEME AMENDMENT *Shire of Albany*

Town Planning Scheme No. 3—Amendment No. 133

Ref: 853/5/4/5 Pt 133

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Albany Town Planning Scheme Amendment on January 6, 1997 for the purpose of:

- i) Rezoning Sub Lot 11 Moortown Road and Sydney Street Gledhow, from the Rural Zone to the Special Residential Zone.
- ii) Amending the Scheme Maps.
- iii) Inserting into Schedule 4 of the Town Planning Scheme, Identification and Provisions relating to Lot 11 Moortown Road and Sydney Street, Gledhow, as follows:

SCHEDULE 4—continued

#### SPECIAL RESIDENTIAL ZONES

Area	Lot	Location	Locality
5	Sub 11	288	Gledhow

### 1.0 PLAN OF SUBDIVISION

The minimum lot size should be no less than 4000m<sup>2</sup>. Subdivision shall generally be in accordance with the Subdivision Guide Plan.

### 2.0 OBJECTIVE OF ZONE

The purpose of Special Residential Zone Area 5 is to provide for a spacious residential living environment with particular attention being given to the quality of development, retention of significant tree cover and siting and construction of on site effluent disposal systems to ensure retention of nutrients on site.

### 3.0 LANDUSE

Within Special Residential Zone Area 5

(a) The following uses are permitted:

“Residential Dwelling House”

(b) The following uses are not permitted unless specific approval is granted by Council:

“Home Occupation”

“Cottage Industry”

“Other incidental or non defined landuses considered appropriate by Council as being consistent with the objective of the zone”

(c) With the intention of preventing land degradation and practices detrimental to the environmental amenity of the zone, the keeping of stock such as horses, cattle, sheep or goats shall not be permitted. The keeping of not more than one dog may be permitted, provided it is kept in a manner that is sensitive to the proximity of nearby rural and semi rural areas.

### 4.0 BUILDING ENVELOPES

4.1 All buildings shall be located within the building envelopes shown on the Subdivision Guide Plan, ie; 20 metres from Vegetation Protection Areas, 15 metres from Moortown Road, 10 metres from Sydney Street for the north eastern most lot only and 5 metres from all other boundaries.

### 5.0 BUILDING DESIGN, MATERIALS & COLOUR

5.1 Dwellings and outbuildings shall be designed and constructed of materials which allow them to blend into the landscape of the site. Council will not approve walls and roofs constructed of reflective materials such as unpainted ‘Zincalume’ and pale or ‘off-white’ colours. Council will be supportive of walls and roofs with green, brown or red tonings in keeping with the amenity of the area.

5.2 Dwelling houses and all outbuildings shall not exceed 7.5 metres in height which is measured vertically from the natural ground level.

5.3 No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket. If fencing is utilised, it should be of rural-construction such as post and strand/rail (or similar) to the satisfaction of Council.

### 6.0 VEGETATION PROTECTION AND REVEGETATION

6.1 No clearing or fencing shall be permitted within the Vegetation Protection Area shown on the Subdivision Guide Plan, except that required to construct driveway access to a building envelope, or construct or maintain the strategic fire break shown on the Subdivision Guide Plan.

6.2 On land outside of the Vegetation Protection Area shown on the Subdivision Guide Plan, no clearing of vegetation shall occur except for—

(a) clearing to comply with the requirements of the Bush Fires Act 1954 (as amended) and provide a low fuel buffer in accordance with Provision 9.1;

(b) clearing as may be reasonably required to construct as approved building and curtilage (maximum cleared area of 1500m<sup>2</sup>);

(c) trees that are dead, diseased or dangerous; and

(d) clearing to gain vehicular access to an approved dwelling or any other clearing which may be approved by Council.

6.2 No clearing of trees over 3 metres shall be permitted except for those trees which it is demonstrably necessary to remove for the construction of approved structures or improvements.

6.3 Subject to 6.2, Landowners shall be responsible for the maintenance of tree cover and the eradication of invasive weeds on individual lots.

6.4 In the event of non compliance with 6.2 and/or 6.3, Council may serve notice on the landowner requiring the compliance with clause 6.3 and/or, as the case may be, revegetation with endemic species if non compliance related to 6.2, within 3 months of the serving of the said notice. In the event the required action is not undertaken, Council may carry out such works as are deemed necessary to eliminate adverse effect with all costs being borne by the landowner.

### 7.0 WATER SUPPLY

7.1 Council may request the Commission to impose a condition at the time of subdivision to require all lots to be provided with reticulated water.

## 8.0 EFFLUENT DISPOSAL

8.1 On-site effluent disposal shall be the responsibility of the individual landowners.

8.2 Effluent disposal shall be undertaken as follows—

- i) the minimum standard of effluent disposal systems for the three southern most lots is a conventional effluent disposal system utilising twin alternating leach drains;
- ii) all other lots shall utilise Ecomax/ATUs; and
- iii) deep ripping of the effluent irrigation fields (to 750mm in depth) shall be undertaken for the two north eastern most lots fronting Moortown Road and the western most lot fronting Sydney Street.

8.3 Variations to the design or location of effluent disposal areas require a suitably qualified practitioner demonstrating that effluent disposal will not cause environmental or health impact to the satisfaction of Council and the Department of Health.

8.4 No more than one effluent disposal system will be permitted per lot.

## 9.0 BUSHFIRE MANAGEMENT AND CONTROL

9.1 Low fuel buffers, at least 20 metres wide, where lot configuration permits, shall be established and maintained around each building.

9.2 Council may request the Commission to impose a condition at the time of subdivision for a contribution towards the provision of firefighting facilities.

9.3 The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers, in the transfer of lots, are aware of the fire management guidelines of the Home owners Bushfire Survival Manual and the Australian Standard 3959 'Construction of Buildings in Bushfire Prone Areas'.

9.4 Council may request the Commission to impose a condition at the subdivision stage for the construction of strategic fire breaks shown on the Subdivision Guide Plan. These fire breaks shall thereafter be maintained by landowners to the satisfaction of Council and the Bush Fires Board of WA.

## 10.0 ROAD UPGRADING

10.1 Council may request the Commission to impose a condition at the time of subdivision for a contribution to the upgrading of Moortown Road and Sydney Street.

## 11.0 PUBLIC OPEN SPACE

11.1 Council may request the Commission to impose a condition at the time of subdivision for the provision of Public Open Space.

K. G. BEECK, President.  
R. P. BOARDLEY, A/Chief Executive Officer.

## PD404

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**APPROVED TOWN PLANNING SCHEME AMENDMENT**

*Shire of Busselton*

Town Planning Scheme No. 5—Amendment No. 355

Ref: 853/6/6/6 Pt. 355

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Busselton Town Planning Scheme Amendment on January 6, 1997 for the purpose of—

1. Rezoning Lots 6 and 10 Bussell Highway, Broadwater from 'General Farming' and 'Landscape Value Area' to 'Restricted Use' 'Recreation' and 'Landscape Value Area'; and,
2. Amending the Scheme Text by adding to 'Appendix V—Restricted Use Zones', the following—

STREET	PARTICULARS	ONLY USE PERMITTED
Bussell Highway	Lot 10	<ol style="list-style-type: none"> <li>1. Residential Development (R20) as may be permitted by Residential Planning Codes. For the purpose of the Scheme, 'Residential Planning Codes' means the Residential Planning Codes set out in Appendix 2 to the Statement of Planning Policy No. 1, together with any amendments thereto.</li> <li>2. Uses permissible under the 'Single Residential' zone of Town Planning Scheme No. 5.</li> <li>3. Recreation, drainage and public utility use on land vested with the Crown or the Shire of Busselton.</li> <li>4. Tourist accommodation use restricted to chalets or guesthouses as depicted on the Broadwater Structure Plan Precinct No. 1—Appendix V located at the rear of this Appendix.</li> </ol>

STREET	PARTICULARS	ONLY USE PERMITTED
		<p>5. Community purposes as depicted on the Broadwater Structure Plan—Precinct No. 1—Appendix V located at the rear of this Appendix.</p> <p>6. Residential R30 (Group Dwellings) as depicted on the Broadwater Structure Plan Precinct No. 1—Appendix V located at the rear of this Appendix.</p> <p>7. Home Occupation—subject to advertising and development approval by Council.</p> <p>Development of Flood Fringe Land</p> <p>8. Subdivision and development of land identified as 'Urban Investigation' in the Broadwater Structure Plan Precinct No. 1—Appendix V located at the rear of this Appendix is subject to—</p> <ul style="list-style-type: none"> <li>• Such development being carried out in accordance with Council's Floodplain Development and Management Policy and generally in accordance with the Broadwater Structure Plan;</li> <li>• The protection of strategic vegetation in the overall context of the Broadwater area as wildlife refuges in the event of floods;</li> <li>• A drainage plan being prepared utilising nutrient stripping basins which will prevent nutrient enriched runoff reaching the natural water bodies;</li> <li>• The preparation of a strategic tree/shrub planting programme; and</li> <li>• Implementation of the wetland rehabilitation measures negotiated with the Department of Conservation &amp; Land Management.</li> </ul> <p>Aboriginal Heritage</p> <p>9. Council will request as a condition of subdivision the preparation and implementation of an Aboriginal Heritage Management Plan prepared in consultation with the Department of Aboriginal Affairs and Local Aboriginal Groups by the landowner.</p>
Bussell Highway	Lot 6	<p>1. Residential Development (R30) as may be permitted by Residential Planning Codes. For the purpose of the Scheme, 'Residential Planning Codes' means the Residential Planning Codes set out in Appendix 2 to the Statement of Planning Policy No. 1, together with any amendments thereto.</p> <p>2. Uses permissible under the 'Single Residential' zone of Town Planning Scheme No. 5.</p> <p>3. Recreation, drainage and public utility use on land vested with the Crown or the Shire of Busselton.</p> <p>4. Home Occupation—subject to advertising and development approval by Council.</p> <p>Aboriginal Heritage</p> <p>5. Council will request as a condition of subdivision the preparation and implementation of an Aboriginal Heritage Management Plan prepared in consultation with the Department of Aboriginal Affairs and Local Aboriginal Groups by the landowner.</p> <p style="text-align: right;">B. MORGAN, President. I. STUBBS, Chief Executive Officer.</p>

PD405

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**APPROVED TOWN PLANNING SCHEME AMENDMENT**

*Shire of Denmark*

Town Planning Scheme No. 3—Amendment No. 19

Ref: 853/5/7/3 Pt 19

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Denmark Town Planning Scheme Amendment on January 6, 1997 for the purpose of—

1. Rezoning Pt Lot 401 Cussons Road, Denmark, from "Rural" to "Special Rural".

2. Amending the Scheme Text by adding the following to Appendix 6—
- (a) 16. Cussons Road Special Rural Zone  
Denmark Pt Lot 401 Cussons Road, Denmark
- (b) Rural Residential  
Permitted Uses (P): Residential Dwelling House  
Permitted at Council's Discretion (AA): Home Occupation
- (c) i) The minimum lot size should be no less than 2 hectares. Subdivision shall generally be in accordance with the Subdivision Guide Plan (Plan No. 93/99/2) as signed by the Chief Executive Officer.
- ii) No dwelling shall be constructed or approved for construction unless a minimum of 92,000 litre water storage tank and an approved method of effluent disposal has been incorporated into the approved plans, and no dwelling shall be considered fit for human habitation unless such supply of water and method of effluent disposal has been installed and is operating.
- iii) a) All buildings and effluent disposal systems within the zone shall be located within a defined building envelope of no greater than 3,000m<sup>2</sup>, which has been selected and delineated on-site by the landowner, and approved by Council.
- b) The location of the approved building envelope shall be such that;
- no additional clearing or disturbance will take place within the 30 metre wide landscape protection area as defined on the Subdivision Guide Plan;
  - it is consistent with the building setback areas referred to in by Clause 5.1 "Table 2—Development Standards";
  - the location of the building envelope will not detract from;
    - a) the environmental quality of the area; and
    - b) the amenity of adjoining residences.
- iv) a) No development other than for strategic firebreaks purposes and low fuel zones will be permitted within the Landscape Protection Area nominated on the Subdivision Guide Plan;
- b) Council will require the planting and maintenance of the Landscape Protection Area, as defined on the Subdivision Guide Plan, using local indigenous trees of species and in locations approved by Council as shown on the Landscape Plan.
- v) a) Within the Tree Preservation Areas defined on the Subdivision Guide Plan, no indigenous trees or substantial vegetation shall be felled or removed except where;
- trees are dead, diseased or dangerous;
  - the establishment of a fire access track is required under regulation or bylaw;
  - access to a building site is required and approved;
  - an approved building envelope has been defined (maximum 3,000m<sup>2</sup>).
- b) The removal of indigenous trees or substantial vegetation for any purpose other than the above exceptions, shall require the consent of Council, and as condition of granting consent, Council may require the planting and maintenance, for a period of at least 3 years, of endemic native trees of species and in locations approved by Council.
- c) No fencing shall be erected through tree preservation areas.
- vi) a) Council may request the Commission to impose a condition at the time of subdivision for the provision and construction of strategic fire breaks to the satisfaction of Council.
- b) Council shall require that individual landowners are responsible for the maintenance of a strategic firebreak where it crosses the landowner's lot.
- c) Limited clearing around building structures will be required by Council to establish low fuel zones. The low fuel zones shall be kept free of debris and maintained to a standard approved by Council.
- d) The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers, in the transfer of lots, are aware of the fire management guidelines of the Homeowners Bushfire Survival Manual and the Australian Standard 3959-1991—"Construction of Buildings in Bushfire Prone Areas".
- e) Council shall require the construction of gates where fences cross the Strategic Firebreak to the specifications and satisfaction of the Bush Fires Board and Council.
- f) Council may request the Commission to impose a condition at the time of subdivision requiring a contribution for the provision of fire suppression and prevention equipment and facilities.
- vii) a) All buildings constructed within the zone shall be sympathetic to existing landscape elements (namely landform and vegetation) in terms of their design, materials and colour.
- b) All buildings shall be constructed of roof and external wall materials, comprising subtle earth or vegetation colours or finishes.

- c) All residential buildings shall be single storey except where it can be proved to Council that a variation to the height restriction would not adversely affect the visual amenity of the locality from South Coast Highway Tourist Route.
- d) All buildings shall be sited to maximise the natural screening effect of vegetation and topography.
- e) Proposals to vary the height restrictions pursuant to Special Provision vii (c) shall be accompanied by such plans, elevations and sketches as is determined by the Council to assess the effect on the visual amenity and the natural screening effect of vegetation and topography, including any proposed landscaping.
- viii) The subdivider making arrangements to the satisfaction of Council to ensure prospective purchasers and successors in title area aware that general farming and intensive agricultural pursuits are conducted adjacent to the site and in the area generally, and all current and future landuses and development within this zone shall be designed and conducted in such a manner so as to not create conflict with these landuses and adversely impact on the rural amenity of the area.
- ix) A surveyor's plan (pre-calculated drawing) shall be lodged with Council prior to the clearance of diagrams of survey and show Landscape Protection Area, Strategic Fire-breaks, and roads and drains as proposed and as required by Council for approval.

J. K. NEKEL, President.  
P. DURTANOVICH, Chief Executive Officer.

**PD406**

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**APPROVED TOWN PLANNING SCHEME AMENDMENT**  
*Shire of Northam*

Town Planning Scheme No. 2—Amendment No. 24

Ref: 853/4/23/2 Pt 24

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Northam Town Planning Scheme Amendment on January 6, 1997 for the purpose of—

1. Renumbering Clauses 6.2 Commercial Zone to 6.7 Tourist Zone inclusive, and relevant subclauses as follows—
  - 6.2 to 6.3, 6.3 to 6.4, 6.4 to 6.5, 6.5 to 6.6, 6.6 to 6.7 and 6.7 to 6.8
2. Deleting Clause 6.8 Development Adjacent to Watercourses.
3. Adding a new Clause 6.12 to read as follows—
  - 6.12 Development on and adjacent to Wetlands
 

In order to protect the district's surface water resources and to ensure that the maximum possible supplies of water are available for all users, development on or adjacent to any river, creek, watercourse or other wetland shall comply with the following requirements—

    - (a) A dam may not be constructed or the flow of water artificially impeded or diverted without the approval of the Water and Rivers Commission and Council.
    - (b) Existing vegetation along watercourses shall be retained and if, in the opinion of Council, any land within 100 metres of the bank of a river creek or watercourse is denuded of vegetation and shows evidence of degradation, Council may serve notice on the owner or occupier of the land who shall, within the period specified in the notice, cause the land to be revegetated and the degraded surface stabilised to minimise stormwater runoff and erosion.
    - (c) Building or earthworks will not be permitted within 100 metres from the bank of any wetland, and no landfill shall be undertaken within such area or an associated floodplain.
4. Adding a new Clause 6.13 to read as follows—
  - 6.13 Transportable Dwellings
    - 6.13.1 (a) Subject to provisions of this Clause, a Transportable Dwelling may not be transported to and placed on a lot within the District and thereafter occupied as a residential dwelling, whether in whole or in part.
    - (b) For the purpose of this Clause, Transportable Dwelling includes a resited (relocated) dwelling.
    - 6.13.2 Notwithstanding the provisions of Subclause 6.13.1, Council may permit a Transportable Dwelling to be placed on a lot within the District and used as a residential dwelling if, in the opinion of Council, the Transportable Dwelling;
      - (i) complies with all applicable statutes, by-laws and regulations relating to dwelling houses applicable both to the Transportable Dwelling and the lot upon which it is to be situate following transportation and will not detrimentally affect the amenity of the locality in which the Transportable Dwelling is to be situate; or

- (ii) has been constructed of new materials and has been designed and built specifically to be capable of being dismantled, transported and reconstructed.
- 6.13.3 The approval to be obtained from Council pursuant to Subclause 6.13.2 may be granted on conditions, which conditions may include a condition requiring the applicant to provide a bond to Council as surety for the completion of the Transportable Dwelling to a standard of presentation acceptable to Council within such period of time as Council may deem fit.
- 6.13.4 If Council has required a bond pursuant to Subclause 6.13.3 and the applicant fails to complete the Transportable Dwelling to a standard of presentation acceptable to Council within such period of time as has been specified by Council, or if no period has been specified within six months from the date of approval, then the bond is forfeited by the applicant and Council may deal with the bond in such manner as it deems fit, including but not limited to;
- (i) keeping the bond;
  - (ii) applying such amount as may be necessary from the bond to complete the Transportable Dwelling to a standard of presentation acceptable to Council;
  - (iii) applying such amount as may be necessary from the bond to demolish the Transportable Dwelling;
  - (iv) applying such amount as may be necessary from the bond to remove the Transportable Dwelling from the applicant's property and to place it elsewhere;
  - (v) applying such amount as may be necessary from the bond in respect of administrative costs incurred by Council on the applicant's failure to complete the Transportable Dwelling;
  - (vi) returning such amount of the bond as Council deems fit to the applicant.
- 6.13.5 Where Council applies a bond in accordance with Subclause 6.13.4 (ii), (iii) or (iv);
- (i) Council may give at least one month's written notice to the applicant of its intention to complete, demolish or remove the Transportable Dwelling;
  - (ii) Council need not complete the Transportable Dwelling in accordance with the licence conditions and the applicant's plans which were approved by Council, but may complete it to such standard and in such manner as it deems fit;
  - (iii) Council's employees, agents and contractors, with or without vehicles, machinery, plant, tools and the like may enter upon the applicant's land to complete, demolish or remove the Transportable Dwelling;
  - (iv) the applicant must pay to the Council on demand the amount by which the cost of completing, demolishing or removing the Transportable Dwelling exceeds the bond; and
  - (v) Council will not be liable for any loss or damage to the applicant or the applicant's property as a result of the completion, demolition or removal of the Transportable Dwelling.

I. J. SHEEHAN, President.  
A. J. MIDDLETON, Chief Executive Officer.

PD407\*

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**SCHEME AMENDMENT AVAILABLE FOR INSPECTION**

*City of Canning*

Town Planning Scheme No. 40—Amendment No. 54

Ref: 853/2/16/44 Pt 54

Notice is hereby given that the City of Canning has prepared the abovementioned scheme amendment for the purpose of including 38 Vahland Avenue (Lot 57), Riverton, in the Schedule of Additional Uses in Appendix 5 of the City Zoning Scheme to allow one only medical or dental practitioner.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 1317 Albany Highway, Cannington and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including February 25, 1997.

Submissions on the scheme amendment should be made in writing on Form No 4 and lodged with the undersigned on or before February 25, 1997.

This Amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

I. F. KINNER, Chief Executive Officer.



**PD408\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**SCHEME AMENDMENT AVAILABLE FOR INSPECTION***City of Wanneroo*

Town Planning Scheme No. 1—Amendment No 778

Ref: 853/2/30/1 Pt 778

Notice is hereby given that the City of Wanneroo has prepared the abovementioned scheme amendment for the purpose of:

1. rezoning Lot 193 (16) Blackwattle Parade, Padbury from Special Zone (Restricted Use) Medical Centre to Mixed Business;
2. deleting reference to the Special Zone in Section 2 of Schedule 1 of the Scheme Text.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Boas Avenue, Joondalup, and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including February 25, 1997.

Submissions on the scheme amendment should be made in writing on Form No 4 and lodged with the undersigned on or before February 25, 1997.

This Amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

L DELAHAUNTY, Chief Executive Officer.

**PD409\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**SCHEME AMENDMENT AVAILABLE FOR INSPECTION***Shire of Albany*

Town Planning Scheme No. 3—Amendment No. 143

Ref: 853/5/4/5 Pt 143

Notice is hereby given that the Shire of Albany has prepared the abovementioned scheme amendment for the purpose of:

1. Rezoning Lot 401 La Perouse Court, Frenchman Bay from "Rural" Zone to "Special Residential" Zone and "Parks and Recreation (Non Restricted)" Reserve as shown on the Amending Map to create 15 special residential lots.
2. Introducing into Schedule 4 - Special Residential Zone, provisions relating to Area 8: Lot 401 La Perouse Court, Frenchman Bay.
3. Amending the face of the Scheme Map accordingly.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Office, Mercer Road, Albany and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including February 25, 1997.

Submissions on the scheme amendment should be made in writing on Form No 4 and lodged with the undersigned on or before February 25, 1997.

This Amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

R. GERAGHTY, Chief Executive Officer.

**PD410\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**SCHEME AMENDMENT AVAILABLE FOR INSPECTION***Shire of Chittering*

Town Planning Scheme No. 5—Amendment No. 47

Ref: 853/3/4/5 Pt 47

Notice is hereby given that the Shire of Chittering has prepared the abovementioned scheme amendment for the purpose of Rezoning Part Lot M1921, Reserve Road, Muchea, from Rural 2 Zone—General Farming to Rural 1 Zone—Landscape Protection

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Office, Great Northern Highway, Bindoon and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including February 25, 1997.

Submissions on the scheme amendment should be made in writing on Form No 4 and lodged with the undersigned on or before February 25, 1997.

This Amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted

R HOOPER, Chief Executive Officer.

## RACING, GAMING AND LIQUOR

### RA301

#### WESTERN AUSTRALIAN TROTTING ASSOCIATION

#### RULES OF TROTTING

#### Notice of Amendment

Notice is hereby given that at a meeting of the Committee of the Western Australia Trotting Association held at Gloucester Park, East Perth, on the 7th day of January 1997, it was resolved by an absolute majority of the members of the Committee that the Rules of Trotting be amended as follows—

#### PART 41 OFFENCES

Insert Rule 462A—

#### **Improper Transmission Of Betting Information**

462A. (1) No person shall, without the special permission of the Stewards—

- (a) transmit in any way from the grounds of a racecourse any betting odds being offered by bookmakers on any horse that is competing at a racecourse in Australia or elsewhere; and or
  - (b) on the grounds of a racecourse while betting is taking place on horse races have in his or her possession or use in any way any portable telephone, radio transmitter, radio transceiver or any other appliance, apparatus, instrument or equipment that is capable of transmitting betting odds.
- (2) The Stewards may impound any portable telephone, radio transmitter, radio transceiver or any other appliance, apparatus, instrument or equipment that is used without their permission by any person in contravention of part (1) of this Rule.

GARY PAPADOPOULOS, WATA President.

## TRANSPORT

### TR101

#### CORRECTION

#### STATESHIPS

Office of the Minister for Transport,  
Perth.

Please note an error appeared in *Government Gazette* edition No. 19 dated 16 February 1996 on page 618. The appointment of Stuart Hicks as Commissioner and Chairperson of Stateships for a term expiring on 31 December 1997. Please correct by deleting the words "31 December 1997" and inserting the words " 31 January 1997 ".

ERIC CHARLTON, Minister for Transport.

## PUBLIC NOTICES

### ZZ201

#### TRUSTEES ACT 1962

#### 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 undermentioned deceased person(s) are required to send particulars of their claims to the Executor(s) care of Mayberry, Hammond & Co., 85 Fitzgerald Street, Northam within one (1) calendar month from the date of publication of this Notice at the expiration of which time the Trustees may convey or distribute the assets having regard only to claims of which notice has been given.

Details—

Russo, Concetta, late of Lemnos Hospital, Stubbs Terrace, Shenton Park Western Australia.

Date of Death: 4th September 1996.

Dated this 7th day of January 1997.

MESSRS. MAYBERRY, HAMMOND & CO.,  
85 Fitzgerald Street, Northam.  
Solicitors for the Executor.

**ZZ202**

**TRUSTEES ACT 1962**

Section 63

**NOTICE TO CREDITORS AND CLAIMANTS**

Sydney James Pontague late of 28 Onslow Road, Shenton Park, Business Director.

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 28th June, 1996 at Shenton Park aforesaid are required by the Administrator of care of Messrs Dwyer Durack Barristers and Solicitors of 10th Floor, Dwyer Durack House, 40 St Georges Terrace, Perth to send particulars of their claims to her by 17 February 1997 after which date the trustee may convey or distribute the assets having regard only to the claims of which she then has notice.

DWYER DURACK.

WESTERN AUSTRALIA

**PUBLIC SECTOR MANAGEMENT  
ACT 1994**

**Price: \$26.30 Counter Sales  
Plus Postage on 730 grams**

\*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

**FISH RESOURCES MANAGEMENT  
ACT 1994**

**Price: \$24.90 Counter Sales  
Plus Postage on 561 grams**

\*Prices subject to change on addition of amendments.

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