



# WESTERN AUSTRALIAN GOVERNMENT Gazette

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## PUBLISHING ALTERATIONS

Periodically the normal *Gazette* publishing times need to be altered to cater for disruption caused by public holidays.

- Easter and Christmas holidays cause disruption each year.
- Australia Day and Anzac Day cause disruption when they fall on a Tuesday or Friday.

In these instances, notices warning of the change are generally published on page 2 for approximately 4 weeks prior to the date.

Readers are urged to check *Gazettes* accordingly, prior to contacting State Law Publisher.

JOHN A. STRIJK, Government Printer.

# — PART 1 —

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## ENERGY

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EN301\*

Energy Coordination Act 1994

### **Energy Coordination (Customer Contracts) Amendment Regulations 2004**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Energy Coordination (Customer Contracts) Amendment Regulations 2004*.

**2. The regulations amended**

The amendment in these regulations is to the *Energy Coordination (Customer Contracts) Regulations 2004\**.

[\* *Published in Gazette 28 May 2004, p. 1791-823.*]

**3. Regulation 47 amended**

Regulation 47(2)(b) is amended by inserting before “charge” —  
“ reasonable ”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

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**LOCAL GOVERNMENT**

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**LG301\*****LOCAL GOVERNMENT ACT 1995***Shire of Wiluna***LOCAL LAW RELATING TO THE REPEAL OF LOCAL LAWS**

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the Shire of Wiluna hereby records having resolved on Thursday 21st October 2004 to make the abovementioned local law for the repeal of the following local laws—

<b>Name of Local Law</b>	<b>Date Gazetted</b>
Hawkers	06/03/1914
Camels	10/12/1915
Goats	14/11/1919
Rates Discount	29/08/1924
Dogs	09/05/1930
Wiluna Road Board—By-laws	14/08/1931*
Camping Fees	16/12/1932
Building Line	03/11/1933
Building Scale of Fees	17/11/1933
Rates Discount	12/10/1934
Hawkers	11/10/1935
Footpaths	27/11/1936
Building Restrictions	27/11/1936
Hawkers	24/12/1936
Reserves	10/12/1937
Ashes disposal of	24/12/1937
Pound & Poundkeeper	24/04/1941
Parking	03/10/1941
Employees Appointment of	12/12/1941
Parking	24/02/1942
Lighting Fires	28/08/1942
Poundage Fees	19/10/1944
Roads Damage to	21/09/1951
Long Service Leave	29/08/1963

*\*Includes by-laws relating to Standing Orders, fencing, bathing, goats and pigs, management and use of halls and public buildings etc.*

On this 21st day of October 2004.

The Common Seal of the Shire of Wiluna was affixed in the presence of—

K. J. JOHNSTON, President.  
A. K. KIRWAN, Chief Executive Officer.

**LG302\*****HEALTH ACT 1911***Town of Victoria Park***HEALTH AMENDMENT LOCAL LAW 2004**

Made by the Council of the Town of Victoria Park under section 342 of the *Health Act 1911* in accordance with subdivision 2 of Part 3 of the *Local Government Act 1995*.

**Citation**

1. These local laws may be cited as the *Town of Victoria Park Health Amendment Local Law 2004*.

**Principal local laws**

2. In these local laws, the *Town of Victoria Park Health Local Law 2003*, made by the Town of Victoria Park on 16 December 2003, and published in the *Government Gazette* on 19 April 2004, are referred to as the principal local laws.

**Principal local laws amended**

3. The principal local laws are amended by deleting the words in clause 78 and replacing it with the words—

**“Restrictions on Feeding Wild Birds**

78. A person shall not feed a pigeon, dove, seagull, ibis, raven or other wild bird, so as to cause a nuisance or be injurious or dangerous to health.”

Passed at an ordinary meeting of the Council of the Town of Victoria Park held on the 28th day of September 2004.

The Common Seal of the Town of Victoria Park was placed here in the presence of—

J. A. LEE, Mayor.  
B. CALLANDER, A/Chief Executive Officer.

On this 6th day of October 2004.

Consented to—

MARGARET STEVENS, Executive Director Public Health.  
Dated this 21st day of October 2004.

**LG303\*****HEALTH ACT 1911***Town of Victoria Park***EATING HOUSE AMENDMENT LOCAL LAW 2004**

Made by the Council of the Town of Victoria Park under section 342 of the *Health Act 1911* in accordance with subdivision 2 of Part 3 of the *Local Government Act 1995*.

**Citation**

1. These local laws may be cited as the *Town of Victoria Park Eating House Amendment Local Law 2004*.

**Principal local laws**

2. In these local laws, the *Town of Victoria Park Eating House Local Law 2003*, made by the Town of Victoria Park on 16 December 2003, and published in the *Government Gazette* on 19 April 2004, are referred to as the principal local laws.

**Principal local laws amended**

3. The principal local laws are amended in clause 14 by deleting the words “subject to clause 16” and replacing with the words with “subject to clause 15”.

Passed at an ordinary meeting of the Council of the Town of Victoria Park held on the 28th day of September 2004.

The Common Seal of the Town of Victoria Park was placed here in the presence of—

J. A. LEE, Mayor.  
B. CALLANDER, A/Chief Executive Officer.

On this 6th day of October 2004.

Consented to—

MARGARET STEVENS, Executive Director Public Health.  
Dated this 21st day of October 2004.

## — PART 2 —

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### AGRICULTURE

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**AG401\*****PLANT DISEASES ACT 1914**  
**APPOINTMENTS**Department of Agriculture  
South Perth WA 6151.

I, the undersigned Minister for Agriculture, Forestry and Fisheries, being the Minister responsible for the administration of the Plant Diseases Act 1914, hereby appoint the following officers as Authorised Inspectors pursuant to Section 7A of the said Act to carry out all the functions authorized to be performed by an Inspector under the said Act and its Regulations.

Kelly Joy Allan  
Millie Jane Baker  
Graham Ballantyne  
Kylie Marie Burrell  
Brian James Dickinson  
Glenda Mary Gore  
Nat Jaysen Gowrea  
Zale Allana Horne  
John Paul Hunt  
Brett Anthony Kane  
Lynne Kerr-Hemingway  
Roxane Marie Knott  
Andrea Neill  
Alexander Peter Nielsen  
Carly Belinda Rogers  
Lian Shaw

KIM CHANCE, MLC, Minister for Agriculture, Forestry and Fisheries.

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**AG402\*****PLANT DISEASES ACT 1914**  
**APPOINTMENTS**Department of Agriculture  
South Perth WA 6151.

I, the undersigned Minister for Agriculture, Forestry and Fisheries, being the Minister responsible for the administration of the Plant Diseases Act 1914, hereby appoint Barry Donald McKinlay and Wayne Ronald Trembath as Authorised Inspectors pursuant to Section 7A of the said Act to carry out all the functions authorized to be performed by an Inspector under the said Act and its Regulations. All previous appointments are hereby revoked.

KIM CHANCE, MLC, Minister for Agriculture, Forestry and Fisheries.

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### HEALTH

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**HE401****MEDICAL ACT 1894****MEDICAL (UNMET AREA OF NEED) DETERMINATION (No. 30) 2004**

Made by the Minister for Health pursuant to section 11AF of the *Medical Act 1894*.

**Citation**

1. This determination may be cited as the *Medical (Unmet Area of Need) Determination (No. 30) 2004*.

**Commencement**

2. This determination comes into operation on the day on which it is published in the *Government Gazette*.

**Unmet area of need**

3. The area of need specified in the Schedule is determined to be an unmet area of need for the purposes of section 11AF(1)D of the Act.

**Expiry of determination**

4. This determination expires 2 years after its commencement.

**SCHEDULE**

- General Medical Services in the following area—
  - City of Cockburn in the suburbs of Coolbellup and South Lake.

Dated this 21st day of October 2004.

JIM MCGINTY, MLA, Minister for Health.

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**JUSTICE**

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JU401\*

**JUSTICES ACT 1902****APPOINTMENTS**

It is hereby notified for public information that His Excellency the Governor in Executive Council has approved of the following person to the office of Justice of the Peace for the State of Western Australia;

Ms Shaitarna Renae Hayworth of Unit 1, 4 Lentona Road, Attadale  
Miss Louise Anne Pickett of 58 Walpole Street, Walpole  
Ms Anne Baker of 33 Mildura Street, Norseman  
Mr Pasquale Angelo Cianfagna of 66 London Street, North Perth

RAY WARNES, A/Executive Director, Court Services.

JU402\*

**DECLARATIONS AND ATTESTATIONS ACT 1913****APPOINTMENTS**

It is hereby notified for public information that the Attorney General has approved of the appointment of the following persons as a Commissioner for Declarations under the *Declarations and Attestations Act 1913*—

Mr Darren John Bonker of 42 Redcliff Road, Cardup  
Dr Tai Duc Nguyen of 447 Fitzgerald Street, North Perth  
Ms Bernadette Audrey Sexton of 1/3 Heracles Avenue, Riverton

RAY WARNES, A/Executive Director, Court Services.

JU403\*

**CHILDREN'S COURT OF WESTERN AUSTRALIA ACT 1988****APPOINTMENTS**

It is hereby notified for public information that His Excellency the Governor in Executive Council has approved of the appointment of the following persons as a Member of the Children's Court of Western Australia—

Ms Anne Baker of 33 Mildura Street, Norseman

RAY WARNES, A/Executive Director, Court Services.

JU404\*

**CHILDREN'S COURT OF WESTERN AUSTRALIA ACT 1988****RESIGNATIONS**

It is hereby notified for public information that His Excellency the Governor in Executive Council has accepted the resignation of Mr Ian Angus Foot of 72 Matthew Smillie Drive, Nairne, South Australia as a member of the Children's Court for the State of Western Australia.

RAY WARNES, A/Executive Director, Court Services.

JU405\*

**JUSTICES ACT 1902****RESIGNATIONS**

It is hereby notified for public information that His Excellency the Governor in Executive Council has accepted the resignations of—

Mr Ian Angus Foot of 72 Matthew Smillie Drive, Nairne, South Australia

Mr Frank Hodge of Mannion Way, Kardinya  
from the Office of Justice of the Peace for the State of Western Australia.

RAY WARNES, A/Executive Director, Court Services.

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**LOCAL GOVERNMENT**

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LG401\*

**BUSH FIRES ACT 1954****BUSH FIRE CONTROL OFFICERS 2004/2005***Shire of Kulin*

The following persons have been appointed to the following positions under the provisions of the Bush Fires Act 1954 within the Shire of Kulin for 2004/2005—

Chief Fire Control Officer	Mr Gerald Noble
Deputy Fire Control Officer	Mr Rod Diery
Fire Weather Officer	Chief Executive Officer
Deputy Fire Weather Officer	Mr Rod Diery
Fire Control Officers	Mr Len Hobson
	Mr Rod Diery
	Mr Gerald Noble
	Mr Donald Bradford
	Mr Ian Bailey
	Mr David Lewis
	Mr John Spark
	Mr Colin Steere
	Mr Greg Schorer
	Mr John Waters
	Mr Peter Mullan
	Mr David Kirby
	Mr Michael Dearlove
	Mr Kevin Giles
	Mr Adrian Tyson
	Mr David Quicke
	Mr John Ryan (Snr)
	Mr John Bowey
	Mr Michael Wilson
	Mr Peter Riseborough
	Mr Geoff Hodgson
	Mr Keith Wilson
	Mr Brian Holmes
	Mr Bruce Jensen
	Mr Peter Stone
	Mr Ken Coxan
	Mr Gerry Varone
	Mr Brian Mudge
	Garry Strother



Joint Fire Control Officers	G Noble	Kondinin, Corrigin
	J Spark	Wickepin
	P Mullan	Wickepin, Dumbleyung
	D Quicke	Kondinin
	M Dearlove	Dumbleyung
	P Riseborough	Kondinin, Lake Grace
	D Lane	Kondinin, Lake Grace
	K Coxan	Kondinin, Lake Grace
	B Mudge	Kondinin, Lake Grace
	S Davies	Lake Grace
	L Morgan	Lake Grace
	W Astbury	Wickepin
	A Lewis	Wickepin

All previous appointments are cancelled.

Dated 28 October 2004.

GARY MARTIN, Acting Chief Executive Officer.

**LG402\***

**BUSH FIRES ACT 1954**

**ADDITIONAL FIRE CONTROL OFFICERS—2004/2005**

*Shire of Plantagenet*

The following persons have been appointed to the designated positions for the Shire of Plantagenet in accordance with the Bush Fires Act 1954 with the cancellation of Graham Ravenhill and the addition of the following—

**Bush Fire Control Officers**

Tom Rouse	Bill Bentley	Marshall Stallebrass
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ROB STEWART, Chief Executive Officer.

**LG403\***

**DOG ACT 1976**

*Town of Port Hedland*

**APPOINTMENT OF DOG REGISTRATION OFFICERS**

It is hereby notified for public information that the following people are appointed as Dog Registration Officers for the Town of Port Hedland—

Christopher Sousa	Daniel Hendriksen
Colin Mathie	Michelle Lee Bingham
Stephen A Carstairs	Sandra Lorraine Fisher
Denise Roslyn Gobbart	Elizabeth Rosalind Audry Nicholl
Lenore Jane Postans	Liessa Ann Salway
Leighah Carney	Leah Kennaugh
Lynda Klowss	Arie Paap
Teena Taueki	Dian Weaver
Pamela Whiteford-Hey	

All previous appointments are hereby revoked

A. FORD, Chief Executive Officer.

**LG404\***

**DOG ACT 1976**

**APPOINTMENTS**

*Shire of Trayning*

That the following persons be appointed under the provisions of the Dog Act 1976—

**Registration Officers—**

Brian Seale  
Darren Mollenoyux  
Belinda Taylor  
Janine Eeles

Authorised Officers—  
Brian Seale  
Darren Mollenoyux  
Jerome Lenane  
Alexander Buchan

All previous appointments are hereby cancelled.

B. W. SEALE, Chief Executive Officer.

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**LG405\***

**BUSH FIRES ACT 1954**

APPOINTMENT OF AUTHORISED OFFICERS

*Shire of Trayning*

It is hereby notified for public information that as of 26 October 2004 the following persons are authorised to impose a ban on harvesting and movement of machinery in paddocks—

Chief Fire Control Officer	Trevor Diver
Deputy Chief Fire Control Officer	Geoff Waters
Fire Weather Officers	
Brian Seale	
Darren Mollenoyux	

All previous appointments are hereby cancelled.

B. W. SEALE, Chief Executive Officer.

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**LG406\***

**DOG ACT 1976**

APPOINTMENTS

*Shire of Donnybrook/Balingup*

It is hereby notified for public information that the following persons have been appointed as Registration Officers for the Shire of Donnybrook/Balingup as pursuant to the Dog Act 1976.

Mrs Shantelle Balinski  
Ms Kara Barrington  
Mrs Pauline Thomson  
Mrs Michelle Asplin  
Mr Robert Jeffreys

All previous appointments are hereby cancelled.

J. R. ATTWOOD, Chief Executive Officer.  
PO Box 94 Donnybrook WA 6239.

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**LG501\***

**BUSH FIRES ACT 1954**

NOTICE TO ALL OWNERS AND/OR OCCUPIERS OF LAND WITHIN THE SHIRE OF KULIN

*Shire of Kulin*

Pursuant to the powers contained in Section 33 of the above Act, you are hereby required on or before 31st October 2004 and thereafter up to and including 15th March 2005 to have a 3 metre firebreak clear of all inflammable material on all rural and townsite land owned or occupied by you—

1. Immediately inside all external boundaries of the land; and
2. In such other positions as is necessary to divide land in excess of 200 hectares into areas not exceeding 200 hectares, each completely surrounded by a firebreak; and
3. Immediately surrounding any part of land used for crop; and
4. Parallel to and within 100 metres of the perimeter of all buildings, haystacks and fuel ramps situated on the land; and

5. Immediately surrounding any drum or drums or other receptacles situated on the land which are normally used for the storage of fuel, whether they contain fuel or not, provided that the firebreak required to comply with this paragraph only shall be not less than 5 metres wide; and
6. Immediately inside land on which bush has been bulldozed, chained or prepared in any similar manner for clearing by burning (whether you intend to burn the bush or not); provided that the firebreak required to comply with this paragraph only shall be not less than 7 metres wide. Where the land is prepared for clearing by burning after 19th September 2004 you shall provide the firebreak immediately.

If it is considered to be impractical for any reasons to clear firebreaks as required by this notice, you may apply to Council or its duly authorised officer for permission to provide firebreaks in alternative positions on the land. If the Council, or its duly authorised officer does not grant permission, you shall comply with the requirements of this notice.

The penalty for failing to comply with this notice is a fine not exceeding \$400.00 and a person in default is also liable, whether prosecuted or not, to pay the cost of performing the work directed in this notice if it is not carried out by the owner or occupier by the date required by this notice.

If the requirements of this notice are carried out by burning, such burning must be in accordance with the relevant provisions of the Bush Fires Act.

By Order of the Council.

GARY MARTIN, Acting Chief Executive Officer.

LG502\*

#### BUSH FIRES ACT 1954

##### FIREBREAK ORDER (SECTION 33)

###### Notice to Owners and Occupiers of Land in the Town of Port Hedland

Pursuant to the powers contained in Section 33 of the above Act, Owners and Occupiers of land in the municipality of the Town of Port Hedland shall provide and maintain firebreaks during the firebreak period commencing 1 October in any year concluding on 30 September the following year in accordance with the following—

(a) **Townsite Land**

Where the area of land is two thousand (2,000) sqm or less, all flammable material from the whole of the land is required to be removed.

Where the area of land is greater than two thousand (2,000) sqm, a firebreak of not less than two (2) metres width, immediately surrounding any buildings or not less than two (2) metres wide inside along and within two (2) metres of the external boundaries of the land is required.

All gardens must be kept free of unnecessary leaves and rubbish. Trees which may be hazardous in the event of a fire should be kept lopped.

- (b) **Pastoral Lands**—Being all land outside the townsite held under pastoral lease. Firebreaks are required to be no less than two (2) metres wide and within three (3) metres of the perimeter of all buildings and/or haystacks or groups of buildings.

- (c) **Rural Lands**—Being all land outside the townsite and not being held under pastoral lease. Firebreaks are required to be not less than four (4) metres wide inside, along and within ten (10) metres of the external boundaries as well as not less than two (2) metres wide within three (3) metres of the perimeter of all buildings and/or haystacks or groups of buildings.

(d) **Fuel Dumps and Depots**

All flammable material must be removed from land where fuel drum ramps or dumps are located and where fuel drums, whether containing fuel or not, are stored to a distance of at least five (5) metres outside the perimeter of any dump, ramp or stack of drums.

- (e) The acts referred to in paragraphs a. - d. hereof must be performed to the satisfaction of any duly authorised officer of the Town of Port Hedland.

- (f) Application may be made annually in writing to Council or any duly authorised officer for permission to provide firebreak alternative positions or to take alternative action to abate fire hazards on the land. If permission is not granted by Council or its duly authorised officer you must comply with the requirements of this notice.

If the requirements of this notice are carried out by burning, such burning must comply with the relevant provisions of the Bush Fires Act, and a permit obtained from a Bush Fire Control Officer.

The penalty for failing to comply with this notice is a fine of \$250 by way of an infringement notice or up to \$5000 if prosecuted. A person in default is also liable, whether prosecuted or not, to pay the cost of performing the work directed in this notice, if it is not carried out by the owner or occupier by the date required by this notice.

A. FORD, Chief Executive Officer.

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**PLANNING AND INFRASTRUCTURE**

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PI401\*

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*Shire of Moora*

Town Planning Scheme No. 4—Amendment No. 5

Ref: 853/3/11/5 Pt 5

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the Shire of Moora Town Planning Scheme Amendment on 19th October 2004 for the purpose of Reclassifying Location 3324 Toodyay—Bindi Bindi Road, Bindi Bindi, from Local Scheme Reserve for Public Purposes to Rural Townsite Zone, as depicted on the Scheme Amendment Map.

S. A. BRYAN, President.  
P. STUBBS, Chief Executive Officer.

PI402\*

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*Town of Bassendean*

Town Planning Scheme No. 3—Amendment No. 66

Ref: 853/2/13/3 Pt 66

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the Town of Bassendean Town Planning Scheme Amendment on 17 October 2004 for the purpose of—

1. Rezoning Lots 1, 2, 822, 823, 824, 825, 826, 827 and 7716 Scaddan Street, Lot 839 Railway Parade and Portion Swan Location Q1 Railway Parade, Bassendean from 'Recreation' and 'Group Residential R25/40' to 'Group Residential R20/30/60' and inclusion of the land within 'Special Control Area No 1—Development Areas';
2. Rezoning portion of Scaddan Street road reserve, Bassendean, from 'Local Roads' to 'Group Residential R20/30/60' and inclusion of the land within 'Special Control Area No 1—Development Areas';
3. Amending the Scheme Maps accordingly;
4. Requiring the preparation of an Outline Development Plan in accordance with Appendix XII of the Scheme;
5. Deleting Clause 3.5.1 of the Scheme and renumbering Clause 3.5 to 3.5.1;
6. Amending the Table of Contents of the Scheme to rename Section 3.5 from 'Additional Development Potential' to 'Special Application of Residential Design Codes' and including new Appendix XII 'Special Control Areas';
7. Inserting the following clauses into the Scheme—

**“3.5 SPECIAL APPLICATION OF RESIDENTIAL DESIGN CODES**

- 3.5.1 With the exception of the R5 codes areas, Council may allow a development to have a potential increase equivalent to the next highest R-Coding where it is satisfied that the development substantially complies with the Town of Bassendean Residential Design Guidelines as adopted by Council.

**3.5.2 Split Density Code**

- 3.5.2.1 Where a Split Density Code is depicted on the Scheme maps, any development shall conform to the lower density code applicable to the lot, unless Council determines that development up to the middle or higher density code is acceptable, having regard for sub-clause 3.5.2.2 and 3.5.2.3.
- 3.5.2.2 “Subdivision or development up to the middle density coding shall be considered to be acceptable to Council where—
  - (a) in the opinion of Council the lot has a road frontage sufficient to allow at least two homes and a shared accessway to front the street;
  - (b) in the case of subdivision, each resulting lot achieves complete frontage to a public road or right-of-way and does not have the form of a battleaxe block;
  - (c) the development is completed prior to the issue of any vacant or survey strata title; and
  - (d) there is due regard for relevant Local Planning Policies.

3.5.2.3 Subdivision or development up to the higher density coding shall be considered to be acceptable to Council where:—

- (a) It complies with all of the requirements of sub-clause 3.5.2.2;
- (b) the design has regard to Council Policies relating to energy efficiency;
- (c) Identified heritage objectives are not compromised;
- (d) The proposal is within a walkable catchment of 800 m to a train station;
- (e) The proposal is within a 400 m walking distance from an area of Public Open Space; and,
- (f) The proposal demonstrates elements of water sensitive urban design.”

Note: “The terms lower, middle and higher density coding mean the first, second and third coding respectively as mentioned in the split coding (eg. R20/30/60—lower code is R20 and higher code is R60).”

## **“Part 6 Special Control Areas**

### **6.1 OPERATION OF SPECIAL CONTROL AREAS**

6.1.1 The following special control areas are shown on the Scheme Map—

- (a) Development Areas shown on the Scheme Map as DA with a number and included in Appendix XII.
- (b) Development Contribution Areas shown on the Scheme Map as DCA with a number and included in Appendix XIII.

6.1.2 In respect of a Special Control Area shown on a Scheme Map, the provisions applying to the special control area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

### **6.2 DEVELOPMENT AREAS**

#### **6.2.1 Interpretation**

In clause 6.2, unless the context otherwise requires—

‘Owner’ means an owner or owners of land in the Development Area; and

‘Structure Plan’ means a structure plan that has come into effect in accordance with clause 6.2.12.1.

#### **6.2.2 Purpose of Development Areas**

6.2.2.1 The purposes of Development Areas are to—

- (a) identify areas requiring comprehensive planning; and
- (b) coordinate subdivision and development in areas requiring comprehensive planning.

6.2.2.2 Appendix XII describes the Development Areas in detail and sets out the specific purposes and requirements that apply to the Development Areas.

#### **6.2.3 Subdivision and Development in Development Areas**

6.2.3.1 The development of land within a Development Area is to comply with Appendix XII.

6.2.3.2 The subdivision and development of land within a Development Area is to generally be in accordance with any structure plan that applies to that land.”

#### **“6.2.4 Structure Plan required**

6.2.4.1 The local government is not to:

- (a) consider recommending subdivision; or
- (b) approve development of land within a Development Area unless there is a structure plan for the Development Area or for the relevant part of the Development Area.

6.2.4.2 Notwithstanding clause 6.2.4.1, a local government may recommend subdivision or approve the development of land within a Development Area prior to a structure plan coming into effect in relation to that land, if the local government is satisfied that this will not prejudice the specific purposes and requirements of the Development Area.

#### **6.2.5 Preparation of proposed structure plans**

6.2.5.1 A proposed structure plan may be prepared by—

- (a) the local government; or
- (b) an owner.

6.2.5.2 A proposed structure plan may be prepared for all, or part of, a Development Area.

#### **6.2.6 Details of proposed structure plan**

6.2.6.1 A proposed structure plan is to contain the following details—

- (a) a map showing the area to which the proposed structure plan is to apply;
- (b) a site analysis map showing the characteristics of the site including—
  - (i) landform, topography and land capability;
  - (ii) conservation and environmental values including bushland, wetlands, damp lands, streams and water courses, foreshore reserves and any environmental policy areas;
  - (iii) hydrogeological conditions, including approximate depth to water table;
  - (iv) sites and features of Aboriginal and European heritage value.

- (c) a context analysis map of the immediate surrounds to the site including—
  - (i) the pattern of neighbourhoods, and existing and planned neighbourhood, town and regional centres;
  - (ii) transport routes, including freeways, arterial routes and neighbourhood connector alignments, public transport routes, strategic cycle routes, bus stops and rail stations;
  - (iii) existing and future land use.
- (d) for district structure plans a map showing proposals for—
  - (i) the pattern of neighbourhoods around town and neighbourhood centres;
  - (ii) arterial routes and neighbourhood connector streets;
  - (iii) the protection of natural features such as water courses and vegetation;
  - (iv) major open spaces and parklands;
  - (v) major public transport routes and facilities;
  - (vi) the pattern and disposition of land uses; and
  - (vii) schools and community facilities.
- (e) for local structure plans a map showing proposals for—
  - (i) neighbourhoods around proposed neighbourhoods and town centres;
  - (ii) existing and proposed commercial centres;
  - (iii) natural features to be retained;
  - (iv) street block layouts;
  - (v) the street network including street types;
  - (vi) transportation corridors, public transport networks, and cycle and pedestrian networks;
  - (vii) land uses including residential densities and estimates of population;
  - (viii) schools and community facilities;
  - (ix) public parklands; and
  - (x) urban water management areas.
- (f) a written report to explain the mapping and to address the following—
  - (i) the planning framework for the structure plan including any applicable regional or district structure plans, and any policies, strategies and scheme provisions which apply to the land, and any environmental conditions which apply under the Scheme;
  - (ii) the site analysis including reference to the matters listed in clause 6.2.6.1 (b) above, and, in particular, the significance of the conservation, environmental and heritage values of the site;
  - (iii) the context analysis including reference to the matters listed in clause 6.2.6.1 (c) above;
  - (iv) how planning for the structure plan area is to be integrated with the surrounding land;
  - (v) the design rationale for the proposed pattern of subdivision, land use and development;
  - (vi) traffic management and safety;
  - (vii) parkland provision and management;
  - (viii) urban water management;
  - (ix) proposals for public utilities including sewerage, water supply, drainage, gas, electricity and communication services; and
  - (x) the proposed method of implementation including any cost sharing arrangements and details of any staging of subdivision and development.
- (g) The maps referred to in clause 6.2.6.1 are to—
  - (a) be drawn to a scale that clearly illustrates the details referred to in clause 6.2.6.1; and
  - (b) include a north point, visual bar scale, key street names and a drawing title and number.

A proposed structure plan may, to the extent that it does not conflict with the Scheme, impose a classification on the land included in it by reference to reserves, zones or the *Residential Planning Codes*, and where the proposed structure plan becomes a structure plan, the local government is to have due regard to such reserves, zones or *Residential Planning Codes* when recommending subdivision or approving development of land within a Development Area.

A proposed structure plan must, in the opinion of the local government, be consistent with orderly and proper planning.

#### **6.2.7 Submission to Local Government and Commission**

6.2.7.1 A proposed structure plan prepared by an owner is to be submitted to the local government.

6.2.7.2 Within 7 days of preparing or receiving a proposed structure plan which proposes the subdivision of land, the local government is to forward a copy of the proposed structure plan to the Commission.

6.2.7.3 The Commission is to provide comments to the local government as to whether it is prepared to endorse the proposed structure plan with or without modifications.

6.2.7.4 The Commission must provide its comments to the local government within 30 days of receiving the proposed structure plan.

#### **6.2.8 Advertising of structure plan**

6.2.8.1 Within 60 days of preparing or receiving a proposed structure plan that conforms with clause 6.2.6 and complies with the Scheme (or such longer time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government), the local government is to—

- (a) advertise, or require the owner who submitted the proposed structure plan to advertise, the proposed structure plan for public inspection by one or more of the following ways—
  - (i) notice of the proposed structure plan published in a newspaper circulating in the Scheme area;
  - (ii) sign or signs displaying notice of the proposed structure plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed structure plan applies; and
- (b) give notice or require the owner who submitted the proposed structure plan to give notice, in writing to—
  - (i) all owners whose land is included in the proposed structure plan;
  - (ii) all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed structure plan;
  - (iii) such public authorities and other persons as the local government nominates.

6.2.8.2 The advertisement and notice are to—

- (a) explain the scope and purpose of the proposed structure plan;
- (b) specify when and where the proposed structure plan may be inspected; and
- (c) invite submissions to the local government by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires.

#### **6.2.9 Adoption of proposed structure plan**

6.2.9.1 The local government is to consider all submissions received and within 60 days of the latest date specified in the notice or advertisement for the making of submissions is to—

- (a) adopt the proposed structure plan, with or without modifications; or
- (b) refuse to adopt the proposed structure plan and, where the proposed structure plan was submitted by an owner, give reasons for this to the owner.

6.2.9.2 (a) In making a determination under clause 6.2.9.1, the local government is to have due regard to the comments and advice received from the Commission in relation to the proposed structure plan.

(b) If the Commission requires modifications to the proposed structure plan, the local government is to consult with the Commission prior to making a determination under clause 6.2.9.1.

6.2.9.3 If the local government, after consultation with the Commission, is of the opinion that a modification to the proposed structure plan is substantial, the local government may—

- (a) readvertise the proposed structure plan; or
- (b) require the owner who submitted the proposed structure plan to readvertise the proposed structure plan;

and thereafter, the procedures set out in clause 6.2.8.1 onwards are to apply.

6.2.9.4 If within the period referred to in clause 6.2.9.1, or such further time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government, the local government has not made a determination under clause 6.2.9.1, the local government is deemed to have refused to adopt the proposed structure plan.

#### **6.2.10 Endorsement by Commission**

6.2.10.1 If the proposed structure plan proposes the subdivision of land, then within 7 days of making its determination under clause 6.2.9.1, the local government is to forward the proposed structure plan to the Commission for its endorsement.

6.2.10.2 As soon as practicable after receiving the proposed structure plan, the Commission is to determine whether to endorse the proposed structure plan.

6.2.10.3 The Commission is to notify the local government of its determination under clause 6.2.10.2.

#### **6.2.11 Notification of structure plan**

6.2.11.1 As soon as practicable after adopting a proposed structure plan under clause 6.2.9.1 and if clause 6.2.10 applies, as soon as practicable after being notified of the Commission's

decision under clause 6.2.10.3, the local government is to forward a copy of the structure plan to—

- (a) any public authority or person that the local government thinks fit; and
- (b) where the structure plan was submitted by an owner, to the owner.

#### **6.2.12 Operation of structure plan**

6.2.12.1 A structure plan comes into effect—

- (a) where the structure plan proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 6.2.10.2; or
- (b) on the day on which it is adopted by the local government under clause 6.2.9.1 in all other cases.

6.2.12.2 If a provision of a structure plan is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of the inconsistency.

#### **6.2.13 Inspection of Structure Plan**

6.2.13.1 The structure plan and the Commission's notification under clause 6.2.10.3 is to be kept at the local government's administrative offices, and is to be made available for inspection by any member of the public during office hours.

#### **6.2.14 Variation to structure plan**

6.2.14.1 The local government may vary a structure plan—

- (a) by resolution if, in the opinion of the local government, the variation does not materially alter the intent of the structure plan;
- (b) otherwise, in accordance with the procedures set out in clause 6.2.6 onwards.

6.2.14.2 If the local government varies a structure plan by resolution, and the variation does not propose the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution.

6.2.14.3 If the local government varies a structure plan by resolution, and the variation proposes the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution for its endorsement.

6.2.14.4 As soon as practicable after receiving the copy of the variation referred to in clause 6.2.14.3, the Commission is to determine whether to endorse the proposed variation.

6.2.14.5 The Commission is to notify the local government of its determination under clause 6.2.14.4.

6.2.14.6 A variation to a structure plan by resolution comes into effect—

- (a) where the variation proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 6.2.14.4; or
- (b) on the day on which the local government resolves to make the variation under clause 6.2.14.1 (a).

#### **6.2.15 DETAILED AREA PLAN**

6.2.15.1 Where it is considered desirable to enhance, elaborate or expand the details or provisions contained in a structure plan for a particular lot or lots, a detailed area plan may be prepared by—

- (a) the local government; or
- (b) an owner.

6.2.15.2 A detailed area plan may include details as to—

- (a) building envelopes;
- (b) distribution of land uses within a lot;
- (c) private open space;
- (d) services;
- (e) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;
- (f) the location, orientation and design of buildings and the space between buildings;
- (g) advertising signs, lighting and fencing;
- (h) landscaping, finished site levels and drainage;
- (i) protection of sites of heritage, conservation or environmental significance;
- (j) special development controls and guidelines; and
- (k) such other information considered relevant by the local government.

6.2.15.3 When a proposed detailed area plan is prepared under clause 6.2.15.1, the local government is to—

- (a) advertise, or require the owner who submitted the proposed detailed area plan to advertise the proposed detailed area plan for public inspection by one or more of the following ways—
  - (i) notice of the proposed detailed area plan published in a newspaper circulating in the Scheme area;
  - (ii) a sign or signs displaying notice of the proposed detailed area plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed detailed area plan applies; and



- (b) give notice or require the owner who submitted the proposed detailed area plan to give notice, in writing to—
  - (i) all owners whose land is included in the proposed detailed area plan;
  - (ii) all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed detailed area plan;
  - (iii) such public authorities and other persons as the local government nominates.

6.2.15.4 The advertisement and notice are to—

- (a) explain the scope and purpose of the proposed detailed area plan;
- (b) specify when and where the proposed detailed plan may be inspected; and
- (c) invite submissions to the local government by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires.

6.2.15.5 The local government is to consider all submissions received and—

- (a) approve the detailed area plan with or without conditions; or
- (b) refuse to approve the detailed area plan and, where the proposed detailed area plan was submitted by an owner, give reasons for this to the owner.

6.2.15.6 If within 60 days of receiving a detailed area plan prepared under clause 6.2.15.1(b), or such longer period as may be agreed in writing between the owner and the local government, the local government has not made one of the determinations referred to in clause 6.2.15.5, the local government is deemed to have refused to approve the detailed area plan.

6.2.15.7 Once approved by the local government, the detailed area plan constitutes a variation of the structure plan.

6.2.15.8 The local government may vary a detailed area plan in accordance with the procedures set out in clause 6.2.15 onwards provided such variations do not prejudice the intention of any related structure plan.

#### **6.2.16 APPEAL**

6.2.16.1 An owner who has submitted a proposed structure plan under clause 6.2.7.1 may appeal, under Part V of the Town Planning Act—

- (a) any failure of the local government to advertise, or require the owner to advertise, a proposed structure plan within the required time period under clause 6.2.8.1;
- (b) any determination of the local government—
  - i. to refuse to adopt a proposed structure plan (including a deemed refusal); or
  - ii. to require modifications to a proposed structure plan that are unacceptable to that owner.

6.2.16.2 An owner who has submitted a detailed area plan in accordance with clause 6.2.15 may appeal, in accordance with Part V of the Town Planning and Development Act, any discretionary decision made by the local government under clause 6.2.15.”

6. Adding the following additional Schedule to the Scheme—

#### **Appendix XII—SPECIAL CONTROL AREAS**

REF NO	AREA	PROVISIONS
SCA-1	Lots 1, 2, 822, 823, 824, 825, 826, 827 and 7716 Scaddan Street and Lot 839 and Portion Swan Location Q1 Railway Parade and a portion of Scaddan Street road reserve, Bassendean	An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development.

W. G. KLEIN, Mayor.  
G. EVERSLED, Chief Executive Officer.

PI403\*

#### **TOWN PLANNING AND DEVELOPMENT ACT 1928**

#### **ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT**

*Shire of Donnybrook-Balingup*

Town Planning Scheme No. 4—Amendment No. 31

Ref: 853/6/4/4 Pt 31

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the Shire of Donnybrook-Balingup Town Planning Scheme Amendment on 19 October 2004 for the purpose of—

- (i) Rezoning Lot 52 Bendall Road, Donnybrook from “General Farming Pastoral” to “Rural Residential” zone and amending the Scheme Maps accordingly.

## (ii) Inserting in Schedule 3 of the Scheme Text, relating to the Rural Residential Zones, the new Specified Area and Special Provisions—

(A)	(B)
Specified Area	Special Provisions.
Lot 52 Bendall Road, Donnybrook	<p>(1) In addition to the provisions of Clauses 3.4.1, 6.7.1—6.7.3 and Table 1 of Town Planning Scheme No. 4, the following provisions apply.</p> <p>(2) Subdivision shall be generally in accordance with the Subdivision Guide Plan dated May 2004 attached to the Scheme Amendment No. 31 Report.</p> <p>(3) No further subdivision to that shown on the Subdivision Guide Plan will be supported</p> <p>(4) No development, including earthworks shall occur outside of the approved building envelope, illustrated on the Subdivision Guide Plan, dated May 2004, or an alternative location which has been approved by Council.</p> <p>(5) Council, and Fire and Emergency Services of Western Australia, (and the Department of Conservation and Land Management), may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to prepare and implement a Fire Management Plan to provide for adequate ongoing fire protection.</p> <p>Strategic firebreaks and individual firebreaks shall initially be constructed by the developer to the satisfaction of Council and FESA and maintained until ownership has changed. Thereafter maintenance shall remain the responsibility of the individual landowner.</p> <p>(6) Council shall at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to prepare and implement a Vegetation Management Plan for the areas to be planted shown on the Subdivision Guide Plan that includes—</p> <ol style="list-style-type: none"> <li>1. Establish a revegetation/replanting program for the site.</li> <li>2. Ensure the maintenance of vegetation during its establishment period.</li> <li>3. The need to avoid the destruction of remnant vegetation where possible by road works.</li> <li>4. Each lot to establish its own potable water supply.</li> <li>5. Minimise potential traffic conflicts, especially onto Gemmell Road.</li> <li>6. Provide for bush fire protection and minimise impact on the adjoining State Forest.</li> </ol> <p>(7) All buildings, structures and on-site effluent disposal systems shall be contained within an area not greater 2,500m<sup>2</sup> (the building envelope) which cannot be located—</p> <ul style="list-style-type: none"> <li>• Where areas of significant vegetation exist;</li> <li>• Closer than 20 metres from any lot boundary;</li> <li>• Closer than 30 metres from any watercourse;</li> <li>• Within the 'Low Fuel Zone'.</li> </ul> <p>(8) On-going maintenance of vegetation shall be the responsibility of land owners.</p> <p>Council shall at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to advise prospective purchasers of the on-going vegetation maintenance responsibility of land owners.</p> <p>(9) No vegetation shall be cleared within any allotment except for the purposes of—</p> <ul style="list-style-type: none"> <li>– compliance with requirements of the Bush Fire Act 1954 (as amended).</li> </ul>

(A)	(B)
Specified Area	Special Provisions.
	<ul style="list-style-type: none"> <li>— compliance with an approved Fire Management Plan.</li> <li>— constructing vehicular access way(s), the location of which is to be approved by Council.</li> <li>— clearing within an approved building envelope.</li> <li>— removing dead, diseased or dangerous trees.</li> </ul>
(10)	Each dwelling house shall be provided with a supply of potable water, to be in the form of a water tank with a minimum capacity of 92,000 kilolitres and shall be linked to suitable rainfall catchment with a surface area of not less than 150 square metres.
(11)	<p>Potable Water supply tanks within each lot are—</p> <ol style="list-style-type: none"> <li>1) To be fitted with couplings compatible with the FESA requirements to ensure that the tank capacity is available for the purposes of fire fighting at any time.</li> <li>2) Shall be screened by planted vegetation from surrounding lots.</li> </ol>
(12)	<p>Alternative Treatment Units shall be used on all lots, unless other on-site effluent disposal systems are approved by Council.</p> <p>Where other systems are approved the effluent disposal systems shall be constructed so as to achieve a minimum vertical separation of 2 metres between the system and the highest known groundwater level, and 100 metres horizontal separation from any standing water bodies.</p> <p>Disposal of on-site effluent is to be to the specifications and satisfaction of Council and the Health Department of Western Australia.</p>
(13)	No new dams shall be permitted.
(14)	Fencing shall be of a rural nature at least 1.3m high. Solid fencing may be permitted, but only with materials sympathetic to the rural character of the area. Super 6 or similar material is not permitted.
(15)	Stocking of animals is not permitted unless approval granted by Council.
(16)	<p>No detention basins, retention basins, sumps or similar water treatment mechanisms shall be permitted to dispose of any stormwater from the site.</p> <p>Stormwater disposal is to be addressed by the provision of a drainage easement either across proposed lots 9 or 4. The drainage easement shall be connected to an easement either across lot 121 or lot 120 Howlett Ramble and that easement shall be secured over lot 121 or lot 120 Howlett Ramble to effect this drainage connection or an alternative agreed to by Council prior to subdivision.</p>
(17)	<p>Council shall at subdivision stage request the Western Australian Planning Commission to impose the following conditions—</p> <ol style="list-style-type: none"> <li>1. The subdivider shall contribute to road upgrading of roads in the area to the satisfaction of the Shire of Donnybrook/Balingup.</li> <li>2. The subdivider shall contribute to the upgrading of Bendall Road bridge to the satisfaction of the Shire of Donnybrook/Balingup.</li> </ol>
(18)	Purchasers of lots within the Special Rural Zone are to be advised that adjoining land will continue to be utilised for agricultural purposes including all normal practices related to such land use and other adjacent land is reserved for State Forest activity.

W. B. HEARMAN, President.  
J. R. ATTWOOD, Chief Executive Officer.

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**PUBLIC NOTICES**

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ZZ201

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

## Notice to Creditors and Claimants

Brian David Ferguson late of 49 Doolette Street, Bullfinch, miner, 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 13 July 2004, are required by the executor of the estate of the deceased of care of Macdonald Rudder, solicitors of 126 Hannan Street, Kalgoorlie to send particulars of their claims to him within one month from the date of publication of this notice, after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

Signed: Macdonald Rudder solicitors for the executor.

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ZZ202

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

## Notice to Creditors and Claimants

Derek Turner-Bagot late of 25 Sheldrake Way, Willetton in the State of Western Australia, Retired business Proprietor, deceased.

Creditors and other persons having claims (to which Section 63 of the Trustee's Act, 1962, relates) in respect of the estate of the deceased who died on 7 April 2004 are required by the personal representative, Lynda Susan Guest, to send particulars of their claims to her care of Talbot & Olivier Barristers & Solicitors, Level 10, 55 St George's Terrace, Perth by the 5 December 2004 after which date the personal representative may convey or distribute the assets having regard to the claims of which she then has notice.

Talbot & Olivier as solicitors for the personal representative.

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**WESTERN AUSTRALIA****RETIREMENT VILLAGES ACT 1992****Price: \$18.50 counter sales****Plus postage on 290 grams**

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**RETIREMENT VILLAGES REGULATIONS 1992****\*Price: \$5.15 counter sales****Plus postage on 40 grams**

\* Prices subject to change on addition of amendments.



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