



WESTERN
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GOVERNMENT

Gazette

3705



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- Easter or Christmas editions etc—these notices appear approximately 4 weeks prior to any change.
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In all cases notices are published on page 2 and readers are urged to check accordingly prior to contacting State Law Publisher.

JOHN A. STRIJK,
Government Printer.

AGRICULTURE

AG401

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976Agriculture Protection Board,
South Perth.

Acting pursuant to the powers granted by section 35 and 36 of the Agriculture and Related Resources Protection Act 1976, the Agriculture Protection Board hereby cancels the assignment of *Gorteria* (*Gorteria personata*) to categories P1 and P2 for the whole of state.

Dated 5 June 1997.

KERYL ENRIGHT, Chairman.

JUSTICE

JM401

CHILDREN'S COURT OF WESTERN AUSTRALIA ACT 1988

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

Mr Robert Charles Machell of 3 Manado Court, Broome and Dora Street, Broome
Mr Geoffrey Charles Reen of Lot 282 Emanuel Way, Fitzroy Crossing

RICHARD FOSTER, Executive Director, Court Services.

JM402

JUSTICES ACT 1902

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

Mr Raymond John Anderson of 5 Rogers Close, Clifton Park and 190 Spencer Street, Bunbury
Mr Brian Marsden Behrmann of 396 Summer Lakes Road, Ballajura
Mr John Francis Duncan of 13 Cairnhill Court, Darlington and 17 Tonbridge Way, Thornlie
Ms Christine Elizabeth Gobby of Lot 16 Shamrock Street, Yaloo
Mr Robert Charles Machell of 3 Manado Court, Broome and Dora Street, Broome
Mr Ian Thomson of 28 Wray Avenue, Fremantle and 165 Gilmore Avenue, Parmelia
Mr Geoffrey Charles Reen of Lot 282 Emanuel Way, Fitzroy Crossing
Mr William Thomas Tucker of 10 Piomnino View, Secret Harbour

to the office of Justice of the Peace of the State of Western Australia.

RICHARD FOSTER, Executive Director, Court Services.

LAND ADMINISTRATION

LA101*

CORRECTIONS

(DOLA File 01571-1995-01RO)

In the notice at page 2248 of the *Government Gazette* dated 6 May 1997 in respect to Reserve No. 44838, following the word "comprising", include "Sussex Location 5015".

(DOLA File 3082-1988-01RO)

In the notices at page 451 of the *Government Gazette* dated 6 February 1996 in respect to Reserve Nos. 13630, 13631 and 13632 the purposes are changed from "Water" to "Timber".

(DOLA File 01902-1967-01RO)

In the notice at page 1186 of the *Government Gazette* dated 21 February 1997 under the heading Land Act 1993 (Amendment of Reserves) in respect to Reserve 30601, amend 125.0014 hectares to read 121.4735 hectares.

(DOLA File 692-1985-01RO)

In the notice at page 6478 of the *Government Gazette* dated 15 November 1996 in respect to Reserve No. 39224 the reference to 901 square metres is amended to read 9041 square metres.

A. A. SKINNER, Chief Executive.

LA102**CORRECTION****REGISTRATION OF DEEDS ACT 1856****REGISTRATION OF DEEDS AMENDMENT REGULATIONS 1997**

An error occurred in the Notice published under the above heading, on page 3486 of *Government Gazette* No. 11 dated 4 July 1997, and is corrected as follows—

Delete the words "Commissioner of Titles" where they appear; and

Insert "Acting Commissioner of Titles".

Dated: 15 July 1997.

J. GLADSTONE, Acting Commissioner of Titles.

LA201***LAND ACT 1933****ORDER IN COUNCIL****(VESTING OF RESERVE)**

By the direction of His Excellency the Governor under Section 33(2), the following reserve has been vested.

DOLA File: 00430-1997-01RO.

Reserve No. 44812 (Esperance Lots 957 and 958) vested in the Shire of Esperance for the designated purpose of "Drainage".

Local Authority: Shire of Esperance.

DOLA File: 00778-1996-01RO.

Reserve No. 44565 (Swan Location 12562) vested in Shire of Swan for the designated purpose of "Public Recreation".

Local Authority: Shire of Swan.

JOHN PRITCHARD, Clerk of the Council.

LA401***LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960****DECLARATION OF CLOSURE OF STREETS**

Made by the Minister for Lands

Under Section 288A

At the request of the local government nominated, the street described in the Schedule is now declared to be closed.

SCHEDULE

Shire of Serpentine—Jarrahdale (DOLA File No. 401/997; Closure No. S498).

All that portion of Brady Road (Road No. 1825) as shown bordered blue on Crown Survey Diagram 93142.

Public Plan: BG33(2) 26.22

Shire of Swan (DOLA File No. 1903/994; Closure No. S497)

All that portion of Talbot Road as shown bordered blue on Crown Survey Diagram 93074.

Public Plans: BG34(2) 20.29 and 21.29.

A. A. SKINNER, Chief Executive,
Department of Land Administration.

LA701***LAND ACT 1933****RESERVATION NOTICE**

Made by His Excellency the Governor under Section 29.

The Crown Land described below has been set apart as public reserves

DOLA File: 00430-1997-01RO.

Reserve No. 44812 comprising Esperance Lots 957 and 958 (formerly those portions of East Location 21 shown marked "Drain Reserve" on Plan 13208) with an area of 983 square metres for the designated purpose of "Drainage"

Section 20A

Public Plan/s: CG29 (2) 17.16 and 17.17. Fisheries Road

Local Authority: Shire of Esperance.

DOLA File: 00778-1996-01RO.

Reserve No. 44565 comprising Swan Location 12562 (formerly Lot 834 on Plan 20807) with an area of 5320 square metres for the designated purpose of "Public Recreation"

Section 20A

Public Plan/s: BG35 (2) 22.07. Vines Avenue

Local Authority: Shire of Swan.

A. A. SKINNER, Chief Executive.

LA702*

CONSERVATION AND LAND MANAGEMENT ACT 1984

RESERVATION OF STATE FOREST ORDER

Made by His Excellency the Governor under Section 8

DOLA File: 02441-1928-03RO.

CALM File: 025839F1605

It is directed that the area described in the schedule be dedicated as an addition to State Forest No. 27.

SCHEDULE

The closed roads delineated in black and coloured blue on Land Administration Miscellaneous Diagram 365

Area: about 14 hectares

Public Plan/s: Capel SE and Donnybrook SW (25)

Local Authority: Shire of Capel.

JOHN PRITCHARD, Clerk of the Council.

LA801*

LAND ACT 1933

AMENDMENT OF RESERVE

Made by His Excellency the Governor under Section 37.

The following reserve has been amended

DOLA File: 02331-1993-01RO.

Reserve No. 43063 (Victoria District) "Recreation" to comprise Locations 12091 and 12092 as surveyed and shown bordered red on Land Administration Plan 19181 in lieu of Location 11977 and of its area being increased to 24.9270 hectares accordingly.

Public Plan/s: Mingenew Townsite and Mingenew SE (25) Mingenew-Morawa Road

Local Authority: Shire of Mingenew.

A. A. SKINNER, Chief Executive.

LB601

LAND ACT 1933

Department of Land Administration.

It is hereby notified that it is intended to Grant a Special Lease over Fitzroy Location 287 to AIL Holdings Pty Ltd under Section 116 of the Land Act 1933 for the purpose of "Taking, Diverting, Conserving and using water for Agricultural Purposes" for a term of 50 years.

A. A. SKINNER, Chief Executive.

LB602

LAND ACT 1933

Department of Land Administration.

It is hereby notified that it is intended to Grant a Special Lease over Fitzroy Location 286 to AIL Holdings Pty Ltd under Section 116 of the Land Act 1933 for the purpose of "Taking, Diverting, Conserving and using water for Agricultural Purposes" for a term of 50 years.

A. A. SKINNER, Chief Executive.

LB603**LAND ACT 1933**

Department of Land Administration.

It is hereby notified that it is intended to Grant a Special Lease over Fitzroy Location 285 to AIL Holdings Pty Ltd under Section 116 of the Land Act 1933 for the purpose of "Tourist and Recreational Purposes" for a term of 50 years.

A. A. SKINNER, Chief Executive.

LOCAL GOVERNMENT

LG101*CORRECTION***LOCAL GOVERNMENT ACT 1995**Department of Local Government,
Perth, 18 July 1997.

LG: WU 5-4

Errors have been noted in the notice in relation to the Shire of Wiluna (Basis of Rates) published in the *Government Gazette* of 30 May 1997, on pages 2474-2475. To correct these errors—

- (1) insert "Gold" before "Mining Lease M53/776" where it appears on page 2474 in Schedules F and G;
- (2) delete "WESTER" where it appears on page 2474 immediately after Schedule G and insert "WESTERN" in its place; and
- (3) delete "Southwestern" where it appears on page 2475 in Schedule I and insert "Southeastern" in its place.

JOHN LYNCH, Executive Director,
Department of Local Government.**LG401****DOG ACT 1976***Shire of Swan*

It is hereby notified for public information that the following Officer has been appointed both Registration Officer and Pound Keeper for the Shire of Swan—

Ian Marten Stitt

The following is hereby cancelled for both poundkeeper and/or registration officer—

Jeanette Clarke

E. W. T. LUMSDEN, Chief Executive Officer.

LG402**BUSH FIRES ACT 1954****NOTICE TO OWNERS AND OCCUPIERS OF LAND WITHIN THE SHIRE OF BEVERLEY**

Pursuant to the powers contained in section 33 of the Bush Fires Act 1954, you are hereby required on or before the 15 November 1997 to provide and thereafter maintain free of all inflammable material until 15 April 1998, firebreaks as stipulated in the manner described in the following Schedule of land owned or occupied by you.

SCHEDULE**WIDTH AND MANNER PRESCRIBED****1. RURAL LAND**

- (a) Buildings and Haystacks: A firebreak at least 4 metres wide and not more than 60 metres from the perimeter of all buildings and/or haystacks or groups of buildings and/or haystacks so as to completely surround the buildings, haystacks and/or fuel dumps.
- (b) Bulldozed Bush: A firebreak 20 metres wide shall be maintained immediately inside the external boundaries of all land which has been bulldozed, chained or prepared in any similar manner for clearing by burning (whether it is intended to burn the bush or not).

- (c) Stationary Pumps/Motors: A firebreak 4 metres wide shall be cleared and maintained around all stationary pumps and motors.
- (d) Harvesting Operations: During any period when harvesting operations are being conducted, there shall be provided in the same paddock or within 400 metres of that paddock an operational independent mobile fire fighting unit having a water capacity of not less than 650 litres. The tank of the unit shall be kept full of water at all times during the harvest operations. The responsibility to supply the unit being that of the landholder.
- (e) Operation of Plant and Machinery: During the restricted and prohibited burning time, all harvesters and trucks carting grain shall not be operated on rural land unless fitted with a fire extinguisher. A fire extinguisher means a device which comprises—
 - (i) a container filled with at least 9 litres of water, and be capable of discharging that water under pressure and which is in a sound working condition;
 - (ii) an approved operative chemical extinguisher.
- (f) Paddock Burns—At any time, where a landholder intends to burn paddocks, the following must be provided to prevent the escape of fire—
 - (i) a firebreak 2.2 metres wide clear of all inflammable material completely surrounding the area to be burnt;
 - (ii) an operational fire fighting unit having a capacity of not less than 650 litres;
 - (iii) permits to burn may be required. Contact your Fire Control Officer for details.
- (g) All Absentee Rural Landowners/Occupiers not residing within the Shire of Beverley shall construct and maintain free of inflammable material, a firebreak not less than 2.2 metres wide along all external boundaries of their property. Failure to comply could result in the owner being held responsible for damage to neighbours property if a fire were to escape due to negligence.

Note: All absentee rural landowners/occupiers are asked to notify their Fire Control Officer of their contact telephone number and address. If you are unaware of your Fire Control Officer, please contact the Shire of Beverley on (08) 9646 1200 to obtain this information.

2. TOWNSITE LAND

- (a) All lots with an area of 2024m² (1/2 acre) or less, shall be either clear of all inflammable material or have grass mown to a height no greater than 5 cms.
- (b) All lots or combination of lots that comprise of one holding and having an area 2024m² (1/2 acre) or greater shall be either clear of all inflammable material or have a firebreak 2.2 metres wide free of all inflammable material provided inside and along all external boundaries.

3. GENERAL INFORMATION

- (a) Fuel Dumps: In respect of land owned or occupied by you, on which is situated any fuel dump, in addition to the requirements of paragraphs 1 and 2, you shall remove all flammable materials or material likely to become flammable during summer from land occupied by bulk storage tanks and/or drums used for storage of liquid fuel whether the bulk storage tanks and/or drums contain liquid fuel or not. This includes the land on which ramps for holding the drums are constructed. The flammable material free ground must be maintained to a distance of at least 4 metres outside the perimeter of any drum, stack of drums or drum ramp or bulk storage tank.

Flammable material is defined for the purpose of this notice to include vegetation, timber, boxes, cartons, paper and like materials, rubbish and any other combustible matter, but does not include green standing trees, garden plants, growing bushes or maintained lawns, stacked wood heaps or buildings.

- (b) Variations to Requirements: If it is considered to be impracticable for any reason to clear firebreaks on the land in the situations required by this notice or by the date required by this notice, you may apply to the Council or its duly authorised officer for variations by the Order. An application must be made no later than 14 days prior to the date by which firebreaks are required to be constructed for permission to provide firebreaks in alternative positions or by an alternative date or to take alternative action to abate fire hazards on the land. If permission is not granted by the Council or its duly authorised officer, you shall comply with the requirements of this notice.
- (c) Penalty for Failure to Comply: The penalty for failing to comply with this notice is a fine and the person in default is liable, whether prosecuted or not, to pay the cost of constructing the firebreaks.
- (d) Burning: 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 1954.

By Order of the Council.

K. L. BYERS, Chief Executive Officer.

FIRE CONTROL OFFICERS (FCO)

Chief FCO	Mr Bill Hill	(08) 9646 1248
Central Brigade	Mr Fred Sing	(08) 9646 1369
Bally Bally 1 Brigade	Mr David Bell	(08) 9646 4031
Kokeby 1 Brigade	Mr Jack Miller	(08) 9646 1140
North East 1 Brigade	Mr Rick Smith	(08) 9641 6052
Morbining 1 Brigade	Mr Mal Edwards	(08) 9646 4063
Avondale 1 Brigade	Mr George Smith	(08) 9647 2052
Kokeby West 1 Brigade	Mr Bill Hill	(08) 9646 1248
Dale 1 Brigade	Mr Rob Williamson	(08) 9647 1075
Dale West 1 Brigade	Mr Jim Aird	(08) 9647 1030
Talbot 1 Brigade	Mr Greg Moulton	(08) 9648 1017
Emergency Telephone Nos	Rural	(08) 9646 1552
	Townsite	(08) 9646 1001

LG403

LOCAL GOVERNMENT ACT 1995**HEALTH ACT 1911***Shire of Mukinbudin*

MEMORANDUM OF IMPOSING RATES

To whom it may concern,

At a meeting of the Shire of Mukinbudin held on 3rd July 1997, it was resolved that the rates and charges specified hereunder should be imposed on all rateable property within the district of the Municipality in accordance with the provisions of the Local Government Act 1995 and the Health Act 1911.

Dated this 3rd July 1997.

C. W. GERAGHTY.
A. J. BORRETT, Chief Executive Officer.

Schedule of Rates and Charges Levied

General Rates—

Unimproved Values 4.1664 cents in the dollar.
Gross Rental Values 12.0299 cents in the dollar.

Minimum Rates—

Residential \$120 per assessment.
Rural \$180 per assessment.
Mining \$1500 per assessment.

Discount—A discount of 10% will be allowed on current rates paid within 14 days of date of service assessment.

Rubbish collection Charges—\$90.00 per annum weekly removal of 240 litre bin.

Television Levy—\$26.00 per annum for townsite properties.

LG404

BUSH FIRES ACT 1954*City of Mandurah*

Appointment of Authorised Officer

It is hereby notified for public information that Mr Peter Geoffrey Burrell has been appointed Chief Fire Control Officer, with full powers, under the provisions of the Bush Fires Act 1954.

STEPHEN GOODE, Chief Executive Officer.

LG405

LOCAL GOVERNMENT ACT 1995**HEALTH ACT 1911****COUNTRY TOWNS SEWERAGE ACT 1948***Shire of Morawa*

MEMORANDUM OF IMPOSING RATES

At a meeting of the Morawa Shire Council held on 10 July 1997, it was resolved that the rates and charges specified hereunder be imposed on all rateable property within the Municipality of the Morawa Shire.

Dated this 14th day of July 1997.

Schedule of Rates and Charges Levied

General Rates—

Rural Areas: 4.40¢ in the dollar on Unimproved Values
 Townsite: 6.70¢ in the dollar on Gross Rental Values
 Mining: 4.40¢ in the dollar on Unimproved Values

Minimum Rates—

\$120 on any location or other piece of land within the Municipality excluding the townsites of Canna, Gutha and Koolanooka where the minimum will be \$25 on any location, lot, or other piece of land.

Rubbish Charges—(per 240 l bin)

Domestic Rubbish Removal: \$80.00
 Commercial Rubbish Removal: \$150.00
 Pensioner Rubbish Removal: \$40.00

Discount—

7.5% on all current rates paid within 35 days of date of notice. (Sewerage Rates and Rubbish Charges Excluded).

Instalment Plan Interest Rate—

A charge of 6.5% per annum calculated daily by simple interest will be applied to all rates paid by instalment as from 35 days of date of notice.

Payment of Rates Under Instalment Plan—

Due dates of payments of Rates and Charges levied 1997/98.

4 Instalments	2 Instalments
27 August 1997	27 August 1997
27 October 1997	27 December 1997
27 December 1997	
27 February 1998	

Administration Fee—

A charge of \$3 per reminder notice for rates and services levied.

Late Payment Interest Rate—

A charge of 10% calculated daily by simple interest will be applied to all rates unpaid after 23 October 1997. (Sewerage Rates, Rubbish Charges and Deferred Pensioners excluded).

Sewerage Scheme Rates and Charges—

General Rate: 8.70¢ in the dollar on Gross Rental Values

Minimum Rate—	Residential	\$125.00
	Commercial	\$355.00
	Vacant Land	\$100.00

Major Fixed Charge: \$625.00
 Minor Fixed Charge: \$115.00
 Extra Service Charge: \$50.00

Interest on General Debtor monies owing to Shire of Morawa

10% after 35 days per section 6.13 (1) of Local Government Act 1995.

J. F. COOK, President.
 S. A. COLLIE, Chief Executive Officer.

LG406**LOCAL GOVERNMENT ACT 1995**

Shire of Morawa

ANNUAL FEE REVIEW

1997/98 Fees and Charges

At its meeting of 10 July 1997, Council reviewed and set its fees and charges for the 1997/98 year in accordance with section 6.16 of the Local Government Act 1995.

The fees and charges relate to—

Administration Charges (Photocopying/Facsimiles)
 Sale of Minutes, Electoral Rolls and Telephone Directories
 Dog Fees and Charges
 Hall Hire Charges
 Housing Rents
 Private Works Hire and Rates
 Caravan Park Fees
 Swimming Pool Admission Charges
 Recreation Facilities Hire
 Sale of Water

and are available for public inspection at the Shire Office during normal office hours.

S. A. COLLIE, Chief Executive Officer.

LG407**BUSH FIRES ACT 1954***City of Mandurah*

Appointment of Authorised Officer

It is hereby notified for public information that Mr John Loton Watts has been appointed Deputy Chief Fire Control Officer, with full powers, under the provisions of the Bush Fires Act 1954.

STEPHEN GOODE, Chief Executive Officer.

LG408**DOG ACT 1976***City of Mandurah*

Appointment of Authorised Officer

It is hereby notified for public information that Miss Dawn Leanne Veronica Beard has been appointed as Dog Registration Officer for the City of Mandurah and is authorised to effect the registration of dogs pursuant to the Dog Act 1976 and the Dog Amendment Act 1987.

STEPHEN GOODE, Chief Executive Officer.

LG409**LOCAL GOVERNMENT ACT 1995**

ANNUAL FEE REVIEW

Shire of Kellerberrin

1997/98 Fees and Charges

At a meeting held on 2 July 1997, Council reviewed and set its fees and charges for the 1997/98 Financial Year.

The fees and charges relate to the following—

- Photocopying and Copy Printing
- Facsimile Transmissions
- Electoral Rolls
- Dog Control
- Fire Prevention
- Health—Rentals
- Handyman Services
- Housing—Rentals
- Cemetery Fees
- Community Bus
- Swimming Pool Charges
- Hall and Pavilion Hire
- Greater Sports Ground Rentals
- Caravan Park
- Saleyards
- Warehouse Unit Rentals

and are available for public inspection at the Shire Office during normal office hours.

S. A. TAYLOR, Chief Executive Officer.

LG410**BUSH FIRES ACT 1954**

BUSH FIRE NOTICE

Shire of Kellerberrin

Notice to Owners and Occupiers of Land within the Shire of Kellerberrin

Pursuant to the powers contained in section 33 of the Bush Fires Act 1954, you are required on or before the date mentioned in the following Schedule to have a firebreak clear of all flammable matter and maintain the firebreak to at least the width mentioned and in the manner described in the following Schedule of Land owned or occupied by you.

Schedule

1. DATE

- (A) RURAL LAND 1st November, 1997 to 1st April, 1998
Surrounding Buildings/Haystacks and Fuel Dumps
- (B) TOWNSITE LAND 1st November, 1997 to 1st April, 1998

2. WIDTH AND MANNER DESCRIBED

(a) Rural Land—

At least 3 metres wide and not more than 100 metres from the perimeter of all buildings and/or haystacks or groups of buildings and/or haystacks so as to completely surround the buildings, haystacks and/or fuel dumps or so as to effectively surround the buildings, haystacks and/or fuel dumps which may be combined with strategic breaks e.g. roads, clear ground etc, with an effective cleared width of 3 metres.

(b) Townsite Land—

1. If lot is 2024 m² (1/2 acre) or less, clear of all flammable material from the whole of the area. Acceptable methods of clearing include grazing, mowing, grading or burning.
2. If lot is larger than 2024 m² (1/2 acre), there be a firebreak of either 3 metres inside the boundary or 3 metres outside the boundary. Where there is a road free of flammable material, applications can be made annually to the Chief Fire Control Officer for exemption.

(c) Fuel Dumps—

In respect of land owned or occupied by you, on which is situated any fuel dump, in addition to the requirements of paragraphs (a) and (b) you shall remove all flammable materials or material likely to become flammable during summer from land occupied by bulk storage tanks and/or drums used for storage of liquid fuel whether the bulk storage tanks and/or drums contain liquid fuel or not. This includes the land on which ramps for holding the drums are constructed. The flammable material free ground must be maintained to a distance of at least 3 metres outside the perimeter of any drum, stack of drums or drum ramp or bulk storage tank.

Flammable material is defined for the purpose of this notice to include vegetation, timber, boxes, cartons, paper and like materials, rubbish and any other combustible matter, but does not include green standing trees, garden plants, growing bushes or maintained lawns, stacked wood heaps or buildings.

- (d) If it is considered to be impracticable for any reason to clear firebreaks on the land in the situations required by this Notice or by the date required by this Notice, you may apply to the Council or its duly Authorised Officer for variations by the Order. An application must be made no later than 14 days prior to the date by which firebreaks are required to be constructed, for permission to provide firebreaks in alternative positions or by an alternative date or to take alternative action to abate fire hazards on the land. If permission is not granted by the Council or its duly Authorised Officer you shall comply with the requirements of this Notice.
- (e) The penalty for failing to comply with this Notice is a fine and the person in default is liable, whether prosecuted or not, to pay the cost of performing the work.
- (f) If the requirements of this notice are carried out by burning, such burning must be in accordance with the relevant provision of the Bush Fires Act 1954.

ROAD RESERVES

Owners and occupiers of land are hereby notified that Council has adopted a policy of NO roadside burning or spraying for the purpose of fire protection. In certain circumstances, Council permission can be granted to spray or burn upon application.

PADDOCK BURNS

At any time, where a landholder intends to burn, a three (3) metre firebreak clear of flammable material must be placed within the property alongside the road reserve to prevent the escape of fire from the paddock to the road reserve.

By Order of the Council.

S. A. TAYLOR, Chief Executive Officer.

Fire Season 1997/98

Restricted Period	Permits Required	19th September 1997-31st October 1997
Prohibited Period	No Burning	1st November 1997-31st January 1998
Restricted Period	Permits Required	1st February 1998-1st April 1998

FIREBREAKS TO BE COMPLETED BY 1ST NOVEMBER 1997

Dates may vary due to seasonal conditions.

If you are in doubt, contact your Fire Control Officer or the Shire Office.

LG411

LOCAL GOVERNMENT ACT 1995*Municipality of the Town of Claremont*

Restricted Parking Related to Disabled Parking

In pursuance of the powers conferred upon it by section 9.60 (2) of the above Act and of all other powers enabling it the Council of the above Municipality hereby records having resolved on the 16th June 1997 to implement a Disabled Drivers Parking Bay immediately West of St Quentin Close on the North side in front of Focus Clothing, Lot 500, St Quentin Avenue, Claremont.

R. J. STEWART, Chief Executive Officer.

LG412

LOCAL GOVERNMENT ACT 1995*Shire of Ravensthorpe*

(Basis of Rates)

Department of Local Government,
Perth, 18 July 1997.

LG: RA 5-4

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the Local Government Act, the Minister for Local Government has determined that the method of valuing Lot 50 of Oldfield Location 95 on Office of Titles Diagram 88274 shall be gross rental values for the purpose of rating.

JOHN LYNCH, Executive Director,
Department of Local Government.

LG413

LOCAL GOVERNMENT ACT 1995*Shire of Shark Bay*

Rating Exemption

Department of Local Government,
Perth, 18 July 1997.

LG: SB5-6

It is hereby notified for public information that the Minister for Local Government acting pursuant to section 626 of the Local Government Act 1995, has declared exempt from local government rates land described as being Reserve No. 1686 Location 80, Monkey Mia, occupied by the Monkey Mia Dolphin Resort.

JOHN LYNCH, Executive Director,
Department of Local Government.

LG414

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960*Town of Cottesloe*

Closure of Private Street

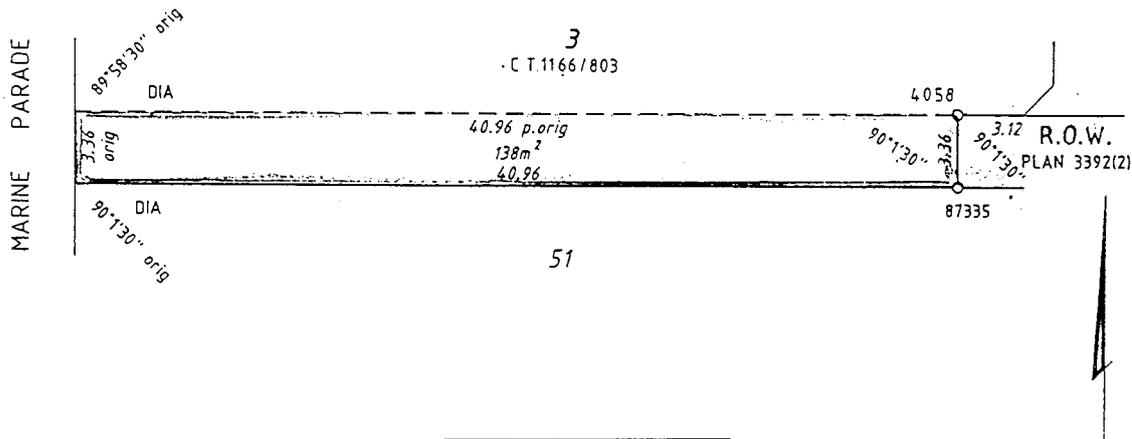
Department of Local Government,
Perth, 18 July 1997.

LG: CT4-12

It is hereby notified for public information that His Excellency the Governor has approved under section 297A of the Local Government (Miscellaneous Provisions) Act 1960, the resolution passed by the Town of Cottesloe that portion of the private street which is described as being portion of Cottesloe Suburban Lot 86, portion of the land coloured brown on Plan 3392 (2) and being part of the land contained in Certificate of Title Vol 2094 Fol 696 be closed, and the land contained therein be amalgamated with the adjoining Lot 3 Marine Parade, Cottesloe, as shown in the Schedule hereunder.

JOHN LYNCH, Executive Director,
Department of Local Government.

Schedule
Diagram No. 93594



LG415

BUSH FIRES ACT 1954

City of Armadale

Pursuant to the provisions of section 38 of the Bush Fires Act, notice is given that Council has made the following appointments for 1997/98—

- Chief Bush Fire Control Officer and Fire Weather Officer—Mr M. Fancote
- Deputy Chief Bush Fire Control Officer and Deputy Fire Weather Officer—Mr N. Plowman
- Bush Fire Control Officers—Mr M. O'Neill
- Mr K. Iles

J. W. FLATOW, Chief Executive Officer.

MAIN ROADS

MA401

MRWA 42-33-L

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 Bunbury District, for the purpose of the following public works namely, widening of the South Western Highway (SLK Section 0.27-16.12) and that the said pieces or parcels of land are marked off on Land Titles Office Diagram 92243 and Plans 21798 to 21801 inclusive 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
1.	Audrey Joy Smith of one undivided half share and Ernest John Reading and Janette Esmay Reading as joint tenants of one undivided half share as tenants in common	A J Smith and E J & J E Reading	That portion of Bunbury Lot 522 and being Lot 3 on Strata Plan 29706 now contained in Plan 21798 and being part of the land comprised in Certificate of Title Volume 2059 Folio 133.	1 647 m ²

Schedule—*continued*

No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area
2.	City of Bunbury	City of Bunbury	Portion of Bunbury Lot 549 now contained in Plan 21798 and being part of the land comprised in Certificate of Title Volume 1631 Folio 038.	8 206 m ²
3.	City of Bunbury	City of Bunbury	Portion of each of Leschenault Location 12 and Bunbury Lot 549 and being Lot 14 on Diagram 64665 now contained in Plan 21798 and being part of the land comprised in Certificate of Title Volume 1642 Folio 344.	2 712 m ²
4.	CSR Humes Pty Ltd	CSR Humes Pty Ltd	Portion of Bunbury Lot 437 now contained in Plan 21798 and being part of the land comprised in Certificate of Title Volume 1358 Folio 259.	3 178 m ²
5.	Henry Hayward Clifton	H H Clifton	Portion of Boyanup Agricultural Area Lot 117 now contained in Plan 21801 and being part of the land comprised in Certificate of Title Volume 1503 Folio 093.	746 m ²
6.	Pine Hauliers Pty Ltd	Pine Hauliers Pty Ltd	Portion of Wellington Location 140 now contained in Plan 21798 and being part of the land comprised in Certificate of Title Volume 1600 Folio 242.	2 749 m ²
7.	Vernon Harding Weston Norman	V H W Norman	Boyanup Agricultural Area Lots 239 & 240 now contained in Diagram 92243 and being part of the land comprised in Certificate of Title Volume 1191 Folio 445.	996 m ²
8.	Noel Monkhouse	N Monkhouse	Portion of Leschenault Location 12 the subject of Diagram 12699 now contained in Plan 21799 and being part of the land comprised in Certificate of Title Volume 1088 Folio 457.	6 460 m ²
9.	Noel Monkhouse	N Monkhouse	Portion of Leschenault Location 12 and being the land coloured green on Diagram 12700 now contained in Plan 21799 and being part of the land comprised in Certificate of Title Volume 1088 Folio 563.	2 841 m ²
10.	Vernon Harding Weston Norman	V H W Norman	Portion of Leschenault Location 12 and being part of Lot 6 on Diagram 22756 now contained in Plan 21799 and being part of the land comprised in Certificate of Title Volume 1766 Folio 219.	8 619 m ²
11.	Ivor James Austin Williams	I J A Williams	Portion of each of Wellington Locations 645 and 646 and being Lot 20 on Diagram 78846 now contained in Plan 21800 and being part of the land comprised in Certificate of Title Volume 1916 Folio 232.	7 324 m ²
12.	Stephen Francis Wallace and Michael John Wallace	S F Wallace & M J Wallace	Portion of Boyanup Agricultural Area Lot 357 and being Lot 4 on Diagram 48022 now contained in Plan 21800 and being part of the land comprised in Certificate of Title Volume 1482 Folio 565.	403 m ²

Schedule—*continued*

No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area
13.	Patrick Michael Vince Butler	P M V Butler	Portion of Boyanup Agricultural Area Lot 273 now contained in Plan 21800 and being part of the land comprised in Certificate of Title Volume 1482 Folio 566.	1.0845 ha
14.	Patrick Michael Vince Butler	P M V Butler	Portion of Boyanup Agricultural Area Lot 357 now contained in Plan 21800 and being part of the land comprised in Certificate of Title Volume 1566 Folio 882.	7 380 m ²
15.	Giacci Holdings Pty Ltd	Giacci Holdings Pty Ltd	Portion of Boyanup Agricultural Area Lot 116 and being Lot 1 on Diagram 43421 now contained in Plan 21801 and being part of the land comprised in Certificate of Title Volume 1330 Folio 85.	3.0182 ha
16.	Trevor Mervyn Brockman and Janet Anne Brockman	T M & J A Brockman	Portion of Boyanup Agricultural Area Lot 115 now contained in Plan 21801 and being part of the land comprised in Certificate of Title Volume 1360 Folio 684.	2.0165 ha
17.	City of Bunbury	City of Bunbury	Portion of Bunbury Lot 736 now contained in Plan 21798 and being part of the land comprised in Certificate of Title Volume 1977 Folio 18.	1.7673 ha

Dated this 10th day of July 1997.

D. R. WARNER, Director Corporate Services.

MA402

MRWA 42-245-HV2

**MAIN ROADS ACT 1930
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 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 Mundaring District, for the purpose of the following public works namely, widening of the Great Eastern Highway (SLK Section 46.70-52.40) and that the said pieces or parcels of land are marked off on Land Titles Office Diagrams 88362 and 88363 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
1.	Ampol Limited	Commissioner of Main Roads vide Caveat E639990	Portion of Avon Location 2509 and being Lot 1 the subject of Diagram 25772 now contained in Diagram 88363 and being part of the land comprised in Certificate of Title Volume 1244 Folio 291.	1 814 m ²
2.	Constance Mary Bozanich	C. M. Bozanich	Portion of Avon Location 2509 now contained in Diagram 88363 and being part of the land comprised in Certificate of Title Volume 1797 Folio 483.	1 594 m ²

Schedule—*continued*

No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area
3.	William Stanley Patrick Smith	Commissioner of Main Roads vide Caveat E540659	Portion of Avon Location 2509 and being Lot 6 the subject on Diagram 72865 now contained in Diagram 88363 and being part of the land comprised in Certificate of Title Volume 1797 Folio 482.	227 m ²
4.	Quintal Pty Ltd	Quintal Pty Ltd	Portion of Avon Location 7999 and being Lot 2 on Diagram 47578 now contained in Diagram 88362 and being part of the land comprised in Certificate of Title Volume 1999 Folio 374.	1 597 m ²

Dated this 10th day of July 1997.

D. R. WARNER, Director Corporate Services.

MA403

MRWA 42-254-A

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 Lake Grace District, for the purpose of the following public works namely, widening of the Albany-Lake Grace Road (SLK Section 201.1-202.9) and that the said pieces or parcels of land are marked off on MRWA Drawing 9709-005 & 006 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.	Edward Max Wright and Julienne Rae Wright as tenants in common in equal shares of one undivided fourth share	E M & J R Wright	Portion of Williams Locations 12292, 12511 and portion of Williams Location 12343 and being part of the land comprised in Certificate of Title Volume 1336 Folio 072.	3.1845 ha
2.	Edward Max Wright of one undivided fourth share	E M Wright	Portion of Williams Locations 12292, 12511 and portion of Williams Location 12343 and being part of the land comprised in Certificate of Title Volume 25 Folio 250A.	3.1845 ha
3.	Edward Max Wright and Julienne Rae Wright of one undivided half share	E M & J R Wright	Portion of Williams Locations 12292, 12511 and portion of Williams Location 12343 and being part of the land comprised in Certificate of Title Volume 1974 Folio 10.	3.1845 ha
4.	Edward Max Wright and Julienne Rae Wright of one undivided half share	E M & J R Wright	Portion of Williams Location 12291 and being part of the land comprised in Certificate of Title Volume 1336 Folio 075.	8 657 m ²

Schedule—*continued*

No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (approx.)
5.	Edward Max Wright of one undivided fourth share	E M Wright	Portion of Williams Location 12291 and being part of the land comprised in Certificate of Title Volume 25 Folio 249A.	8 657 m ²
6.	Edward Max Wright and Julienne Rae Wright as tenants in common in equal shares of one undivided fourth share	E M & J R Wright	Portion of Williams Location 12291 and being part of the land comprised in Certificate of Title Volume 1336 Folio 071.	8 657 m ²

Dated this 15th day of July 1997.

D. R. WARNER, Director Corporate Services.

MINERALS AND ENERGY

MN401*

PETROLEUM ACT 1967

NOTICE OF GRANT OF EXPLORATION PERMIT

Exploration Permit No. EP 408 has been granted to Amity Oil NL of 2nd Floor, 18 Richardson Street, West Perth WA 6005; Geopetro Company of Suite 700, 1 Maritime Plaza, San Francisco, California USA 94111 and Seven Seas Petroleum Australia Inc. of Suite 305, Reunion Centre Building, Nine East Fourth, Tulsa, Oklahoma USA 74103 to have effect for a period of six years from 2 July 1997.

IAN FRASER, Director Petroleum Operations Division.

MN402*

PETROLEUM (SUBMERGED LANDS) ACT 1982

SURRENDER OF EXPLORATION PERMIT

The surrender of Exploration Permit No. TP/11 has been registered and will take effect on the date this Notice appears in the *Government Gazette*.

IAN FRASER, Director Petroleum Operations Division.

MN403*

PETROLEUM PIPELINES ACT 1969

GRANT OF PIPELINE LICENCE

Pipeline Licence No. PL 36, has been granted to Anaconda Nickel Limited, to have effect for a period of twenty-one (21) years from 7 July 1997.

IAN FRASER, Director Petroleum Operations Division.

MN404*

STATE OF WESTERN AUSTRALIA

PETROLEUM (SUBMERGED LANDS) ACT 1982

SECTION 37(1)

DECLARATION OF A LOCATION

I, Ian Fraser, Director Petroleum Operations Division in the Department of Minerals and Energy for the State of Western Australia, being the officer for the time being which holds certain powers and functions of the Minister for Mines by virtue of an instrument of delegation dated 2 March 1993 and published in the *Government Gazette* of Western Australia on 12 March 1993 do by the publication of this instrument in the *Government Gazette*, declare the following blocks to be a location for the purpose of Part III of the Act.

Hamersley Range Map Sheet

Blocks	Field	Location No.
6301T, 6302T	Blencathra	1T/96-7

These blocks are the subject of Exploration Permit No. TP/6 held by—

BHP Petroleum (Australia) Pty Ltd

Ampolex Limited

Dated this 7th day of July 1997.

IAN FRASER, Director Petroleum Operations Division.

MN405***PETROLEUM ACT 1967****EXPIRY OF DRILLING RESERVATION DR6**

Notice is hereby given that Drilling Reservation DR6 held by Sawtell Pty Ltd of Unit 3, 47 McCoy Street, Myaree WA 6154, expired on the 14 July 1997.

IAN FRASER, Director Petroleum Operations Division.

MN406**MINING ACT 1978****NOTICE OF APPLICATION FOR AN ORDER FOR FORFEITURE**

Department of Minerals and Energy,
Kalgoorlie, WA 6430.

In accordance with Regulation 49(2)(c) of the Mining Act 1978, notice is hereby given that the Prospecting Licences are liable to forfeiture under the provisions of Section 96(1)(a) for breach of covenant, viz, non-payment of rent.

K. M. BOOTHMAN, Warden.

To be heard in the Warden's Court, Kalgoorlie on the 29 August 1997.

BROAD ARROW MINERAL FIELD

24/3491—Young, Allan John
24/2556—Croesus Mining NL
24/2557—Croesus Mining NL
24/3527—Brewer, Gerard Victor

EAST COOLGARDIE MINERAL FIELD

25/1303—Broadmeadow Pty Ltd
25/1304—Broadmeadow Pty Ltd
25/1313—Broadmeadow Pty Ltd
25/1441—Insofaras Pty Ltd
26/2741—Bronze Star Pty Ltd; Jurista Pty Ltd; Mansen, James Karl
25/1400—Thompson, Charles Peter
26/2460—Broadmeadow Pty Ltd
26/2747—Brewer, Gerard Victor
26/2583—Buchhorn, Ian James
26/2584—Buchhorn, Ian James
26/2657—Broadmeadow Pty Ltd

NORTH EAST COOLGARDIE MINERAL FIELD

28/762—Kovaks, Lewis Lajos
27/1217—Dalla-Costa, Melville Raymond
28/818—Booth, Gregory James

NORTH COOLGARDIE MINERAL FIELD

29/1506—Mansen, James Karl
31/1521—Mining Corporation of Australia Ltd
31/1522—Mining Corporation of Australia Ltd
31/1523—Mining Corporation of Australia Ltd
31/1524—Mining Corporation of Australia Ltd
31/1495—Forrest, Ivan Stanley; Stidworthy, Gerald
30/908—Hiles, Douglas John

PLANNING

PD401*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
CITY OF MELVILLE
TOWN PLANNING SCHEME NO 3—AMENDMENT NO 141

Ref: 853/2/17/10 Pt 141

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 City of Melville Town Planning Scheme Amendment on July 8, 1997 for the purpose of adding a "Special Use : Professional Office" on Lot 157 (Strata Lot 1) 25 South Street, corner Gilbertson Road, Kardinya to Schedule 5 of Town Planning Scheme No 3 with Special Conditions:

- a. Single storey residential character of the lot being retained, and
- b. Signage being limited to Home Occupation standards.

K. J. MAIR, Mayor.
 J. J. MCNALLY, Chief Executive Officer.

PD402

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
CITY OF ROCKINGHAM
TOWN PLANNING SCHEME NO 1—AMENDMENT NO 279

Ref: 853/2/28/1 Pt 279

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 City of Rockingham Town Planning Scheme Amendment on July 8, 1997 for the purpose of:

1. Rezoning portion of Lots 15 and 16 Dampier Drive, Golden Bay, from Special Rural Zone to Special Residential Zone.
2. Modifying Table IV of Council's Scheme Text: "Special Rural Zones—Provisions Relating to Specified Areas; Amendment 256 Area, Column (a) Locality" to read as follows:
 "Land comprising the following: Portion of Cockburn Sound Location 16 and being portion of Lots 20-22, Lots 23-26 and Lots 28-30, Sawley Close; Lots 27 and 32-36, Trenant Park Gardens; portion of Lots 14-16 and Lot 17 Dampier Drive; Lots 1 and 2, and portion of Lot 3 Crystaluna Drive; and portions of Lots 4, 10, 12 and 13 Peelford Glen, Golden Bay."
3. Modifying Table VIII of Council's Scheme Text: "Special Residential Zones—Provisions Relating to Specified Areas; No. 2—Golden Bay, Column (a) Locality" to read as follows:
 "Land comprising the following: Portion of Cockburn Sound Location 16 and being portions of Lots 20-22, Lots 18, 19 and 31 Sawley Close; portion of Lots 14-16 Dampier Drive, portion of Lot 3 Crystaluna Drive; and portions of Lots 4, 10, 12 and 13 and Lots 5-9, 11 and 37 Peelford Glen, Golden Bay."
4. Modifying the Subdivision Guide Plan for the Amendment 256 Area, certified by the Town Clerk on 29/8/1996, in accordance with the Subdivision Guide Plan accompanying the documentation for Amendment 279; thereby facilitating the special residential subdivision of portion of Lots 15 and 16.

F. W. GARDINER, Mayor.
 G. G. HOLLAND, Chief Executive Officer.

PD403

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
CITY OF STIRLING
DISTRICT PLANNING SCHEME NO 2—AMENDMENT NO 288

Ref: 853/2/20/34 Pt 288

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 City of Stirling Town Planning Scheme Amendment on July 4, 1997 for the purpose of:

1. Rezoning Lot 159 Hn 16 Alga Street, Scarborough from "Residential R40" to "Special Use Zone—Holiday Units".

2. Altering Schedule II of the Scheme by the addition thereto of the following:

Alga Street
Scarborough

Portion Swan Loc 1419 and being
Lot 159 on Plan 3670 Volume 1034
Folio 661

Holiday Units

T. W. CLAREY, Mayor.
M. WADSWORTH, Chief Executive Officer.

PD404

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

CITY OF WANNEROO

TOWN PLANNING SCHEME NO 1—AMENDMENT NO 592

Ref: 853/2/30/1 Pt 592

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 City of Wanneroo Town Planning Scheme Amendment on July 14, 1997 for the purpose of:

1. rezoning Lots 5, 7, 53 and Ptn Location 3144 Adams Road, Mariginiup from Rural to Special Rural;
2. including the following Special Provisions applicable to this Special Rural Zone in Schedule 4, Part 2, of the Scheme Text;

“Special Rural Zone No 24”

Description of Locality

Lots 5, 7, 53 and Portion Location 3144 Adams Road, Mariginiup

Special Provisions

1. The minimum lot size should be 1.0 hectare and subdivision should generally be in accordance with the Development Guide Plan.
2. Land within the zone may be used for residential purposes only.
3. The keeping of livestock is prohibited.
4. The keeping of poultry for commercial purposes is prohibited.
5. No dwelling shall be approved by the Council unless it is connected to an alternative domestic wastewater treatment system as approved by the Health Department of Western Australia with an adequate phosphorus retention capacity, as determined by the Department of Environmental Protection and with the base of the system or the modified irrigation area being 0.5 metres above the estimated maximum water table level as determined from time to time by the Water and Rivers Commission of equivalent State Government agency.
6. No dwelling shall be constructed unless it has a vertical separation of at least 1.5 metres between the top of the building pad and the estimated maximum water table level as determined from time to time by the Water and Rivers Commission or equivalent State Government agency or is constructed at the minimum level indicated on the Development Guide Plan.
7. Well licenses issued by the Water and Rivers Commission or equivalent State Government agencies will be likely to impose a maximum extraction rate of 1,500 kilolitres per annum.
8. All lots 2 hectares or below being provided with a reticulated water supply.
9. All dwellings and buildings should be aesthetically compatible with the site in terms of height and construction.
10. The subdivider shall plant indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the Council prior to the transfer of lot(s) to a new owner.
11. The subdivider shall maintain the trees and shrubs planted until the land is sold, or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.
12. The land is to be managed in such a manner as to avoid the land being laid bare of vegetation resulting in wind erodible conditions.

A. V. S. DAMMERS, Mayor.
L. DELAHAUNTY, Chief Executive Officer.

PD405*

TOWN PLANNING AND DEVELOPMENT ACT 1928
TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION
SHIRE OF COOLGARDIE
TOWN PLANNING SCHEME NO 4—AMENDMENT NO 8

Ref: 853/11/4/6 Pt 8

Notice is hereby given that the local government of the Shire of Coolgardie has prepared the abovementioned scheme amendment for the purpose of rezoning Lot 1512 Salmon Gum Road, Kambalda West, from "Commercial" to "Special Use—Church".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Bayley Street, Coolgardie 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 August 29, 1997.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before August 29, 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.

A. A. McCABE, A/Chief Executive Officer.

PD406*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
SHIRE OF EAST PILBARA
TOWN PLANNING SCHEME NO 1—AMENDMENT NO 20

Ref: 853/8/2/2 Pt 20

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 East Pilbara Town Planning Scheme Amendment on July 9, 1997 for the purpose of:

1. Rezoning Lot 2111 Daniels Drive, Newman from "Residential A" to "Residential B".
2. Amending the Scheme Map accordingly.

A. COCHRANE, President.
P. A. ANNING, Chief Executive Officer.

PD407*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
SHIRE OF KALAMUNDA
DISTRICT PLANNING SCHEME NO 2—AMENDMENT NO 175

Ref: 853/2/24/16 Pt 175

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 Kalamunda Town Planning Scheme Amendment on July 9, 1997 for the purpose of rezoning Portion of Lot 3 Lesmurdie Road, Lesmurdie, from Residential (R10) to Shopping, as depicted on the Scheme Amendment Map.

O. F. MCGRATH, President.
D. E. VAUGHAN, Chief Executive Officer.

PD408*

TOWN PLANNING AND DEVELOPMENT ACT 1928
TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION
SHIRE OF SERPENTINE-JARRAHDALE
TOWN PLANNING SCHEME NO 2—AMENDMENT NO 71

Ref: 853/2/29/3 Pt 71

Notice is hereby given that the local government of the Shire of Serpentine—Jarrahdale has prepared the abovementioned scheme amendment for the purpose of:

1. rezoning Lot 47 Mundijong Road from "Rural" to "Farmlet" as depicted on the Scheme Amendment Map; and

2. amending Appendix 4C of the Scheme to include special provisions relating to the Farmlet zone described hereunder.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Paterson Street, Mundijong 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 August 29, 1997.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before August 29, 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.

N. D. FIMMANO, Chief Executive Officer.

PD409*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

TOWN OF BASSENDEAN

TOWN PLANNING SCHEME NO 3—AMENDMENT NO 61

Ref: 853/2/13/3 Pt 61

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 Town of Bassendean Town Planning Scheme Amendment on July 8, 1997 for the purpose of rezoning Swan Location 12802—Lot 3; 1 May Holman Drive, Bassendean, from "General Industry" to "Recreation".

B. H. CARTER, Mayor.
G. G. MACKENZIE, Chief Executive Officer.

PD410*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

TOWN OF CLAREMONT

TOWN PLANNING SCHEME NO 3—AMENDMENT NO 55

Ref: 853/2/2/3 Pt 55

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 Town of Claremont Town Planning Scheme Amendment on July 11, 1997 for the purpose of:

- (a) Amending the residential density in the precinct bounded by Servetus Street, Cornwall Street, Devon Road, the rear boundaries of those properties on the north side of Fern Street, Scotch College and rear boundaries of the properties on the north side of Shenton Road between Scotch College and Derby Street, and the Swanbourne Primary School and rear boundaries of the properties on the south side of Brassey Street from R25 to R20; as depicted on the amending map.
- (b) Amending the Scheme map accordingly.

P. H. WEYGERS, Mayor.
R. J. STEWART, Chief Executive Officer.

PD411

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

TOWN OF CLAREMONT

TOWN PLANNING SCHEME NO 3—AMENDMENT NO 58

Ref: 853/2/2/3 Pt 58

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 Town of Claremont Town Planning Scheme Amendment on July 8, 1997 for the purpose of:

- (1) Including Lot 19 Bay View Terrace in the Special Zone (Restricted Use).

(2) Adding to Appendix VIII of the Scheme Text the following:

Location	Particulars of Land	Permitted Use	Standards/Conditions
No. 59 Bay View Terrace	Lot 14 of Swan location 350 being that land described in Certificate of Title 335 Folio 074	Three dwellings	Construction of one single storey and two, two storey brick and tile dwellings, in accordance with the drawings dated 16 December 1996 and endorsed by the Chief Executive Officer as the drawings referred to in this amendment.

(3) Amending the Town Planning Scheme Map accordingly.

P. OLSON, Mayor.
R. STEWART, Chief Executive Officer.

PD412

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

TOWN OF KWINANA

TOWN PLANNING SCHEME NO 2—AMENDMENT NO 49

Ref: 853/2/26/3 Pt 49

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 Town of Kwinana Town Planning Scheme Amendment on July 11, 1997 for the purpose of:

1. Rezoning Lot 304 Banksia Road, Wellard from Rural Zone to Special Rural Zone No. 15.
2. Modifying the 2nd Schedule of the Scheme Text by inserting into Special Rural Zone No. 15 under the column headed "Lot Description"—304 Banksia Road, Wellard.
3. Inserting into Development Condition No. 1 of Special Rural Zone No. 15 Lot 304 Banksia Road, Wellard: Subdivision Guide Map No. 14.
4. Replacing Development Condition 7 of Special Rural Zone 15 with the following:

"The method of disposal of effluent and waste water shall be to the satisfaction of the Council and the Department of Environmental Protection. On some lots alternative nutrient retentive effluent disposal systems may be required. Where conventional systems are permitted these shall be constructed so as to achieve a minimum vertical separation of 2m between the system and the highest known groundwater level and 100m horizontal separation from wetlands, water courses, the Water Corporation Drain and areas of intermittent inundation as shown on the Subdivision Guide Map.

Nutrient retentive effluent disposal systems using amending soils are not to be located within 50m of a wetland, water course, the Water Corporation Drain or area of intermittent inundation as shown on the Subdivision Guide Map."

J. H. D. SLINGER, Mayor.
R. K. SMILLIE, Chief Executive Officer.

PD701*

TOWN PLANNING AND DEVELOPMENT ACT 1928

APPROVED TOWN PLANNING SCHEME

CITY OF STIRLING

TOWN PLANNING SCHEME NO 38—STIRLING CITY CENTRE SCHEME

Ref: 853/2/20/40 Vol 6

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 City of Stirling Town Planning Scheme No 38—Stirling City Centre Scheme on May 25, 1997—the Scheme Text of which is published as a Schedule annexed hereto.

D. C. VALLELONGA, Mayor.
M. WADSWORTH, Chief Executive Officer.

Schedule
CITY OF STIRLING
TOWN PLANNING SCHEME No. 38
STIRLING CITY CENTRE SCHEME
SCHEME TEXT

TABLE OF CONTENTS

PART 1: PRELIMINARY

- 1.1 The Scheme
- 1.2 City of Stirling District Planning Scheme No 2
- 1.3 Citation of Scheme
- 1.4 Responsible Authority
- 1.5 Date of Operation
- 1.6 Scheme Area
- 1.7 Relationship of Scheme to the Metropolitan Region Scheme
- 1.8 Relationship of Scheme to Residential Planning Codes (R.Codes)
- 1.9 Relationship of Scheme to By-Laws and Regulations
- 1.10 Interpretation
- 1.11 Contents of the Scheme
- 1.12 Clause Headings
- 1.13 Purpose of Scheme
- 1.14 Scheme Objectives

PART 2: POLICY AND DEVELOPMENT CONTROL PROVISIONS

Division 1—Planning Policies

- 2.1 Preparation of Planning Policies
- 2.2 Coming into Operation of Policies and Amendments
- 2.3 Rescission of Policies

Division 2—Development Control

- 2.4 Requirement for Approval
- 2.5 Where Approval Not Required for Certain Developments
- 2.6 Application for Approval to Commence Development
- 2.7 Referral of Development Applications
- 2.8 Determination of Development Applications
- 2.9 Notification of the Council's Decision
- 2.10 Written Reasons
- 2.11 Duration of Development Approval
- 2.12 Informality in Determination Procedures
- 2.13 Conditional Approvals
- 2.14 Deemed Refusal
- 2.15 Approval Notwithstanding Non-compliance with Scheme Standard or Requirement
- 2.16 Demolition
- 2.17 Heritage Preservation
- 2.18 Tree Preservation
- 2.19 Limitation on Duration of Use or Development of Land
- 2.20 Cessation of Unlawful Development
- 2.21 Non-Conforming Uses
 - 2.21.1 Non-Conforming Use Permitted
 - 2.21.2 Discontinuance or Change of Non-Conforming Use
 - 2.21.3 Destruction of Buildings
 - 2.21.4 Destruction of Residential Buildings
 - 2.21.5 Council's Approval for Change of Non-Conforming Use
 - 2.21.6 Conditions of Approval
 - 2.21.7 Acquisitions and Agreements to Discontinue Use
 - 2.21.8 Subdivision of Land
- 2.22 Enforcing Decisions by the Minister, Appeal Tribunal or Other Decisions on Appeal

PART 3: ADMINISTRATIVE PROVISIONS

- 3.1 Interpretation
- 3.2 General Obligations
- 3.3 Special Fund
- 3.4 Scheme Area Development
- 3.5 Scheme Works and Scheme Costs
- 3.6 General Costs and Precinct Costs
- 3.7 Prefunding of Scheme Works
- 3.8 Finance
- 3.9 Acquisition and Disposal of Land
- 3.10 Authorised Entry
- 3.11 Legal Agreements
- 3.12 Compensation
- 3.13 Delegation
- 3.14 Right of Appeal

PART 4: DEVELOPMENT STANDARDS AND REQUIREMENTS

- 4.1 Promotion of Mixed Use Development
- 4.2 Agreement to Guarantee Residential Component
- 4.3 Residential Development—Residential Planning Codes
- 4.4 Variations to the Residential Planning Codes
 - 4.4.1 Minimum Distance between Buildings on the Same Lot
 - 4.4.2 Car Parking
 - 4.4.3 Open Space
 - 4.4.4 Densities
- 4.5 Non-residential Development
 - 4.5.2 Parking Contribution
 - 4.5.3 Parking Provision
 - Table 1: Car Parking Requirements
 - 4.5.4 Reciprocal Parking
 - 4.5.5 Parking Standard
 - 4.5.6 Vehicular Access
 - 4.5.7 Ceding Land as a Development Condition
- 4.6 Urban Design
- 4.7 Subdivision
- 4.8 Development of Heritage Places
- 4.9 Advertising
- 4.10 Home Occupation
- 4.11 Relaxation of Development Standards

PART 5: ZONING AND PROVISIONS FOR PRECINCTS

- 5.1 Zoning
- 5.2 Delineation of the Zone
- 5.3 Precincts on Scheme Map
- 5.4 Development in Precincts
- 5.5 Precinct 1: Retail Commercial Precinct
 - 5.5.1 Statement of Intent
 - 5.5.2 Preferred Uses
 - 5.5.3 Contemplated Uses
 - 5.5.4 Development Criteria
 - a) Height, Scale and Density of Buildings
 - b) Appearance and Orientation
 - c) Function
 - d) Floor Area, Plot Ratio and Site Cover for Non-residential or partially Non-residential Development
 - e) Setbacks
 - f) Landscaping
 - g) Car Parking and Access

- h) Pedestrian/Cycle Access
 - i) Relationship to Other Precincts and Development Outside the Scheme Area
 - j) Major Requirements Prior to Development Commencement
- 5.6 Precinct 2: Service Commercial Precinct
- 5.6.1 Statement of Intent
 - 5.6.2 Preferred Uses
 - 5.6.3 Contemplated Uses
 - 5.6.4 Development Criteria
 - a) Height, Scale and Density of Buildings
 - b) Appearance and Orientation
 - c) Function
 - d) Floor Area, Plot Ratio and Site Cover for Non-residential or partially Non-residential Development
 - e) Setbacks
 - f) Landscaping
 - g) Car Parking and Access
 - h) Pedestrian/Cycle Access
 - i) Relationship to Other Precincts and Development Outside the Scheme Area
 - j) Major Requirements Prior to Development Commencement
- 5.7 Precinct 3: Mixed Use Residential Precinct
- 5.7.1 Statement of Intent
 - 5.7.2 Preferred Uses
 - 5.7.3 Contemplated Uses
 - 5.7.4 Development Criteria
 - a) Height, Scale and Density of Buildings
 - b) Appearance and Orientation
 - c) Function
 - d) Floor Area, Plot Ratio and Site Cover for Non-residential or partially Non-residential Development
 - e) Setbacks
 - f) Landscaping
 - g) Car Parking and Access
 - h) Pedestrian/Cycle Access
 - i) Relationship to Other Precincts and Development Outside the Scheme Area
 - j) Major Requirements Prior to Development Commencement
- 5.8 Precinct 4: Mixed Use, Office and Entertainment Precinct
- 5.8.1 Statement of Intent
 - 5.8.2 Preferred Uses
 - 5.8.3 Contemplated Uses
 - 5.8.4 Development Criteria
 - a) Height, Scale and Density of Buildings
 - b) Appearance and Orientation
 - c) Function
 - d) Floor Area, Plot Ratio and Site Cover for Non-residential or partially Non-residential Development
 - e) Setbacks
 - f) Landscaping
 - g) Car Parking and Access
 - h) Pedestrian/Cycle Access
 - i) Relationship to Other Precincts and Development Outside the Scheme Area
 - j) Major Requirements Prior to Development Commencement
- 5.9 Precinct 5: Wetland and Recreation Precinct
- 5.9.1 Statement of Intent
 - 5.9.2 Preferred Uses
 - 5.9.3 Contemplated Uses
 - 5.9.4 Development Criteria
 - a) Built Form
 - b) Function
 - c) Landscaping

- d) Car Parking and Access
 - e) Pedestrian/Cycle Access
 - f) Relationship to Other Precincts and Development Outside the Scheme Area
- 5.9A Precinct 5: Oswald Street Community & Residential Precinct
- 5.9A.1 Statement of Intent
 - 5.9A.2 Preferred Uses
 - 5.9A.3 Contemplated Uses
 - 5.9A.4 Development Criteria
 - a) Residential Development
 - b) Outline Development Plan
 - c) Landscaping
 - d) Relationship to Other Precincts and Development Outside the Scheme Area
 - e) Major Requirements Prior to Development Commencement
- 5.10 Precinct 6: Mixed Use/Service Commercial Ewen Street Precinct
- 5.10.1 Statement of Intent
 - 5.10.2 Preferred Uses
 - 5.10.3 Contemplated Uses
 - 5.10.4 Development Criteria
 - a) Height, Scale and Density of Buildings
 - b) Appearance and Orientation
 - c) Function
 - d) Floor Area, Plot Ratio and Site Cover for Mixed Use or Non-residential Development
 - e) Setbacks
 - f) Landscaping
 - g) Car Parking and Access
 - h) Pedestrian/Cycle Access
 - i) Relationship to Other Precincts and Development Outside the Scheme Area
 - j) Major Requirements Prior to Development Commencement
 - 5.10.5 Closure of Portion of Scarborough Beach Road Reserve
- 5.11 Precinct 7: Mixed Use/Entertainment Scarborough Beach Road Precinct
- 5.11.1 Statement of Intent
 - 5.11.2 Preferred Uses
 - 5.11.3 Contemplated Uses
 - 5.11.4 Development Criteria
 - a) Height, Scale and Density of Buildings
 - b) Appearance and Orientation
 - c) Function
 - d) Floor Area, Plot Ratio and Site Cover for Mixed Use or Non-residential Development
 - e) Setbacks
 - f) Landscaping
 - g) Car Parking and Access
 - h) Pedestrian/Cycle Access
 - i) Relationship to Other Precincts and Development Outside the Scheme Area
 - j) Major Requirements Prior to Development Commencement
 - 5.11.5 Closure of Portion of Scarborough Beach Road Reserve
- 5.12 Precinct 8: Entertainment and Residential Precinct
- 5.12.1 Statement of Intent
 - 5.12.2 Preferred Uses
 - 5.12.3 Contemplated Uses
 - 5.12.4 Development Criteria
 - a) Height, Scale and Density of Buildings
 - b) Appearance and Orientation
 - c) Function
 - d) Floor Area, Plot Ratio and Site Cover for Non-residential or partially Non-residential Development
 - e) Setbacks
 - f) Landscaping
 - g) Car Parking and Access
 - h) Pedestrian/Cycle Access

- i) Relationship to Other Precincts and Development Outside the Scheme Area
 - j) Major Requirements Prior to Development Commencement
- 5.13 Precinct 9: Mixed Use/Service Commercial Nookanburra Precinct
 - 5.13.1 Statement of Intent
 - 5.13.2 Preferred Uses
 - 5.13.3 Contemplated Uses
 - 5.13.4 Development Criteria
 - a) Height, Scale and Density of Buildings
 - b) Appearance and Orientation
 - c) Function
 - d) Floor Area, Plot Ratio and Site Cover for Non-residential or partially Non-residential Development
 - e) Setbacks
 - f) Landscaping
 - g) Car Parking and Access
 - h) Pedestrian/Cycle Access
 - i) Relationship to Other Precincts and Development Outside the Scheme Area
 - j) Major Requirements Prior to Development Commencement

PART 6: RESERVED LAND

- 6.1 Regional Reservations
- 6.2 Local Reserves
- 6.3 Use of Local Reserves
- 6.4 Development of Local Reserves
- 6.5 Public Use Reserves

SCHEDULES

- 1. Interpretations
- 2. Notification of a Heritage Place
- 3. Scheme Works
- 4. Costs Contributions for Scheme Works
 - General Costs
 - Contribution Table No. 1
 - Precinct Costs
 - Contribution Table No. 2
- 5. Additional Information Sheet for Advertisement Approval
- 6. Urban Design Considerations Applicable to the Scheme Area
 - 1. Introduction
 - 2. Ordering Elements
 - 3. Form
 - 4. Urban Design Guidelines
- 7. Land Resubdivision Proposals

APPENDICES

- 1. Town Planning Scheme No. 38—Stirling City Centre Scheme—Scheme Map
- 2. Major Scheme Works Map

Note: Form 1 for the purpose of this Scheme is the form designated as Form 1 and contained in Schedule 1 of the Regulations. It is not published with this Scheme.

1. PRELIMINARY

1.1 The Scheme

The Council of the City of Stirling under and by virtue of the power conferred upon it in that behalf by the Town Planning and Development Act 1928, as amended, (hereinafter called the "Act") hereby makes Town Planning Scheme No. 38 for the purpose of—

- 1.1.1 setting land aside for future public use as reserves;

- 1.1.2 controlling land development;
- 1.1.3 promoting and safeguarding the health, safety, convenience and economic and general welfare of the landowners its inhabitants and the amenities of the area; and
- 1.1.4 other matters authorised by the Act.

1.2 City of Stirling District Planning Scheme No. 2

District Planning Scheme No. 2 which was published in the Government Gazette of 13th September, 1985 and subsequently amended from time to time, will be amended by revoking that Scheme for that part of the District representing the Scheme Area of Town Planning Scheme No. 38—Stirling City Centre Scheme.

1.3 Citation of Scheme

This Scheme may be cited as Town Planning Scheme No. 38 Stirling City Centre Scheme (hereinafter called the "Scheme").

1.4 Responsible Authority

The responsible Authority for the preparation and implementation of the Scheme is the City of Stirling (hereinafter called "the Council").

1.5 Date of Operation

The Scheme shall come into operation on the day that a notice that the Scheme has been approved by the Minister is published in the Government Gazette.

1.6 Scheme Area

The Scheme shall apply to the whole of the area of land which is enclosed by the dashed line on the Scheme Map, attached as Appendix 1 to the Scheme (hereinafter called the "Scheme Area").

The Scheme Area is classified into a single zone and various reserves as set out in the Scheme Text and as coloured or indicated on the Scheme Map according to the legend thereon.

1.7 Relationship of Scheme to the Metropolitan Region Scheme

1.7.1 This Scheme is complementary to, and not a substitute for, the Metropolitan Region Scheme. Notwithstanding anything in this Scheme, the provisions of the Metropolitan Region Scheme, as amended, shall continue to have effect throughout the Scheme Area.

1.7.2 The determination of an application under Clause 29 (2) of the Metropolitan Region Scheme in no way affects the exercise of the Council's powers and duties under this Scheme.

1.8 Relationship of Scheme to Residential Planning Codes (R.Codes)

1.8.1 For the purpose of this 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. The Residential Planning Codes are hereinafter called "the R.Codes".

1.8.2 A copy of the Residential Planning Codes, as amended, shall be kept and made available for public inspection at the offices of the Council. In the event of there being an inconsistency between the R.Codes identified by Clauses 1.8.1 and 1.8.2, the provisions in the document identified in Clause 1.8.1 shall prevail.

1.9 Relationship of Scheme to By-Laws and Regulations

The provisions of this Scheme shall have effect, notwithstanding any by-law or regulation for the time being in force in the Scheme Area and where the provisions of the Scheme are inconsistent with the provisions of any by-law or regulation, the provisions of the Scheme shall prevail.

1.10 Interpretation

In the Scheme unless the context otherwise requires or unless it is otherwise provided herein, words and expressions have the respective meanings given to them in the Act, Schedule 1 and the R.Codes and the Building Code of Australia. In the case of conflict between the meanings of words and expressions in those instruments—

- a) in the case of residential development the definition in the R.Codes shall prevail; and
- b) otherwise the definition in the Act, followed by the 1st Schedule, the R.Codes and the Building Code of Australia will prevail in that order.

1.11 Contents of the Scheme

The Scheme comprises this Scheme Text which incorporates the Scheme Map in Appendix 1, the Major Scheme Works Map in Appendix 2 and includes any Schedule to the Scheme.

1.12 Clause Headings

The headings to clauses are for reference only and do not affect the construction of the Scheme.

1.13 Purpose of Scheme.

The purpose of the Scheme is to implement the recommendations of the Stirling Regional Centre Structure Plan in respect of Precincts 1 and 5 of that Plan.

1.14 Scheme Objectives

For the purpose of promoting the orderly and proper planning, development and management of the Scheme Area the objectives of the Scheme shall be as set out in this Clause.

1.14.1 The general objectives of the Scheme are—

- a) to provide a system for the orderly control of development;
- b) to facilitate the process of development and redevelopment;
- c) to make provision for Infrastructure Works within the Scheme Area;

- d) to make provision for the recovery of Infrastructure Costs, on a fair and equitable basis;
- e) to provide certainty to enable location and investment decisions to be made with reasonable confidence;
- f) to ensure that individual developments can occur without detriment to the integrity of the Scheme Area and locality as a whole;
- g) to provide flexibility and discretion to minimise the need for amendment to the Scheme;
- h) to establish rights of appeal in respect of decisions of the Council;
- i) to provide an effective means of determining the urban design and visual quality of the Scheme Area;
- j) to provide effective standing for planning policies; and
- k) to facilitate the implementation of the specific objectives of the Scheme.

1.14.2 The specific objectives of the Scheme are—

- a) to create an “urban centre” with readily identifiable character within the Scheme Area;
- b) to develop a functional Centre which is open to the public seven days per week by encouraging a wide range of uses including theatres, cinemas, restaurants, markets, recreational and leisure uses.
- c) to ensure that future growth and development which occurs in the Scheme Area is in accord with the adopted elements of the Structure Plan and all the planning policies of the Council.
- d) to encourage innovations in land development and renewal.
- e) to facilitate the provision of adequate public services such as transportation, drainage, public utility services, open space and public parks.
- f) to encourage the replacement of inappropriate uses and development;
- g) to create diversity of land use and development and to ensure a wide range of residential, working and leisure opportunities within the area as a whole;
- j) to create a mixture of mutually beneficial uses and developments within individual precincts and, where appropriate, on individual sites;
- k) to create a safe and comfortable environment for people and to ensure access for the disabled;
- l) to create and facilitate development which minimises energy consumption, pollution and dependence on private motor vehicle usage;
- m) to increase access to the Public Transport system;
- n) to create a visually attractive locality in the Scheme Area with appropriately scaled streetscapes and other elements, providing a diverse but unified urban townscape and landscape characterised by high quality urban design;
- p) to arrange for the planning, design and construction of Scheme Works and the payment of Scheme Costs; and
- q) to facilitate the re-subdivision of land and land holdings to create viable redevelopment sites that are capable of sustainable development.

2. POLICY AND DEVELOPMENT CONTROL PROVISIONS

Division 1: Planning Policies

2.1 Preparation of Planning Policies

The Council, having due regard for any relevant policies of the Western Australian Planning Commission, its predecessors or successors, may prepare planning policies (herein called a ‘Policy’ or ‘Policies’) which may make a provision for any matter related to the planning or development of the Scheme Area and which may be prepared so as to apply—

- 2.1.1 generally or in a particular class of matter or in particular classes of matters; or
- 2.1.2 throughout the Scheme Area or in one or more Precincts or part of one or more Precincts, and may amend or rescind a Policy so prepared.

2.2 Coming into Operation of Policies and Amendments

2.2.1 A Policy shall become operative only after the following procedures have been completed—

- a) The Council has prepared and adopted a draft Policy, notified Scheme owners and has published a notification once a week for three consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, and in what form and during what period submissions may be made.
- b) The Council has reviewed the draft Policy in the light of any submission made and resolved either to adopt the draft Policy with or without modification, or not to proceed with the draft Policy; and
- c) Following adoption of a Policy, notification of the adoption has been published once in a newspaper circulating within the Scheme Area.

2.2.2 The Council shall make copies of any Policy available to the public for inspection or sale at the offices of the Council during normal office hours.

2.2.3 The Council shall forward a copy of any Policy adopted to the Western Australian Planning Commission.

2.2.4 An amendment or addition to a Policy may be made after the Policy has become operative and shall be made in the same manner as provided for the making of a Policy in Subclause 2.2.1 and the provisions of that Subclause shall apply mutatis mutandis to an amendment or addition.

2.3 Rescission of Policies

A Policy may be rescinded by—

- 2.3.1 adoption of a new Policy pursuant to this Clause, specifically worded to supersede an existing Policy; or
- 2.3.2 Council resolution to that effect where it is considered that the Policy is no longer relevant and a replacement Policy is not required.

When Council rescinds a Policy, a formal notice of rescission shall be published in a local newspaper circulating in the district.

Division 2: Development Control

2.4 Requirement for Approval

The Council's Approval to Commence Development ('development approval') is required for any development on land within or partly within the Scheme Area, and no person shall commence any development unless the Council's approval has first been obtained.

2.5 Where Approval Not Required for Certain Developments

Development approval shall not be required for the undertaking of any works, acts or activities on, in, or under a street or road by a public authority acting pursuant to the provisions of a Statute.

2.6 Application for Approval To Commence Development

2.6.1 An Application for Approval to Commence Development under the Scheme (hereinafter called 'development application') shall be made in the form prescribed in Clause 28 of the Metropolitan Region Scheme. For the purpose of this Scheme that form shall be referred to as Form 1.

2.6.2 The Council may as soon after receipt of a development application as possible require the provision of such further information, particulars or things, which an applicant could reasonably be expected to provide, as seem to the Council necessary to enable it properly to consider and determine any development application, including in an appropriate case the production of a model of a proposed development.

2.6.3 The Council may specify the manner in which development applications should be made and the information, particulars or things which should accompany any development application or an application of any particular class.

2.7 Referral of Development Applications

In considering a development application the Council may consult with any statutory, public or planning authority or affected landowner as determined by Council and, where the proposed use is not a Preferred Use or a Contemplated Use as described in Clause 5.4, shall notify affected landowners as determined by Council of the development proposed and invite submissions on the proposal. All submissions received from affected landowners as determined by Council within a period of 21 days from the date of consultation or notification shall be taken into consideration by Council in determining a development application.

2.8 Determination of Development Applications

2.8.1 The Council having regard to—

- a) any matter which it is required by the Scheme to consider;
- b) any submission received as a result of a referral or notification of a development application pursuant to Clause 2.7;
- c) any relevant Policy made pursuant to this Scheme;
- d) the requirements of orderly and proper planning;
- e) the preservation of the amenity of the area; and
- f) the provisions of Clause 4.5.1.

shall determine a development application after the receipt of final submissions or the expiration of 60 days after the last notice was given under Clause 2.7, whichever is the sooner.

2.8.2 In determining a development application the Council may—

- a) approve the application without conditions;
- b) approve the application subject to conditions; or
- c) refuse the application.

2.8.3 Council may resolve to defer consideration of a development application providing the Council, within fourteen days of the deferral resolution, gives notice of the deferral to the applicant in which case the 60 or 120 day deemed refusal referred to in Clause 2.14 shall not apply unless the applicant thereafter requests in writing that the Council determine the application, in which case determination time shall re-commence from the date of Council receipt of the applicant's request.

2.9 Notification of the Council's Decision

The Council shall notify the applicant of its decision in respect of a development application in the form prescribed as Form 2 in the Metropolitan Region Scheme.

2.10 Written Reasons

Whenever the Council refuses a development application the Council shall give to the applicant written reasons for the refusal.

2.11 Duration of Development Approval

The Council may, in respect of any application, limit the time for which its Approval to Commence Development remains valid.

2.12 Informality in Determination Procedures

Provided the Council has acted within the scope of its powers and authority, no procedural irregularity shall affect the validity of the Council's decision on a development application if the decision is acted upon by the applicant, or the owner of the subject land.

2.13 Conditional Approvals

If the Council approves a development application subject to conditions, no person shall undertake or suffer or permit the undertaking of the development otherwise than in accordance with the conditions.

2.14 Deemed Refusal

2.14.1 Subject to Subclauses 2.8.3, 2.14.2 and 2.14.3, a development application shall be deemed to have been refused where a decision in respect of that application is not conveyed to the applicant by the Council within 60 days of the receipt of the application by the Council, or within such further time as may be agreed in writing between the applicant and the Council before the expiration of that period of 60 days.

2.14.2 Subject to Subclauses 2.8.3 and 2.14.3, a development application in respect of any place which is the subject of a resolution under the provisions of this Scheme relating to heritage places shall be deemed to have been refused if a decision is not conveyed to the applicant by the Council within 120 days of receipt of the development application by the Council or within such further time as may be agreed in writing between the applicant and the Council before the expiration of that period of 120 days.

2.14.3 Notwithstanding the provisions of Subclauses 2.14.1 and 2.14.2, an approval in respect of a development application which is conveyed to the applicant after a period of 60 days or 120 days from the date of receipt, as the case may be, shall be valid, even where there is no written agreement between the applicant and Council regarding further time to deal with an application.

2.15 Approval Notwithstanding Non-compliance with Scheme Standard or Requirement

2.15.1 Subject to Clause 4.11, Subclause 2.8.1 and Part 5 of the Scheme, if a development proposal the subject of a development application does not comply with the development criteria prescribed by the Scheme which otherwise would be applicable, the Council if it is satisfied that—

- a) the development would be consistent with—
 - i) the orderly and proper planning of the Precinct; and
 - ii) the interests of the amenity of the Precinct, and
- b) the non-compliance will not have any significant adverse effect upon—
 - i) the occupiers or users of the proposed development;
 - ii) the occupiers or users of land and buildings in the Precinct; or
 - iii) the desirable future development of the Precinct,

may approve the application unconditionally or subject to such conditions as it deems fit.

2.15.2 Nothing in the Scheme which—

- a) requires or enables the Council to consider or take into account any particular matter or thing in relation to any non-compliance with the standard or requirement prescribed by the Scheme; or
- b) empowers the Council to approve an application notwithstanding any such non-compliance,

shall in any way affect, prejudice or restrict the generality of Subclause 2.15.1 or relieve the Council from compliance with that Subclause.

2.16 Demolition

No person shall demolish or commence demolition of any building, structure or part thereof unless the approval of the Council is obtained, except where the Council has issued an order to do so under the Scheme or any other law. In considering an application for approval to demolish a building, the Council may—

- 2.16.1 defer consideration of the application until it has received and approved an application for subsequent development of the site; or
- 2.16.2 approve the application, subject to conditions including the retention, maintenance, reinstatement and repositioning of any part.

2.17 Heritage Preservation

2.17.1 The Council may take action in accordance with this clause for the preservation of places and objects of cultural heritage significance within the Scheme Area.

2.17.2 If the Council resolves that, in its opinion, a place or object within the Scheme Area has cultural heritage significance as defined by the Heritage of Western Australia Act 1990, the Council within fourteen days after the passing of that resolution shall —

- a) give written notice of the resolution in the form prescribed in Schedule 2 to the owner of the place or object; and
- b) enter details of the building, place or object in the Municipal Inventory and the Municipal Inventory shall be made available to the public at the offices of the Council during normal office hours.

2.17.3 Any person upon whom a notice is served pursuant to Subclause 2.17.2 may, within a period of 60 days from the date of the notice, appeal in accordance with the provisions of Part V of the Town Planning and Development Act, against the inclusion of such place or object in the Municipal Inventory. If an appeal against a resolution under Subclause 2.17.2 in respect of any object or place is allowed, then the details of the object or place shall be removed from the Municipal Inventory.

2.17.4 Inclusion of a place in the Municipal Inventory shall have the effect referred to in Clause 2.17 and in Clause 4.8.

2.17.5 A person shall not, without first applying for and obtaining the Council's development approval, commence, carry out or continue any modification to or work affecting any heritage object or place the details of which have been entered in the Municipal Inventory, and the provisions of this Subclause shall apply to any work, act or activity which would otherwise be exempted from the obligation to obtain development approval by the provisions of Clause 2.5.

2.17.6 The Council in dealing with a development application pursuant to Subclause 2.17.5 shall comply with the provisions of this Scheme relating to the consideration and determination of development applications but additionally shall have regard to the integrity of and the interest of preservation of the heritage object or place for heritage purposes.

2.17.7 As soon as possible after the entry of details of a heritage object or place in the Municipal Inventory the Council shall give a notice containing details of the entry to the Heritage Council of Western Australia. No such notification shall be given, until the time for appealing against the resolution has expired, or while an appeal is pending.

2.18 Tree Preservation

The Council may identify particular trees, trees of a particular species, trees of a particular height or girth or both, or trees belonging to a particular group of trees, and including shrubs or other perennial plants of a stipulated species, as being worthy of preservation and any tree so identified may be dealt with as an object of cultural heritage significance pursuant to the provisions of Clause 2.17. In dealing with a development application, the Council may consult with the applicant or other affected landowners and may impose conditions on an approval requiring the preservation of trees, shrubs and the like. Where the Council elects to deal with a tree as an object of cultural heritage significance pursuant to the provisions of Clause 2.17, the provisions of that clause apply *mutatis mutandis*.

2.19 Limitation on Duration of Use or Development of Land

2.19.1 Where the Council in dealing with a development application considers that the undertaking of the proposed development or the carrying out of a use in or connected with the proposed development for an extended period of time would be contrary to the orderly and proper planning of the Precinct or would be likely detrimentally to affect the amenity of the Precinct, the Council may approve the development application on condition that the period during which the development may be undertaken is limited.

2.19.2 Where the Council in accordance with the provisions of the preceding Subclause limits the time during which a development may be undertaken or during which any land or building may be used for a specified purpose, no person shall undertake or suffer or permit the undertaking of that development or use or suffer or permit the carrying on of the use of that land or building for that purpose after the expiration of the time so limited.

2.20 Cessation of Unlawful Development

2.20.1 The Council may by notice in writing—

- a) served on a person who is undertaking any development or demolition in or partly in the Scheme Area without the approval of the Council or in contravention of a condition attached to a development or demolition approval, direct the person forthwith to cease such development or demolition; or
- b) served on a person who has undertaken any development or demolition in or partly in the Scheme Area without the approval of the Council or in contravention of a condition attached to a development approval, direct the person within such period, being not less than 21 days after the service of a notice, as is specified in the notice, to remove, pull down, take up, rebuild, or alter any development or demolition undertaken without approval or in contravention of a condition, or the Council may give both such directions to a person in a single notice.

2.20.2 If a person fails to comply with a notice given to the person under subparagraph (b) of Subclause 2.20.1 the Council may exercise the powers conferred by Section 10 of the Act.

2.21 Non-Conforming Uses

2.21.1 Non-Conforming Use Permitted

- a) If at the gazettal date, any land, building, or structure is being lawfully used for a purpose not permitted by the provisions of the Scheme (hereinafter called a "non-conforming use"), or if any land is built on or any building or structure is built in a manner not permitted by the Scheme, such land, building, or structure may continue to be used for that purpose or in that manner, but no such land use shall be altered except to conform with the Scheme and no such building or structure shall be added to or altered or any additional building erected, unless approval to do so is granted by the Council.
- b) No provision of the Scheme shall prevent the carrying out of any development on land for which, immediately prior to the gazettal date, a permit or permits required under the Act or City of Stirling District Planning Scheme No. 2 authorising the development to be carried out, have been duly obtained and are current.

2.21.2 Discontinuance or Change of Non-Conforming Use

If at the gazettal date any land, building or structure is being used for a non-conforming use, or any land is built on in a manner not permitted by the Scheme, and such non-conforming use shall after such date be discontinued or changed or the buildings removed, no person shall thereafter use the land or any building or structure thereon, for any purpose or in a manner not permitted by the Scheme, unless approval to do so is granted by the Council.

2.21.3 Destruction of Buildings

If any building or structure is, at the gazettal date, being used for a non-conforming use, and is subsequently destroyed or damaged to an extent of more than seventy-five percent of its value, no such land use shall be altered except to conform with the Scheme, and the building shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner or position not permitted by the Scheme, unless approval to do so is granted by the Council.

2.21.4 Destruction of Residential Buildings

Notwithstanding the provisions of the Scheme, where a lot has been developed for residential purposes, under the provisions of the City of Stirling District Planning Scheme published in the *Government Gazette* of October 17, 1974, and where the total number of dwellings on the lot exceeds that permitted by the Scheme and one or more of the dwellings are subsequently damaged or destroyed, the Council shall permit the dwelling or dwellings to be repaired or rebuilt in accordance with the plan approved by the Council prior to the occurrence of the damage or destruction. However, where the damage or destruction exceeds in value seventy five percent of the total value of all dwellings on the lot, the Council may refuse to allow the dwellings to be repaired or rebuilt except in accordance with the Scheme other than for those provisions in respect of the number of dwellings.

2.21.5 Council's Approval for Change of Non-Conforming Use

The Council may grant its approval to the change of the use of any land from one non-conforming use to another non-conforming use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the neighbourhood than the existing use and is, in the opinion of the Council, closer to the intended uses of the precinct. An application for the Council's approval to a change of non-conforming use shall be made in accordance with the provisions of Clause 2.6.

2.21.6 Conditions of Approval

When the Council grants its approval under Subclause 2.21.5, it may grant such approval upon such terms and conditions as it thinks fit.

2.21.7 Acquisition and Agreements to Discontinue Use

The Council may, for the purpose of discontinuing any particular non-conforming use, acquire the lot and buildings (if any) on or in which the use is, or is permitted to be carried on, or make agreements relating to the payment of compensation or moneys to persons willing to discontinue a non-conforming use.

2.21.8 Subdivision of Land

If a non-conforming use exists on any land or in any building thereon, no person shall, without the consent of the Council, carry on such non-conforming use after the subdivision of such land. Nothing herein shall be construed to limit the powers of the Western Australian Planning Commission under the Act.

2.22 Enforcing Decisions by the Minister, Appeal Tribunal or Other Decisions on Appeal

Where approval of a development application is given by the Town Planning Appeal Tribunal or by the Minister on appeal, or where a condition is imposed by the Tribunal or the Minister, then that approval and any such conditions shall be deemed to have been given or imposed by the Council under this Scheme.

3. ADMINISTRATIVE PROVISIONS

3.1 Interpretation

For the purpose of this part of the Scheme—

'Contributing Land'—means all land contained within the Scheme Net Land Area.

'General Costs'—are those Scheme Costs associated with undertaking Scheme Works which are in the opinion of Council to benefit all land within the Scheme Area as identified in Appendix 2, Clause 3.6 and Schedules 3 and 4 including interest payable on any advance from the Council Municipal Fund, overdraft or loan taken out by the Council for the purpose of funding such Scheme Works.

'Net General Costs'—means the total of the General Costs after allowing credit for—

- (a) Any Commonwealth Government grant including "Better Cities" funding as allocated by the Council for the purposes of General Costs;
- (b) Any grant or allocation of funds by the Western Australian State Government in respect of any one or more items of General Costs;
- (c) Any grant or allocation of funds by the Council in respect of any one or more item of General Costs; and
- (d) Any contribution from any department, instrumentality or authority of the Government of Western Australia in respect of or in recognition of Scheme Works carried out by the Council to the particular benefit of that department, instrumentality or authority.

'Net Land Area'—means the area of an Owner's land within the Scheme Area exclusive of land which has been designated by the Council for public open space, public roads or other public uses, including land purchased by a government agency for public purposes, and any land required for any Scheme Work and which will not be available for return to the Owner for that owner's use or benefit after the carrying out of the Scheme Works.

'Owner'—has the meaning given to it in Schedule 1 and includes an owner of Contributing Land.

'Precinct Costs'—are those Scheme Costs associated with undertaking Scheme Works which will primarily benefit a certain 'Precinct' within the Scheme Area, as identified in Appendix 2, Clause 3.6 and Schedules 3 and 4 including interest payable on any overdraft or loan taken out by the Council for the purpose of funding such Scheme Works.

'Scheme Net Land Area'—means the total of all of the Owners' Net Land Areas. For the purposes of determining general costs, the total Scheme Net Land Area is 43.0534 hectares.

3.2 General Obligations

No person shall depart from or permit or suffer any departure from the requirements and provisions of the Scheme, or suffer or permit the use of any land or building or undertake or suffer or permit the undertaking of any development within the Scheme Area which—

3.2.1 does not conform with the Scheme; or

3.2.2 being a use or development which requires the approval of the Council, does not have such approval; or

3.2.3 does not comply with the terms of any approval or any condition attached thereto.

3.3 Special Fund

3.3.1 The Council shall for the purpose of promoting the orderly and proper planning development and management of the Scheme Area establish in the Council accounts a Special Fund and require from landowners a stipulated payment or payments to be made to the credit of the Special Fund as a condition of approval of a development application or a subdivision or amalgamation other than a subdivision required for the purpose of carrying out any Scheme work.

3.3.2 A Special Fund so established in the Council Accounts may be maintained for the purpose of accumulating monies to be used by the Council for any one or more of the items of infrastructure costs or for Scheme Works referred to in Schedules 3 and 4.

3.3.3 Within the fund established by the Council the Council shall operate a Scheme account for General Costs and a Precinct account for Precinct Costs for each of the precincts defined in the Scheme.

The Scheme accounts so constructed will be debited with the general and precinct costs of the scheme and credited with the amounts charged to the owners in the Scheme in respect of the general and precinct costs and any interest on outstanding dues as described in Clauses 3.5 and 3.6 herein.

3.3.4 The Council will operate an account for each owner within the Scheme.

(a) The owner account will be debited with the general and precinct costs as calculated herein together with the interest provided for in Subclause 3.6.15 and any other amounts due by the owner pursuant to the Scheme.

(b) The owner account will be credited with the amount of—

(i) any scheme works prefunded by the owner as provided in Clause 3.7.

(ii) the value of any land accepted by the Council in lieu of monies due from the owner as provided in Subclause 3.6.18.

(iii) any payment by or on behalf of the owner of amounts due pursuant to the Scheme.

3.3.5 In addition to the Scheme General and Precinct accounts and the accounts for each owner as hereinbefore provided the Council will maintain in the Special Fund such other accounts for the recording of expenditure and revenue as are required according to the Council's Standard Chart of Accounts and fund accounts required by the Local Government Accounting Regulations and shall submit the accounts of the fund to the Council Auditor on an annual basis and provide to each of the current owners in the scheme an abridged statement of the fund accounts including the report of the auditor. The Council will make available for inspection to any owner on request the detailed statement of accounts excepting the private owners accounts of other owners within the Scheme.

3.4 Scheme Area Development

3.4.1 The Council may in its discretion, and based on the aims of achieving maximum economy and timeliness carry out or contract for the carrying out or otherwise undertake any or all of the works referred to specifically or generally in Schedules 3 and 4 or identified in Appendix 2.

4.2 Works carried out, contracted for or undertaken by the Council or proposed to be carried out, contracted for or undertaken pursuant to the power in the preceding subclause shall be referred to as 'Scheme Works'.

3.5 Scheme Works and Scheme Costs

3.5.1 Within the Scheme Area, Scheme Works, as listed in Schedule 3, will be undertaken for the benefit of land contained within the Scheme Area based on the aim of achieving maximum economy and timeliness. The Council may establish an order of priority for the carrying out of Scheme Works.

3.5.2 Scheme Costs shall be recoverable by the Council from Owners of Contributing Land in accordance with the provisions of the Scheme.

3.5.3 General Costs shall be apportioned between Precincts on the basis of the Precincts' proportion of Net Land Area to the total Scheme Net Land Area as set out in Contribution Table No. 1 contained in Schedule 4. Such costs shall then be apportioned between owners of Contributing Land within each Precinct on the basis of the area of their land proportional to the Net Land Area of the Precinct.

3.5.4 Precinct costs shall be apportioned to owners of contributing land within each Precinct on the basis of the area of their land proportional to the Net Land Area of the Precinct.

3.6 General Costs and Precinct Costs

3.6.1 The Council may, before any item of General Costs has been finally ascertained make an estimate of those costs.

3.6.2 Where an owner of land has been advised by the Council of an estimate of that owner's share of General Costs and has paid a sum equal to that estimate, then that owner is not liable to further costs should Council make a revision of estimates under Subclause 3.6.8.

3.6.3 The Council shall, in the calculation or estimation of Net General Costs, take into consideration any promised or anticipated grant or allocation of funds for works in the Scheme area.

3.6.4 All Contributing Land within the Scheme area shall be contained in one of nine Precincts designated 1 to 9 inclusive, as shown on the Scheme map in Appendix 1.

3.6.5 For the purposes of Clause 3.5, if precinct 5 is used to replace the Cedric Street wetland the proportion of the Scheme Net Land Area contained within each contribution precinct is as follows—

- (a) Precinct 1—28.91% or 12.4459 hectares
- (b) Precinct 2—10.50% or 4.5195 hectares
- (c) Precinct 3—09.13% or 3.9299 hectares
- (d) Precinct 4—21.53% or 9.2708 hectares
- (e) Precinct 5—00.00% or 0.0000 hectares
- (f) Precinct 6—05.96% or 2.5637 hectares
- (g) Precinct 7—03.11% or 1.3403 hectares
- (h) Precinct 8—15.12% or 6.5114 hectares
- (i) Precinct 9—05.74% or 2.4719 hectares

If precinct 5 is not used for wetland replacement and the provisions of Clause 5.9A apply, the proportion of the Scheme Net Land Area contained within each contribution precinct is as follows—

- (a) Precinct 1—27.67% or 12.4459 hectares
- (b) Precinct 2—10.05% or 4.5195 hectares
- (c) Precinct 3—08.74% or 3.9299 hectares
- (d) Precinct 4—20.61% or 9.2708 hectares
- (e) Precinct 5—04.27% or 1.9200 hectares
- (f) Precinct 6—05.70% or 2.5637 hectares
- (g) Precinct 7—02.98% or 1.3403 hectares
- (h) Precinct 8—14.48% or 6.5114 hectares
- (i) Precinct 9—05.50% or 2.4719 hectares

3.6.6 The Council shall assess annually the General Costs and Precinct Costs to be incurred in the succeeding 12 month period together with the General Costs and Precinct Costs incurred in the preceding 12 month period and the total General costs and total Precinct Costs incurred from the commencement of the Scheme. The Council may revise or amend General Costs or Precinct Costs assessed under this Clause.

3.6.7 The Council shall assess annually, in respect of each Owner's Net Land Area, the total of that Owner's General Costs contribution and Precinct Costs contribution in respect of—

- (a) the estimated costs of Scheme Works to be undertaken in the succeeding 12 month period
- (b) the actual costs of Scheme Works undertaken in the preceding 12 month period
- (c) the actual costs of Scheme Works undertaken from the commencement of the Scheme; and
- (d) the amount of any credits then due to the owner.

The Council may revise or amend an Owner's General Costs contribution or Precinct Costs contribution assessed under this Clause.

3.6.8 The Council shall review annually and may revise or amend the Net General Costs, any Owner's Net Land Area, the Scheme Net Land Area or the General Costs contributions described in Schedule 4.

3.6.9 Following assessment, revision or amendment of the amounts mentioned in Subclauses 3.6.6 to 3.6.8 inclusive, the Council shall notify all Owners of those amounts.

3.6.10 Following assessment, revision or amendment of an Owner's General Costs contribution and Precinct Costs contribution, the Council shall post debits and credits to each Owner's account maintained in accordance with Clause 3.3.4 and shall thereafter notify all Owners of the amount of any such contributions required to be paid to the Council.

3.6.11 Following notification being made to an Owner of the amount mentioned in Subclause 3.6.10, a period of 35 days shall be allowed from the date of such notification for the Owner to object to that amount. Any objection shall be assessed by the Council and if not agreed by the Council, shall be referred to the arbitration of a single arbitrator in the manner provided by the Commercial Arbitration Act, 1985 and if the parties are unable to agree upon the arbitrator, the arbitrator may be nominated by the President for the time being of the Law Society of Western Australia (or its successor) on the application of any party.

3.6.12 An Owner's General Costs contribution and Precinct Costs contribution in respect of any land shall become due and payable—

- (a) upon notification by the Council to the Owner pursuant to Subclause 3.6.10 of the amount of such contribution;
- (b) upon any change in ownership of that land; and
- (c) immediately prior to the clearance of a diagram or plan of survey in respect of a sub-division or amalgamation or upon the approval of other development of that land not being a sub-division or development for the purpose of carrying out any Scheme work.

3.6.13 Notwithstanding the provisions of Subclause 3.6.12, the Council may require that part only of any Owner's General Costs contribution or Precinct Costs contribution need be paid upon it becoming due and payable in which case any interest payable pursuant to Subclause 3.6.15 only shall be calculated only on the amount required to be paid.

3.6.14 No sub-division or amalgamation should be finalised and no development on any land in the Scheme Area shall be commenced or carried out until the Owners' General Costs contribution and Precinct Costs contribution in respect of that land have been paid in full.

3.6.15 Interest shall be payable on any overdue General Costs contribution or Precinct Costs contribution at the rate payable from time to time on judgement debts pursuant to Section 142 of the Supreme Court Act, 1935. Interest shall become payable from the date the contribution became due until the date of payment, unless the Council for good reason shown by the Owner agrees to suspend or waive such interest.

3.6.16 Any overdue General Costs contribution or Precinct Costs contribution relating to land in the Scheme Area shall be a charge on that land and the Council may lodge a caveat against the title of the land in respect thereof. The Council may lift a caveat to permit dealings and thereafter re-lodge the caveat at the expense of the person requesting that the caveat be lifted. Upon the payment of all General Costs contributions and Precinct Costs contributions in respect of any land, the Council shall withdraw any caveat which it has lodged on the title to that land at the request of and at the expense of the Owner.

3.6.17 Any overdue General Costs contribution or Precinct costs contribution relating to land in the Scheme Area shall be a debt due to the Council and may be recovered by the Council in a court of competent jurisdiction.

3.6.18 The Council may in its discretion agree to accept land within the Scheme Area to the value of any amount due in respect of an Owner's General Costs contribution or Precinct Costs contribution in lieu of payment of that amount. Any such land shall be valued by a member of the Australian Institute of Valuers acceptable to the parties, on the basis that Scheme Works represented by the costs have been completed.

3.6.19 Notwithstanding the provisions of Clause 3.6, Council shall require all Owners to pay all outstanding General Costs contributions and Precinct Costs contributions within 10 years of the coming into operation of the Scheme.

3.7 Prefunding of Scheme Works

3.7.1 Where an Owner within the Scheme Area elects, after negotiation with, and the approval of, the Council, to prefund the payment for the construction of any or all of the works referred to in Schedules 3 and 4, the Owner shall maintain proper itemised records of all relevant expenditure, including receipts and invoices.

3.7.2 The Owner, where he seeks a refund, shall lodge a formal claim with the Council who shall reserve the right to review and accept the claim. Any dispute shall be referred to the arbitration of a single arbitrator in the manner provided by the Commercial Arbitration Act 1985 and if the parties are unable to agree upon the arbitrator he may be nominated by the President for the time being of the Law Society of Western Australia (or its successor) on the application of any party.

3.7.3 Where the Council accepts a claim, Council shall record in the Scheme Accounts the extent of the claim and allocate that portion of the Scheme Works as prescribed by the Scheme against the Owner's account with the balance being recorded as a Scheme Cost and shall be dealt with in the same manner as if the debt had been incurred directly by the Council.

3.7.4 A prefunding Owner shall be refunded monies recorded by Council as a Scheme Cost after Council has received sufficient contributions from other owners towards the Scheme Costs or from the Special Fund. Such a payment shall include principal and interest as determined by Council. The interest payable shall be the average of the interest payable on loans raised by the Council for Scheme Works as noted in Schedules 3 and 4 and in the event that the Council has not raised loans, then the interest rate will be the 30 day deposit rate for fixed term investments prescribed by the Westpac Banking Corporation applied during the period the advance is unrecouped.

3.8 Finance

3.8.1 The Council may raise loans or provide funds from other sources for the purpose of providing the finance necessary for the implementation of the Scheme.

3.8.2 In the event of money received by Council pursuant to the provisions of the Scheme being greater than the amount necessary to repay any loans and interest thereon or carry out the general objectives of the Scheme, the balance thereof shall be applied by the Council in further improvements and facilities within the Scheme Area.

3.9 Acquisition and Disposal of Land

3.9.1 In accordance with Section 13 of the Act the Council may acquire any land within the Scheme Area for the purpose of securing any objective of the Scheme.

3.9.2 The Council may deal with or dispose of any land that it owns or which it acquires pursuant to this Scheme or under the Act in accordance with the powers conferred upon it by the Act and for that purpose may enter into agreements with other owners in accordance with the Act.

3.9.3 Without limiting the generality of the foregoing—

- a) the Council may compulsorily acquire land in accordance with Section 13 of the Act, pursuant to the provisions of the Public Works Act, 1902; and
- b) the Council may enter into any lease or licence or agreement for use of any land it acquires under this Scheme for the purpose of securing any objective of the Scheme for such period and on such terms as the Council thinks fit, but provided that any such lease, licence or agreement will not delay or in any way interfere with the carrying out of any Scheme Works.

3.9.4 Without prejudicing the generality of this clause, the provisions of the clause will particularly relate to the creation and construction of Oswald Street (re-aligned) and the resubdivision of Precinct 4.

3.10 Authorised Entry

3.10.1 An officer of the Council, authorised by the Council for the purpose, may after notifying the owner at reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

3.10.2 Any person who obstructs, hinders, resists, or in any way opposes the exercise of the power of entry conferred on an authorised officer under this clause commits an offence.

3.11 Legal Agreements

3.11.1 The Council may enter into any agreement with any Owner, occupier or other person having an interest in land affected by the provisions of the Scheme for the purpose of securing any of the objectives of the Scheme.

3.11.2 The Council may enter into an agreement with any applicant for development approval, or if it is more appropriate, with the Owner of any land or building involved in the development application, or with both of those persons. In any such agreement the applicant or otherwise the owner may covenant for themselves, their transferees, assignees and successors, to carry out and observe all or any of the conditions (if any) imposed by the Council, and any land may be charged with the obligation to observe such covenants, and the agreement may deal with any other matter relevant to the orderly and proper planning of the Scheme Area or the achievement of the objectives of the Scheme.

3.11.3 The Council may enter into any other agreement which the Council is authorised or empowered to enter into under the provisions of the Act.

3.12 Compensation

3.12.1 The time limit for making claims for compensation pursuant to Section 11(1) of the Act is six months from the date of gazettal of the Scheme.

3.12.2 If an owner claims compensation for the resumption of land to be used as a road or for drainage purposes there shall be offset against the amount of compensation payable to him, the amount by which the value of the remainder of the owner's land has been or will be increased by the construction of the roads or drainage within the Scheme Area and by the operation of the Scheme.

Values referred to in this subclause shall be ascertained by a member of the Australian Institute of Valuers, acceptable to the parties. Any dispute shall be referred to the arbitration of a single arbitrator in the manner provided by the Commercial Arbitration Act 1985 and if the parties are unable to agree upon the arbitrator he may be nominated by the President for the time being of the Law Society of Western Australia (or its successor) on the application of any party.

3.12.3 If an owner subdivides land and if the owner or his predecessors in title shall have claimed or shall have been paid compensation by reasons of the resumption by the Council or the Crown of land for a new road within the Scheme Area he shall, before the approval of his plan of subdivision, release the Council or the Crown from the payment of compensation or if payment has been made by the Council or the Crown, then the owner shall refund to the Council or the Crown, the amount of compensation paid to him by it or his predecessor in title as the case may be.

3.13 Delegation

3.13.1 The Council may either generally, or in a particular case, by resolution, delegate to an officer of the Council the power to deal with development applications or any class of development applications, or development applications in any specified part of the Scheme Area, or any specified development application made under the Scheme.

3.13.2 Any delegation made under the provisions of the preceding Subclause shall have effect for such period as the Council in its resolution stipulates and in the absence of any stipulation shall have effect for the period of 12 months following the resolution.

3.13.3 A delegation of power conferred by this clause has effect and may be exercised according to its tenor, but is revocable by the Council at any time and does not preclude the Council from exercising the power the subject of the delegation.

3.13.4 The performance of a function by a delegate under the provisions of this clause shall be deemed to be the performance of the function by the Council in all circumstances where the Council is able to delegate its powers.

3.13.7 The delegate exercising the power delegated pursuant to the provisions of this clause shall comply with the provisions of the Scheme, any Council Policies, legislation, Codes and By-laws governing the exercise of the power by the Council.

3.14 Right of Appeal

An applicant for development or demolition approval or the owner of the subject land, aggrieved by a decision of the Council to refuse an application or approve an application with conditions that are unacceptable to the applicant, where the decision is made in the exercise of a discretionary power, shall have a right of appeal pursuant to Part V of the Act.

4. DEVELOPMENT STANDARDS AND REQUIREMENTS

4.1 Promotion of Mixed Use Development

4.1.1 In order to promote the specific objectives of the Scheme and more particularly the creation of a diversity of land uses and developments in the Scheme Area and to create a mixture of mutually beneficial uses and developments within the Precincts of the Scheme, the Council shall take all reasonable steps to encourage the incorporation of a residential component in those Precincts where the provisions of Part 5 or a Policy made pursuant to the provisions of the Scheme indicate that a residential development is a preferred use within the Precinct.

4.1.2 In determining a development application involving exclusively or predominantly non-residential development, the Council shall have regard to the requirements of Part 5 and any relevant Policy made pursuant to the provisions of the Scheme which encourages the inclusion of residential development in the relevant Precinct.

4.1.3 Where the provisions of Part 5 or a Policy made pursuant to the provisions of the Scheme indicate that residential development is a preferred use within the relevant Precinct, the Council when dealing with a development application within that Precinct may resolve to require the applicant to include a residential component within the proposed development, and may require a minimum level intensity or proportion for the residential component as against the non-residential component.

4.2 Agreement to Guarantee Residential Component

4.2.1 If the Council in determining a development application resolves in accordance with the provisions of the preceding clause that the development application will be approved subject to the provision of a stipulated residential component within the development, the Council may enter into an agreement with the applicant and/or the owner or owners of any affected land and any other relevant person to guarantee the provision of the required residential component either on the subject land or on other land in the locality.

4.2.2 If the Council and any other person enter into an agreement pursuant to the provisions of the preceding subclause, in addition to any other provisions required by the Council, the agreement shall include—

- a) the details of the site upon which the residential component will be constructed;
- b) the terms and conditions under which the person will be required to construct the residential component;
- c) the details of a bond, guarantee or letter of credit to be given by the person or other party acceptable to the Council to ensure compliance with the provisions of the agreement;
- d) any other provision considered by Council to be appropriate to secure the highest possible quality of residential design and development.

4.3 Residential Development—Residential Planning Codes

4.3.1 Unless otherwise provided for by the Scheme, and notwithstanding the provisions of Clause 1.2 of the Scheme, the development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform with the provisions of those Codes and the City of Stirling District Planning Scheme No. 2.

4.3.2 The Residential Planning Code density applicable to land within the Scheme Area shall be determined by reference to the Residential Planning Code density numbers superimposed on the particular areas shown on the Scheme Map.

4.4 Variations to the Residential Planning Codes

4.4.1 Minimum Distance Between Buildings on the Same Lot

The Council may reduce the required minimum distance between buildings in different occupancies on the same lot, where in the interests of maintaining amenity, traditional built forms, or streetscapes, the Council is satisfied that such a reduction is desirable.

4.4.2 Car Parking

- a) Subject to the provisions of Clause 4.11 the Council may reduce the car parking requirements in respect of any proposed development provided the Council is satisfied that such a reduction is in the interest of orderly and proper planning and will not detract from the amenity of the locality.
- b) Before deciding to reduce the car parking requirements pursuant to the preceding paragraph of this subclause, the Council shall take into consideration—
 - i) the effect of the proposed development on parking demand in the locality, having regard to the availability of alternative parking space and the public transport system;
 - ii) any irregularity in the shape, topography or size of the subject lot or any adjoining lots;
 - iii) the effect on the amenity of the locality; and
 - iv) any relevant Policy.
- c) To the extent that they are applicable the provisions of Subclauses 4.5.4 and 4.5.5 shall apply to the determination of the parking requirements for residential development.

4.4.3 Open Space

In a particular case the Council may relax the open space requirements of the R.Codes if one or more of the following circumstances apply—

- a) the open space requirements would prevent, in the opinion of Council, a reasonable extension of an existing building;
- b) where, in the opinion of Council, the interests of visual amenity would be better served by permitting a relaxation; or
- c) the modification is in accordance with a Policy made pursuant to this Scheme.

4.4.4 Densities

The Council may increase the permitted dwelling density by not more than 50% if one or more of the following circumstances apply—

- a) the proposed development would effect the discontinuance of a non-conforming use;
- b) the proposed development incorporates and conserves a building which is, in the opinion of Council, worthy of retention;
- c) a significant proportion of lots in the immediate vicinity is developed to densities higher than the applicable code; or
- d) the modification is in accordance with a Policy made pursuant to this Scheme.

4.5 Non Residential Development

4.5.1 In determining a development application on land within a Precinct where residential development is not indicated as a preferred use, the Council shall have regard to the requirements of Part 5 for the relevant Precinct and any relevant Policy. Without limiting the generality of the foregoing, Council may have regard to, and may impose conditions in respect of the following matters—

- a) the intensity and nature of the proposed use, including its environmental impact by way of noise, emissions, illumination and hours of operation;
- b) whether excessive loads would be placed on any existing or projected servicing infrastructure, community infrastructure or similar services;
- c) the number of employees likely to be accommodated;
- d) the location and extent of outdoor manufacturing and storage;
- e) the parking accommodation as provided for in Table 1—Parking Requirements and the plot ratio under Part 5;
- f) the form, layout, appearance and materials of buildings;
- g) the site coverage, setbacks and height of buildings;
- h) the height, position, form and materials of fences and walls;
- i) the way in which buildings relate to the street and adjoining lots, including their effects on landmarks, vistas, the landscape or the streetscape, and on the privacy, daylight and sunlight available to private open space and buildings;
- j) the design of landscaping and open space generally, including the effects of the development on existing trees;
- k) the extent to which the natural contours of the land may be altered by filling and excavation;
- l) vehicular and pedestrian access and circulation, and the provision for service vehicles and in particular whether a road or right-of-way needs to be created or enlarged to service the proposed development, in which case the Council may require the dedication of such road or right-of-way;
- m) whether parking for vehicles is adequate, convenient, safe, unobtrusive, landscaped and adequately surfaced and marked, and in any particular case whether parking should be provided elsewhere;
- n) whether adequate provision has been made for cyclists and disabled persons, including access, storage, toilets and showers;
- o) in the case of commercial buildings, whether advertising signs are likely to be required, in which case the Council may require that the application be amended to incorporate or make provision for such signs;
- p) the position of signs;
- q) compliance with a performance standard for the use,
- r) compliance with the objects of the Scheme and the Stirling Regional Centre Structure Plan; and
- s) any other relevant matters.

4.5.2 Parking Contribution

- a) For the purposes of Clause 4.5.3, the Parking Contribution shall be the cost of a parking bay calculated in accordance with the following paragraph.
- b) The Council may from time to time calculate or estimate the cost of providing a parking bay within the Scheme Area including but not limited to—
 - i) the market value of the land required for the parking bay and the necessary access and manoeuvring space;
 - ii) any structure required; and

- iii) other improvements including forming, paving, kerbing, drainage, landscaping, crossovers and lighting.
- c) The Parking Contribution may be calculated in respect of the Scheme Area as a whole, or in respect of any Precinct, reflecting the differences in the market value of land in the different Precincts.
- d) The Council may from time to time vary or adjust the Parking Contribution to reflect changes in values and costs.

4.5.3 Parking Provision

- a) Car parking spaces shall be provided as follows—
 - i) not less than the minimum requirement stipulated in Table 1; or
 - ii) to a level agreed by the Council, but where the Council agrees to allow less than the minimum level stipulated in Table 1, any shortfall shall be made up by way of contribution of money to the Special Fund referred to in Clause 3.3 at a rate per bay equal to the Parking Contribution.
- b) Where an applicant wishes to provide additional on-site parking above the minimum requirement stipulated in Table 1, such additional parking shall be the subject of a development application.
- c) Council shall discourage on-site parking for any development in excess of the parking provided for in the column headed 'Maximum On-site Parking Allowed' in Table 1.
- d) The Council shall apply the moneys accumulated in the Special Fund by way of payments for parking either—
 - i) for the provision of parking in joint-use facilities;
 - ii) for the provision of or for public transport within the Scheme Area to the extent that it permits or encourages a reduction in the use of or demand for parking facilities within the Scheme Area; or
 - iii) the development of parking stations.
- e) The design construction standards applied from time to time by the Council for the provision of parking shall apply within the Scheme Area.

TABLE 1: CAR PARKING REQUIREMENTS

Development	Minimum Car Parking Spaces Required	Maximum On-Site Parking Allowed
Residential	At the discretion of Council	See R.Codes
Office, consulting rooms veterinary clinic, service industry	1 per 50m ² gross floor area	1 per 30m ² gross floor area
Medical Centre	2 per practitioner	10 bays plus 2 bays for each practitioner in excess of 2
Showroom	1 per 50m ² gross floor area	1 per 30m ² gross floor area
Shop, convenience store betting agency, liquor store, garden centre, dry cleaning premises, laundromat	1 per 20m ² gross floor area	1 per 14.5m ² gross floor area
Hotel, motel, tavern	1 per 5m ² of public floorspace. 1 per bedroom	1 per 3m ² of public floorspace. 1 per bedroom
Restaurant, Fast Food and Reception Area	1 per 10m ² of gross floor area	1 per 7m ² of gross floor area
Cinema/Theatre and Halls/Club Premises	1 per 5m ² of auditorium area	1 per 3m ² of auditorium area
Lodging House, Serviced Apartment	0.75 per bedroom/unit	1 per bedroom/unit
Day Care Centres	1 per 8 attendees plus 1 per 4 staff	1 per 5 attendees
Fast Food Outlet	1 per 20m ² gross floor area	1 per 7m ² gross floor area

4.5.4 Reciprocal Parking

The Council may consider and approve reciprocal arrangements for parking and may require the parties to the reciprocal arrangement to enter into an appropriate agreement to which the Council is a party.

4.5.5 Parking Standard

Where no parking standard is stated in Table 1 in regard to a proposed development falling within the provisions of Clause 4.5, the Council shall determine the parking requirement for the particular case.

4.5.6 Vehicular Access

Vehicular access shall be provided to all lots. However, Council shall encourage access across adjoining lots in preference to direct vehicular access particularly to Oswald Street and Scarborough Beach Road.

4.5.7 Ceding Land as a Development Condition

Where land for road widening or truncation is ceded free of cost as a condition of development approval, the allowable density of the development (plot ratio or dwelling density) shall be calculated on the area of the lot prior to the land being so ceded.

4.6 Urban Design

4.6.1 Where in the opinion of the Council the amenity of a place, street or locality relates significantly to the architectural or physical character of existing buildings and/or the landscape, the Council shall require that the appearance of any proposed development shall enhance the amenity of the place, street or locality in question.

4.6.2 All development in the Scheme Area will be required to comply with the Urban Design Considerations set out in Schedule 6.

4.6.3 All land and buildings shall be so used and maintained as to preserve the amenity of the Precinct in which they are situated.

4.7 Subdivision

In exercising its advisory functions in respect of subdivision the Council shall have regard to—

- 4.7.1 the capabilities of the proposed lots to be developed; and
- 4.7.2 the residential densities for the area as shown on the Scheme Map.

4.8 Development of Heritage Places

4.8.1 The Council may relax any standard or requirement of the Scheme which would preclude, in relation to a heritage place listed in the Municipal Inventory pursuant to Clause 2.17—

- a) its repair, renovation or reinstatement; or
- b) its replacement if destroyed.

4.8.2 Where any development is proposed which would result in the conservation by reason of incorporation in the development or otherwise of the whole or part of an existing heritage place which the Council considers worthy of conservation, the Council may—

- a) permit an increase in the floor area of the total development by an amount equal to the existing floor area of the heritage place;
- b) permit setbacks consistent with those of the existing building;
- c) relax the parking requirements of the Scheme or the R.Codes where in the opinion of the Council satisfactory access and parking arrangements are made;
- d) grant approval subject to conditions relating to the preservation of places of heritage significance;
- e) in considering the development application, have regard to any Policy made pursuant to the Scheme and to the published policies and the opinion of the Heritage Council of Western Australia, the Australian Heritage Commission and the National Trust of Western Australia (Inc).

4.8.3 In this clause the term 'development' shall have the additional meaning of changing the colour of the exterior of a building.

4.9 Advertising

4.9.1 Except where a sign or advertisement is exempted from the requirement to be the subject of a licence pursuant to any by-law, no person shall erect, place or display any advertisement or use or permit the use of land or buildings for that purpose without the prior approval of the Council pursuant to the provisions of Clause 2.4. Such an approval to commence development is required in addition to any licence which may be required by the Council pursuant to any by-law.

4.9.2 Applications for the Council's approval pursuant to Subclause 4.9.1 shall be submitted in accordance with the provisions of Clause 2.6 of the Scheme and shall be accompanied by an additional information sheet in the form set out at Schedule 5 giving details of any advertising device to be erected, placed or displayed on the land.

4.9.3 Subject to this clause and to any adopted Policy of the Council, the Council shall not consent to the erection of advertisement structures or the display of advertisements (whether on an advertisement structure or otherwise) on land within the Scheme Area unless the advertisement to be displayed—

- a) describes the business or activity carried out on the same land;
- b) is related to products produced, stored or sold on the same land;
- c) is of a temporary nature as determined by Council; or
- d) is required, by or under any Act of State or Federal parliament, to be displayed.

4.10 Home Occupation

4.10.1 A person may, with the approval of the Council, conduct a Home Occupation provided that the Home Occupation—

- a) does not entail the employment of any person not permanently resident within the dwelling;
- b) does not involve the preparation or sale of foodstuffs;
- c) does not entail the sale of produce from the site;
- d) does not occupy an area greater than 20m²;
- e) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located;
- f) does not have more than one advertisement sign and the sign displayed does not exceed 0.2m² in area;

- g) does not, in the opinion of the Council, by reason of its nature or scale, constitute a use that would be more appropriately located in a zone other than the City Centre Zone or in another Precinct of that zone;
- h) will not result in the requirement of a greater number of vehicle parking facilities than normally required for a single dwelling and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
- i) does not cause injury to or prejudicially affect the amenity of the neighbourhood, including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of light, noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, or waste products;
- j) does not attract customers or regular and frequent deliveries of goods or equipment to the site.

4.10.2 The Council may seek the comments of surrounding residents or owners in respect of an application for a Home Occupation or may use such other method or medium to ensure widespread notice of the proposed Home Occupation.

4.10.3 An approval to carry on a home occupation—

- a) is personal to the person to whom it was granted;
- b) is not capable of being transferred or assigned to any other person; and
- c) does not run with the land in respect of which it was granted.

A person to whom approval to carry on a home occupation has been granted shall not carry on that home occupation at any premises other than those in respect of which the approval was granted.

4.10.4 If a home occupation has been carried on with the approval of the Council and if in the opinion of the Council such home occupation is causing a nuisance or annoyance to neighbours or to owners or occupiers of land in the neighbourhood, the Council may rescind the approval granted by it and after such rescission, no person shall upon the land subject of a resolution for rescission, carry on a home occupation unless approval to do so shall subsequently be granted by the Council.

4.11 Relaxation of Development Standards

Without affecting the generality of Clause 2.15, the Council may vary the parking requirements in Table 1, the plot ratio and any development criteria specified in the Scheme in regard to any development application where the Council is of the opinion that;

- a) such a variation will not prejudice the achievement of the objectives of the Scheme;
- b) such a variation will not detract from the amenity of the locality of the proposed development or the streetscape;
- c) sufficient area is set aside in the form of additional landscaping to permit the subsequent construction of additional parking bays;
- d) different uses on the land will generate parking demand at different times, allowing parking spaces to be shared;
- e) the number of parking spaces required under Table 1 can only be provided in a manner which results in a built form in conflict with the existing development in the locality;
- f) contractual arrangements have been made for the parking or shared use of parking areas which are in the opinion of the Council satisfactory;
- g) a contribution has been made to be credited to a Special Fund in the Council Accounts for the provision of public parking space in a locality where the development will generate the need for such parking space; or
- h) the development is within 800 metres of the Stirling Railway Station.

5. ZONING AND PROVISIONS FOR PRECINCTS

5.1 Zoning

Land within the Scheme Area, other than Reserved Land referred to in Part 6 of the Scheme and depicted on the Scheme Map in Appendix 1, is classified as 'Stirling City Centre Zone'.

5.2 Delineation of the Zone

The City Centre Zone is delineated and shown on the Scheme Map in Appendix 1 and referred to in the Legend of the Scheme Map.

5.3 Precincts on Scheme Map

The Scheme Area is divided into Precincts and the location and boundaries of the Precincts are shown on the Scheme Map. As Council is staging the implementation of the Stirling Regional Centre Structure Plan, Council may, over time, amend the Scheme Area by adding additional Precincts to the Scheme, or dividing or otherwise altering the boundaries of existing Precincts.

5.4 Development in Precincts

5.4.1 For the purpose of promoting the objectives of the Scheme, and subject to any provisions of this Part to the contrary, the Council in dealing with any development application shall encourage a mixture of land uses throughout the Scheme Area.

5.4.2 For the purpose of this part, 'Preferred Uses' are uses that Council will encourage whilst 'Contemplated Uses' are those which Council will consider subject to the objectives of the Scheme.

5.4.3 Where in this Part a use constitutes a 'Preferred Use' in any Precinct then in dealing with a development application involving such a use in that Precinct the Council—

- a) shall not refuse the application by reason of the incorporation of that use in the proposed development; and

- b) pursuant to Clause 4.11 may relax or vary any development standard or requirement and otherwise impose such conditions on its approval as it sees fit to encourage the incorporation of that use in the development.

5.4.4 Where in this Part a use constitutes a 'Contemplated Use' in any Precinct in dealing with a development application involving such a use in that Precinct the Council may approve the development incorporating that use subject to any conditions it considers appropriate.

5.4.5 Where in this Part a use is not a Preferred Use or Contemplated Use in a Precinct or is a use that is not mentioned or defined in the Scheme or is not included in the general terms of the uses defined or is not normally part of the conduct of any of the uses defined then in dealing with a development application in that Precinct involving that use the Council—

- a) may consider the application only after appropriate advertising for public submissions and notification of affected landowners in accordance with Clause 2.7. The time period specified in Clause 2.7 shall apply.
- b) may approve the application after due consideration of the matters referred to in Clause 2.8 and any relevant submission, subject to any conditions it considers appropriate; or
- c) may refuse the application.

5.4.6 The maximum plot ratio stipulated for each Precinct shall, subject to Clause 4.11 and any discretion applicable under the R.Codes, be the maximum plot ratio permitted for the total development of any particular area of land within that Precinct, provided that if a formula is stipulated for the increase of the maximum plot ratio in any case, then the plot ratio may be increased in accordance with that formula.

5.4.7 The Statements of Intent for each Precinct conform with and are intended to facilitate development of the Scheme Area in accordance with the Stirling Regional Centre Structure Plan.

5.5 Precinct 1: Retail Commercial Precinct

5.5.1 Statement of Intent

Major development emphasis within this Precinct delineated on the Scheme Map will be to expand the retailing component of the Shopping Centre north and east to the realigned Oswald Street.

It is considered that this area which is in excess of four hectares can readily accommodate additional Net Lettable Area in a prominent landmark building with associated carparking and extensive landscape and group housing buffers to abutting residential properties. Access will primarily be off the realigned Oswald Street and strong pedestrian areas are required within the proposed retail expansion to facilitate a direct continuous pedestrian link between Scarborough Beach Road and the Stirling Railway Station through the Shopping Centre precinct.

Opportunity also exists for retail expansion westward into Precinct 2 across the Transperth bus station site to Odin Road and Scarborough Beach Road.

Facilities such as a further discount department store are envisaged in the vicinity of the existing Shopping Centre.

The proposed northerly expansion of the existing Innaloo Shopping Centre should occur only on the basis that the development is functionally integrated with the existing Centre.

The design of the expansion will need to be integrated with pedestrian links proposed between the existing Centre and the public transport/commercial nodes to the north. Alterations to the existing Shopping Centre will have to be undertaken to facilitate external retailing facilities such as al fresco cafes. The extent and impact of hard stand parking should also be reduced by providing decked or undercroft parking, and extensive landscaping, where possible.

It is envisaged that the extensions would be designed as a feature pod building clearly identifiable from the freeway/railway systems and the realigned Oswald Street as a landmark building within the Centre, with offices or residential components constructed above retail facilities, and improvements undertaken to the external facades of the existing Centre to provide opportunities for additional strip shopping located along the primary pedestrian axis.

With changing retail hours and shopping trends, the potential exists to create a major after hours retail focus linking the Railway Station (and development to the north) to restaurant and cinema development south of Scarborough Beach Road.

In recognition of resident concerns, existing remnant vegetation should be incorporated into the design (and into the landscaped buffer areas) where possible. Group housing up to R60 density is also required as a transitional buffer between the proposed retail facilities and the existing residential areas (Precinct 3).

The area of land that will be created between the realigned Oswald Street and the eastern boundary of the established residential development in Shawford and Staveley Places which is presently set aside as Public Open Space should be developed as landscaped parkland but community facilities such as arts and crafts and public exhibition areas should be provided to maintain a strong pedestrian theme between the shopping centre precinct and the Stirling Railway Station, across the realigned Oswald Street.

5.5.2 Preferred Uses

These are the "Preferred Uses"—

- Convenience Store
- Shop
- Restaurant
- Garden Centre
- Laundromat
- Cinema/Theatre
- Dry Cleaning Premises
- Showroom

- Office Professional
- Office
- Car Park
- Medical Centre
- Serviced Apartments
- Boarding House
- Retirement Village
- Tavern
- Entertainment Venue
- Market
- Automatic Car Wash
- Amusement Area
- Service Station
- Multiple Dwelling
- Grouped Dwelling
- Betting Agency
- Consulting Rooms
- Fast Food Outlet
- Hotel
- Motel
- Public Amusement
- Restricted Premises
- Club Premises

5.5.3 Contemplated Uses

These are the "Contemplated Uses"—

- Educational Establishment
- Civic Use
- Recreation Facilities
- Hostel
- Community Activities
- Health Studio
- Day Care Centre
- Public Open Space
- Hall
- Advertisement
- Public Utility

5.5.4 Development Criteria

a) Height, Scale and Density of Buildings

- i) Retail expansion shall comprise a landmark building. New development shall be designed to be functionally integrated across the existing Oswald Street road reserve to the existing Shopping Centre.
- ii) Free-standing decked parking station/s shall not exceed the height of other development in the Precinct.
- iii) Residential development shall not be restricted in terms of number of storeys providing however, that it does not exceed the height of adjoining commercial development or a density of R80/100. Council will however, have regard to the proximity of adjoining residential development and will only permit densities above R60 and height above two storeys where—
 - architectural design and landscaping features satisfy the Council that such development will achieve the objectives of the Scheme;
 - the development will not adversely impact upon the amenity of the adjoining residential areas;
 - substantial landscaping buffers are provided;
 - storeys above the second storey are set back in accordance with the provisions of the R.Codes or at least an additional two metres from existing residential property lines for every additional storey proposed above two storeys, whichever is the greater; and
 - the development complies with Council policies.

b) Appearance and Orientation

- i) Retail and commercial development will be encouraged in a single building which incorporates architectural features to the satisfaction of Council in terms of creating a focal point for the Regional Centre. Orientation and architectural emphasis shall be toward Oswald Street (re-aligned), the Stirling Link Road/Mitchell Freeway and Northern Suburbs Railway Line. Architectural features are to be incorporated into the design to provide an attractive facade and access to new and existing residential areas to the north-west and to the Twyford Place Reserve to the north-east.
- ii) Architectural integration of existing and future retail buildings shall provide one major landmark central retail/commercial development within the core of the Centre. Ground floor foyer areas, tenancies and entries to the building are to be designed to encourage development comprising restaurants, cafes and the like to be external to the north-eastern areas of the main building to provide night-time activities, 24 hour access through major parts of the Precinct and pedestrian links to civic gathering spaces at all times.
- iii) Residential and commercial development shall be designed to minimise overlooking of existing residential development.
- iv) Car parking station/s shall be designed to be an unobtrusive component of the shopping centre situated so as not to detract from visual exposure of the Centre to major transport networks. Designs shall incorporate facade and landscaping treatments to screen the parking decks.
- v) The design of housing within the Precinct shall be orientated towards Shawford Place and be linked through pedestrian systems and open space links with the shopping centre and the Twyford Place Reserve.
- vi) Residential components of any building shall have access to open space and pedestrian networks within the Precinct.

- c) Function
- i) Non-residential activities shall generally be confined to the first three building levels with the balance comprising residential accommodation. Future non-residential tenancies shall complement existing activities and include major tenants, such as department stores and/or discount department stores where possible. Uses should have external access and provide a focus for after hours activity in the Centre (eg: alfresco cafes, restaurants, amusement centres, private recreational facilities). Internal and external alterations to the existing shopping centre will need to be undertaken to facilitate external facilities with loading areas confined to screened areas.
 - ii) Decked car parking station/s shall be accessed from the re-aligned Oswald Street and be connected via pedestrian links to the shopping centre.
 - iii) Extensions to the Twyford Place Public Open Space Reserve shall comprise landscaped open space and developed community/civic spaces where provision is made for formal use by community groups for such things as arts and crafts exhibitions and community stalls. This open space will include general public gathering areas and provide an important civic link between developments in various Precincts.
- d) Floor Area, Plot Ratio and Site Cover for Non-residential or partially Non-residential Development.
- i) A maximum site coverage is not specified for the non-residential component on the basis that Council will prefer parking station/s in preference to hardstand open air bays to maximise development potential. Council may require a proportion of the site area to be set aside external to the building for the provision of after hours facilities (eg: alfresco restaurants), civic/community spaces in landscaped settings and continuation of pedestrian and cycle network links in other Precincts. For the purpose of determining plot ratio, commercial use of external areas in this manner will not be included as floor area, but may be included for the purpose of determining car parking requirements.
 - ii) The permitted plot ratio is 2.0. The plot ratio may be increased to a maximum of 3.0 provided that not less than 50% of the additional floor area is dedicated to residential use or community amenities.
- e) Setbacks
- i) Setbacks for non-residential buildings will be as follows—
 - from Oswald Street (adjacent to existing shopping centre)—at the discretion of Council
 - from Oswald Street (re-aligned)—20 metres
 - from existing residential areas—20 metres*
 - from residential areas coded higher than R20—15 metres*
 - other—at the discretion of Council

**Note: These setbacks may be reduced where residential components of the commercial development have been designed to front existing/future residential areas. In this instance Council will determine appropriate setbacks accordingly.*
 - ii) Setback areas to residential development are to be extensively landscaped and encompass formalised pedestrian, community and cycle facilities as determined by Council.
- f) Landscaping
- i) All landscaping within Precinct 1 shall be in conformity with any Policy adopted pursuant to Part 2 of the Scheme.
 - ii) The following specific landscape provision in Precinct 1 may be required—
 - as part of expansion of the Innaloo Shopping Centre, existing and proposed open stand car parking areas to be extensively planted;
 - parking stations to be screened and landscaped elements provided to each decked level as appropriate to minimise external visual impact;
 - an avenue of trees to be planted along the re-aligned Oswald Street;
 - a minimum 10 metre wide landscaping area containing pedestrian/cycle facilities to the satisfaction of Council to be provided between existing residential development and non-residential building/s; and
 - additional landscaping may be required within setback areas between residential and non-residential development.
 - iii) Retention and/or enhancement of existing trees and native remnant bushland or wetland areas may be required as part of development proposals. Council may vary development standards or requirements specified elsewhere in the Scheme where retention of existing trees or native remnant vegetation is incorporated into the development.
- g) Car Parking and Access
- i) The number of car parking spaces required will be as specified in Table 1 of the Scheme. A minimum of 50% of the car parking associated with non-residential or partially non-residential developments shall be provided in undercroft parking or a decked car parking station or by way of Parking Contribution to enable Council to construct car parking in the vicinity.
 - ii) Major expansion of existing open air hardstand car parking areas to service Precinct 1 areas will not be permitted.

- iii) Future vehicular access to new shopping centre car parking areas shall be confined to Oswald Street (re-aligned). Existing access to rooftop and ground parking areas from Oswald Street will be retained.
 - iv) Vehicular access to the new housing area adjoining the shopping centre shall be from Twyford Place, Shawford Place, or Oswald Street.
- h) Pedestrian/Cycle Access
- i) The provision of pedestrian areas as part of individual development proposals is required to ensure that all Precincts are interlinked and that key nodes of the Centre are accessible by cyclists and pedestrians at all times.
 - ii) Within any development, facilities shall attract or provide for pedestrian patronage.
 - iii) Landscaping areas are to be integrated with pedestrian and cycle networks.
- i) Relationship to Other Precincts and Development Outside the Scheme Area
- i) Redevelopment or re-design of the existing shopping centre and future expansions will have regard to the existing development and future proposals for the former Innaloo bus station and adjoining properties in Precinct 2 to the west.
 - ii) Landscaping, cycle and pedestrian facilities in Precinct 1 will be required to link with wetland replacement or development proposals and landscaped cycle/pedestrian networks in Precinct 5 to the east.
 - iii) Development in the north-western corner of Precinct 1 will have regard to the existing residential density and character in Precinct 3.
 - iv) The use and civic treatment of the Twyford Place Public Open Space reserve (existing and expanded) is to form an important "peoples space" adjoining the pedestrian crossing of the re-aligned Oswald Street and re-inforcing the link between Precincts 1 and 4.
- j) Major Requirements Prior to Development Commencement
- No development shall commence until the following has occurred or arrangements have been made to the satisfaction of the Council for—
- i) Re-alignment and construction of Oswald Street.
 - ii) Determination of locations for car parking station/s within the Precinct and Parking Contribution levels.
 - iii) Satisfactory arrangements and environmental approval for peat removal and development of remnant wetland areas in the Precinct.
 - iv) Sewer extension to service the development.
 - v) Setting aside of additional areas of public open space adjoining Twyford Place.
 - vi) Payment of any relevant General Costs or Precinct Costs associated with Scheme Works as outlined in the Scheme.
 - vii) The integration of new and existing retailing facilities.
 - viii) The replacement of the Cedric Street wetland within the Scheme Area or elsewhere, should such replacement be required.
- and Council may impose on any development approval a condition prohibiting commencement until written notification to proceed is given to the applicant by the Council.

5.6 Precinct 2: Service Commercial Precinct

5.6.1 Statement of Intent

This Precinct encompasses the former Transperth bus station off Odin Road, the service commercial activities to the south of the bus station fronting Scarborough Beach Road and the predominantly residential properties south of Cloates and Roebuck Streets as shown on the Scheme Map.

In recognition of the nature of development in this Precinct, the bus station should be redeveloped for retail, commercial and service commercial activities complementing existing uses fronting Scarborough Beach Road and the adjoining retail centre. It is feasible that the existing shopping centre could expand over part of this land thereby complementing the further northerly expansion of the shopping centre. Redevelopment of the Transperth bus station and development of other surplus and under utilised land for commercial activities following re-alignment of Scarborough Beach Road is likely to occur in the short to medium term but no other redevelopment is envisaged in this time-frame.

The redevelopment of the bus station needs to recognise the abutting residential areas to the north and accordingly these properties should be redeveloped for low scale service commercial activities or residential to minimise adverse impact. The Precinct is still relatively close to residential properties and accordingly redevelopment should be designed to minimise impact from traffic/access and building form. Access should be encouraged from the new access points proposed as part of the redesign of Scarborough Beach Road and be integrated with the future carparking and access arrangements for the Innaloo Shopping Centre and adjoining service commercial development.

Priority will be given to mixed use development incorporating a strong residential component.

5.6.2 Preferred Uses

These are the "Preferred Uses"—

- Office
- Motel
- Car park
- Medical Centre
- Convenience Store
- Shop
- Dry Cleaning Premises
- Betting Agency

- Garden Centre
- Office Professional
- Fast Food Outlet
- Hotel
- Tavern
- Laundromat
- Cinema/Theatre
- Restaurant
- Travel Agency
- Showroom
- Service Station
- Research and Development
- Establishment
- Consulting Rooms
- Restricted Premises
- Multiple Dwelling
- Grouped Dwelling
- Club Premises
- Serviced Apartments
- Boarding House
- Retirement Village
- Amusement Area
- Service Industry
- Veterinary Clinic

5.6.3 Contemplated Uses

These are the "Contemplated Uses"—

- Educational Establishment
- Day Care Centre
- Public Worship—Place of
- Hall
- Public Utility
- Community Activities
- Health studio
- Public Amusement
- Civic Use
- Recreation Facilities
- Public Open Space
- Dwelling
- Advertisement

5.6.4 Development Criteria

a) Height, Scale and Density of Buildings

- i) Re-development of the Innaloo bus station is to comprise a building with a maximum of four storeys. It is to be designed to minimise visual dominance when viewed from residential areas to the west and north with the bulk of the building developed adjoining the site's southern and eastern boundaries.
- ii) Future re-development of or expansion to existing service commercial development fronting Scarborough Beach Road east of Odin Road will be permissible to a similar scale and height allowable on the adjoining bus station site.
- iii) Council will restrict development to a maximum of two storeys where such development fronts or adjoins Roebuck, Cloates or La Grange Streets.
- iv) Council may grant a 20% density bonus for residential development where amalgamation of two or more sites is proposed and the development complies with the objectives and policies of the Scheme and the provisions of Parts 2 and 5 of the Scheme.

b) Appearance and Orientation

- i) Development on the bus station site shall have regard in its appearance and orientation to the adjoining Innaloo Shopping Centre and the existing land uses in Precinct 2 facing Scarborough Beach Road. Such development shall present a front facade type appearance to Odin Road.
- ii) Any development fronting Cloates, Roebuck or La Grange Streets shall be of a residential character and be designed to integrate with the existing streetscape.

c) Function

- i) Development on the bus station site shall complement existing adjacent commercial land uses.
- ii) Development on the bus station site shall be functionally integrated with and complement existing land uses fronting Scarborough Beach Road.

d) Floor Area, Plot Ratio and Site Cover for Non-residential or partially Non-residential Development.

The permitted plot ratio is 1.0. The plot ratio may be increased to a maximum of 2.0 provided that not less than 50% of the additional floor area is dedicated to residential use or community activities. A minimum 20% of any site shall be landscaped and/or accommodate pedestrian/cycle networks.

e) Setbacks

- i) Council will not require any setback between developments for mixed use or commercial development in Precinct 2 where proposals involve integration with similar developments in this Precinct or Precinct 1 to the east.
- ii) All non-residential development shall be set back a minimum of 20 metres from the final Odin Road and Scarborough Beach Road road reserves (as determined by the Scheme) and in accordance with Schedule 7. For sites on the intersection of both roads, the setback to one street may be reduced to ten metres.
- iii) Non-residential components of development shall be set back a minimum of ten metres from existing and future residential sites in the Precinct. Council may reduce this setback depending on the height of the development proposed.

f) Landscaping

- i) All landscaping within Precinct 2 shall be in conformity with any Policy adopted pursuant to Part 2 of the Scheme.
- ii) Council may require the following specific landscape provision in Precinct 2—
 - as part of any development proposed open stand car parking areas to be extensively planted;
 - a minimum 10 metre wide landscaping area containing pedestrian/cycle facilities to the satisfaction of Council shall be provided between existing residential development and non-residential buildings; and
 - additional landscaping may be required within setback areas between residential and non-residential development and to the street.
- iii) Council may require retention and/or enhancement of existing trees and native remnant bushland as part of development proposals. Council may vary other development standards or requirements specified in the Scheme where retention of existing trees or native remnant vegetation is incorporated into the development.

g) Car Parking and Access

- i) No development shall proceed on sites fronting Odin or Scarborough Beach Roads until future access to all sites has been resolved to Council's satisfaction in accordance with Schedule 7 and Council has notified the applicant accordingly. Reciprocal rights of access to adjoining sites and centralised car parking may need to be provided.
- ii) The number of car parking spaces required will be as specified in Table 1 of the Scheme. The provision of parking in undercroft areas and central car parks, where possible, will be preferred by discouraging small open stand car parks for individual sites.

h) Pedestrian/Cycle Access

- i) The provision of pedestrian areas as part of individual development proposals is required to ensure that all Precincts are interlinked and that key nodes of the Centre are accessible by cyclists and pedestrians at all times.
- ii) Landscaping areas are to be integrated with pedestrian and cyclist networks.

i) Relationship to Other Precincts and Development Outside the Scheme Area

- i) Redevelopment of the bus station site shall have regard to the impact on the existing shopping centre and other uses in Precinct 1 by preserving access to existing parking areas and pedestrian access corridors.
- ii) Landscaping, cycle and pedestrian facilities in Precinct 2 will link with cycle/pedestrian networks in Precinct 1 to the east and Precinct 6 to the south (across Scarborough Beach Road) and west across Odin Road.
- iii) Development in the northern and western parts of Precinct 2 will be consistent with the existing residential density and character adjoining the Scheme Area.

j) Major Requirements Prior to Development Commencement

No development shall commence until the following has occurred or arrangements have been made to the satisfaction of the Council for—

- i) Closure of surplus road reserves associated with Scheme Works and relocation of existing services from the road reserves.
- ii) Rationalisation of land holdings in the Precinct.
- iii) Sewer extension to service the development.
- iv) On land east of Odin Road, satisfactory rationalisation of access, loading/unloading facilities and car parking to service existing and future development in Precincts 1 and 2, as deemed appropriate by Council in accordance with Schedule 7.
- v) Payment of any relevant General Costs or Precinct Costs associated with Scheme Works as outlined in the Scheme.

and Council may impose on any development approval a condition prohibiting commencement until written notification to proceed is given to the applicant by Council.

5.7 Precinct 3 : Mixed Use Residential Precinct

5.7.1 Statement of Intent

This precinct encompasses all of the residential area within the core area of the Stirling Regional Centre (ie east of the current Oswald Street alignment) as delineated on the Scheme Map.

Although accommodating some 40 houses, there is a need to ensure that residential amenity is retained in the short to medium term as these houses are generally in good condition. An emphasis on residential development should be retained. However, with the advent of sewerage to the area, a density of residential R40/R60 will be encouraged (with an R60 density only achievable based on compliance with stringent guidelines) along with mixed uses, not of a retail nature, and interfacing with the adjoining residential development west of the current Oswald Street (professional offices, consulting rooms etc).

In the triangle north of Staveley Place similar development is to be encouraged. As this is a small site surrounded on all sides by road, close to the Railway Station and separated from the existing residential areas, some potential may exist for increased density and/or car parking concessions. This site offers the opportunity for a high quality residential development (ie at R60 density) as an attractive entry statement to the northern portion of the Stirling Regional Centre.

5.7.2 Preferred Uses

These are the "Preferred Uses"—

- Multiple Dwelling
- Day Care Centre
- Boarding House
- Office Professional
- Community Activities
- Grouped Dwelling
- Serviced Apartments
- Retirement Village
- Consulting Rooms
- Home Occupation

5.7.3 Contemplated Uses

These are the "Contemplated Uses"—

- Public Open Space
- Dwelling
- Public Utility
- Advertisement
- Hall
- Public Worship—Place of
- Veterinary Clinic
- Recreation Facilities
- Hostel
- Educational Establishment
- Civic Use
- Institutional Building
- Restaurant

5.7.4 Development Criteria

a) Height, Scale and Density of Buildings

- i) All development is to be restricted in height to two storeys except as provided in Clause 5.7.4. a) ii).
- ii) In the triangular site north of Staveley Place a height greater than two storeys will be permitted to accommodate R60 densities providing however, that the scale and design of the building does not unduly impact on residential development to the south and west.
- iii) Residential development above R40 (up to R60) density will be permitted only where Council is satisfied that at least 50% of the following criteria are met;
 - the development is proposed on a site greater than 1500m².
 - the design will contribute positively to the appearance of the streetscape.
 - the development is connected to the pedestrian/cycle network linking the Stirling Railway Station with the Regional Centre, in which case Council may allow a reduction in car parking requirements under the R.Codes in order to facilitate the increased density sought.
 - the development is for aged or dependent persons.
 - the proposal incorporates a non-residential component.
 - the site is within 800 metres of the Stirling Railway Station.
 - car parking access and traffic associated with the development will not have a detrimental impact on the streetscape.
 - extensive landscaped and open space areas are provided within the front setback.
 - the development will not adversely impact on adjoining development or development sites.
 - the design, size and character of the development is such that Council is satisfied that an increased density will be in accordance with its objectives for increased residential densities in the Scheme Area.
 - the design incorporates existing built form or landscaping features of the site.
 - only a single access point is proposed from the street or the development utilises a common driveway with an adjoining development.
 - the site adjoins the Twyford Place Public Open Space Reserve or another Precinct.

b) Appearance and Orientation

- i) New development or alterations to existing development for non-residential activities shall have regard to—
 - architectural and physical integration with the streetscape and existing development;
 - minimising traffic and car parking generated by the proposal and maximising linkages to pedestrian networks;
 - impact on privacy, use and general amenity of existing residential properties in close proximity;
 - compatibility with the predominantly residential character of the area;
 - linkages to the Stirling Rail/Bus Transfer Station; and
 - Council's objectives for the Scheme Area and Statement of Intent for the Precinct.
- ii) Where developments adjoin other Precincts or pedestrian spaces such as the Twyford Place Public Open Space reserve, buildings orientated towards such places will be preferred to assist in linking Precinct 3 with other Precincts.

c) Function

- i) Residential uses are to remain a dominant land use within the Precinct.

- ii) Non-residential and partially non-residential development may involve appropriate conversion of existing dwelling stock or redevelopment of sites in a manner and for a use which recognises the predominantly residential character and streetscapes within the Precinct (eg. with signage controls). Such uses may include home occupations, professional offices, consulting rooms, community activities, arts and craft galleries and studios (non retail), or similar uses.
- d) Floor Area, Plot Ratio and Site Cover for Non-residential or partially Non-residential Development.
 - i) Council will prefer that no more than 50% of the site area is used for non-residential purposes (excluding parking). Not more than 50% site cover will be permissible for non-residential buildings.
 - ii) The maximum plot ratio is 1.0.
 - iii) All non-residential development is to comply with the development standards stipulated for Residential Development under the R.Codes to a density of R60.
- e) Setbacks
 - i) Non-residential development is generally to comply with the setbacks set for R40 residential development, except as may be varied by Council having regard to the merits of the proposal.
 - ii) Where residential or mixed use development is proposed adjoining public open space reserves, pedestrian/cycle networks or Precincts 1, 2 and 4, a nil setback on these boundaries will be permitted subject to appropriate design treatments which integrate and/or orientate buildings on the site with adjoining uses to the satisfaction of Council.
 - iii) On the triangular parcel of land referred to in Subclause 5.7.4.a)ii), a reduced street setback may be permitted in order to achieve satisfactory design solutions for this site.
- f) Landscaping
 - i) All landscaping within Precinct 3 shall be in conformity with any Policy adopted by Council pursuant to Part 2 of the Scheme.
 - ii) The following specific landscape provision may be required in Precinct 3—
 - as part of any non-residential use of a site, proposed car parking areas to be extensively planted and screened from the street where possible;
 - the landscaping of setback areas between residential and non-residential development; and
 - provision of communal open space areas for higher density development in preference to private open space.
 - iii) Setback areas to non-residential and mixed use development and developments at densities greater than R40 are to be extensively landscaped and encompass formalised pedestrian, community or cycle facilities as determined appropriate by Council.
 - iv) Landscaping areas are to be integrated with formalised pedestrian and cyclist networks.
 - v) Council may require retention and/or enhancement of existing trees and native remnant bushland or wetland areas as part of development proposals. Council may vary other development standards or requirements specified in the Scheme where retention of trees or native remnant vegetation is incorporated into the development.
- g) Car Parking and Access

The number of car parking spaces required will be as specified in Table 1 of the Scheme and the R.Codes but may be reduced—

 - i) for reciprocal mixed use development; or
 - ii) where the site is within 800 metres of the Stirling Rail/Bus Transfer Station.
- h) Pedestrian/Cycle Access
 - i) The provision of pedestrian areas as part of individual development proposals is required to ensure that all Precincts are interlinked and that key nodes of the Centre are accessible by cyclists and pedestrians from Precinct 3 at all times.
 - ii) All development is to provide facilities which attract or provide for pedestrian patronage from the Stirling Rail/Bus Transfer Station.
- i) Relationship to Other Precincts and Development Outside the Scheme Area.
 - i) Development in Precinct 3 will have regard to the existing residential density and character immediately west of the Precinct boundary.
 - ii) Development adjoining the Twyford Place Public Open Space reserve (existing and expanded) will have regard to the reserve's role as an important "peoples space" link between Precincts 1 and 4, and be designed accordingly.
- j) Major Requirements prior to Development Commencement.

No development shall commence until the following has occurred, or arrangements have been made to the satisfaction of the Council for—

 - i) Redistribution of land holdings in the northern portion of the Precinct in accordance with the plan contained in Schedule 7.
 - ii) Sewer extension to service re-development.
 - iii) Payment of any relevant General Costs or Precinct Costs associated with Scheme Works as outlined in the Scheme,

and Council may impose on any development approval a condition prohibiting commencement until written notification to proceed is given to the applicant by the Council.

5.8 Precinct 4: Mixed Use, Office and Entertainment Precinct

5.8.1 Statement of Intent

This Precinct is considered to be a key area in terms of the success of the Stirling Regional Centre and its integration with the Stirling Railway Station.

Currently it comprises largely undeveloped but degraded damplands/wetlands and directly abuts the Stirling Railway Station as delineated on the Scheme Map.

While major scale development in this Precinct is considered essential to ensure the success of the Regional Centre, design of such development should retain key elements of the existing landscape/wetland environment in the north-east corner of the Precinct if practical. Cycleway/pedestrian links are proposed between this Precinct and other Stirling City Centre Precincts, to the residential areas and the Railway Station.

The major land uses within this Precinct will comprise a large high-rise office park with buildings having accessibility and visual exposure to both the station and the freeway. Major car parking areas are proposed to be accessed off the re-aligned Oswald Street and Cedric Street as required. The office towers are recommended up to 12 storeys in height adjoining the Stirling Railway Station.

In association with the office park it is proposed to develop an entertainment/residential node at a lower scale (ie eight storey maximum height) containing uses such as a tavern/brasserie, alfresco restaurants and markets surrounding a central open piazza. Major 'people' attractions such as cinemas and public amusement/leisure centres are considered essential as it is envisaged that this area will be a focus of nightlife activity based on proximity to public transport and pedestrian links; and to the Mitchell Freeway. It will also offer limited support retail facilities for office workers in the office park. A significant provision of residential development both in stand alone and mixed use buildings will be encouraged by Council.

Once again the importance of maintaining a landscaped environment is recognised. However, the scale of the adjoining Stirling Link Road/Mitchell Freeway interchange, as well as the height of the railway station overbridge and the Stirling Link Road embankments, provide opportunities for large scale high rise development which will be separated from residential areas by the re-aligned Oswald Street and pedestrian systems.

Opportunities also exist within this Precinct to develop the surplus road reserve for commercial activities which would offset the cost of the Main Roads WA relocating existing embankments.

South of the proposed road under the Stirling Link Road, a triangular parcel of land will be created of approximately one hectare in area. This would be available for development and would be suitable for a facility providing accommodation for business persons. This would have good regional accessibility and visual exposure to the Stirling Link Road and the railway/transfer station.

One of the specific objectives of the Scheme is to facilitate the re-subdivision of land holdings so as to create new allotments based on a re-distribution of land brought about by Scheme requirements, the identification of surplus land and the extent of reservation requirements for road purposes.

Schedule 7 sets out a recommended landholding rationalisation which will be implemented by the Council as part of the implementation of the Scheme.

5.8.2 Preferred Uses

These are the "Preferred Uses"—

- Shop
- Office
- Office Professional
- Cinema/Theatre
- Betting Agency
- Service Station
- Car Park
- Hotel
- Restaurant
- Market
- Motel
- Research and Development
- Establishment
- Recreation Facilities
- Consulting Room
- Multiple Dwelling
- Grouped Dwelling
- Amusement Area
- Serviced Apartments
- Boarding House
- Tavern
- Fast Food Outlet
- Public Amusement
- Entertainment Venue

5.8.3 Contemplated Uses

These are the "Contemplated Uses"—

- Educational Establishment
- Community Activities
- Public Open Space
- Club Premises
- Day Care Centre
- Hostel
- Public Utility
- Retirement Village
- Advertisement
- Civic Use
- Hall
- Public Worship—Place of
- Garden Centre

5.8.4 Development Criteria

- a) Height, Scale and Density of Buildings
 - i) Office development with residential components is to be within landmark tower buildings of up to 12 storeys in height.
 - ii) The entertainment/residential node is to be of a lower scale of up to eight storeys.
 - iii) The business hotel and car parking station will be confined to a five storey height limit unless Council approves otherwise.
 - iv) Any other buildings on sites containing highrise structures shall be "wall type buildings" up to three storeys in height. Such buildings shall interface at ground level by encircling car parks and civic and pedestrian spaces.
 - v) Linkages between buildings in the Precinct and across to the Railway Station shall be incorporated into design proposals to Council's satisfaction.
 - vi) Landscaping and architectural elements are to be incorporated into individual designs to reduce the scale of and integrate development within the Precinct and ensure a high level of civic and urban amenity for future residents and pedestrians within the Precinct.
- b) Appearance and Orientation
 - i) Individual developments within the Precinct shall reflect a consistent and high quality of architecture and re-inforce visually and physically at-ground and vertical linkages. An Outline Development Plan for the whole Precinct is required prior to approval of development on any one site.
 - ii) All buildings over five storeys are to incorporate facade treatments orientated toward the Stirling Rail/Bus Transfer Station and Mitchell Freeway but also address in an urban design context the remainder of the Scheme Area and major streets within the Regional Centre.
 - iii) Residential components of commercial development shall be designed to minimise overlooking of existing residential development.
 - iv) Car parking station/s shall be designed as far as possible to be unobtrusive components of the Regional Centre situated so as not to detract from visual exposure of key landmark buildings to major transport networks. Appropriate facade and landscaping treatments to screen the parking decks may be required.
 - v) Residential development is to be an integral component of all development proposals in the Precinct. Council would prefer all high rise buildings to include a residential component.
 - vi) Residential components of commercial buildings shall have appropriate access to open space and pedestrian networks.
- c) Function
 - i) Buildings shall be designed and situated so as to create an identifiable north-east/south-west civic/pedestrian axis which links physically and visually the Rail/Bus Transfer Station and the retail components of Precinct 1 through Precinct 4.
 - ii) Except for office support activities retail facilities will be precluded from office towers. Residential, private/public recreational and community facilities may be incorporated in office towers.
 - iii) The entertainment node shall include cultural and recreational facilities such as taverns, cafes, restaurants, theatres and galleries. Development within this node at ground, podium and above-ground levels is to encourage pedestrian flow and civic gathering spaces at night-time and on the weekends (ie. outside traditional retailing hours). Retailing facilities will be limited to office support activities (such as lunch bars) at the discretion of Council. This node is to be functionally linked to the business hotel, Stirling Rail/Bus Transfer Station, Twyford Place Public Open Space reserve and Precinct 1 commercial development.
 - iv) Staged approvals and development will be permitted subject to prior adoption of an Outline Development Plan for the Precinct.
- d) Floor Area, Plot Ratio, Site Cover and Density for Non-residential or Partially Non-residential Development
 - i) Floor areas are limited by the requirement that all carparking associated with the development is accommodated on-site.
 - ii) The permitted plot ratio is 2.5. Council may increase the plot ratio to 5.0 for a comprehensively designed "office tower" development including landmark point building(s) clearly visible from the Freeway and an "urban square" on the pedestrian axis near the Transfer Station.
 - iii) Unless otherwise approved by Council, the site cover for the office towers development is limited to 30% of the total site. The balance of the site is to be extensively landscaped and/or developed for publicly accessible civic space.
 - iv) Council may grant a plot ratio concession of .5 above the plot ratios mentioned above provided that the excess floor area is dedicated to residential uses or community activities.

e) Setbacks

i) For office development

<u>Height</u>	<u>To Cedric/Oswald Street and other streets¹</u>	<u>To Freeway Reserve²</u>
<5 storeys	10m	Nil
5-10 storeys	20m	Nil
>10 storeys	As determined by Council but not less than the 5-10 storey requirement.	

FOOTNOTES: 1 For corner sites, setbacks to the secondary street may be reduced by 50%.

2 Subject to the concurrence of Main Roads WA and Westrail.

ii) Setbacks for residential development shall be as set out in the R.Codes but may be reduced to nil adjoining the Freeway reserve subject to Main Roads WA concurrence.

iii) All setback areas to high rise development are to be extensively landscaped and encompass formalised pedestrian, community, civic or cycle facilities as determined appropriate by Council.

f) Landscaping

i) All landscaping within Precinct 4 shall be in conformity with any Policy adopted pursuant to Part 2 of the Scheme.

ii) Council may require the following specific landscape provision in Precinct 4—

- as part of commercial development (including entertainment and hotel facilities) open air car parking areas to be extensively planted;
- decked parking stations to be screened and landscaped elements provided to each decked level—
- an avenue of trees to be planted along the re-aligned Oswald Street;
- a minimum 15 metre wide landscaping area containing pedestrian/cycle facilities to the satisfaction of Council to be provided between residential boundaries in Precinct 3 and non-residential building/s.
- Council may require the additional landscaping of setback areas between residential and non-residential development and to the street.

iii) Council may require retention and/or enhancement of existing trees and native remnant bushland or wetland areas as part of development proposals. Council may vary other development standards or requirements specified in the Scheme where retention of trees or native remnant bushland is incorporated into the development.

g) Car Parking and Access

i) The number of car parking spaces required will be as specified in Table 1 of the Scheme. Council will however require that a minimum of 50% of the car parking associated with commercial or mixed commercial/residential developments shall be provided in undercroft parking or a decked car parking station or by way of Parking Contribution to Council to enable Council to construct car parking in the vicinity.

ii) Extensive areas of open air car parking to service Precinct 4 development will not be favoured.

iii) Vehicular access to all major car parking areas shall generally be confined to Oswald Street (re-aligned) and the Stirling Link Road underpass. Only limited access will be permitted from Cedric Street with the concurrence of Main Roads WA.

h) Pedestrian/Cycle Access

i) The provision of pedestrian areas as part of individual development proposals is required to ensure that all Precincts are interlinked and that key nodes of the Centre are accessible by cyclists and pedestrians at all times.

ii) Within any commercial development, facilities and buildings are to be located and designed to attract or provide for pedestrian patronage, and flow through.

iii) Landscaping and car parking areas are to be integrated with pedestrian and cyclist networks.

i) Relationship to Other Precincts and Development Outside the Scheme Area.

i) Landscaping, cycle and pedestrian facilities in Precinct 4 will link with proposals and landscaped cycle/pedestrian networks in Precincts 1, 3 and 5.

ii) The use and civic treatment of the Twyford Place Public Open Space reserve (existing and expanded) in Precinct 1 will form an important "peoples space" link between Precincts 1 and 4.

j) Major Requirements Prior to Development Commencement

No development shall commence until the following has occurred or arrangements have been made to the satisfaction of the Council for—

i) Re-alignment and construction of Oswald Street.

ii) Redistribution of land holdings in the precinct in accordance with the plan contained in Schedule 7.

- iii) Determination of locations for car parking station/s within the Precinct and Parking Contribution levels.
 - iv) The development of an Outline Development Plan for the Precinct.
 - v) Satisfactory arrangements and environmental approval for peat removal and development of remnant wetland areas within and outside the Precinct.
 - vi) Sewer extension to service the development
 - vii) Payment of any relevant General Costs or Precinct Costs associated with Scheme Works as outlined in the Scheme.
 - viii) The replacement of the Cedric Street wetland within the Scheme Area or elsewhere, should such replacement be required.
- and Council may impose on any development approval a condition prohibiting commencement until written notification to proceed is given to the applicant by the Council.

5.9 Precinct 5 : Wetland and Recreation Precinct

The provisions of Clause 5.9 shall apply only in the event that the Cedric Street wetlands are required to be relocated within Precinct 5. If the Cedric Street wetlands are not required to be replaced or if it is agreed by the relevant decision making authorities that the wetlands can be relocated elsewhere, then the provisions of Clause 5.9A shall apply.

5.9.1 Statement of Intent

Between the Oswald Street realignment and the Stirling Link Road it is proposed that a landscaped open space system incorporating relocated wetlands be developed. This system would contain pedestrian/cycle paths, incorporate the proposed drainage system to service the area and perform the replacement wetland function for the wetland area in Precincts 1 and 4 in the form of an interconnecting lake/wetland facility. The Precinct is delineated on the Scheme Map.

Excluding the Western Power substation compound, all of the land situated east and south of the proposed realigned Oswald Street to the Stirling Link Road reservation would be utilised for this purpose. Furthermore the public open space area adjoining existing residential development in Twyford and Staveley Places in Precinct 1 will be designed as an integral part of this public open space system.

5.9.2 Preferred Uses

These are the "Preferred Uses"—

- Public Open Space
- Public Utilities

5.9.3 Contemplated Uses

These are the "Contemplated Uses"—

- Community Activities
- Recreation Facilities
- Civic Use

5.9.4 Development Criteria

a) Built Form

No buildings, other than the existing Western Power substation and ancillary structures associated with the environmental/recreational use of the Precinct will be permitted.

b) Function

The wetlands in this Precinct are functionally to replace wetland habitats lost elsewhere in the Scheme Area. Development of pedestrian or cycle networks, or recreational or other similar facilities, shall not compromise the environmental function of the created wetland environment.

c) Landscaping

All landscaping shall be of local native species and type which complements the wetland environment. Manicured lawns and exotic species will not be permitted except where necessary to enhance the aesthetic and civic qualities of the Scheme Area.

d) Car Parking and Access

Vehicular access to the Precinct will not be permitted other than retention of access between Scarborough Beach Road and the Western Power substation.

e) Pedestrian/Cycle Access

Limited pedestrian/cycle facilities will be provided in the Precinct to assist integrated networks within the Regional Centre without compromising the environmental objectives of the Precinct.

f) Relationship to Other Precincts and Development Outside the Scheme Area

- i) Precinct 5 will accommodate the major environmental and drainage features of the Regional Centre. The wetland's drainage system in particular will be functionally and physically integrated with drainage systems elsewhere within and adjoining the Scheme Area and the Public Open Space reserve in Precinct 1.
- ii) Precinct 5 will provide the major environmental and drainage focus of the Centre and will act as a natural informal entry statement or backdrop to the major scale built form components of the Centre.

5.9.5 In the event that the relocated wetland does not occupy the whole of Precinct 5, then the provisions of Clause 5.9A shall apply to the portion of the Precinct not occupied by the relocated wetlands.

5.9A Precinct 5: Oswald Street Community and Residential Precinct

The provisions of Clause 5.9A shall apply only in the event that the Cedric Street wetlands are not required to be relocated within Precinct 5.

5.9A.1 Statement of Intent

This Precinct delineated on the Scheme Map encompasses the land between the realigned Oswald Street and the Stirling Link Road. It includes a Western Power sub-station fronting Scarborough Beach Road. It is intended that the Precinct will be used for community activities and facilities and for medium density residential development.

5.9A.2 Preferred Uses

These are the "Preferred Uses"—

- Community Activities
- Day Care Centre
- Civic Use
- Multiple Dwelling
- Public Utility
- Grouped Dwelling

5.9A.3 Contemplated Uses

These are the "Contemplated Uses"—

- Public Open Space
- Dwellings
- Service Apartments

5.9A.4 Development Criteria

a) Residential Development

Residential development shall be permitted to a density of R60.

b) Outline Development Plan

An Outline Development Plan for the Precinct is required prior to the approval of any development. The Outline Development Plan shall address the following, related to the Precinct's location between the future elevated Stirling Link Road and the City Centre's retail core—

- i) Height, Scale and Density of Buildings.
- ii) Appearance and Orientation of the various building components.
- iii) Setbacks from Oswald Street and the Stirling Link Road.
- iv) Car Parking and Access.
- v) Pedestrian and Cycle Access, including links to other Precincts.
- vi) Landscaping.

c) Landscaping

- i) All landscaping in Precinct 5 shall be in conformity with any Policy adopted pursuant to Part 2 of the Scheme.
- ii) Council may require the following specific landscape provisions in Precinct 5—
 - as part of community or civic development, open air car parking areas to be extensively planted.
 - any decked parking stations to be screened, and landscaped elements provided to each decked level.
- iii) Retention and/or enhancement of existing trees and native remnant bushland or wetland areas may be required as part of development proposals. Council may vary development standards or requirements specified elsewhere in the Scheme where retention of existing trees or native remnant vegetation is incorporated into the development.

d) Relationship to Other Precincts and Development Outside the Scheme Area

- i) Development should have regard to the form of redevelopment and/or expansion of the Innaloo Shopping Centre in Precinct 1.
- ii) Landscaping, cycle and pedestrian facilities in Precinct 5 should link with similar facilities in Precinct 1.

e) Major Requirements Prior to Development Commencement

No development shall commence until the following has occurred or arrangements have been made to the satisfaction of the Council for—

- i) Realignment and construction of Oswald Street.
- ii) Satisfactory arrangements and environmental approval for peat removal.
- iii) Sewer extension to service the development.
- iv) Payment of any relevant General Costs or Precinct Costs associated with Scheme Works as outlined in the Scheme.

and Council may impose on any development approval, a condition prohibiting commencement until written notification to proceed is given to the applicant by Council.

5.10 Precinct 6 : Mixed Use/Service Commercial Ewen Street Precinct

5.10.1 Statement of Intent

This Precinct is delineated on the Scheme Map and includes the properties fronting Scarborough Beach Road which will be affected by the realignment of Scarborough Beach Road and Odin Road extension. Once the realignment is effected, opportunities will exist for Council to discuss with owners appropriate resubdivision of the land to facilitate development adjoining the Scarborough Beach Road/Ewen Street and Scarborough Beach Road/Odin Road intersections.

Schedule 7 details a subdivision redesign for discussions with adjacent owners once the Scarborough Beach Road realignment has been completed. Future access points to Scarborough Beach Road, Odin Road and Ewen Street will be restricted and Council will encourage integrated redevelopment for service commercial and office activities on pre-determined sites in accordance with Schedule 7.

Given the improved access to and visibility of the lots created in this location, potential exists for fast food outlets to be developed with coordinated access and parking arrangements as part of future service commercial development in this Precinct.

5.10.2 Preferred Uses

These are the "Preferred Uses"—

- Office
- Car Park
- Medical Centre
- Betting Agency
- Consulting Rooms
- Office Professional
- Fast Food Outlet
- Restaurant
- Showroom
- Service Station
- Automatic Car Wash
- Laundromat
- Grouped Dwelling
- Hostel
- Serviced Apartments
- Boarding House
- Retirement Village
- Day Care Centre
- Civic Use
- Public Worship—Place Of
- Veterinary Clinic

5.10.3 Contemplated Uses

These are the "Contemplated Uses"—

- Public Utility
- Institutional Building
- Funeral Parlour

5.10.4 Development Criteria

a) Height, Scale and Density of Buildings

Development within the Precinct shall be limited to two storeys, and shall be of a scale and design commensurate with the site's proximity to nearby residential development.

b) Appearance and Orientation

- i) Non-residential development on sites fronting Scarborough Beach Road shall be orientated to Scarborough Beach Road. Extensive landscaping areas shall be provided where such sites also adjoin residential properties.
- ii) Development of sites fronting existing residential development shall have regard to the existing residential streetscape and amenity.

c) Function

Notwithstanding the Preferred Uses, sites created by the re-alignment of Scarborough Beach Road, Odin Road and Ewen Street are to be developed predominantly for commercial, office and residential purposes.

d) Floor Area, Plot Ratio and Site Cover for Mixed Use or Non-residential Development

- i) Non-residential development shall be restricted in site cover to the extent necessary to enable provision of on-site car parking and landscaping buffers to residential development where appropriate. Undercroft parking will be preferred.
- ii) Floor areas will be limited where necessary so that all car parking associated with development can be accommodated on-site.
- iii) The permitted plot ratio is 1.0. The plot ratio may be increased to a maximum of 2.0 provided that not less than 50% of the excess floor area is dedicated to residential use or community activities.

e) Setbacks

- i) Side setbacks between commercial developments will not be required where development is integrated and physically linked on adjoining sites fronting Scarborough Beach Road. Other setbacks for non-residential buildings shall be as follows—

<u>To Street</u> ¹	<u>To Residential Boundaries</u> ²
20 metres	10 metres

FOOTNOTE: 1 For corner sites, the setback to the secondary street can be reduced to ten metres.

2 Council may reduce this setback to five metres where extensive landscaping is provided, the development is single storey only or the development incorporates a residential component which abuts the residential property boundary.

ii) Setback areas to residential development and for non-residential development fronting Ewen Street, Wotan Street or Bowra Avenue are to be extensively landscaped and encompass formalised pedestrian/cycle facilities as determined appropriate by Council.

f) Landscaping

i) All landscaping within Precinct 6 shall be in conformity with any Policy adopted pursuant to Part 2 of the Scheme.

ii) Council may require the following specific landscape provisions in Precinct 6—

- as part of commercial development or expansion, existing and proposed open air parking areas to be extensively planted;
- a minimum 5 metre wide landscaping area containing pedestrian/cycle facilities to the satisfaction of Council to be provided between existing residential development and non-residential building/s; and
- setback areas between residential and non-residential development and to streets to be extensively landscaped.

iii) Council may require retention and/or enhancement of existing trees and native remnant bushland as part of development proposals. Council may vary development standards and requirements specified in the Scheme where retention of trees or native remnant bushland is incorporated into the development.

g) Car Parking and Access

i) The number of car parking spaces required will be as specified in Table 1 of the Scheme and will be provided on site except where a reciprocal parking allowance is granted by Council for adjoining sites.

ii) Development of isolated car parking areas to service Precinct 6 sites will be discouraged. Adjoining and linked car parks with reciprocal access and parking across sites is preferred.

iii) Vehicular access to new commercial car parking areas shall not be from Scarborough Beach Road except where Council is of the opinion that such access is warranted and can be safely accommodated. Future car parks shall be linked to existing car parking areas in the Precinct where possible.

iv) Access to specific sites fronting Scarborough Beach Road, Odin Road and Ewen Street may be restricted following road rationalisation in accordance with re-subdivision and landholding rationalisation as outlined in Schedule 7.

h) Pedestrian/Cycle Access

The provision of pedestrian areas as part of individual development proposals is required to ensure that this Precinct is linked with other Precincts.

i) Relationship to Other Precincts and Development Outside the Scheme Area

- landscaping, cycle and pedestrian facilities in Precinct 6 will be required to link with landscaped cycle/pedestrian networks in Precincts 2 and 7 to the east.
- development will have particular regard to the existing residential density and character outside the Scheme Area.

j) Major Requirements Prior to Development Commencement

No development shall commence until the following has occurred or arrangements have been made to the satisfaction of the Council for—

- i) Closure of surplus Scarborough Beach Road reserves and relocation of existing services from these reserves.
- ii) Redistribution of land holdings in the Precinct, in agreement with adjacent landowners, in accordance with the plan contained in Schedule 7.
- iii) Sewer extension to service the development.
- iv) Rationalisation of access and parking for development of sites fronting Scarborough Beach Road, Odin Road and Ewen street.
- v) Submission of Concept Plans for the Precinct in accordance with Schedule 7 and iii) and v) above.
- vi) Payment of any relevant General Costs or Precinct Costs associated with Scheme Works as outlined in the Scheme.

and Council may impose on any development approval a condition prohibiting commencement until written notification to proceed is given to the applicant by the Council.

5.10.5 Closure of Portions of Scarborough Beach Road Reserve

The Council has acquired lands for the re-alignmnet of Scarborough Beach Road in the vicinity of Precinct 6. Existing dedicated road reserve is available for development if approval from the Minister

for Lands to the closure of any such portion of road reserve is received. Schedule 7 indicates these land resubdivision proposals.

- a) With respect to the landholdings to be extended as a result of the realignment of Scarborough Beach Road, as depicted on Schedule 7—Schedule Map 2, Council shall not initiate closure of any part of the current road reserve until such time as agreements for disposal have been reached with owners of adjoining land and those owners request closure.
- b) With respect to the new development site intended to be created adjacent to Lot 15, Ewen Street, the registered proprietor of Lot 15 shall have the first right of refusal to acquire the new development site if and when approval to create the site from closed portions of road reserve is forthcoming from the Minister for Lands. Such right of acquisition shall be on the basis that within three months of gazettal of the Scheme, the registered proprietor of Lot 15 shall either (i) make an offer to purchase the site at a price and terms accepted by the Minister for Lands, upon the advice of the Council, or (ii) elect to have the matter of the price, valuation methodology or terms of purchase determined by arbitration pursuant to the Commercial Arbitration Act 1985. Once a price and conditions of sale have been determined pursuant to (i) or (ii) above, the registered proprietor of Lot 15 shall have 3 months within which to settle the purchase of the land provided a Certificate of Title for the sale has been created, otherwise the first right of refusal shall expire.

5.11 Precinct 7: Mixed Use/Entertainment Scarborough Beach Road Precinct

5.11.1 Statement of Intent

This Precinct delineated on the Scheme Map encompasses the restaurants/fast food outlets fronting Scarborough Beach Road and adjoining the Greater Union Cinema complex. It is characterised by a variety of development on individual sites.

It is proposed to provide a new link road in the northern portion of the Greater Union site in Precinct 8 to encourage development such as restaurants to face an internal plaza or courtyard with car parking, access and servicing primarily from Scarborough Beach Road and the new access road. This will encourage night-time activity, with pedestrian links between the restaurants and the cinema complex. Design of future development will need to have regard to integration with a possible pedestrian overpass across Scarborough Beach Road connecting this Precinct with other Precincts to the north.

Fast food outlets should be permitted to develop with orientation to, and access from, Scarborough Beach Road (with Liege Street and secondary roads providing alternative access where possible). However, such development should avoid the need for multiple access points and conform with overall development objectives for the Precinct.

5.11.2 Preferred Uses

These are the “Preferred Uses”—

- Entertainment Venue
- Car Park
- Restaurant
- Fast Food Outlet
- Boarding House
- Market
- Betting Agency
- Multiple Dwelling
- Grouped Dwelling
- Amusement Area
- Serviced Apartments
- Public Amusement
- Restricted Premises
- Tavern

5.11.3 Contemplated Uses

These are the “Contemplated Uses”—

- Public Utility
- Club Premises
- Office
- Public Open Space
- Laundromat

5.11.4 Development Criteria

- a) Height, Scale and Density of Buildings
 - i) Development shall generally comprise a maximum of two storeys, although mixed use buildings incorporating residential dwellings may exceed this height limit at Council’s discretion.
 - ii) The scale of development shall be designed to encourage pedestrian use of outside courtyard areas without overshadowing or built form domination.
 - iii) Buildings shall be designed and situated having regard to proposals for a pedestrian overpass across Scarborough Beach Road, southern extension of Odin Road and the possibility of linking to a future decked parking station in the adjoining Precinct 8 to the south.
- b) Appearance and Orientation
 - i) Buildings shall be designed around a central plaza but also present an attractive facade to Scarborough Beach Road and the Greater Union Cinema complex and link development in the Precinct with Liege Street.
 - ii) Developers may be required to contribute to the creation of civic and pedestrian spaces central to the Precinct in lieu of landscaping in setback areas.
 - iii) Individual building signage is to comprise illuminated signage and lighting in a coordinated location within the Precinct which encourages an attractive night-time focus and link to the cinema complex.

- iv) Fast food outlets may be free-standing and orientated towards, and have controlled access from, Scarborough Beach Road.
- c) Function
 - i) Development is to provide for a variety of night-time activities, including eating facilities in an attractive and accessible pedestrian/streetscape setting.
 - ii) In order to encourage development which focuses on a centralised courtyard, car parking will be confined to the eastern and northern periphery of the site accessed via a new road provided from Liege Street and the extended Odin Road (refer Schedule 7). This will minimise future access from Scarborough Beach Road and restrict unco-ordinated and fragmented car parking and pedestrian links.
- d) Floor Area, Plot Ratio and Site Cover for Mixed Use or Non-residential Development
 - i) Council may require that the first ten metres of the rear of sites fronting Scarborough Beach Road and the new link road not be built upon but be set aside as part of the Precinct's civic space. Council may however permit use of part of these areas for outdoor dining and seating associated with restaurant premises.
 - ii) The balance of the site may be developed for buildings and Council will determine whether car parking is to be provided in an appropriate location on the site which is peripheral to the main development or be provided as a Parking Contribution for development of a parking station in the adjoining Precinct 8, and advise the applicant accordingly.
 - iii) Use of ground floor verandahs and first floor balconies for external dining facilities will be permitted.
 - iv) The permitted plot ratio is 1.0. The plot ratio may be increased to a maximum of 2.0 provided that not less than 50% of the excess floor area is dedicated to residential use or community activities.
- e) Setbacks
 - i) Other than for free-standing fast food outlets, side setbacks are not required. The continuation of architectural style and building lines over adjoining sites is preferred.
 - ii) Rear setbacks shall be determined by Council to encourage the "rear" of sites to be the major civic and pedestrian focus of the Precinct.
 - iii) Front setbacks for free-standing fast food outlets shall be nine metres. Side and rear setbacks shall be as determined by Council.
 - iv) Setbacks from Scarborough Beach Road, Odin Road (extension) and Liege Street shall be 20 metres to enable development of landscaped car parking and access within this setback. Setbacks for corner sites may be reduced to ten metres to one of these roads.
- f) Landscaping
 - i) Landscaping within Precinct 7 shall be in conformity with any Policy approved pursuant to Part 2 of the Scheme.
 - ii) Council may require the following specific landscape provision in Precinct 7—
 - as part of any mixed use or commercial development open air car parking areas to be extensively planted;
 - a minimum 5 metre wide landscaping area containing pedestrian/cycle facilities to the satisfaction of Council to be provided between existing residential development and non-residential building/s; and
 - landscaping for rear setback areas may be required as part of the development's contribution to creation of an attractive central civic focus for the Precinct.
 - iii) Council may require retention and/or enhancement of existing trees and native remnant bushland as part of development proposals. Council may vary other development standards and requirements specified in the Scheme where retention of existing trees or native remnant vegetation is incorporated into the development.
- g) Car Parking and Access
 - i) The number of car parking spaces required will be as specified in Table 1 of the Scheme. Council will discourage the provision of small isolated site specific car parks. Parking Contributions to develop car parks peripheral to development or in adjoining Precinct car parking stations may be required by Council.
 - ii) Council may permit reciprocal car parking allowances depending on the nature of development in the Precinct.
- h) Pedestrian/Cycle Access
 - i) The provision of pedestrian areas as part of individual development proposals is required to ensure that this Precinct is interlinked with other Precincts and developed civic spaces are usable by pedestrians at all times. In particular, development will be designed having regard to pedestrian linkages (existing and proposed) across Scarborough Beach Road.
 - ii) Landscaping areas are to be integrated with pedestrian and cyclist networks.
- i) Relationship to Other Precincts and Development Outside the Scheme Area
 - i) Redevelopment or development of individual sites shall not restrict the continued operation of the existing cinema complex in Precinct 8.
 - ii) Landscaping, cycle and pedestrian facilities in Precinct 7 will be required to link with similar networks in Precinct 1 and 2 to the north across Scarborough Beach Road, Precinct 8 to the south and Precinct 9 to the east across Liege Street.

- iii) Development in the western parts of Precinct 7 will have regard to the existing residential density and character outside the Scheme Area to the south-west.
- j) Major Requirements Prior to Development Commencement

No development shall commence until the following has occurred or arrangements have been made to the satisfaction of the Council for—

- i) Re-alignment and reconstruction of Scarborough Beach Road and extension of Odin Road.
- ii) Rationalisation of land holdings in the Precinct, in agreement with adjacent landowners, following road re-alignment in accordance with the plan contained in Schedule 7.
- iii) Sewer extension to service the development.
- iv) Satisfactory rationalisation of access, loading/unloading facilities and car parking to service existing and future development in Precincts 7 and 8, as deemed appropriate by Council, and in accordance with Schedule 7 and ii) above.
- v) Submission of a concept plan for development of the Precinct to accommodate the southern extension of Odin Road in accordance with Schedule 7.
- vi) Payment of any relevant General Costs or Precinct Costs associated with Scheme Works as outlined in the Scheme,

and Council may impose on any development approval a condition prohibiting commencement until written notification to proceed is given to the applicant by the Council.

5.11.5 Closure of Portion of Scarborough Beach Road Reserve

The Council has acquired lands for the re-alignment of Scarborough Beach Road in the vicinity of Precinct 7. Existing dedicated road reserve is available for development if approval from the Minister for Lands to the closure of any such portion of road reserve is received. Schedule 7 indicates these land resubdivision proposals.

With respect to the landholdings to be extended as a result of the realignment of Scarborough Beach Road, as depicted on Schedule 7—Schedule Map 2, Council shall not initiate closure of any part of the current road reserve until such time as agreements for disposal have been reached with owners of adjoining land and those owners request closure.

5.12 Precinct 8 : Entertainment and Residential Precinct

5.12.1 Statement of Intent

This precinct delineated on the Scheme Map comprises the Greater Union site and includes the existing cinema complex and the Metro Drive-In site.

It is proposed to provide a new link road in the northern portion of the Precinct to encourage development such as restaurants to face an internal plaza or courtyard with car parking, access and servicing primarily from Scarborough Beach Road and the new access road.

Although entertainment facilities will be encouraged in close proximity to the Stirling Railway Station, the existing cinema complex and restaurant areas can capitalise on improved vehicular accessibility and exposure.

It is the intention to promote Precinct 8 as a viable entertainment and restaurant precinct and to allow development that complements these uses. This will ensure that the Centre has two operative entertainment precincts which will have a regional significance.

Council will encourage a portion of the Greater Union site to be developed for Residential R40 use.

5.12.2 Preferred Uses

These are the "Preferred Uses"—

- Cinema/Theatre
- Hall
- Amusement Area
- Car Park
- Restaurant
- Public Amusement
- Grouped Dwelling
- Retirement Village

5.12.3 Contemplated Uses

These are the "Contemplated Uses"—

- Entertainment Venue
- Recreation Facilities
- Club Premises
- Serviced Apartments
- Public Utility

5.12.4 Development Criteria

a) Height, Scale and Density of Buildings

- i) Commercial expansion shall be restricted to the height of the existing building and be in keeping with the scale and character of surrounding development.
- ii) Decked parking stations shall be restricted to the height of the existing cinema complex. Stations shall be designed to minimise impact on residential development to the west and south.
- iii) Residential development shall not exceed a density of R40. Up to 60 new dwellings can be accommodated in the Precinct but shall be designed having regard to the character, style and amenity of adjoining residential development to the south and west. Council will prefer designs comprising a mixture of single and two storey dwellings with two storey structures confined to the site's eastern and northern boundaries and single storey villas with extensive landscaping and open space areas in the southern and western parts of the development.

- b) Appearance and Orientation
- i) No major changes to the external appearance of the cinema building are envisaged. However, Council may encourage improvements to the exterior foyer and front car parking areas to continue planting and paving themes undertaken as part of streetscape works. This is to encourage pedestrian flows to Precinct 9 (across Liege Street) and Precinct 7 to the north.
 - ii) Attractive entry statements (including paving and landscaping) will be required as part of the new access road developed off Liege Street to service Precincts 7 and 8.
 - iii) A site for a new decked parking station in the north-western corner of the Precinct is to be determined by Council in consultation with the owners. The structure itself will be designed and situated so as to minimise impact on adjoining residential development existing outside the Scheme Area and future group housing to the south.
- c) Function
- i) Development of the northern and eastern portion of the Precinct should be of a commercial (entertainment) nature. This part of the Precinct is to be visually and physically linked via pedestrian networks and car parks with complementary cultural and entertainment facilities in the Precincts to the north and east, and across Liege Street. Development and car parking is to be centred around and accessed off a new road linking Precincts 7 and 8 via the northern portion of Liege Street to Scarborough Beach Road.
 - ii) The south-western part of the Precinct is to function as a predominantly residential area. Pedestrian links to the entertainment facilities will be encouraged. However, design features such as screen fencing and extensive landscaping may be required as buffer treatment between the two distinctly different land uses within the Precinct.
- d) Floor Area, Plot Ratio and Site Cover for Non-residential and Partially Non-residential Development
- i) Site cover for non-residential development will be determined on the basis of ensuring adequate on-site parking, provision of external civic/community spaces, pedestrian/cycle networks and adequate landscaping buffers to existing and future residential areas.
 - ii) Floor areas will be limited where necessary so that all car parking associated with development can be accommodated on site.
 - iii) The maximum plot ratio shall be as determined by Council, having regard to the matters mentioned in Clause 5.12.4. d) ii).
- e) Setbacks
- i) Council will require non-residential development to be set back ten metres from all roads. This setback may be reduced at the discretion of Council for corner sites to five metres to the secondary road. Council may also consider reducing the setback to Liege Street where Council is satisfied that development involves a use or works within the front setback area which would complement streetscape works in Liege Street, where the development is designed to encourage pedestrian activities.
 - ii) All non-residential buildings (including parking stations) shall be set back ten metres from existing or designated residential boundaries, and that setback area shall be predominantly used for pedestrian/cycle facilities and/or landscaping.
- f) Landscaping
- i) All landscaping within Precinct 8 shall be in conformity with any Policy adopted pursuant to Part 2 of the Scheme.
 - ii) Council may require the following specific landscape provision in Precinct 8—
 - as part of additional commercial development, existing and proposed open air car parking areas to be extensively planted;
 - decked parking stations to be screened and landscaped elements provided to each decked level, particularly to the western and southern facades;
 - a minimum 5 metre wide landscaping area containing pedestrian/cycle facilities to the satisfaction of Council to be provided between existing residential development and non-residential building/s; and
 - additional landscaping may be required in setback areas between residential and non-residential development.
 - iii) Council may require retention and/or enhancement of existing trees and native remnant bushland as part of development proposals. Council may vary development standards or requirements specified in the Scheme where retention of trees or existing native remnant bushland is incorporated into the development.
- g) Car Parking and Access
- i) The number of car parking spaces required will be as specified in Table 1 of the Scheme. A minimum of 50% of the car parking associated with commercial or mixed commercial/residential developments shall be provided in a decked car parking station.
 - ii) Extensive areas of open air car parking in Precinct 8 will not be supported and the extent of existing parking areas within the Precinct is to be reduced in any future development.
- h) Pedestrian/Cycle Access
- i) The provision of pedestrian areas as part of individual development proposals is required to ensure that all Precincts are interlinked and that key nodes of the Centre are accessible by cyclists and pedestrians at all times.

- ii) Landscaping and car parking areas shall be integrated with pedestrian and cyclist networks.
- i) Relationship to Other Precincts and Development Outside the Scheme Area
 - i) Landscaping, cycle and pedestrian facilities in Precinct 8 will link with landscaped cycle/pedestrian networks in Precincts 7 and 9.
 - ii) Development in the north-western corner of Precinct 8 is to have regard to the close proximity of existing or future residential development.
- j) Major Requirements Prior to Development Commencement

No development shall commence until the following has occurred or arrangements have been made to the satisfaction of the Council for—

 - i) Construction of new access roads from Liege Street and Scarborough Beach Road to service the Precinct.
 - ii) Determination of locations for car parking station/s within the Precinct.
 - iii) Sewer extension to service the development
 - iv) Designation of the extent and location of the site to be set aside for group housing development within the Precinct.
 - v) Payment of any relevant General Costs or Precinct Costs associated with Scheme Works as outlined in the Scheme,

and Council may impose on any development approval a condition prohibiting commencement until written notification to proceed is given to the applicant by the Council.

5.13 Precinct 9: Mixed Use/Service Commercial Nookanburra Precinct

5.13.1 Statement of Intent

This Precinct delineated on the Scheme Map comprises the Nookanburra Hotel. The possibility for streetscape improvements in Liege Street could provide the opportunity to integrate uses and developments in Precincts 8 and 9.

Redevelopment of the existing hotel to accommodate a tavern, liquor store and al fresco restaurants with orientation and pedestrian links via Liege Street to the cinemas is desirable, and the provision of a new access road is favoured linking Precincts 6, 7, 8 and 9 exiting onto Scarborough Beach Road at the junction of that road with the realigned Oswald Street.

The eastern portion of the site adjoining the Stirling Link Road would provide good visual exposure to the Stirling Link Road and Scarborough Beach Road and would therefore be well situated for fast food premises. Car parking and access should be from the new road and be situated at the rear of the fast food outlets/tavern complex (ie in the south-eastern corner of the Precinct).

Development shall have regard to the close proximity of the adjoining retirement centre and be planned so as to minimise the impact of development on the residents.

5.13.2 Preferred Uses

These are the "Preferred Uses"—

- Hotel
- Motel
- Tavern
- Fast Food Outlet
- Restaurant
- Car Park
- Public Amusement
- Service Station
- Betting Agency
- Club Premises
- Serviced Apartments
- Retirement Village
- Amusement Area
- Automatic Car Wash

5.13.3 Contemplated Uses

These are the "Contemplated Uses"—

- Public Open Space
- Public Utility
- Recreation Facilities
- Market
- Dwelling
- Grouped Dwelling

5.13.4 Development Criteria

a) Height, Scale and Density of Buildings

The height and scale of any redevelopment is not to exceed that of the cinema complex in the adjoining Precinct 8 unless Council is satisfied that the development will not have an adverse impact on the Parklands Retirement Village to the south.

b) Appearance and Orientation

- i) The redevelopment of the Nookanburra Hotel is to be in a manner which maximises visual exposure to vehicles on Scarborough Beach Road. Such development shall also enhance and encourage the development of pedestrian linkages across Liege Street to Precinct 8 to the west.
- ii) Fast food outlets, liquor stores and other uses which largely rely on drive through patronage are to be orientated towards Scarborough Beach Road and are to be appropriately landscaped to enhance the pedestrian environment.
- iii) The design of all free-standing buildings in the Precinct shall be compatible and access integrated. A concept plan for the entire Precinct may be required prior to any new development occurring.

- c) **Function**
Development within the Precinct shall be designed to control access and car parking across the front portion of the site and accommodate a major car park in the south-eastern corner. The emphasis for development adjoining Liege Street is on uses which are pedestrian orientated to the west and serviced by the proposed large car park and loading/unloading areas to the east.
- d) **Floor Area, Plot Ratio and Site Cover for Non-residential and Partially Non-residential Development**
- i) Site cover shall be restricted to 50% for the Precinct as a whole. Notwithstanding that, greater site cover may be permissible on individual sites.
 - ii) The permitted maximum plot ratio for an individual site is 1.0. The plot ratio may be increased to a maximum of 1.5 provided that not less than 50% of the additional floor area is dedicated to residential use or community activities.
- e) **Setbacks**
- i) Development shall be set back a minimum of ten metres from all streets other than as outlined below—
 - setbacks may be reduced for corner sites to five metres from the secondary road as determined by Council;
 - setbacks to the Stirling Link Road reserve may be reduced to nil at the discretion of Council subject to the concurrence of Main Roads WA; and
 - setbacks to Liege Street may be reduced as determined by Council where Council is satisfied that the development proposed incorporates a use of the setback area which complements the streetscape character and development to the west.
 - ii) A ten metre rear setback to the property boundary of the Parklands Retirement Complex will be required unless Council is satisfied that the design and use of that part of a building proposed to encroach within this setback area will not have an adverse impact on the amenity of residents of the complex.
- f) **Landscaping**
- i) Landscaping within Precinct 9 shall be in conformity with any Policy adopted pursuant to Part 2 of the Scheme.
 - ii) Council may require the following specific landscape provision in Precinct 9—
 - as part of commercial redevelopment of the Nookenburra Hotel, existing and proposed open air car parking areas to be extensively planted;
 - a minimum 5 metre wide landscaping area containing pedestrian/cycle facilities to the satisfaction of Council to be provided between existing residential development and non-residential building/s; and
 - additional landscaping of setback areas may be required between residential and non-residential development and to streets.
 - iii) Council may require the retention and/or enhancement of existing trees and native remnant bushland as part of development proposals. Council may vary development standards or requirements specified in the Scheme where retention of trees or existing native remnant bushland is incorporated into the development.
- g) **Car Parking and Access**
- i) The number of car parking spaces required will be as specified in Table 1 of the Scheme. Council may however require that a minimum of 50% of the car parking is provided in undercroft parking or a large car park situated in the south-eastern corner of the Precinct.
 - ii) Council may require linkage and consolidation of open air car parking areas to service all uses in Precinct 9.
 - iii) Vehicular access to the Precinct's car parking areas shall be confined to the proposed extension of Odin Road linking Liege Street with Scarborough Beach Road unless otherwise permitted by Council and Main Roads WA.
- h) **Pedestrian/Cycle Access**
- i) The provision of pedestrian areas as part of individual development proposals is required to ensure that all Precincts are interlinked and that key nodes of the Centre are accessible by cyclists and pedestrians at all times.
 - ii) Landscaping areas will be integrated with pedestrian and cyclist networks.
- i) **Relationship to Other Precincts and Development Outside the Scheme Area**
- i) Redevelopment of the existing hotel complex and future development in this Precinct will be consistent with Scheme proposals to develop a cultural and entertainment area south of Scarborough Beach Road on either side of Liege Street.
 - ii) Landscaping, cycle and pedestrian facilities in Precinct 9 will be required to link with landscaped cycle/pedestrian networks in Precinct 5 to the north, and Precincts 7 and 8 to the west across Liege Street.
 - iii) Development in the south-western corner of Precinct 9 will have regard to the existing residential density and character outside the Scheme Area to the south.

j) Major Requirements Prior to Development Commencement

No development shall commence until the following has occurred or arrangements have been made to the satisfaction of the Council for—

- i) A concept plan, if required, for redevelopment of the entire Precinct has been endorsed by Council.
- ii) Determination of locations of car parking areas within the Precinct.
- iii) Sewer extension to service the development.
- iv) Payment of any relevant General Costs or Precinct Costs associated with Scheme Works as outlined in the Scheme,

and Council may impose on any development approval a condition prohibiting commencement until written notification to proceed is given to the applicant by Council.

6. RESERVED LAND

6.1 Regional Reservations

The land shown as "Metropolitan Region Scheme Reserves" on the Scheme Map are lands reserved by the Western Australian Planning Commission pursuant to the Metropolitan Region Scheme and are shown on the Scheme Map in order to comply with the Metropolitan Region Town Planning Scheme Act 1959. The said lands are not reserved by the Scheme.

6.2 Local Reserves

The lands shown as Local Authority Reservations on the Scheme Map (hereinafter referred to as 'Local Reserves') are lands reserved by the Scheme for local purposes or for the purposes shown on the said map. These lands are vested in or shall be acquired by the Council.

6.3 Use of Local Reserves

Local Reserves until vested in the Council may be used—

- 6.3.1 for the purpose for which the land is reserved under this Scheme;
- 6.3.2 where such land is vested in a public authority for any purpose for which such land may be lawfully used by that authority;
- 6.3.3 for the purpose for which it was used at the date upon which the Scheme came into operation unless the land shall have in the meantime become vested in a public authority, or unless such use shall have been changed with the approval of the Council;
- 6.3.4 for any purpose approved by the Council;

but shall not be used for any other purpose.

6.4 Development of Local Reserves

6.4.1 No person shall on a Local Reserve, without the approval of the Council—

- (a) demolish or damage any building or works;
- (b) remove or damage any tree;
- (c) excavate, spoil or waste the land so as to destroy, affect or impair its usefulness for the purpose for which it is reserved;
- (d) construct, extend or alter any building or structure, other than a boundary fence.

6.4.2 The Council may on written application of the owner of a Local Reserve either grant its approval to the carrying out of any of the works mentioned in the Subclause immediately preceding or refuse its approval or grant its approval upon such conditions as it thinks fit.

6.4.3 Where the Council refuses approval for the development of land reserved under the Scheme on the ground that the land is reserved for public purposes, or grants approval subject to conditions that are unacceptable to the applicant the owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection.

6.4.4 Claims for such compensation shall be lodged at the office of the Council not later than six months after the date of the decision of the Council refusing approval or granting it subject to conditions that are unacceptable to the applicant.

6.4.5 In lieu of paying compensation, the Council may purchase the land affected by such decision of the Council at a price not exceeding the value of the land at the time of refusal of approval or of the grant of approval subject to conditions that are unacceptable to the applicant.

6.4.6 The Council may deal with or dispose of a Local Reserve upon such terms and conditions as it thinks fit provided that the land is used for, or preserved for, the use for which the land is reserved.

6.5 Public Use Reserves

Where land shown as Public Use Reserve on the Scheme Map is no longer required for the purpose shown on the said map, a person may apply to the Council for approval to commence development on the land and the Council—

- 6.5.1 shall determine the application having regard to the factors set out in Clause 2.8 of the Scheme and having particular regard to the compatibility of the proposed use with the land uses in the locality and the use to which land immediately surrounding the land the subject of the application may be put under the Scheme; and
- 6.5.2 shall not approve the application unless the authority, body or person who has the management and control of the reserve, or in which or whom the reserve is vested, also approves in writing the proposed development;

6.5.3 may, before considering the application, invoke the referral provisions of Clause 2.7 of the Scheme.

SCHEDULE 1
INTERPRETATIONS

In this Scheme unless the context otherwise requires—

Act—means the Town Planning and Development Act 1928 (as amended);

Advertisement—means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purpose of advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements and includes flags, bunting or balloons and any other thing displayed in such a way as to draw attention of the public to any person, product, business, undertaking or thing whatsoever. The term also includes any temporary device and any electoral sign;

Amenity—means the sum of the expectations of the residents concerning the quality of their environment including its pleasantries, character, beauty, harmony in the exterior design of buildings, privacy and security.

Amusement Area—means an area set aside in a shop, take away food shop or other premises for the provision of not more than two amusement machines.

Amusement Machine—means a machine, device or game provided or designed for amusement or at or on which games or competitions are played and, without limiting the generality of the foregoing, includes pin-ball machines, slot machine games, bagatelle tables and computer controlled electronic games.

Appendix—means an appendix to the Scheme.

Applicant—means a person or body who is the owner or is authorised by the owner to make an application for development, subdivision or lease of land or to act on any other matter in relation to the land;

Automatic Car Wash—means a building or portion of a building wherein vehicles are washed and cleaned by or primarily by mechanical means.

Betting Agency—means a building operated in accordance with the Totalisator Agency Board Betting Act 1960 (as amended).

Boarding House—means any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than four persons, exclusive of the family of the keeper if any, for hire or reward, but does not include—

- (a) premises the subject of a Hotel, Limited Hotel or Tavern Licence granted under the provisions of the Liquor Licensing Act 1988 (as amended);
- (b) premises used as a boarding school approved under the Education Act, 1928;
- (c) a single house, attached house, grouped or multiple dwelling unit, or a holiday unit;
- (d) a Prison, Reformatory, Hospital—Special Purposes, Institutional Building or Institutional Home.

Building—has the same meaning as is given to that term in the Residential Planning Codes.

Building Code of Australia—means the Building Code of Australia, 1988 (as amended).

Car Parking Station—means land used primarily for the purpose of parking cars (whether as a private or public car park) but does not include any part of a public road, nor premises used for the purpose of automotive and marine sales;

Cinema/Theatre—means any land or building where the public may view a motion picture or theatrical production.

City—means the City of Stirling.

Civic Use—means a use or building used by—

- (a) a Government department
- (b) a Statutory body representing the Crown; or
- (c) the Council as offices for administrative, recreational or other purposes.

Club Premises—means land and building used by a club or association or other body approved by the Council as a meeting place for formal and informal activity, including entertainment within limitations approved by the Council, and includes any land appurtenant thereto used for recreation;

Commission—means the Western Australian Planning Commission constituted under the State Planning Commission Act 1985.

Community Activities—means a range of non-commercial activities which are generally supported by public funds and which are open to the public.

Conservation—has the meaning assigned to that term in Section 3 of the Heritage of Western Australia Act, 1990;

- Consulting Rooms**—means any building or part thereof used in the practice of a profession by legally qualified medical practitioners or dentists, or by physiotherapists, masseurs, chiropractors, chiropodists, or persons ordinarily associated with a medical practitioner in the investigation or treatment of physical or mental injuries or ailments but does not include a hospital or medical centre;
- Contemplated Use**—has the meaning assigned to that term in Clause 5.4;
- Convenience Store**—means land and buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 300m² gross leasable area;
- Council**—means the Council of the City of Stirling;
- Cultural Heritage Significance**—has the meaning given to that term in Section 3 of the Heritage of Western Australia Act 1990;
- Day Centre Care**—means land and buildings used for the daily or occasional care of children in accordance with the Child Welfare (Care Centres) Regulations, 1968 (as amended), or other persons under the Home and Community Care or any similar programme;
- Development**—shall have the same meaning given to it in and for the purposes of the Act.
- Development Criteria**—means the criteria for development as outlined in Clauses 5.5.4, 5.6.4, 5.7.4, 5.8.4, 5.9.4, 5.10.4, 5.11.4, 5.12.4 and 5.13.4 of the Scheme.
- Dry Cleaning Premises**—means land and buildings used for the cleaning of garments and other fabrics by chemical processes;
- Dwelling**—has the same meaning as given to the term in the Residential Planning Codes.
- Educational Establishment**—means a school, college, university, technical institute, kindergarten, academy or other educational centre, but does not include an institutional building;
- Entertainment Venue**—means a place which provides active and/or passive recreation which is not normally available to the public without charge, and includes a restaurant, hotel, night club, market, cinemas, theatres, food hall, indoor sports centre and fitness centre.
- Fast Food Outlet**—means premises where food is prepared and sold for consumption principally off the premises.
- Floor Area**—shall have the same meaning given to it in and for the purposes of the Building Code of Australia 1988 (as amended).
- Frontage**—shall have the same meaning as given to the term in the Residential Planning Codes.
- Funeral Parlour**—means any land or buildings occupied by an undertaker where bodies are stored and prepared for burial or cremation.
- Garden Centre**—means land and buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of prefabricated garden buildings;
- Gross Floor Area**—means, in relation to a building used for office, commercial, industrial or recreational purposes, the total floor area within the building measured over the enclosing walls (including the portion of any common or party wall forming part of the building) exclusive of parking facilities sited within the building.
- Grouped Dwelling**—shall have the same meaning as given to the term in the Residential Planning Codes.
- Hall**—means a structure designed and used for commercial gatherings or public meetings or by community groups;
- Heritage Place**—means a place within the meaning of that term in Section 3 of the Heritage of Western Australia Act, 1990 which is the subject of a notice under Subclause 2.17.2 of the Scheme (and in respect of which the time for appealing against a notice has expired or an appeal has been made and dismissed);
- Heritage Object**—means an object which is the subject of a notice under Subclause 2.17.2 of the Scheme (and in respect of which the time for appealing has expired or an appeal has been made and dismissed);
- Home Occupation**—means an activity conducted within a dwelling unit or curtilage of a single house in accordance with Clause 4.10.
- Hostel**—means a lodging house which is not open to the public generally but is reserved for use solely by students and staff of educational establishments or members of societies, institutes or associations;
- Hotel**—means premises in respect of which there is granted a hotel licence under the Liquor Licensing Act, 1988;
- Industry**—means the carrying out of any process in the course of trade or business for gain, for and incidental to one or more of the following—
- (a) the winning, processing or treatment of minerals;
 - (b) the making, altering, repairing, or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale, or the breaking up or demolition of any article or part of an article;
 - (c) the generation of electricity or the production of gas;
 - (d) the manufacture of edible goods;

and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of, or the incidental sale of goods resulting from the process, and the use of land for the amenity of persons engaged in the process; but does not include—

- (i) the carrying out of agriculture;
- (ii) site work on buildings, work or land; and
- (iii) in the case of edible goods, the preparation of food for retail sale from the premises.

Institutional Building—means land and building used or designed for use wholly or principally for the purpose of a rehabilitation centre or home for alcoholics, drug addicts, persons released from penal institutions or other persons requiring treatment as provided by such a centre.

Land—has the meaning given to that term in Section 2 of the Act.

Laundromat—means a building open to the public in which coin-operated or other washing machines, with or without provision for drying clothes are available for use;

Market—means any land or buildings used for a fair, a farmer's or producer's market or a swapmeet in which the business carried on or the entertainment provided is by independent operators or stallholders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental.

Medical Centre—means a building (other than a hospital) that contains or is intended to contain facilities not only for the practitioner or practitioners mentioned under the interpretation of 'consulting rooms' but also for ancillary services such as chemists, pathologists and radiologists and the term includes a Surgi-Centre;

Metropolitan Region Scheme—has the meaning assigned to it by the Metropolitan Region Town Planning Scheme Act 1959;

Metropolitan Region Scheme Act—means the Metropolitan Region Town Planning Scheme Act 1959;

Minister—means the Minister for Planning;

Motel—means a building, group of buildings or place used to accommodate patrons in a manner similar to a hotel or lodging house but in which special provision is made for the accommodation of patrons with motor vehicles;

Multiple Dwelling—shall have the same meaning as given to the term in the Residential Planning Codes.

Municipal Inventory—means the record kept pursuant to Clause 2.17 of the Scheme which has regard to heritage places and heritage objects;

Net Lettable Area (NLA)—means the area of all floors confined within the internal finished surfaces of permanent walls but excludes the following areas—

- all stairs, toilets, cleaners cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- lobbies between lifts facing other lifts serving the same floor;
- areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building;

Office—means a building or part of a building used for the administration of business, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist/secretarial services, or business of a similar nature.

Office Professional—means a building used for conducting the professional work of an accountant, architect, artist, author, barrister, consular official, engineer, solicitor, surveyor, teacher (other than a dancing teacher or a music teacher), town planner, or valuer, or a person having in the opinion of Council an occupation of a similar nature, together with any partners or employees, and Professional Person has a corresponding interpretation.

Owner—

- (a) When used in relation to any land includes the Crown or any instrumentality of the Crown or the Council and every person who jointly or severally, whether at law or in equity is in possession as—
 - i) the holder of a legal or equitable estate of freehold in possession in the land;
 - ii) Crown lessee with a right to purchase or acquire the freehold;
 - iii) a mortgagee of the land; or
 - iv) a trustee, executor, administrator, attorney or agent of any of the foregoing;
- (b) where there is not a person in possession, means the person who is entitled to possession of the land in any of the capacities mentioned in paragraph (a) of this interpretation except that of mortgagee;
- (c) in regard to State Crown land not vested in any department, authority, instrumentality, council, body or person and not the subject of a lease with a right to purchase or acquire the freehold means the Crown in right of the State of Western Australia; and
- (d) in regard to State Crown land vested in any department, authority, instrumentality, council, body or person for any purpose, means that department, authority, instrumentality, council, body or person.

- (e) when used in relation to the payment of General and Precinct Costs, means the Owner as defined in paragraphs (a), (b), (c) and (d) of this interpretation at the time of the service of notices of these costs but excludes any succeeding or preceding Owner.

Plot Ratio—means the ratio of the gross total of the areas of all floors to the area of land within the site boundaries and in calculating the gross total of the areas of all floors the areas shall be measured over any walls but shall not include lift shafts, stairs or stair landings, machinery rooms, air conditioning rooms, equipment rooms, non-habitable floor space in basements, areas used exclusively for the parking of wheeled vehicles at or below ground level, lobbies or amenities common to more than one dwelling or occupancy or private open balconies;

Pre-Fund—when the term is used in respect of Scheme works, means payment for works in advance of funds becoming available from Scheme Cost Payments received by the Council in accordance with the provisions of the Scheme;

Preferred Use—has the meaning assigned to that term in Clause 5.4;

Public Amusement—means the use of land or building for the amusement or entertainment of the public with or without charge and includes an amusement parlour or other premises within which there are or proposed to be three or more amusement machines;

Public Worship—Place of—means land and buildings used for the religious activities of a church but does not include an institution for primary, secondary, or higher education, or a residential training institution;

Public Open Space—means land used for a public park, public gardens, playground or other grounds for recreation which are normally open to the public without charge;

Public Utility—means any work or undertaking constructed or maintained by a public authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.

Recreation Facilities—means any land or building or part of a building used for passive recreation or for a public tennis court, public swimming pool, squash court or squash centre, basketball centre, gymnasium, ice or roller skating rink, physical health studio, or other similar facility.

Regulations—means the Town Planning Regulations 1967 (as amended);

Research and Development Establishment—means a place for scientific and industrial research and the development, production and assembly of products associated with such research;

Residential Codes/'R' Codes—means the Residential Planning Codes set out in Appendix 2 to the Western Australian Planning Commission Approved Statement of Planning Policy No.1 as amended;

Restaurant—means a building wherein food is prepared solely for sale and consumption within the building or portion thereof and (without limiting the generality of the foregoing) the expression includes a licensed restaurant, cafe or night club. The expression also includes a restaurant at which food for consumption outside the building, or portion thereof, is sold where the Council is of the opinion that the sale of food for consumption outside the building is not the principal part of the business. The expression shall also include an outdoor establishment and in that case for the purpose of this definition, the outdoor eating area shall be treated as being within the building of the restaurant;

Restricted Premises—means any premises, part or parts thereof used or designed to be used primarily for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of—

- (a) publications that are classified as restricted publications pursuant to the Indecent Publications and Articles Act 1902 (as amended); or
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity;

Retirement Village—means a development containing accommodation for aged persons together with ancillary facilities.

Schedule—means a schedule to the Scheme.

Scheme Costs—means any General Costs or Precinct Costs incurred or to be incurred by the Council as referred to in Part 3 and Schedules 3 and 4 of the Scheme.

Serviced Apartments—means buildings which include self-contained units used for transient accommodation;

Service Industry—means land used as a depot for receiving goods to be serviced whether or not goods of the type serviced are sold;

Service Station—means land and building used for the supply of motor vehicle fuel to the public and may include the supply of other petroleum products, automotive accessories and the greasing, servicing and repairing of motor vehicles but does not include a fuel depot or automotive panel beating, spray painting or wrecking or a Convenience Store;

Shop—means any building wherein goods are kept, exposed or offered for sale by retail, or within which services of a personal nature are provided (including a hairdresser, beauty therapist or manicurist) but does not include a showroom, fast food outlet or any other premises specifically defined elsewhere in this part.

Showroom—means a building wherein goods are displayed and may be offered for sale by wholesale and/or by retail, excluding the sale by retail of foodstuffs, liquor or beverages, items of clothing or apparel, magazines and newspapers, books or paper products, medical or pharmaceutical products, china, glassware or domestic hardware, or items of personal adornment;

Stirling Regional Centre Structure Plan—means the “Final Report—Stirling Regional Centre Structure Plan” dated January 1994, prepared for the Ministry of Planning, City of Stirling and Westrail, and adopted by those authorities.

Tavern—means premises in respect of which there is granted a tavern licence under the Liquor Licensing Act 1988;

Travel Agency—means an office or shop which makes travel arrangements for clients;

Veterinary Clinic—means any premises used in practice by a registered veterinary surgeon other than for the purpose of the hospitalisation or boarding of animals;

Warehouse—means a building or portion of a building wherein goods are received and stored for distribution.

SCHEDULE 2
CITY OF STIRLING
NOTIFICATION OF A HERITAGE PLACE

Notice is hereby given that, pursuant to the provisions of the City of Stirling—Town Planning Scheme No. 38 (Stirling City Centre Scheme), the Council has resolved to list the following Place in the Municipal Inventory.

Place:

Situated at:

Name and Address of Owner to Whom this Notice Applies:

Statement of Significance:

Formal listing of the above Place will render it subject to the provisions of the Heritage of Western Australia Act 1990 and the special provisions of Town Planning Scheme No. 38 relating to heritage preservation.

Should you be aggrieved by this resolution an appeal may be lodged within 60 days of the date of this notice in accordance with the provisions of Part V of the Town Planning and Development Act 1928 (as amended).

Signed: Date:
City Manager—City of Stirling

SCHEDULE 3
SCHEME WORKS

For the purpose of the Scheme, and subject to any express provision in the Scheme, the following shall be Scheme Works which are to be carried out in the Scheme Area (unless otherwise stated) and which may be debited as either General Costs or Precinct Costs in accordance with Clause 3.6 and Schedule 4.

None of the works listed in this Schedule shall be taken to refer to or include the realignment of Scarborough Beach Road, and acquisition and works associated with that realignment.

- 1) The carrying out of any cadastral survey or resurvey in connection with any matter set out in the Scheme;
- 2) The acquisition of land for any public facility or service, including but without limiting the generality of the foregoing, any of the works or facilities referred to in this Schedule, and in Schedule 4;
- 3) Any compensation paid or payable for or in respect of the provision of any of the works or facilities referred to in this Schedule or in Schedule 4;
- 4) The preparation, processing and approval of the Cedric Street Wetland Replacement Environmental Management Plan;

- 5) The construction of the Cedric Street Wetland Replacement as set out in—
- Consultative Environmental Review for the Functional Replacement of the Cedric Street Wetland—BSD Consultants, July 1992;
 - A Bulletin 658—November 1992—Relocation of the Cedric Street Wetland;
 - Cedric Street Wetland Replacement Environmental Management Plan.
- unless the requirement to replace the wetland is eliminated.
- 6) The provision of any road including the formation, preparation, priming and sealing of the road and the provision of kerbing, drainage and service ducts in connection with the road or in the road reserve;
- 7) The provision of or contribution to the cost of providing any road reserved or classified as a regional reservation under the Metropolitan Region Scheme, and including any of the works referred to in the preceding item, but not including the realignment of Scarborough Beach Road;
- 8) The widening or improvement of any road including any regional road, but not including the realignment of Scarborough Beach Road;
- 9) The provision of areas or facilities for public car parking including the provision of strategically located parking stations as determined by the Council;
- 10) The provision of any easement or way, including but without limiting the generality of the foregoing any carriageway, cycle way or walk way;
- 11) The provision of any sewerage works including both headworks and reticulation and in the case of headworks including any contribution necessarily and unavoidably payable to the Water Authority of Western Australia for the provision of headworks by that body benefitting the Scheme Area;
- 12) The provision or upgrading of a reticulated water supply to and within the Scheme Area including any contribution necessarily and unavoidably payable to the Water Authority for the provision of water supply headworks by that body benefitting the Scheme Area;
- 13) The provision, upgrading or relocation of drainage works including any contribution necessarily and unavoidably payable to the Water Authority for the provision of drainage headworks by that body benefitting the Scheme Area;
- 14) Any contribution necessarily and unavoidably required to be made to Alinta Gas and Western Power for the provision of gas and electric power to, and the reticulation of, such service;
- 15) Any contribution necessarily and unavoidably payable to Telecom or any other instrumentality or company for the provision of telecommunications;
- 16) The provision of land for and the improvement of public open space including land intended for both passive and active recreation;
- 17) Landscaping of public areas to a standard determined in conjunction with Scheme owners including, but without limiting the generality of the foregoing, any planting and reticulation, lighting and fencing of public areas and the provision of street and park furniture;
- 18) The provision of any community or civic facilities, such as child care, library, public toilets or playgrounds where there is a demonstrated need for such facilities;
- 19) Lighting of any street or other public area;
- 20) Any environmental remediation or improvement including the removal of any contaminant and peat;
- 21) The provision of any work or facility referred to in this Schedule including the cost of land outside the Scheme Area where the Council considers that such work or facility is necessary to advance or promote the interest of the Scheme Area;
- 22) The provision of traffic lights and other traffic management devices;
- 23) The costs of closing or re-aligning roads, including the cost of relocating services and rationalising/re-subdividing adjoining landholdings, but not including the realignment of Scarborough Beach Road;
- 24) Any consulting fees associated with undertaking Scheme Works;
- 25) All costs associated with the preparation, processing and gazettal of this Scheme;
- 26) Provision of underground power;
- 27) Such other work or expenditure not referred to above as the Council from time to time considers essential for the proper planning and development of the Scheme Area.
- 28) Interest on loans raised externally or provided by the Council to the Scheme for the purpose of implementing the Scheme.
- 29) Interest payable on any prefunded works by owners as provided in Clause 3.7.4.

SCHEDULE 4

COSTS CONTRIBUTIONS FOR SCHEME WORKS

This Schedule is to be read in conjunction with Schedule 3, Clauses 3.5 and 3.6 and Appendix 2.

GENERAL COSTS

- 1) Scheme Preparation Costs
- 2) Scheme Legal Costs
- 3) Scheme Administration Costs

- 4) Scheme Administration Costs Contracted.
- 5) Scheme Advertising and Gazettal Costs
- 6) Consultants Fees (Planning, Surveying, Engineering, Valuation)
- 7) Landscaping, Entry Statements, up-grading of POS Reserves and General Beautification (other than where identified as specific Precinct Costs).
- 8) Main Drain Relocation south of Stirling Link Road Underpass Road.
- 9) The interest costs of any loan raised by the Council in meeting the General Costs of implementing the Scheme.
- 10) Interest payable on any prefunded works by owners as provided in Clause 3.7.4.
- 11) New Road between Oswald Street and Stirling Link Road.
- 12) Extension/Upgrading of Twyford Place Public Open Space Reserve.
- 13) Enhancement of Precinct 5 (Relocated Wetland) apart from local drainage costs unless the requirement to replace the wetland is eliminated, or the wetland is replaced elsewhere.

CONTRIBUTION TABLE No.1

DISTRIBUTION OF GENERAL COSTS BY PRECINCTS

PRECINCT % CONTRIBUTION OF NET GENERAL COSTS TO TOTAL NET SCHEME AREA COSTS

GENERAL COST ITEM	PRECINCTS									Total
	1	2	3	4	5	6	7	8	9	
1 Scheme Preparation Costs	29%	11%	9%	22%	0%	5%	3%	15%	6%	100%
2 Scheme Legal Costs	29%	11%	9%	22%	0%	5%	3%	15%	6%	100%
3 Scheme Administration Costs	29%	11%	9%	22%	0%	5%	3%	15%	6%	100%
4 Scheme Administration Costs Contracted	29%	11%	9%	22%	0%	5%	3%	15%	6%	100%
5 Scheme Advertising and Gazettal Costs	29%	11%	9%	22%	0%	5%	3%	15%	6%	100%
6 Consultants Fees (Planning, Surveying, Engineering, Valuation)	29%	11%	9%	22%	0%	5%	3%	15%	6%	100%
7 Landscaping, Entry Statements, up-grading of POS Reserves and General Beautification (other than where identified as specific Precinct Costs)	29%	11%	9%	22%	0%	5%	3%	15%	6%	100%
8 Main Drain Relocation south of underpass road	29%	11%	9%	22%	0%	5%	3%	15%	6%	100%
9 Interest Costs incurred on any loan raised for the purpose of implementing Scheme Works by the payment of General Costs	29%	11%	9%	22%	0%	5%	3%	15%	6%	100%
10 Interest payable on any prefunded works by owners as provided in Clause 3.7.4	29%	11%	9%	22%	0%	5%	3%	15%	6%	100%
11 New Road between Oswald Street and Stirling Link Road	29%	11%	9%	22%	0%	5%	3%	15%	6%	100%
12 Extension/Upgrading of Twyford Place Public Open Space Reserve	29%	11%	9%	22%	0%	5%	3%	15%	6%	100%
13 Enhancement of Precinct 5 (Relocated Wetland) apart from local drainage cost ¹	29%	11%	9%	22%	0%	5%	3%	15%	6%	100%

Footnote 1: Unless the requirement to replace the wetland is eliminated, or the wetland is replaced elsewhere.

PRECINCT COSTS

- 1) Oswald Street Re-alignment including land acquisition and re-subdivision, design, approvals, earthworks, construction, services relocation/extension, street lighting and tree planting/landscaping associated with completing one carriageway, and earthworks for the second carriageway.
- 2) Odin Road extensions south of Scarborough Beach Road including land acquisition, design, approvals, earthworks, construction, services relocation/extension and street lighting, as well as closure of existing roads and disposal of surplus road reserves.
- 3) New Oswald Street and Scarborough Beach Road traffic signals and associated work.
- 4) Cedric Street Wetland Relocation Works including preparation and approval of the Cedric Street Wetland Replacement Environmental Management Plan, works undertaken under the Environmental Management Plan, the cost of land acquisition and establishment/relocation costs including wetland maintenance for 12 months and associated drainage works, unless the requirement to replace the wetland is eliminated.

**CONTRIBUTION TABLE NO. 2
PRECINCT COSTS CONTRIBUTION FOR SPECIFIC PRECINCT WORKS
(as a % of Total Net Cost)**

PRECINCT COST ITEM	PRECINCTS									OTHER	TOTAL
	1	2	3	4	5	6	7	8	9		
1 Oswald Street Re-alignment ¹	46%	—	—	54%	—	—	—	—	—	—	100%
2 Odin Road Extensions	—	—	—	—	—	—	20% ²	80% ²	—	**2	100%
3 New Traffic Signals—Oswald Street/Scarborough Beach Road	—	—	—	—	—	—	—	—	—	50% Main Roads WA	50% 100%
4 Cedric Street Replacement Wetlands ³	10%	—	—	90%	—	—	—	—	—	—	100%

FOOTNOTES—

- If Precinct 5 is not used to accommodate a replacement wetland, cost contributions for the realignment of Oswald Street shall be—
 Precinct 1—43.5%
 Precinct 4—51.5%
 Precinct 5—5.0%
- The Council will pay 100% of the cost of the Odin Road re-alignment north of the re-aligned Scarborough Beach Road.
- Unless the requirement to replace the wetland is eliminated.

SCHEDULE 5

CITY OF STIRLING

ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL

(To be completed in addition to Application to Commence Development)

Name of Landowner(s)

Name of Advertiser/Applicant

Address for correspondence

Telephone Number

Description of Property upon which advertisement is to be displayed

.....

Details of Proposed Advertisement/Sign

Width Depth.....

Colours to be used

Height above ground level to top of advertisement

(to underside).....

State type of structure upon which the advertisement is to be erected (ie. free standing, wall mounted, other)

.....

Illuminated: YES/NO

If yes, state whether steady, moving, flashing, alternating, digital, animated, etc.

.....

Period of time for which advertisement is required

Detail of signs (if any) to be removed if this application is approved

*Application is to be supported by a photograph or impression of the premises/property showing superimposed thereon the position of the proposed advertisement.

Signature of Owner

Date

SCHEDULE 6

URBAN DESIGN CONSIDERATIONS APPLICABLE TO THE SCHEME AREA

1. INTRODUCTION

The intent of the urban component of the scheme undertaken for the Stirling Regional Centre was to look at the planning options and proposals in three dimensions. This has been done through form studies, developing primary ordering elements and built form types.

These built form types are a reflection of anticipated uses of the building and the overall urban design context in which the proposed building is to be placed. The different contexts of the area are related through the ordering elements developed for the Centre.

2. ORDERING ELEMENTS

The principal ordering element to be used is the axis linking the key precincts of the Centre. This linkage is based on an articulated pedestrian movement pattern, focused on the Stirling Railway Station and extending from the shopping centre in the south, to the proposed development in the north. It is the principal ordering element of the Plan as it establishes sequence and hierarchy of landuses expressed through the built form and the landscape planting scheme. The form of this expression is not consistent along its length. An important element of this pedestrian axis will be the northward expansion of the shopping centre. It is proposed that this take the form of a landmark building, clearly visible from, and visually linked to, the Stirling Railway Station.

The second ordering elements employed are those "marking" the Centre and its focus. Most importantly these markers need to address the freeway system that partitions and dominates the area. Consequently, the proposed markers need to be of sufficient size and be positioned to be clearly seen from the Mitchell Freeway. The elements proposed to achieve this intention are the point buildings of the possible office development north of the Mitchell Freeway and the proposed office development planned for Precinct 4.

The third ordering element used has been the creation of "a centre of gravity" for the pedestrian movement within Stirling Regional Centre. This "centre of gravity" has been located on the pedestrian axis near the Stirling Railway Station in the form of an urban square with an enclosing fabric accommodating public entertainment, restaurant and tavern uses (Precinct 4).

3. FORM

In the consideration of built form three types of building are recommended—

- "Wall types" of two or three storeys in height, creating a linked fabric of urban pedestrian areas.
- "Pod types" of three to five storeys in height relating to feeder roads and achieving separate buildings in a landscaped setting.
- "Point types" of six to twelve storeys in height relating to the freeway system and incorporating a podium base associated with significant pedestrian activity.

These are not specifically linked to particular uses. For example "pod types" could equally accommodate offices or apartment style residential. The sub-soil conditions of particular sites also has some impact on the selection of form types—"pod types" being more economic than lower profile building forms (with a larger footprint) on unstable landfill sites.

The encouragement of pedestrian movement in the Centre, particularly in proximity to the Stirling Railway Station, has placed emphasis on the introduction of a sympathetic built form. Such a form is generally synonymous with the notion of "Urban Place".

The "wall type" of built form outlined above meets the criteria for a connected and well sealed fabric, forming urban spaces. Whilst such a fabric cannot be achieved along the greater part of the pedestrian axis through the Centre, it can be sustained in the key area of the proposed urban square.

The emphasis on a linked and sympathetically scaled fabric can also be carried through in the proposed urban consolidation of the existing suburban residential areas and under utilised land areas, in proximity to the Stirling Railway Station. This can be done through the introduction of a connected built form that is orientated to the street.

4. URBAN DESIGN GUIDELINES

Council will prepare design guidelines, pursuant to the design considerations contained in the Stirling Regional Centre Structure Plan, for adoption under Clauses 2.1 and 2.2 of the Scheme.

Council will encourage and promote compliance with these as part of the ongoing development in the Scheme Area.

SCHEDULE 7

LAND RE-SUBDIVISION PROPOSALS

- Precincts 3 and 4—refer attached Schedule Map 1 and Clauses 5.7.4 j) i) and 5.8.4 j) ii)
- Precincts 2, 6 and 7—refer attached Schedule Map 2 and Clauses 5.6.4 j) i) and iii), 5.10.4 j) iii), 5.11.4 j) ii), 5.10.5 and 5.11.5.

SCHEDULE REQUIREMENTS TO ACCOMMODATE LAND RE-SUBDIVISION IN PRECINCTS 2, 3, 4, 6 AND 7

1. No land should be re-subdivided and no land shall be developed except in accordance with this Schedule.
2. Prior to development commencing on land affected by Land Re-Subdivision proposals indicated in this Schedule, Council may first require approval of a concept plan for individual Development Sub-Precincts identified on Schedule Map 2 and will require an Outline Development Plan for Precinct 4, such plans to be in accordance with Clauses 5.6, 5.8, 5.10 or 5.11 as the case may be. Such concept plans may be required to indicate proposed access, land use, car parking layout, and building location or other criteria as determined by the Council.
3. Where the Council prepares concept plans for development of Development Sub-precincts in accordance with this Schedule, the cost of such concept plans may be levied as a Precinct Cost against that Precinct, and contributions sought from individual Precinct owners as determined by Council in accordance with the provisions of the Scheme.

ADOPTION (Regulation 13(1))

Adopted by resolution of the Council of the City of Stirling at a meeting of the Council held on the 19th day of April, 1994.

D. C. VALLELONGA, Mayor.
M. WADSWORTH, Chief Executive Officer.

FINAL APPROVAL

1. Adopted by resolution of the Council of the City of Stirling at a meeting of the Council held on the 29th day of April, 1997 and the Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of—

D. C. VALLELONGA, Mayor.
M. WADSWORTH, Chief Executive Officer.

2. Recommended for final approval by the Western Australian Planning Commission.

NEIL FOLEY, for Chairman, Western Australian Planning Commission.

Date: 15 May 1997.

3. Final approval granted—

G. KIERATH, Hon. Minister for Planning.

Date: 25 May 1997.

POLICE

PE401**ROAD TRAFFIC ACT 1974**

I, Edwin Graeme Lienert, Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Road Cycle Race by members/entrants of the Collie Cycle Club Inc on August 31st, 1997 between the hours of 0800 and 1400 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Start/finish: Ready Mix LIA Collie/Mornington Mills Rd, Gastaldo Rd, turn at Coalfields Way, Gastaldo Rd, Mornington Mills Rd, and return.

All participants to wear approved head protection at all times.

Dated at Perth this 10th day of July 1997.

E. G. LIENERT, Commander (Traffic and Operation Support).

ROAD TRAFFIC ACT 1974

I, Edwin Graeme Lienert, Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Road Cycle Race by members/entrants of the Collie Cycle Club Inc on August 24th, 1997 between the hours of 0800 and 1400 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Start: Federal Hotel, Throssell St, Collie/Preston Rd, Collie (south/east) Rd, McAlinden, Donnybrook/Boyup Rd, Mumballup, Preston Rd and finish at Lions Park, Collie

All participants to wear approved head protection at all times.

Dated at Perth this 10th day of July 1997.

E. G. LIENERT, Commander (Traffic and Operation Support).

ROAD TRAFFIC ACT 1974

I, Edwin Graeme Lienert, Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Road Cycle Race by members/entrants of the Collie Cycle Club Inc on August 3rd, 1997 between the hours of 0800 and 1400 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Start/finish: Speedway Collie. Williams Road and return.

All participants to wear approved head protection at all times.

Dated at Perth this 10th day of July 1997.

E. G. LIENERT, Commander (Traffic and Operation Support).

ROAD TRAFFIC ACT 1974

I, Edwin Graeme Lienert, Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Road Cycle Race by members/entrants of the Collie Cycle Club Inc on August 16th, 1997 between the hours of 1000 and 1800 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Start/finish: Victoria Hotel, Throssell St, Collie along Patterson St, Preston Rd, Mumballup, Donnybrook/Boyup Brook Rd, Lowden, South-west Hwy, Donnybrook and turn at Tour Information Centre and return.

All participants to wear approved head protection at all times.

Dated at Perth this 10th day of July 1997.

E. G. LIENERT, Commander (Traffic and Operation Support).

ROAD TRAFFIC ACT 1974

I, Edwin Graeme Lienert, Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Road Cycle Race by members/entrants of the Collie Cycle Club Inc on August 10th, 1997 between the hours of 0800 and 1400 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Start: Federal Hotel, Collie, Throssell St, Collie/Preston, Mumballup, Donnybrook/Boyup Brook Rd, Lowden, return South West Hwy, Lowden then finish Mumballup.

All participants to wear approved head protection at all times.

Dated at Perth this 11th day of July 1997.

E. G. LIENERT, Commander (Traffic and Operation Support).

ROAD TRAFFIC ACT 1974

I, Edwin Graeme Lienert, Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Road Cycling Race "Porongurups & Return" by members/entrants of the Albany Cycling Club Inc on September 20th, 1997 between the hours of 1400 and 1700 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Start/finish: Information Bay cnr Chester Pass Rd/Mercer Rd, Chester Pass Rd to Porongurups Store and return, Albany.

All participants to wear approved head protection at all times.

Dated at Perth this 14th day of July 1997.

E. G. LIENERT, Commander (Traffic and Operation Support).

ROAD TRAFFIC ACT 1974

I, Edwin Graeme Lienert, Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Cycling Race "Criterium Club Championship" by members/entrants of the Albany Cycling Club Inc on October 4th, 1997 between the hours of 1400 and 1600 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Stead Rd, Sanford Rd, Graham St, Barker Rd—several loops, in Albany.

All participants to wear approved head protection at all times.

Dated at Perth this 14th day of July 1997.

E. G. LIENERT, Commander (Traffic and Operation Support).

ROAD TRAFFIC ACT 1974

I, Edwin Graeme Lienert, Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Cycle Race by members/entrants of the Southern Districts Cycling Club on July 20th, August 17, September 7th & 21st, 1997 between the hours of 1400 and 1600 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Pickering Brook Rd, Bracken Rd, Forrest Rd, Repatriation Rd, Pickering Brook Rd, Pickering Brook.

All participants to wear approved head protection at all times.

Dated at Perth this 14th day of July 1997.

E. G. LIENERT, Commander (Traffic and Operation Support).

PE402**ROAD TRAFFIC ACT 1974**

I, Edwin Graeme Lienert, Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Road Criterium Circuit by members/entrants of the Collie Cycle Club Inc on August 17th, 1997 between the hours of 0800 and 1300 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on—Starting at Federal Hotel, Collie along Throssell St, Pendleton St, Wittenoom St, Brunswick St, and return.

All participants to wear approved head protection at all times.

Dated at Perth this 10th day of July 1997.

E. G. LIENERT, Commander (Traffic and Operation Support).

PE403**ROAD TRAFFIC ACT 1974**

I, Edwin Graeme Lienert, Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Winter Training Duathlon by members/entrants of the Sports Performance & Management on August 3rd, 24th, and September 7th, 1997 between the hours of 0800 and 0930 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Racing to be confined to—(Run) Start Preston Point and proceed on Riverside Dve to Stirling Bridge and return.

(Cycle) Start Preston Point and proceed on Riverside Dve, Beach St, Elder Pl, Phillimore St and turn around point at Cliff St, Fremantle.

All participants to wear approved head protection at all times.

Dated at Perth this 11th day of July 1997.

E. G. LIENERT, Commander (Traffic and Operation Support).

PE404**ROAD TRAFFIC ACT 1974**

I, Edwin Graeme Lienert, Commander (Traffic and Operation Support) being the delegated officer of the Minister for Transport under section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of a Hill Climb by members/entrants of the Vintage Sports Car Club WA Inc on July 19th, 1997 between the hours of 0700 and 1800 do hereby approve the temporary suspension of the Regulations made under such Act on the carriageway/s mentioned hereunder.

Hill Climb to be confined to—Alexandria View Road into Mindarie Keys car park.

All participants to wear approved head protection at all times.

Dated at Perth this 11th day of July 1997.

E. G. LIENERT, Commander (Traffic and Operation Support).

PREMIER AND CABINET

PR401

RETENTION OF TITLE—HONOURABLE

It is hereby notified for public information that the Governor, on behalf of Her Majesty the Queen, has approved of the retention of the title "Honourable" by the following persons—

- (a) Clive Edward Griffiths
who served as President of the Legislative Council continuously for a period in excess of three years;
- (b) Graham John Edwards
who served as member of the Executive Council continuously for a period in excess of three years; and
- (c) Philip Harry Lockyer
Douglas William Wenn
who served continuously as members of the Legislative Council for a period in excess of ten years.

M. C. WAUCHOPE, Chief Executive.

ROTTNEST ISLAND

RI101

CORRECTION

ROTTNEST ISLAND AMENDMENT REGULATIONS 1997

The Rottnest Island Amendment Regulations 1997 are corrected as follows—

In regulation 8, in the Division heading above new regulation 35C on p. 3527 of *Gazette* 4 July 1997, delete "**Division 3**—" and substitute "**Division 4**—".

STATE REVENUE

SX301

DEBITS TAX ASSESSMENT ACT 1990

DEBITS TAX ASSESSMENT AMENDMENT REGULATIONS 1997

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Debits Tax Assessment Amendment Regulations 1997*.

Regulation 2 repealed and a regulation substituted

2. Regulation 2 of the *Debits Tax Assessment Regulations 1997** is repealed and the following regulation is substituted —

“

Exempt debits (s. 3 (1))

2. Where —

- (a) as a result of —

- (i) the closure of a branch or the amalgamation of branches of a financial institution;

(ii) any conversion, updating or relocating of data processing systems within a financial institution; or

(iii) the loss of an account-holder's electronic banking card,

an amount is debited or credited to an account with a financial institution solely for the purpose of closing that account; and

(b) that amount is credited or debited to a new account established by that financial institution in the same account-holder's name,

the debit referred to in paragraph (a) or (b) is of a class prescribed for the purposes of paragraph (d) of the definition of "exempt debit" in section 3 (1) of the Act.

”.

[* *Published in Gazette 21 February 1997, pp. 1237-38.*]

By Command of the Lieutenant-Governor and deputy of the Governor in Executive Council.

J. PRITCHARD, Clerk of the Executive Council.

SX302

STAMP ACT 1921

STAMP AMENDMENT REGULATIONS (No. 2) 1997

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Stamp Amendment Regulations (No. 2) 1997*.

Commencement

2. (1) Subject to this regulation, these regulations come into operation on the day on which they are published in the *Gazette*.

(2) Regulations 5 and 6 are deemed to have come into operation on 14 January 1997, that is, the day on which Division 3 of Part 4 of the *Revenue Laws Amendment (Assessment) Act 1997* is deemed to have come into operation.

Principal regulations

3. In these regulations the *Stamp Regulations 1979** are referred to as the principal regulations.

[* *Reprinted as at 10 March 1997.*]

Regulation 10AA amended

4. Regulation 10AA of the principal regulations is amended by deleting "paragraph (b) of the definition of "licence" in section 76B—" and substituting the following —

“ item 9 (3) of the Third Schedule to the Act — ”.

Regulation 22 inserted

5. After regulation 21 of the principal regulations, the following regulation is inserted —

“

Prescribed stock exchange (Act, Sch 3, item 2 (16a))

22. For the purposes of item 2 (16a) of the Third Schedule to the Act, a stock exchange set out in the Ninth Schedule is a prescribed stock exchange.

”

Ninth Schedule added

6. After the Eighth Schedule to the principal regulations the following Schedule is added —

“

NINTH SCHEDULE

[Regulation 22]

**PRESCRIBED STOCK EXCHANGES
(Act, Sch 3, item 2 (16a))**

Alberta Stock Exchange
 Calgary Stock Exchange
 Frankfurt Stock Exchange
 Hong Kong Stock Exchange
 NASDAQ Stock Market, Inc.
 New York Stock Exchange
 New Zealand Stock Exchange
 Toronto Stock Exchange
 Vancouver Stock Exchange
 Zurich Stock Exchange

”

By Command of the Lieutenant-Governor and deputy of the Governor in Executive Council.

J. PRITCHARD, Clerk of the Executive Council.

SX303

PAY-ROLL TAX ASSESSMENT ACT 1971**PAY-ROLL TAX AMENDMENT REGULATIONS 1997**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Pay-roll Tax Amendment Regulations 1997*.

Commencement

2. These regulations are deemed, under section 16 (2) of the *Revenue Laws Amendment (Assessment) Act 1997*, to have come into operation on 1 July 1997.

Principal regulations

3. In these regulations the *Pay-roll Tax Regulations** are referred to as the principal regulations.

[* *Published in Gazette 15 October 1971, pp. 4057-59.*
For amendments to 10 July 1997 see 1996 Index to Legislation of Western Australia, Table 4, p. 203.]

Part heading inserted

4. The principal regulations are amended by inserting before regulation 1 the following Part heading —

“ **PART 1 — GENERAL** ”.

Regulation 1 amended

5. Regulation 1 of the principal regulations is amended by deleting “Pay-roll Tax Regulations” and substituting the following —

“ *Pay-roll Tax Assessment Regulations 1971* ”.

Regulation 3B repealed

6. Regulation 3B of the principal regulations is repealed.

Parts 2, 3 and 4 inserted

7. After regulation 12 of the principal regulations the following Parts are inserted —

“

PART 2 — FRINGE BENEFITS AND PRESCRIBED BENEFITS***Division 1 — General*****Interpretation in Part 2**

13. In this Part —

“**dependant**”, in relation to a person, means a child of that person who is wholly dependent upon that person’s earnings and is a child —

- (a) who is less than 18 years old; or
- (b) who is 18 years old or older but less than 25 years old, and who is receiving full-time education at a primary, secondary or tertiary institution;

“**educational costs**” —

- (a) include school fees and reasonable travel, accommodation and meal expenses, of a dependant incurred by reason of the dependant attending a primary, secondary or tertiary institution; and
- (b) do not include any fee required to be paid for tertiary education;

“**employee share acquisition scheme**” means a scheme by which an employer provides shares, rights to acquire shares, units in a unit trust or rights to acquire units in a unit trust, whether directly or indirectly, to or in relation to an employee in respect of services performed or rendered by the employee;

“**fringe benefits tax**” means the tax imposed under the *Fringe Benefits Tax Act 1986* of the Commonwealth on fringe benefits;

“**last year of tax**”, in relation to a financial year, means the year of tax ending on 31 March in the financial year;

“**otherwise deductible rule**” has the same meaning as in section 3C of the Act;

“**previous year of tax**”, in relation to a financial year, means the year of tax ending on 31 March before the start of the financial year;

“record” means retrievable record, however compiled, recorded or stored;

“return” means a return required to be furnished under section 13 of the Act;

“WA fringe benefits” means fringe benefits —

- (a) that are taxable wages, or would have been taxable wages if Part 3 of the *Revenue Laws Amendment (Assessment) Act 1997* and the *Pay-roll Tax Amendment Regulations 1997* had come into operation on 1 April 1996; and
- (b) on which either —
 - (i) fringe benefits tax is paid or payable; or
 - (ii) fringe benefits tax would be payable if the otherwise deductible rule were not applied to the fringe benefits;

“year of tax” has the same meaning as it has in the FBTA Act.

Remote area wages that are not taxable wages

14. (1) Wages described in the Table to this subregulation are wages to which section 10 (1) (n) of the Act applies.

TABLE

<i>Item</i>	<i>Wages</i>
1.	An expense payment fringe benefit, a property fringe benefit or a residual fringe benefit under the FBTA Act provided to a person in relation to the educational costs of a dependant of the person where the dependant is required to live away from home in order to attend, on a full-time basis, a primary, secondary or tertiary institution that is not within a reasonable distance of the remote location at which the person performs or renders services.
2.	To the extent that it is paid in respect of costs that are actually incurred, a subsidy paid to a person who is usually resident in a remote area for educational costs of a dependant of the person where the dependant is required to live away from home in order to attend, on a full-time basis, a primary, secondary or tertiary institution that is not within a reasonable distance of the remote location at which the person performs or renders services.
3.	An expense payment fringe benefit, a property fringe benefit, or a residual fringe benefit, under the FBTA Act provided to a person in relation to the supply, use or cost of water for use for the domestic purposes of the person where, if the benefit related to residential fuel under the FBTA Act, the taxable value of the benefit would be reduced under section 59 of that Act.
4.	A remote area housing fringe benefit under section 29 of the FBTA Act.
5.	An expense payment fringe benefit, a property fringe benefit, or a residual fringe benefit, under the FBTA Act — <ul style="list-style-type: none"> (a) that under that Act relates to residential fuel; and (b) the taxable value of which is reduced under section 59 of that Act.

6. To the extent that it is paid in respect of costs that are actually incurred in respect of a residence in a remote area, a subsidy paid for the cost of —
- (a) electricity;
 - (b) gas; or
 - (c) water,
- supplied to the person receiving that subsidy.
7. A loan fringe benefit, an expense payment fringe benefit, or a property fringe benefit, under the FBTA Act —
- (a) that under that Act relates to a remote area housing loan, remote area housing rent, remote area residential property, a remote area residential property option fee or remote area residential property repurchase consideration; and
 - (b) the taxable value of which is reduced under section 60 of that Act.
8. An expense payment fringe benefit, a property fringe benefit or a residual fringe benefit, under the FBTA Act —
- (a) that under that Act relates to remote area holiday transport; and
 - (b) the taxable value of which is reduced under section 61 of that Act.
- (2) If the taxable value of a remote area holiday transport fringe benefit under the FBTA Act is reduced under section 60A of that Act, that amount of the fringe benefit that equals twice the amount of the reduction is wages to which section 10 (1) (n) of the Act applies.

Division 2 — Prescribed benefits

Prescribed benefits

15. For the purposes of the definition of “prescribed benefit” in section 3 (1) of the Act a benefit described in the Table to this regulation is prescribed to be a benefit.

TABLE

<i>Item</i>	<i>Prescribed benefit</i>
1.	A contribution to a scheme or trust (other than a superannuation fund as defined in item 1 of Schedule 2 to the Act) that operates to provide redundancy benefits for persons working within an industry on one of those persons — <ol style="list-style-type: none"> (a) being made redundant; (b) leaving that industry; or (c) retiring.
2.	A contribution to a fund established to provide portable paid long service leave.
3.	A contribution (other than anything that is otherwise wages under the Act) to an employee share acquisition scheme.

Exempt wages on prescribed benefit

16. (1) Subject to subregulation (2), where a person makes a contribution referred to in item 1 or item 2 of the Table to regulation 15 in relation to an employee, wages paid or payable by the person to that employee are prescribed to be exempt wages under section 10 (6) of the Act to the extent of the amount that the person is entitled to recover from the scheme, trust or fund, as the case requires.

(2) Subregulation (1) only applies in relation to wages paid or payable in respect of services performed or rendered after 30 June 1997.

Value of redundancy and portable long service leave benefits

17. (1) The value of a prescribed benefit referred to in item 1 of the Table to regulation 15 is the amount of the contribution.

(2) The value of the prescribed benefit referred to in item 2 of the Table to regulation 15 is the amount of the contribution.

Value of employee share acquisition benefit

18. The value of the prescribed benefit referred to in item 3 of the Table to regulation 15 is —

- (a) where the contribution is a share, unit or a right to acquire a share or unit, the market value (determined in accordance with regulation 19) at the time the share, unit or right, as the case requires, is contributed, less any consideration paid or given by the relevant employee as consideration for the acquisition of the share, unit or right acquired by the employee;
- (b) where the contribution is money, the amount of money provided; or
- (c) where the contribution is property (other than property referred to in paragraph (a) or money) that is worth money, the amount of money that it is worth at the time the property is contributed.

Market value of a share, unit or right

19. (1) The market value of a share, unit or right quoted on an approved stock exchange on the relevant day is —

- (a) if there was at least one transaction on that stock exchange in shares, units or rights of that class during the one week period before that day — the weighted average of the prices at which those shares, units or rights were traded on that stock exchange during the one week period before that day; or
- (b) if there were no transactions on that stock exchange in that one week period in such shares, units or rights — the last price at which an offer was made on that stock exchange in that period to buy such a share, unit or right.

(2) The market value of a share or unit (other than a unit in an unlisted public unit trust) not quoted on an approved stock exchange on the relevant day is the arm's length value of the share or unit —

- (a) as specified in a written report, in a form approved by the Commissioner, given to the employer by a person who is a qualified person in relation to valuing the share or unit; or
- (b) as calculated in accordance with any other method approved in writing by the Commissioner as a reasonable method of calculating the arm's length value of unlisted shares or units.

(3) The market value of a unit in an unlisted public unit trust is the weighted average of the issue prices for the units during the one week period before the relevant day.

(4) The market value of a right not quoted on an approved stock exchange on the relevant day is the market value on that day of the share or unit that may be acquired by exercising the right, less the lowest amount that must be paid to exercise the right to acquire the share or unit.

(5) In determining the market value of a share, unit or right under subregulation (2), (3) or (4) the share, unit or right, and any share or unit that may be acquired as a consequence of the exercise or operation of the right, is taken not to be subject to any conditions or restrictions.

(6) If the lowest amount that must be paid to exercise a right to acquire a share or unit is nil or cannot be determined, the market value of the right on a particular day is the same as the market value of the share or unit on that day.

(7) If a share, unit or right is quoted on a day on 2 or more approved stock exchanges, the price on that day is the price on whichever of those stock exchanges is nominated by the employer, but if one or more of the stock exchanges on which the share, unit or right is quoted is an Australian stock exchange, the employer must nominate an Australian stock exchange.

(8) The market value of a share, unit or right wherever determined shall be expressed in terms of Australian currency.

(9) In this regulation —

“approved stock exchange” means an approved stock exchange within the meaning of Part XI of the *Income Tax Assessment Act 1936* of the Commonwealth;

“qualified person” in relation to valuing a share in a company or a unit in a unit trust, means a person registered as a company auditor under a law in force in a State or Territory who is not —

- (a) a trustee of the unit trust;
- (b) a director, secretary or employee of the company or of a trustee of the unit trust;
- (c) a partner, employer or employee of a person referred to in paragraph (a) or (b); or
- (c) a partner or employee of a person so referred to;

“relevant day” means, in relation to the contribution of a share, unit or right, the day the share, unit or right is contributed;

“unlisted public unit trust” means a unit trust which is not quoted on an approved stock exchange and in respect of which either of the following conditions is satisfied —

- (a) any of the units in the unit trust were offered to the public; and
- (b) at all times during the previous 12 months, the units in the unit trust were held by not fewer than 50 unitholders.

Records to be made and preserved

20. (1) For the purposes of section 44 of the Act the following documents are prescribed to be made and preserved by an employer —

- (a) documents and records which evidence the provision of a prescribed benefit; and

- (b) documents and records used in the calculation of the value of, or which support the calculation of the value of, the prescribed benefit.

Division 3 — Fringe benefits — Requirements

Benefits that are not fringe benefits

21. For the purposes of the definition of “fringe benefit” in section 3 (1) of the Act a living-away-from-home allowance fringe benefit under the FBT Act is prescribed not to be a fringe benefit.

Changing basis of calculating value of fringe benefits

22. (1) An employer may, before the first or only return is required to be furnished for a financial year, change the basis for calculating the value of fringe benefits —

- (a) if the employer has paid WA fringe benefits for at least 15 months immediately before the start of the financial year — from the actual value basis to the estimated value basis; or
- (b) from the estimated value basis to the actual value basis.

(2) An employer who makes a change under subregulation (1) shall notify the Commissioner in an approved form before the day on which the first or only return is required to be furnished for the financial year.

Penalty: \$500.

(3) All monthly returns for a financial year shall be made on the same basis unless the employer is allowed to change the basis during the financial year under subregulation (4).

(4) The Commissioner, on the application in writing of an employer, may allow the employer to change the basis of calculating the value of fringe benefits during a financial year if the Commissioner is satisfied that —

- (a) there is a compelling reason for making that change; and
- (b) the employer would, if the Commissioner does not allow the change, pay substantially more pay-roll tax during the financial year than the employer would otherwise have to pay on an actual value basis for the financial year.

(5) If an employer changes from the estimated value basis, the amount calculated under subregulation (6) must be included —

- (a) if the change is made under subregulation (1), in the last monthly return for the last financial year; or
- (b) if the change is made under subregulation (4), in the last monthly return for the financial year.

(6) The amount to be included in a return under subregulation (5) is the difference between —

- (a) the total of —
- (i) the WA fringe benefits for the last year of tax; and
- (ii) the WA fringe benefits paid or payable by the employer in April, May and June of the financial year (if any);

and

- (b) the total of —
 - (i) one quarter of the WA fringe benefits for the year of tax ending in the first financial year in which the employer last elected to make returns on an estimated value basis; and
 - (ii) the total of the amounts of WA fringe benefits included in the returns for the financial year.

(7) If an employer changes to the estimated value basis during a financial year, the last return for the financial year shall include the difference between —

- (a) the WA fringe benefits for the last year of tax; and
- (b) the total of the amounts of WA fringe benefits included in the returns for the last financial year.

Monthly returns on estimated value basis

23. A monthly return made on the estimated value basis shall include as the value of the fringe benefits an amount that is —

- (a) in a return for each of the first 11 months of a financial year, one-twelfth of the WA fringe benefits for the previous year of tax; and
- (b) in the return for the last month of the financial year, the difference between —
 - (i) the WA fringe benefits for the last year of tax; and
 - (ii) the total of the amounts of WA fringe benefits included in the returns for each of the previous months of the financial year.

Annual returns on estimated value basis

24. An annual return made on an estimated value basis shall include as the value of the fringe benefits the WA fringe benefits for the last year of tax.

Final returns by employers using estimated value basis

25. (1) This regulation applies only to an employer that is making returns on an estimated value basis.

(2) When an employer furnishes a final return, the value of the fringe benefits to be included in the final return is an amount that is the difference between —

- (a) the total of —
 - (i) the WA fringe benefits for the last year of tax; and
 - (ii) the WA fringe benefits paid or payable by the employer in April, May and June of the financial year (if any);
- and
- (b) the total of —
 - (i) one quarter of the WA fringe benefits for the year of tax ending in the first financial year in which the employer last elected to make returns on an estimated value basis; and
 - (ii) the total of the amounts of WA fringe benefits included in the monthly returns for the financial year.

Amended assessments under FBTA Act

26. An employer shall, within 30 days of receiving an amended assessment under the FBTA Act, give a copy of the amended assessment to the Commissioner.

Penalty: \$500.

Records to be made and preserved

27. (1) For the purposes of section 44 of the Act —
- (a) the following documents are prescribed to be made and preserved by an employer —
 - (i) documents and records which evidence the provision of a WA fringe benefit; and
 - (ii) documents and records used in the calculation of the value of, or which support the calculation of the value of, the WA fringe benefit; and
 - (b) an employer who has elected to include in a return an amount for fringe benefits based on an estimated value basis shall make a record of the value of WA fringe benefits paid or payable in the year of tax ending in the first financial year in which the employer last made such an election.
- (2) An employer who makes a record under subregulation (1) (b) shall retain the record until the expiry of a period of 5 years —
- (a) after the employer changes from the estimated value basis;
or
 - (b) the employer makes a final return,
- whichever is the soonest.

PART 3 — ALLOWANCES***Division 1 — Motor vehicle allowances*****Interpretation in Division 1 of Part 3**

28. In this Division —

“**allowance period**” means the period during which the travel to which the allowance related occurred;

“**averaging method**” means the method described in regulations 32 to 35 for calculating the number of business kilometres travelled by a person;

“**award**” means —

- (a) an award, order or industrial agreement within the meaning of the *Industrial Relations Act 1979*;
- (b) an award, order or determination made by the Coal Industry Tribunal of Western Australia under the *Coal Industry Tribunal of Western Australia Act 1992*;
or
- (c) an award, order or industrial agreement under a similar law of another State or of the Commonwealth;

“**business journey**” means a journey made on or after 1 July 1997 by a person —

- (a) in the course of the person’s employment; and

- (b) in a motor vehicle provided or maintained by that person;

“**business kilometre**” means a kilometre, or part of a kilometre, travelled by a person in the course of a business journey;

“**continuous recording method**” means the method described in regulation 31 for calculating the number of business kilometres travelled by a person;

“**motor vehicle allowance**” means an allowance paid to a person in respect of business journeys made by the person during the return period in which the allowance was paid or during a previous return period;

“**recording period**” means a period selected under regulation 32.

Motor vehicle allowances prescribed

29. (1) An employer who pays a motor vehicle allowance to a person may choose to claim an exclusion under section 3 (1a) of the Act for that allowance.

(2) If an employer does not choose to claim an exclusion for a motor vehicle allowance, none of that allowance is excluded from being wages under section 3 (1a) of the Act.

(3) If an employer chooses to claim an exclusion for a motor vehicle allowance, the allowance (however calculated) is excluded from being wages under section 3 (1a) of the Act to the extent that it does not exceed the amount calculated by multiplying —

- (a) the rate determined under subregulation (4); by
- (b) the number of business kilometres which the person —
 - (i) is calculated, under regulation 31(2), as having travelled;
 - (ii) is deemed, under regulation 35(2), to have travelled; or
 - (iii) is deemed, under subregulation (5), to have travelled, during the allowance period.

(4) The rate to be applied under subregulation (3) (a) is —

- (a) if the allowance is paid under an award which specifies motor vehicle allowances as a rate for each business kilometre travelled, the rate specified in the award; or
- (b) otherwise, the rate for each business kilometre travelled as set out in the Table to this subregulation for the financial year during which the allowance was paid.

TABLE

Financial year	Rate
1997/1998 and all subsequent years	50 cents

(5) If an employer who has chosen to claim an exclusion for a motor vehicle allowance is unable to comply with regulation 31 or regulations 32 to 35, as the case requires, in relation to an allowance period, then for the purposes of subregulation (3) (b), the number of business kilometres travelled by the person during that period is deemed to be —

- (a) if the Commissioner allows the employer to estimate the number of business kilometres travelled by the person

during that period and considers the employer's estimate to be reasonable, the employer's estimate of that number;

- (b) if the Commissioner specifies a number which is deemed to be the number of business kilometres travelled by the person during that period, the number specified; or
- (c) otherwise, zero.

Methods for calculating number of business kilometres

30. (1) An employer who has chosen to claim an exclusion for a motor vehicle allowance must record and calculate the number of business kilometres travelled by the person during the allowance period using the continuous recording method unless the employer has chosen to use the averaging method and has calculated a percentage under regulation 34(1)(c) which is still in force.

(2) An employer may choose to use the averaging method if —

- (a) a motor vehicle is, or will be, provided or maintained by the person for more than 12 weeks; and
- (b) the allowance is, or will be, paid regularly in respect of business journeys made during recurring periods of the same, or about the same, length (*e.g. weekly, fortnightly, monthly*).

(3) Subject to subregulation (2), an employer may change the employer's chosen method of calculation with effect from the beginning of any return period but an employer who changes from the averaging method to the continuous recording method may not change back to the averaging method until the employer has, on that occasion, used the continuous recording method for at least 12 weeks.

(4) Subject to subregulation (2), an employer who pays motor vehicle allowances to more than one person may use different methods of calculation for each person.

(5) When an employer chooses to use a particular method of calculation the employer must record that choice in writing before the end of the return period during which the choice takes effect.

(6) An employer must retain a record made under subregulation (5) for 5 years from when the employer ceases to use that method of calculation.

Continuous recording method

31. (1) An employer who uses the continuous recording method in respect of a person must keep records of —

- (a) the odometer readings at the beginning and end of each business journey made by that person; and
- (b) the purpose of each such journey,

and retain them for 5 years from the end of the return period during which any allowance relating to those journeys is paid.

(2) At the end of each return period the employer must calculate the number of business kilometres travelled by the person during the allowance period using the odometer readings referred to in subregulation (1) (a).

(3) The employer must retain calculations made under subregulation (2) for 5 years from the end of the return period during which the allowance is paid.

Averaging method — selecting a recording period

32. (1) When an employer chooses to use the averaging method for a person the employer must, in writing, select a recording period.

(2) A recording period must be a continuous period of at least 12 weeks during which the person made, or is reasonably expected to make, business journeys with the frequency and of the length that can reasonably be expected to be made by the person during any similar period within the next 5 years.

(3) An employer must select another recording period if —

- (a) the employer has been using the averaging method for a person for 5 years since the end of the last recording period and wishes to continue using the averaging method;
- (b) the person makes business journeys in a motor vehicle which was not used during the last recording period (other than a replacement vehicle nominated under regulation 36);
- (c) the employer changed from using the averaging method to using the continuous recording method and then chooses to change back to using the averaging method; or
- (d) directed in writing to do so by the Commissioner.

(4) An employer may select another recording period at any time before being required to do so under subregulation (3).

(5) When an employer is required under subregulation (3) (c) to select a new recording period, the selected period must be during the current period in which the employer used the continuous recording method.

(6) An employer must retain —

- (a) a written selection made under subregulation (1) for 5 years from the end of the last return period during which the percentage, calculated under regulation 34(1)(c), for the selected recording period is in force; and
- (b) any direction given under subregulation (3) (d) for 5 years from the date it is given.

Averaging method — keeping records

33. (1) During a recording period an employer who uses the averaging method must keep a record, for each vehicle used by the person for business journeys during the recording period, of —

- (a) the odometer readings at the beginning and end of —
 - (i) each business journey; and
 - (ii) the recording period;and
- (b) the specific purpose of each business journey.

(2) At all times while the employer uses the averaging method, the employer must keep a record, for each vehicle used by the person for business journeys, of the odometer readings at the beginning and end of each allowance period.

(3) The employer must retain —

- (a) all records made under subregulation (1) for 5 years from the end of the last return period during which the percentage calculated under regulation 34(1)(c) from those records is in force; and

- (b) all records made under subregulation (2) for 5 years from the end of the return period during which any allowance relating to journeys made during the allowance period is paid.

Averaging method — calculating the average

34. (1) After making the records required under regulation 33 for a recording period an employer must calculate for each vehicle used by the person for business journeys during the recording period —

- (a) the number of business kilometres travelled in that vehicle during the recording period, based on the odometer readings referred to in regulation 33(1)(a)(i);
- (b) the total number of kilometres travelled in that vehicle during the recording period, based on the odometer readings referred to in regulation 33(1)(a)(ii); and
- (c) the percentage of the total number of kilometres travelled during the recording period which were business kilometres (*i.e. (a) divided by (b), multiplied by 100*).

(2) A percentage calculated under subregulation (1) (c) remains in force until the end of the next recording period selected under regulation 32.

(3) The employer must retain all calculations made under this regulation for 5 years from the end of the last return period during which the percentage which those calculations were used to calculate is in force.

Averaging method — calculating deemed distance

35. (1) For each return period during which an employer uses the averaging method the employer must calculate, for each vehicle used by the person for business journeys during the allowance period —

- (a) the total number of kilometres travelled in that vehicle during the allowance period, based on the odometer readings referred to in regulation 33(2); and
- (b) the number of business kilometres which the person is to be deemed to have travelled in that vehicle during the allowance period, by multiplying —
- (i) the total number of kilometres calculated under paragraph (a); by
- (ii) the percentage calculated for that vehicle under regulation 34(1)(c) for the last recording period.

(2) A person is deemed to have travelled, during an allowance period, the number of business kilometres calculated by adding together the figures calculated under subregulation (1) (b) for each of the vehicles used by the person for business journeys during that allowance period.

(3) The employer must retain all calculations made under this regulation for 5 years from the end of the return period during which any allowance relating to journeys made during the allowance period is paid.

Replacing one motor vehicle with another

36. (1) If a person who is paid a motor vehicle allowance ceases to use a motor vehicle for business journeys and commences using another motor vehicle in its place, the employer may nominate the second motor vehicle as a replacement for the first.

- (2) When a nomination has been made under subregulation (1) —
- (a) the replacement motor vehicle is to be treated as the original motor vehicle;
 - (b) subject to regulation 32(3), if the employer is using the averaging method, the employer need not repeat for the replacement vehicle the steps already taken under regulations 32 to 35 for the original motor vehicle; and
 - (c) the employer must —
 - (i) record the odometer readings of both vehicles at the time of the replacement; and
 - (ii) take those readings into account when calculating the number of kilometres travelled during the allowance period when the replacement occurred.

(3) The employer must record the nomination in writing during the allowance period in which the replacement occurs.

(4) The employer must retain all records made under this regulation for 5 years from the end of the last return period during which any allowance relating to journeys made before the replacement is paid.

Replacement or recalibration of odometer

37. (1) If the odometer of a motor vehicle which is used for business journeys is replaced or recalibrated the employer must —

- (a) record the odometer readings immediately before and after the replacement or recalibration; and
- (b) take those readings into account when calculating the number of kilometres travelled in the vehicle during the allowance period in which the replacement or recalibration occurred.

(2) The employer must retain all records and calculations made under this regulation for 5 years from the end of the last return period during which any allowance relating to journeys made before the replacement or recalibration is paid.

Division 2 — Accommodation allowances

Interpretation in Division 2 of Part 3

38. In this Division —

“award” means —

- (i) an award, order or industrial agreement within the meaning of the *Industrial Relations Act 1979*;
- (b) an award, order or determination made by the Coal Industry Tribunal of Western Australia under the *Coal Industry Tribunal of Western Australia Act 1992*; or
- (c) an award, order or industrial agreement under a similar law of another State or of the Commonwealth;

“business night” means a night on or after 1 July 1997 when the person —

- (i) is, or is expected to be, absent from the person’s usual place of residence in the course of the person’s employment; and

- (ii) stays, or is expected to stay, in accommodation other than accommodation provided by the employer;

“relevant period” means the period consisting of —

- (a) the return period during which the absence was initially expected to occur;
- (b) the following return period; and
- (c) any subsequent return periods which the Commissioner in writing allows to be included.

Accommodation allowances prescribed

39. (1) An accommodation allowance (however calculated) paid to a person during a return period is excluded under section 3 (1a) of the Act to the extent that it does not exceed the amount calculated by multiplying —

- (a) the rate determined under subregulation (2); by
- (b) the number of business nights in respect of which the allowance was paid.

(2) The rate to be applied under subregulation (1) (a) is —

- (a) if the allowance is paid under an award which specifies accommodation allowances as a rate for each business night, the rate specified in the award; or
- (b) otherwise, the applicable rate for each business night set out in the Table to this subregulation according to where the person stayed, or is expected to stay, and the financial year during which the accommodation was, or is expected to be, provided.

TABLE

Financial year	Rate per night for accommodation —		
	in Western Australia	elsewhere in Australia	in another country
1997/1998 and all subsequent years	\$110	\$145	\$200

Reinstatement of unused allowances

40. (1) This regulation applies if —

- (a) an accommodation allowance is paid in advance in respect of an expected business night;
- (b) the allowance is excluded from being wages in the return period during which it is paid; and
- (c) the person is in fact not absent as expected on that night or stays in accommodation provided by the employer.

(2) Where this regulation applies an adjustment is to be made under subregulation (3) unless —

- (a) the person —
- (i) is absent on another night during the relevant period; and
- (ii) is not paid another accommodation allowance in respect of that night; or

- (b) the allowance is repaid by the person to the employer during the relevant period.

(3) Where an adjustment is required under subregulation (2) the exclusion of the allowance for that night from being wages under section 3 (1a) of the Act is to be reversed at the end of the relevant period by adding to the wages paid to the person during the last return period in the relevant period an amount equal to so much of the allowance which was excluded from being wages as relates to that night.

Record keeping

41. If an employer pays an accommodation allowance and any part of it is excluded from being wages under section 3 (1a) of the Act the employer must keep sufficient written records to substantiate the calculation of that exclusion and retain them for 5 years from —

- (a) the night in respect of which the allowance is paid; or
(b) the end of the return period during which the allowance is paid,

whichever is later.

PART 4 — CERTAIN SUPERANNUATION CONTRIBUTIONS

Employer to obtain actuarial determination

42. (1) An employer who is deemed to have made a contribution to a superannuation scheme of a type described in item 2 (1) of Schedule 2 to the Act, in a return period, in respect of a participant, must ensure that an actuarial determination, made in accordance with this Part, is in force in respect of contributions to that scheme, in that return period, in respect of that participant.

(2) An employer must ensure that a new actuarial determination is made as soon as practicable after the occurrence of an event which could reasonably be expected to significantly affect the accuracy of the current determination.

(3) If the Commissioner considers that as a result of a significant change of circumstances an actuarial determination is no longer accurate, the Commissioner may direct the employer to ensure that a new actuarial determination is made and the employer is to comply with that direction.

(4) A determination made under subregulation (3) has effect in respect of each return period which commences after the date on which the direction is given.

Categories of participants

43. (1) An actuarial determination required by regulation 42 must be made in relation to each participant either separately or in accordance with this regulation.

(2) An actuary may, if the actuary considers it reasonable to do so, divide the participants in a scheme into categories and make a determination in respect of a notional average member of each category.

(3) If a determination is made under subregulation (2) for a category, that determination applies in respect of each participant who is a member of that category, including any person who subsequently becomes a member of that category.

(4) An actuary may categorize participants in a scheme according to their occupations, their salaries, the type of benefits to which they are or will become entitled, or on such other basis as the actuary considers appropriate.

Deemed rate of earnings

44. The earnings referred to in item 2 (3) of Schedule 2 to the Act are to be calculated at a rate equal to the yield rate, on the day on which the determination is made, for 10 year treasury bonds issued by the Commonwealth.

Determination for 3 years

45. (1) An actuarial determination must specify the amount of contributions for each participant, or category of participants, for each return period for the 3 years from the date on which the determination is made.

(2) If a determination is required under regulation 42(2) the determination must also specify the amount of contributions for each participant, or category of participants, for each return period from the date the significant event occurred to the date on which the determination was made.

(3) If a determination is required under regulation 42(3) the determination must also specify the amount of contributions for each participant, or category of participants, for each return period from the date of the Commissioner's direction to the date on which the determination was made.

(4) The contribution may be expressed —

- (a) as a dollar amount (which need not be the same for each return period); or
- (b) by reference to a variable which is, or a number of variables which are, readily ascertainable for each participant for each return period (*e.g. as a percentage of salary*).

Duration of actuarial determination

46. An actuarial determination made under this Part remains in force for 3 years from when it is made unless before then another actuarial determination is made to replace it.

Retention of superannuation records

47. If an employer has, or is deemed to have, made a superannuation contribution in respect of a person which is deemed by section 3A of the Act to be wages the following documents are prescribed to be preserved by that employer —

all documents and records used to ascertain the amount of the contribution including, if item 2 (3) of Schedule 2 to the Act applies, the actuarial determination relating to that contribution. ”

Transitional provision

8. Despite regulation 6, regulation 3B of the principal regulations as in force before the commencement of these regulations continues to apply to wages paid or payable before 1 July 1997.

By Command of the Lieutenant-Governor and deputy of the Governor in Executive Council.

J. PRITCHARD, Clerk of the Executive Council.

WATER

WA301

WATER AGENCIES (POWERS) ACT 1984
COUNTRY TOWNS SEWERAGE AMENDMENT BY-LAWS 1997

Made by the Minister under section 34 (1) of the Act.

Citation

1. These by-laws may be cited as the *Country Towns Sewerage Amendment By-laws 1997*.

Schedule C repealed and a Schedule substituted

2. Schedule C to the *Country Towns Sewerage By-laws 1952** is repealed and the following Schedule is substituted —

“

SCHEDULE C**FEES****PART I****Plumbing Fees**

	\$
1. For works to be connected to the sewer —	
(a) Single residential building —	
(i) one major fixture	66.00
(ii) each additional major fixture	16.50
(iii) re-inspection	33.00
(b) Other than single residential building — single storey —	
(i) one major fixture	102.00
(ii) each additional major fixture	34.00
(iii) re-inspection	51.00
(c) Other than single residential building — more than one storey — fee per floor —	
(i) one major fixture on floor	168.50
(ii) each additional major fixture on floor	56.00
(iii) re-inspection	84.25
2. For works to be connected to a septic tank —	
(a) one major fixture	39.75
(b) each additional major fixture	19.85
3. For inspection of work under by-law 18F —	
(a) single residential building	33.00

	\$
(b) other than single residential building — single storey	51.00
(c) other than single residential building — more than one storey — fee per floor	84.25

PART II

Fees under section 41A

	\$
In respect of land on which it is proposed to —	
(a) construct a new single residential building	51.00
(b) alter an existing single residential building at a cost, as assessed by the Corporation, of over \$22 500 — per \$1 000 of the cost so assessed, up to a maximum of \$51.00	1.02
(c) construct or alter a building other than a single residential building, the cost of which construction or alteration the Corporation assesses to be over \$22 500, an amount for each \$1 000 of the cost assessed —	
up to \$1 000 000	1.20
over \$1 000 000	
but not over \$10 000 000	0.80
over \$10 000 000	
but not over \$50 000 000	0.40
over \$50 000 000	0.20

PART III

Fees for copies of records, plans and diagrams

	\$
1. Supply of copy of, or extract from, records or plans (other than those stored in digital format) under section 102 (3) of the <i>Water Agencies (Powers) Act 1984</i> —	
A1 film	11.00
A1 paper	9.00
A2 paper	7.00
A3 paper	6.00
A4 paper	6.00
2. Property sewer diagram (per A4 copy)	6.00
3. Additional fee (A4 only) for facsimile transmission	3.50

PART IV**Statements and information**

	\$
1. Electronic lodgement of a combined request for a copy of any portion of the records kept under s.69A of the <i>Water Agencies (Powers) Act 1984</i> and answers to orders and requisitions in relation to land	20.00
2. Lodgement other than under item 1 of a combined request for a copy of any portion of the records kept under s.69A of the <i>Water Agencies (Powers) Act 1984</i> and answers to orders and requisitions in relation to land	25.00
3. Provision of information other than under items 1 or 2 that involves research or investigation of 15 minutes or more — per hour or part thereof	25.00

PART V**Plumber's licences**

	\$
1. (a) Application for a plumber's licence	30.90
(b) Issue of plumber's licence — per quarter or part thereof	25.75
2. (a) Duplicate of plumber's licence	20.60
(b) Renewal of plumber's licence	103.00

PART VI**Fees for books of forms**

	\$
1. Book of forms of notice and certificate of completion and compliance	15.45
2. Book of forms for multi-entry plumbing certificate	5.95

PART VII**Fees for authorization of materials, fittings and fixtures**

	\$
1. Application fee —	
(a) for first item of product type	321.40
(b) for each additional item of product	44.80
2. Examination, testing, inspection or evaluation (per hour or part thereof)	75.20

PART VIII**Fees for the provision of plan sheets for
preparation of diagrams of property
sewer installations**

	\$
1. A4 size (per pad of 25 sheets)	3.60
2. A3 size (per pad of 25 sheets)	6.70
3. A1 size (per sheet)	1.25

PART IX**Minimum fees for installation of sewer junction
(By-law 230)**

	\$
1. 100 mm sewer junction	207.50
2. 150 mm sewer junction	285.00

”

[* *Reprinted as at 17 September 1996.
For amendments to 3 July 1997 see Gazette 4 February and
27 June 1997.*]

Note: Schedule C to the *Country Towns Sewerage By-laws 1952* is being repealed and substituted to remove an error that occurred in by-law 11 of the *Water Agencies Amendment By-laws 1997* published in *Gazette 27 June 1997* at pp 3204-3219.

KIM HAMES, Minister for Water Resources.

TENDERS**ZT201**

**MAIN ROADS
WESTERN AUSTRALIA
Tenders**

Tenders are invited for the following projects.

Information on these Tenders is available from the Store Control Officer, Supply Branch, Ground Floor, Don Aitken Centre, Waterloo Crescent, East Perth.

Tender No.	Description	Closing Date
		1997
5/97	Road Reconstruction and Realignment of Eyre Highway (99 to 118 SLK) Goldfields-Esperance Region	12 August
97D5	Purchase and Removal of Trailer Mounted Sand Spreader, Welshpool ..	25 July
97D6	Purchase and Removal of C/Cab Trucks, Trailers, Chainsaw and Welder/Generator, Welshpool	25 July

ZT202*Acceptance of Tenders*

Contract No.	Description	Successful Tenderer	Amount \$
321/96	Supply and Installation of Road Signs, Guide Posts, Bollards and Grab Rails, Perth Metro Region	Alliance Contracting Enterprises	405 404.00

Acceptance of Tenders—continued

Contract No.	Description	Successful Tenderer	Amount \$
671/96	Provision of Drafting Services	<ul style="list-style-type: none"> • BSD Consultants • Biss Drafting Services • Computer Aided Design & Drafting Service • Nelson Mardardy & Associates • Roadswest Engineering • Traffic Australia 	Panel Contract
869/96	Supply & Installation of SCATS Hardware and Software Computers, Metropolitan offices	Autodata Digital Systems	71 708.00
919/96	Supply of Welded Mesh Reinforcement for Concrete Overlays, Bridge Branch	Welded Mesh Pty Ltd	119 499.95
931/96	Provision of an Engineers' Professional Development Program	Don Clayton and Associates .	17 812.50
936/96	Landscape Installation & Irrigation Works at Great Eastern Highway-Orrong Road Intersection	Landscape Development	349 743.00
96D78	Purchase and Removal of Tray Top Truck, Fuel Tanker, Hydraulic Rod Broom Grader, Bitumen Tanker Trailer and Fibreglass Water Tank, Welshpool	<ul style="list-style-type: none"> • Big Gun Trucks Pty Ltd • RNR Contracting Pty Ltd . • Soltoggio Bros • Toscana (WA) Pty Ltd • Pty Ltd • Transfield Maintenance 	27 632.00 19 000.00 3 332.00 350.00 1 085.00

D. R. WARNER, Executive Director Corporate Services.

ZT301

DEPARTMENT OF CONTRACT AND MANAGEMENT SERVICES

Accepted Tenders

Schedule No.	Particulars	Contractor	Rate
<i>Provision of Service</i>			
58697	Sanitary Napkin Disposal Units and Sanitary Napkin/Tampon Dispensing Units for the CMC of TAFE	Industrial Hygiene Services	Details on request
<i>Supply and Delivery</i>			
55797	One only Megobal PB 30 100 Press Brake at the Geraldton Regional College of TAFE	Ron Mack Machinery Sales WA	\$88 500.00

July 18, 1997.

PUBLIC NOTICES

ZZ101**TRUSTEES ACT 1962**

NOTICE TO CREDITORS AND CLAIMANTS

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 18th August 1997, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Bond, Anne Hunter, late of Lathlain Nursing Home, 63 Archer Street, Carlisle, died 7/6/97. (DEC 302766 DS4)

Bradshaw, Eva Helen, late of 17 Harvey Road, Shenton Park, died 20/6/97. (DEC 302405 DA1)

- Briggs, Albert Edward, late of 32 Dixon Avenue, Kewdale, died 13/6/97. (DEC 302728 DA2)
- Brown, Marion Connie, late of 3/28 Jennings Way, Lockridge, died 2/4/97. (DEC 300370 DE3)
- Clegg, Elizabeth Joyce, late of 81 Wittenoom Street, Collie, died 9/5/97. (DEC 301870 DL3)
- Connor, Iris Lucy, late of 73 Hillsborough Drive, Nollamara, died 17/6/97. (DEC 302708 DG3)
- Cottle, Valerie Margaret, late of Unit 2/5 Weddall Road, Palmyra, died 15/6/97. (DEC 302744 DG4)
- Davey, Doreen Dimpheia, late of 2/104 Kintail Road, Applecross, died 25/6/97. (DEC 302595 DG3)
- Dunstan, Beryl Marjorie, late of Gracehaven Hostel, Westralia Gardens, Rockingham, died 28/5/97. (DEC 302710 DL4)
- Fitzgerald, Kevin Anthony, late of 1/1324 Hay Street, West Perth, died 1/7/97. (DEC 302575 DP4)
- Hall, Thelesa Eileen, late of Room 401 Waminda Hostell, Swan Cottage Homes, Bentley, died 22/6/97. (DEC 302660 DL4)
- Head, Olive Claremont, late of Concorde Nursing Home, 26 Anstey Street, South Perth, died 15/6/97. (DEC 302696 DS4)
- Kennedy, John Kalman, late of Agmaroy Nursing Home, 115 Leach Highway, Wilson, died 5/6/97. (DEC 302071 DA3)
- Marks, Gilbert Geoffrey, late of Mandurah Nursing Home, 1 Hungerford Avenue, Mandurah, formerly of 23 Comet Street, Mandurah, died 27/6/97. (DEC 302533 DA2)
- Ion, Olive, late of Joondanna Village Lodge, 5-9 Osborne Street, Joondanna, died 15/6/97. (DEC 302380 DS2)
- Kennedy, Doris Fulton, late of 19 Gloucester Road, Kalamunda, died 31/5/97. (DEC 302011 DA4)
- Lanigan, Daisy Ethel, late of 85 Powell Street, Joondanna, died 29/6/97. (DEC 302076 DA3)
- Lunt, Ann, late of Tandarra Nursing Home, Jarrah Road, Bentley, formerly of 22 Teak Way, Maddington, died 31/3/97. (DEC 300789 DP4)
- Machin, Eric Clive, late of Dean Lodge, RAAF Assoc, Bull Creek Drive, Bull Creek, died 14/6/97. (DEC 302604 DS4)
- Morrissey, Martin Patrick, late of St Bartholomews House, 78 Brown Street, East Perth, died 29/5/97. (DEC 301730 DG4)
- Mowingoola, Dora, also known as Monagoly, Dora, late of Numbala Nunga Nursing Home, Derby, died 27/12/94. (DEC 281513 DD4)
- Newcombe, James Ernest, Embleton Nursing Home, Cnr Broun Avenue & Drake Street, Embleton, died 18/6/97. (DEC 302563 DL4)
- Peterson, Mary, late of Shoalwater Nursing Home, 72 Fourth Avenue, Shoalwater, died 24/6/97. (DEC 302631 DP4)
- Pilgrim, Betty, late of 166 Karrinyup Road, Karrinyup, died 17/6/97. (DEC 302665 DG2)
- Pyke, George Edward, late of Flat 8/69 Leonard Street, Victoria Park, died 17/6/97. (DEC 302659 DD2)
- Tse, Harry Hing Chung, late of 14 Lancaster Street, Spearwood, died 21/6/97. (DEC 302670 DA4)
- Webb, Margaret Catherine Verna, late of 25/11 Freedman Road, Menora, died 1/7/97. (DEC 302633 DC2)
- Wyatt, Florence Mabel, late of unit 215/55 Belgrade Road, Wanneroo, died 24/6/97. (DEC 302735 DL3)

K. E. BRADLEY, Public Trustee,
Public Trust Office, 565 Hay Street Perth WA 6000
Telephone: 9222 6777

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 persons, are required by the executor National Mutual Trustees Limited of 111 St George's Terrace, Perth (Box B76 GPO Perth) to send particulars of their claims to them on or before the expiration of one month from the date of publication of this notice, after which date the Company may convey or distribute the assets of the Estate having regard only to the claims of which it then has notice:

1. Agnes Mary Little, late of 51/99 Herdsman Parade, Wembley died on 24 June 1997; and
2. William Ivor Thomas, late of 18 Myrtle Avenue, Sorrento died on 8 June 1997.

ZZ202**TRUSTEES ACT 1962**

NOTICE TO CREDITORS AND CLAIMANTS

Grant Frederick Cooper, late of 209 Scarborough Beach Road, Doubleview, Western Australia died on or about 20 April 1997. Creditors and other persons having claims (to which section 63 of the Act relates) in respect of this estate are required to send particulars of their claims to the trustee c/- Jackson McDonald, Solicitors, GPO Box M971, Perth WA 6001 (Ref: EJC) by 18 August 1997, after which date the assets of the estate may be conveyed or distributed having regard only to the claims of which the trustee then has notice.

ZZ203**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 Estate of the undermentioned deceased persons, are required by Perpetual Trustees W.A. Ltd of 89 St George's Terrace, Perth, to send particulars of their claims to the Company, by the undermentioned date, after which date the said Company may convey or distribute the assets, having regard only to the claims of which the Company then has notice.

Claims for the following expire one month after the date of publication hereof.

Dated this 16th day of July 1997.

P. J. HOLLAND, Senior Manager,
Private Client Division.

Banks, Nellie Marie, late of Embleton Hospital, Broun Avenue, Embleton WA 6062. Widow, died 21/4/97.

Bateman, Ellen Alice Amelia, late of Room 12 Murlali Lodge, 25 Mount Henry Road, Manning WA 6152. Widow, died 28/6/97.

Cleveland, Olwen Frances, late of 3 Bollig Gardens, Swan Cottages, Adie Court, Bentley WA 6102. Spinster, died 29/6/97.

Dagleish, Florence Elizabeth May, late of 515 Kalamunda Road, High Wycombe WA 6057. Widow, died 4/7/97.

Penn, Clara Elizabeth, late of Undercliffe Nursing Home, 20 Coongan Avenue, Greenmount WA 6056. Widow, died 19/6/97.

Perry, Doris Annie, late of Belmont Community Nursing Home, 5 Kempe Place, Rivervale WA 6103. Widow, died 28/6/97.

CONTENTS**REGULATIONS, BY-LAWS, RULES, DETERMINATIONS, ORDERS**

	Page
Correction—Rottnest Island Amendment Regulations 1997	3782
Debits Tax Assessment Act 1990—Debits Tax Assessment Amendment Regulations 1997 .	3782-800
Water Agencies (Powers) Act 1984—Country Town Sewerage Amendment By-laws 1997 ...	3801-4

GENERAL CONTENTS

	Page
Agriculture	3707
Justice	3707
Land Administration	3707-10
Local Government	3710-7
Main Roads	3717-21
Minerals and Energy	3721-2
Planning	3723-79
Police	3779-81
Premier and Cabinet	3782
Tenders—	
Main Roads	3804-5
Contract and Management Services	3805
Public Notices	3805-7

