



WESTERN AUSTRALIAN GOVERNMENT Gazette

ISSN 1448-949X

941



PERTH, FRIDAY, 3 MARCH 2006 No. 41

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.30 PM

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The Western Australian *Government Gazette* is published by State Law Publisher for the State of Western Australia on Tuesday and Friday of each week unless disrupted by Public Holidays or unforeseen circumstances.

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

The following guidelines should be followed to ensure publication in the *Government Gazette*.

- Material submitted to the Executive Council prior to gazettal will require a copy of the signed Executive Council Minute Paper and in some cases the Parliamentary Counsel's Certificate.
- Copy must be lodged with the Sales and Editorial Section, State Law Publisher no later than 12 noon on Wednesday (Friday edition) or 12 noon on Friday (Tuesday edition).

Delivery address:

State Law Publisher

Ground Floor,

10 William St. Perth, 6000

Telephone: 9321 7688 Fax: 9321 7536

- Inquiries regarding publication of notices can be directed to the Editor on (08) 9426 0010.
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EFFECTIVE FROM 1 JULY 2005 (Prices include GST).

Deceased Estate notices, (per estate)—\$22.90

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Clients who have an account will be invoiced for advertising charges.

Clients without an account will need to pay at time of lodging the notice.

— PART 1 —

JUSTICE

JU301

Supreme Court Act 1935

Matrimonial Causes Costs Repeal Rules 2006

Made by the Judges of the Supreme Court.

1. Citation

These rules are the *Matrimonial Causes Costs Repeal Rules 2006*.

2. *Matrimonial Causes Costs Rules 1971* repealed

The *Matrimonial Causes Costs Rules 1971* are repealed.

Dated: 27th February 2006.

Judges' signatures:

M. J. MURRAY (ACJ)
N. J. OWEN (JA)
C. D. STEYTLER (P)
A. J. TEMPLEMAN (J)
C. A. WHEELER (JA)
G. P. MILLER (J)
J. R. McKECHNIE (J)
N. P. HASLUCK (J)
L. W. ROBERTS-SMITH (JA)

C. J. L. PULLIN (JA)
E. M. HEENAN (J)
M. L. BARKER (P)
N. JOHNSON (J)
R. L. LE MIERE (J)
C. F. JENKINS (J)
R. L. SIMMONDS (J)
P. D. BLAXELL (J)

— PART 2 —

CONSERVATION

CO401*

CONSERVATION AND LAND MANAGEMENT ACT 1984**CONSERVATION AND LAND MANAGEMENT (REVOCATION OF TIMBER RESERVE)
ORDER (No. 1) 2006**

Made by the Governor in Executive Council under section 17 of the *Conservation and Land Management Act 1984*.

1. Citation

This order may be cited as the *Conservation and Land Management (Revocation of Timber Reserve) Order (No. 1) 2006*.

2. Background to this order

(1) Main Roads WA has requested the excision of a total area of 1.3321 hectares from Timber Reserve Nos. 163/25 and 199/25 in order to formalise a road widening next to South Western Highway and a realignment of part of Goldfields Highway.

(2) In accordance with section 17 of the Act, the Minister for the Environment, with the concurrence of the Minister for Agriculture and Forestry, recommends that the proposed excisions be put into effect.

(3) The lands referred to in subclause (1) have been surveyed and are now described in Schedules 1 and 2.

3. Portions of Timber Reserve Nos. 163/25 and 199/25 excised

The lands described in Schedules 1 and 2 are declared to be no longer Timber Reserve.

Schedule 1—Land no longer part of Timber Reserve No. 163/25

Road widening adjacent to South Western Highway

Lot 3000 on Deposited Plan 43724

0.3288 hectares.

On Department of Land Information Plan: Donnybrook SW (2030-I-SW).

Schedule 2—Land no longer part of Timber Reserve No. 199/25

Realignment of Goldfields Highway

Lot 256 on Deposited Plan 42288

1.0033 hectares.

On Department of Land Information Plan: Widgiemooltha (250).

By Command of the Governor,

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

CONSUMER AND EMPLOYMENT PROTECTION

CE401*

ASSOCIATIONS INCORPORATION ACT 1987**RE-INSTATE INCORPORATION****Section 35(4)**

ENEABBA PLAYGROUP INCORPORATED

A1005678G

THE 500 CLUB INC.

A0823319Z

THE POODLE SOCIETY OF W.A. INCORPORATED

A1008039L

GWELUP PROGRESS ASSOCIATION INC.

A0824496G

CITY OF PERTH ART FOUNDATION (INC)

A1005678G

Notice is hereby given that the incorporation of the above-named associations has been re-instated as from the date of this notice.

Dated the 20 February 2006.

PATRICK WALKER, Commissioner for Fair Trading.

EDUCATION

ED401

UNIVERSITY OF WESTERN AUSTRALIA ACT 1911**APPOINTMENT**

It is hereby notified for general information that the Governor in Executive Council has, in accordance with Section 8(1)(a) of the University of Western Australia Act 1911, approved the appointment of Dr Susan Boyd as a member of the University of Western Australia Senate for a four year term of office commencing on the 2 March 2006.

Hon LJILJANNA RAVLICH MLC, Minister for Education and Training.

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

FISHERIES

FI401

FISH RESOURCES MANAGEMENT ACT 1994**SHARK BAY PRAWN MANAGEMENT PLAN 1993****Clause 10 closures of areas within the Fishery**

I, Peter Rogers, Executive Director of the Department of Fisheries Western Australia, in accordance with the *Shark Bay Prawn Management Plan 1993* hereby give notice that I have cancelled *Determination No. 1 of 2005* which set out the dates, times and areas that fishing is prohibited in the Shark Bay Prawn Managed Fishery.

I hereby give notice that a new determination (*Determination No. 1 of 2006*) has been made in accordance with clause 10 of the *Shark Bay Prawn Management Plan 1993* of the dates, times and areas that fishing is prohibited in the Shark Bay Prawn Managed Fishery during the period commencing from the date of gazettal of this notice and ending on 1 June 2007.

A copy of this determination which is signed by me may be obtained from, or inspected at the Head Office of the Department of Fisheries located at 168 St Georges Terrace Perth or the offices of the Department of Fisheries located at 83 Olivia Terrace, Carnarvon and Knight Terrace, Denham.

Dated this 21st day of February 2006.

P. P. ROGERS, Executive Director.

HEALTH

HE401*

MENTAL HEALTH ACT 1996**MENTAL HEALTH (AUTHORIZED MENTAL HEALTH PRACTITIONERS) ORDER (NO. 2) 2006**

Made by the Chief Psychiatrist under section 20.

Citation

1. This order may be cited as the *Mental Health (Authorized Mental Health Practitioners) Order (No. 2) 2006*.

Commencement

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

Authorized mental health practitioner

3. The mental health practitioner specified in Schedule 1 to this order is designated as an authorized mental health practitioner.

Schedule 1

NAME

WILLIAMS Geoff

PROFESSION

Social Worker

Dated 28th February 2006.

Dr ELIZABETH MOORE, Chief Psychiatrist.

LOCAL GOVERNMENT

LG401**HEALTH ACT 1911***City of Perth***NOTICE OF RESOLUTION—HEALTH ACT FEES AND CHARGES**

In accordance with Section 344C of the *Health Act 1911* (as amended) Notice is hereby given that the Council of the City of Perth, at its meeting on 31 January 2006 resolved to fix the following fees and charges—

Licensing of Morgues	\$130;
Registration of Lodging House	\$225;
Certified Copy of Lodging House Register	\$15;
Registration of Eating House	\$335;
Licensing of Eating House Proprietor	\$65;

The fees and charges will take effect from 1 July 2006.

FRANK EDWARDS, Chief Executive Officer.

LG402***DOG ACT 1976***Shire of Moora***APPOINTMENT OF AUTHORISED PERSONS AND REGISTRATION OFFICERS****Appointments**

It is hereby notified for public information that the following persons have been appointed as authorised officers pursuant to the *Dog Act 1976*—

Authorised Persons—

Murray Victor Matthews
Steven John Deckert
Peter Josef Haas
John Leslie Greay
Kevin John Burnett
Kevin Lindsay Headland

Registration Officers—

Cynthia Anne Brassington
Marita Geradine Harris
Jo-Anne Lisa Ellis
Linda May O'Sullivan
Michael John Prunster
Murray Victor Matthews

All previous appointments are hereby cancelled.

S. J. DECKERT, Chief Executive Officer.

MINERALS AND PETROLEUM

MP401***PETROLEUM ACT 1967****GRANT OF EXPLORATION PERMIT**

Exploration Permit No. EP444 has been granted to Rough Range Oil Pty Ltd to have effect for a period of six (6) years from 21 February 2006.

W. L. TINAPPLE, Director Petroleum and Royalties Division.

MP402**MINING ACT 1978**
APPLICATION FOR AN ORDER FOR FORFEITUREDepartment of Industry
and Resources, Leonora.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable to forfeiture under the provisions of Section 96(1)(a) of the *Mining Act 1978*, for breach of covenant, viz, failure to comply with the prescribed expenditure conditions.

K. H. AUTY (SM), Warden.

To be heard in the Warden's Court at Leonora on 29th March 2006.**MOUNT MARGARET MINERAL FIELD***Mount Margaret District*

Prospecting Licence

P38/3088 Excalibur Mining Corporation Ltd
Pocketmail Grow Ltd**MP403****MINING ACT 1978**
APPLICATION FOR AN ORDER FOR FORFEITUREDepartment of Industry
and Resources, Leonora.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable to forfeiture under the provisions of Section 96(1)(a) of the *Mining Act 1978*, for breach of covenant, viz, failure to lodge a report within the prescribed period.

K. H. AUTY (SM), Warden.

To be heard in the Warden's Court at Leonora on 29th March 2006.**MOUNT MARGARET MINERAL FIELD***Mount Malcolm District*

Prospecting Licences

P39/4226 Barnes, Cyril
P39/4227 Barnes, Cyril**MP404****MINING ACT 1978**
APPLICATION FOR AN ORDER FOR FORFEITUREDepartment of Minerals & Energy,
Mt Magnet.
16/02/2006

In accordance with Regulation 49(2)(c) of the *Mining Act 1978*, notice is hereby given that the licences are liable to forfeiture under the provisions of Section 96(1)(a) for breach of covenant, viz, late lodgement of Form 5 Report on Operations.

J. PACKINGTON, Warden.

To be heard in the Warden's Court, Mt Magnet on the 30 March 2006.**MURCHISON MINERAL FIELD***Cue District*P20/1882 Giles, John Barry
P20/1883 Giles, John Barry

PLANNING AND INFRASTRUCTURE

PI401*

TOWN PLANNING AND DEVELOPMENT ACT 1928**APPROVED TOWN PLANNING SCHEME AMENDMENT***City of Stirling*

District Planning Scheme No. 2—Amendment No. 447

Ref: 853/2/20/34 Pt 447

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the City of Stirling town planning scheme amendment on 22 February 2006 for the purpose of:

1. Clause 1.3.4 amended

Clause 1.3.4 is amended by replacing the existing clause 1.3.4 with a new clause 1.3.4 as follows—

1.3.4 Mirrabooka Regional Centre Zone

No person shall carry out development within the Mirrabooka Regional Centre zone except in accordance with Schedule 8 of the Scheme or any other relevant provisions of the Scheme.

2. Clause 1.3.5.3 amended

Clause 1.3.5.3(a) is amended by including after the words “AA Use”, the words “except, where Council is satisfied that the procedures specified in 1.3.5.3 (i), (ii) and (iii) would not be necessary in the case of an application in respect of land in the Mirrabooka Regional Centre Zone”.

2A. Clause 1.6.2.3 amended

Clause 1.6.2.3(a) is amended by including after the words “of this Scheme”, the words “or any other relevant provisions of the Scheme”.

3. Clause 2.2.6 amended

Clause 2.2.6 is amended by replacing the existing clause 2.2.6.2 with a new clause 2.2.6.2 as follows—

2.2.6.2 Mirrabooka Regional Centre Zone—

Subject to the provisions of clause 1.3.4, residential development within—

- (a) the Residential sub-zone of the Mirrabooka Regional Centre Zone shall conform with the standards and requirements of the Residential Planning Code R40/80 and this Part, except where otherwise indicated on Plan No.1 to Schedule 8;
- (b) the Main Street and Institutional/Mixed Used sub-zones of the Mirrabooka Regional Centre Zone shall conform with the standards and requirements of the Residential Planning Code R60, except in respect of Multiple Dwellings, where the Council may permit the development of Multiple Dwellings to a density up to but not exceeding 100 dwellings per hectare of lot area.

3A. Clause 3.2.5 amended

Clause 3.2.5 is amended by inserting a comma after the words “Schedule 8” and replacing the words “and this Part” with the words “Design Guidelines for the Mirrabooka Regional Centre and the parking provisions of Table 3: Commercial Developments.”

4. Clause 4.2.3 deleted

Clause 4.2.3 MIRRABOOKA REGIONAL CENTRE ZONE is deleted

5. Clause 4.2.4 amended

Clause 4.2.4 is amended by replacing the comma after the words “General Industrial Zone” with the word “or” and by deleting the phrase “or from an industrial development in the Mirrabooka Regional Centre Zone”.

6. Clause 4.3.3.1 amended

Clause 4.3.3.1 is amended by deleting the words “and industrial development in the Mirrabooka Regional Centre Zone”.

7. Clause 4.3.3.3 amended

Clause 4.3.3.3 (b) is amended by deleting the words “or the Mirrabooka Regional Centre Zone”.

8. Clause 4.3.4.2 amended

Clause 4.3.4.2 is amended by deleting the words “or the Mirrabooka Regional Centre Zone”.

9. Clause 4.3.5.2 amended

Clause 4.3.5.2 is amended by deleting the words “and industrial developments in the Mirrabooka Regional Centre Zone” after the words “Special Garden Industrial Zone”.

10. Clause 4.3.6.1 amended

Clause 4.3.6.1 is amended by replacing the comma after the words “General Industrial Zone” with the word “or” and by deleting the words “and the Mirrabooka Regional Centre Zone”.

11. Clause 4.3.7.1 amended

Clause 4.3.7.1 is amended by replacing the comma after the words “General Industrial Zone” with the word “or” and by deleting the words “or the Mirrabooka Regional Centre Zone”.

12. Clause 4.3.8. amended

Clause 4.3.8 is amended by replacing the comma after the words “General Industrial Zone” with the word “or the” and by deleting the words “or Mirrabooka Regional Centre Zone”.

12A. Schedule 7 amended

Schedule 7 is amended by deleting the words “Note: The requirements set out above also apply to industrial developments within the Mirrabooka Regional Centre Zone”.

12B. Schedule 11 amended

Schedule 11 is amended by deleting the symbols in Table 11.1: Sign Zoning Table prescribing the applicability of sign types to the Mirrabooka Regional Centre Zone, and replacing them with the words, “As Per Design Guidelines”.

13. Schedule 8 amended

Schedule 8 is amended by replacing the existing Schedule 8 with the following—

SCHEDULE 8: MIRRABOOKA REGIONAL CENTRE ZONE**1 AIM AND OBJECTIVES**

The overall aim of the Outline Development Plan for the Mirrabooka Regional Centre is—

“To revitalise the Mirrabooka Regional Centre to create an attractive, popular and successful focus for the region’s shopping, social and service needs.”

The objectives of the Outline Development Plan are—

- To provide a sound, coordinated strategy for the integrated development of public and private land to facilitate the creation of a safe, successful, vibrant centre, which provides for the ranging needs of the regional community.
- To provide a strategy based on the recommendations of the Mirrabooka Regional Centre Improvement Strategy.
- To provide a sound economic basis to substantiate and inform the development of recommendations in relation to zoning recommendations and allocation of costs.
- To provide statutory planning provisions to guide and control the development of private land within the Centre, in accordance with the Improvement Strategy.

The objectives of the zoning proposals and design guidelines seek to—

- Maintain the retail focus within the core retail area, with due regard to the Metropolitan Centres Policy.
- Locate related uses within walking distance of one another to encourage multi-purpose trips.
- Facilitate more residential and mixed use development to encourage 24 hour activity and passive surveillance within the Centre.
- Give consideration to security issues in new developments.
- Encourage better design and integration of buildings to create a place people want to be in.
- Provide a fair and enforceable mechanism for the allocation of Centre improvement costs to benefiting owners.

2 PERMITTED USES**2.1 Zoning Table—**

2.1.1 The Mirrabooka Regional Centre Zone is sub-divided into the seven areas (hereinafter called “sub-zones”) set out hereunder—

- 2.1.1.1 Centre Retail
- 2.1.1.2 Service Commercial
- 2.1.1.3 Main Street
- 2.1.1.4 Institutional/Mixed Use
- 2.1.1.5 Residential
- 2.1.1.6 General/ Recreation
- 2.1.1.7 Public Open Space

2.1.2 The sub-zones are indicated on Plan No. 1 to this Schedule.

2.1.3 The purpose and intent of the sub-zones are—

2.1.3.1 Centre Retail

The Centre Retail sub-zone is primarily intended to provide for enclosed retail shopping centres, but also other associated non-bulky retail and local office uses that cater for the current and future patrons of the Mirrabooka Regional Centre consistent with the Metropolitan Centres Policy (Statement of Planning Policy No. 4.2, WAPC). No residential uses are permitted.

2.1.3.2 Service Commercial

The Service Commercial sub-zone is intended to provide for the establishment of primarily showroom uses but also for a variety of low intensity commercial land

uses that require extensive land areas but excludes retail space except as incidental to the predominant use as decided and approved by the Council. This sub-zone will complement, rather than compete with, retail uses within the Main Street sub-zone. No residential uses are permitted.

2.1.3.3 Main Street

The Main Street sub-zone is primarily intended to provide for traditional retail shopping main streets, but also other associated non-bulky retail, local office and appropriate residential uses up to R100 that cater for the current and future patrons of the Mirrabooka Regional Centre consistent with the Metropolitan Centres Policy (Statement of Planning Policy No. 4.2, WAPC). This is consistent with the "lifestyle street" concept developed by the Council and includes the promotion of after-hours activity.

2.1.3.4 Institutional / Mixed Use

The Institutional / Mixed Use sub-zone is intended to provide primarily for non-commercial and non-retail institutional uses, but also a variety of local office uses and appropriate residential uses up to R60/100. Retail uses are permitted where they are incidental to the predominant use as decided and approved by the Council and are consistent with Metropolitan Centres Policy (Statement of Planning Policy No. 4.2, WAPC).

2.1.3.5 Residential

The Residential sub-zone is intended to provide for a predominantly residential area up to R40/80 but also other uses normally associated with standard residential subdivision as decided and approved by the Council.

2.1.3.6 General/ Recreation

The General/ Recreation sub-zone is intended to accommodate existing recreation activities with the flexibility for other uses to be incorporated in the future as decided and approved by the Council.

2.1.3.7 Public Open Space

The Public Open Space sub-zone is intended to provide for undeveloped green spaces, but also minor development of community facilities or minor development of recreational / entertainment uses (such as cafes) normally associated with such space where incidental to the predominant use as decided and approved by the Council.

- 2.1.4 Subject to the provisions of clause 2.1.3, Table 8.1—Zoning Table : Sub-Zones of this Schedule prescribes the uses permitted in each sub-zone. The symbols used in Table 8.1 have the same meaning as in clause 1.3.2.2. of the Scheme.
- 2.1.5 No person shall use any land, or any building constructed thereon, in a sub-zone except for the purposes specified against the sub-zone in Table 8.1.
- 2.1.6 Where an area on Plan No. 1 to this Schedule is designated R40/80, development to the density and standards of the R80 code shall be permitted only if the Council is satisfied the development—
- is within a 400m walking distance of the 'lifestyle street' as located within the Main Street sub-zone and being consistent in form with 'main street' development as defined by the Metropolitan Centres Policy (Statement of Planning Policy No. 4.2, WAPC);
 - has frontage to two or more constructed roads with built form orientated to face each street;
 - achieves passive surveillance of public areas;
 - achieves complete frontage to a public road and does not take the form of battleaxe blocks; and
 - is consistent with the provisions of this Schedule or any other relevant provisions of the Scheme.
- 2.1.7 Where an area on Plan No. 1 to this Schedule is designated R60/100, development to the density and standards of the R100 code shall be permitted only if the Council is satisfied the development—
- is within a 400m walking distance of the 'lifestyle street' as located within the Main Street sub-zone and being consistent in form with 'main street' development as defined by the Metropolitan Centres Policy (Statement of Planning Policy No. 4.2, WAPC);
 - has a boundary to Chesterfield Road or Milldale Way;
 - achieves complete frontage to a public road and will assist in the definition of the street edge;
 - achieves passive surveillance of public areas;
 - is setback a distance consistent with other development in the street, subject to clause 3.22; and
 - is consistent with the provision of this Schedule or any other relevant provisions of the Scheme.

3 ADDITIONAL DEVELOPMENT REQUIREMENTS

3.1 Interpretation

3.1.1 In clause 3, unless the context otherwise requires—

“Commission” means the Western Australian Planning Commission;

“owner” means an owner or owners of land in the Development Area; and

“Outline Development Plan” means an Outline Development Plan that has come into effect in accordance with clause 3.12.1.

3.2 Outline Development Plan

3.2.1 In order to promote the specific objectives of the Mirrabooka Regional Centre—Outline Development Plan and more particularly the creation of a diversity of land uses and developments within the Mirrabooka Regional Centre and to create a mixture of mutually beneficial uses and developments within the sub-zones of the Mirrabooka Regional Centre, the Council shall encourage the incorporation of a residential component in the Main Street and Institutional/Mixed Use sub-zones.

3.2.2 For the purpose of promoting the highest standard of development within the Mirrabooka Regional Centre the Council may adopt an appropriate Outline Development Plan for the Mirrabooka Regional Centre.

3.3 Subdivision and Development

3.3.1 The development of land within the Mirrabooka Regional Centre is to comply with the adopted Outline Development Plan.

3.3.2 The subdivision and development of land within the Mirrabooka Regional Centre is to generally be in accordance with Outline Development Plan that applies to that land.

3.4 Outline Development Plan Required

3.4.1 The City is not to—

(a) consider recommending subdivision; or

(b) approve development

of land within the Mirrabooka Regional Centre unless there is an Outline Development Plan for the Centre or for the relevant part of the Centre.

3.4.2 Notwithstanding clause 3.4.1, the City may recommend subdivision or approve the development of land within the Mirrabooka Regional Centre prior to an Outline Development Plan coming into effect in relation to that land, if the City is satisfied that this will not prejudice the specific purposes and requirements of the Centre.

3.5 Preparation of proposed Outline Development Plans

3.5.1 A proposed Outline Development Plan may be prepared by—

(a) the City; or

(b) an owner.

3.5.2 A proposed Outline Development Plan may be prepared for all, or part of, the Mirrabooka Regional Centre.

3.6 Details of proposed Outline Development Plan

3.6.1 A proposed Outline Development Plan is to contain such detail as, in the opinion of the Council, is required to satisfy the requirements of the Development Area, and, without limiting the generality of the foregoing, may include the following details—

(a) a map showing the area to which the proposed Outline Development Plan is to apply;

(b) key opportunities and constraints of the Development Area including landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage values, ownership, land use, roads and public transport, and services;

(c) the planning context for the Development Area including the regional and neighbourhood structure, relevant strategies, Scheme provisions and policies and where appropriate, indicating how the proposed Outline Development Plan is to be integrated into the surrounding area;

(d) proposed major land uses, in particular, residential areas, public open space, school sites, civic and community uses, commercial uses (including the location and hierarchy of commercial centres), mixed use, industrial and mixed business uses;

(e) the proposed indicative lot pattern and general location of any major buildings;

(f) estimates of future lots, dwellings, population, employment and retail floor space;

(g) provision for major infrastructure, including main drainage, sewerage, water supply and other key infrastructure services;

(h) the proposed road network and hierarchy, public transport services, and bicycle and pedestrian networks;

(i) the timeframe and staging of subdivision and development, and the method of implementation, including any proposals for funding by development contributions;

- (j) details as appropriate relating to—
 - (i) vehicular access and parking;
 - (ii) the location, orientation and design of buildings and the space between buildings;
 - (iii) conservation areas;
 - (iv) heritage places; and
 - (v) special development control provisions; and
 - (k) such other information as may be required by the Council.
- 3.6.2 Any maps produced to satisfy the requirements of clause 3.6.1 are to—
 - (a) be drawn to a scale that clearly illustrates the details referred to in clause 3.6.1; and
 - (b) include a north point, visual bar scale, key street names and a drawing title and number.
- 3.6.3 A proposed Outline Development Plan may, to the extent that it does not conflict with the Scheme, impose a classification on the land included in it by reference to reserves, zones or the *Residential Design Codes*, and where the proposed Outline Development Plan becomes an Outline Development Plan, the City is to have due regard to such reserves, zones or *Residential Design Codes* when recommending subdivision or approving development of land within the Mirrabooka Regional Centre.
- 3.6.4 A proposed Outline Development Plan must, in the opinion of the City, be consistent with orderly and proper planning.
- 3.7 Submission to the City and Commission
 - 3.7.1 A proposed Outline Development Plan prepared by an owner is to be submitted to the City.
 - 3.7.2 Within 7 days of preparing or receiving a proposed Outline Development Plan which proposes the subdivision of land, the City is to forward a copy of the proposed Outline Development Plan to the Commission.
 - 3.7.3 The Commission is to provide comments to the City as to whether it is prepared to endorse the proposed Outline Development Plan with or without modifications.
 - 3.7.4 The Commission must provide its comments to the City within 30 days of receiving the proposed Outline Development Plan.
- 3.8 Advertising of Outline Development Plan
 - 3.8.1 Within 60 days of preparing or receiving a proposed Outline Development Plan that conforms with clause 3.6 and complies with the Scheme (or such longer time as may be agreed in writing between the owner who submitted the proposed Outline Development Plan and the City), the City is to—
 - (a) advertise, or require the owner who submitted the proposed Outline Development Plan to advertise, the proposed Outline Development Plan for public inspection by one or more of the following methods—
 - (i) notice of the proposed Outline Development Plan published in a newspaper circulating in the Scheme area;
 - (ii) a sign or signs displaying notice of the proposed Outline Development Plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed Outline Development Plan applies; and
 - (b) give notice or require the owner who submitted the proposed Outline Development Plan to give notice, in writing to—
 - (i) all owners whose land is included in the proposed Outline Development Plan;
 - (ii) all owners and occupiers who, in the opinion of the City, are likely to be affected by the adoption of the proposed Outline Development Plan;
 - (iii) such public authorities and other persons as the City nominates.
 - 3.8.2 The advertisement and notice are to—
 - (a) explain the scope and purpose of the proposed Outline Development Plan;
 - (b) specify when and where the proposed Outline Development Plan may be inspected; and
 - (c) invite submissions to the City by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires.
- 3.9 Adoption of proposed Outline Development Plan
 - 3.9.1 The City is to consider all submissions received and within 60 days of the latest date specified in the notice or advertisement for the making of submissions is to—
 - (a) adopt the proposed Outline Development Plan, with or without modifications; or
 - (b) refuse to adopt the proposed Outline Development Plan and, where the proposed Outline Development Plan was submitted by an owner, give reasons for this to the owner.

- 3.9.2 (a) In making a determination under clause 3.9.1, the City is to have due regard to the comments and advice received from the Commission in relation to the proposed Outline Development Plan.
- (b) If the Commission requires modifications to the proposed Outline Development Plan, the City is to consult with the Commission prior to making a determination under clause 3.9.1.
- 3.9.3 If the City, after consultation with the Commission, is of the opinion that a modification to the proposed Outline Development Plan is substantial, the City may—
 - (a) readvertise the proposed Outline Development Plan; or
 - (b) require the owner who submitted the proposed Outline Development Plan to readvertise the proposed Outline Development Plan;and thereafter, the procedures set out in clause 3.8.1 onwards are to apply.
- 3.9.4 If within the period referred to in clause 3.9.1, or such further time as may be agreed in writing between the owner who submitted the proposed Outline Development Plan and the City, the City has not made a determination under clause 3.9.1, the City is deemed to have refused to adopt the proposed Outline Development Plan.
- 3.10 Endorsement by Commission
 - 3.10.1 If the proposed Outline Development Plan proposes the subdivision of land, then within 7 days of making its determination under clause 3.9.1, the City is to forward the proposed Outline Development Plan to the Commission for its endorsement.
 - 3.10.2 As soon as practicable after receiving the proposed Outline Development Plan, the Commission is to determine whether to endorse the proposed Outline Development Plan.
 - 3.10.3 The Commission is to notify the City of its determination under clause 3.10.2.
- 3.11 Notification of Outline Development Plan
 - 3.11.1 As soon as practicable after adopting a proposed Outline Development Plan under clause 3.9.1 and if clause 3.10 applies, as soon as practicable after being notified of the Commission's decision under clause 3.10.3, the City is to forward a copy of the Outline Development Plan to—
 - (a) any public authority or person that the City thinks fit; and
 - (b) where the Outline Development Plan was submitted by an owner, to the owner.
- 3.12 Operation of Outline Development Plan
 - 3.12.1 An Outline Development Plan comes into effect—
 - (a) where the Outline Development Plan proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 3.10.2; or
 - (b) on the day on which it is adopted by the City under clause 3.9.1 in all other cases.
 - 3.12.2 If a provision of an Outline Development Plan which imposes a classification on the land included in it by reference to reserves, zones or *Residential Design Codes* is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of the inconsistency.
- 3.13 Inspection of Outline Development Plan
 - 3.13.1 The Outline Development Plan and the Commission's notification under clause 3.10.3 is to be kept at the City's administrative offices, and is to be made available for inspection by any member of the public during office hours.
- 3.14 Variation to Outline Development Plan
 - 3.14.1 The City may vary an Outline Development Plan—
 - (a) by resolution if, in the opinion of the City, the variation does not materially alter the intent of the Outline Development Plan;
 - (b) otherwise, in accordance with the procedures set out in clause 3.6 onwards.
 - 3.14.2 If the City varies an Outline Development Plan by resolution, and the variation does not propose the subdivision of land, the City is to forward a copy of the variation to the Commission within 10 days of making the resolution.
 - 3.14.3 If the City varies an Outline Development Plan by resolution, and the variation proposes the subdivision of land, the City is to forward a copy of the variation to the Commission within 10 days of making the resolution for its endorsement.
 - 3.14.4 As soon as practicable after receiving the copy of the variation referred to in clause 3.14.3, the Commission is to determine whether to endorse the proposed variation.
 - 3.14.5 The Commission is to notify the City of its determination under clause 3.14.4.
 - 3.14.6 A variation to an Outline Development Plan by resolution comes into effect—
 - (a) where the variation proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 3.14.4; or
 - (b) on the day on which the City resolves to make the variation under clause 3.14.1 (a).

3.15 Rescission of an Outline Development Plan

An Outline Development Plan may be rescinded by—

- (a) The preparation and final adoption of a new Outline Development Plan in accordance with clause 3.5 to clause 3.10 inclusive, specifically worded to supersede the existing Outline Development Plan; and
- (b) the publication of a formal notice of rescission in a local newspaper circulating in the district.

3.16 Application of an Outline Development Plan

Where there is any inconsistency between development requirements or standards specified in the Scheme and development requirements or standards specified in an Outline Development Plan adopted by the Council for the Mirrabooka Regional Centre, the development requirements or standards specified in the Outline Development Plan shall apply.

3.17 Detailed Area Plan

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

- (a) the City; or
- (b) an owner.

3.17.2 A detailed area plan may include details as to—

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

3.17.3 When a proposed detailed area plan is prepared under clause 3.17.1, the City is to—

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

3.17.4 The advertisement and notice are to—

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

3.17.5 The City is to consider all submissions received and—

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

3.17.6 If within 60 days of receiving a detailed area plan prepared under clause 3.17.1(b), or such longer period as may be agreed in writing between the owner and the City, the City has not made one of the determinations referred to in clause 3.17.5, the City is deemed to have refused to approve the detailed area plan.

3.17.7 Once approved by the City, the detailed area plan constitutes a variation of the Outline Development Plan.

- 3.17.8 The City may vary a detailed area plan in accordance with the procedures set out in clause 3.17 onwards provided such variations do not prejudice the intention of any related Outline Development Plan.

3.18 Appeal

- 3.18.1 An owner who has submitted a proposed Outline Development Plan under clause 3.7.1 may appeal, under Part V of the Town Planning Act against—

- (a) any failure of the City to advertise, or require the owner to advertise, a proposed Outline Development Plan within the required time period under clause 3.8.1;
- (b) any determination of the City—
 - (i) to refuse to adopt a proposed Outline Development Plan (including a deemed refusal); or
 - (ii) to require modifications to a proposed Outline Development Plan that are unacceptable to that owner.

- 3.18.2 An owner who has submitted a detailed area plan in accordance with clause 3.17 may appeal, in accordance with Part V of the Town Planning Act, any discretionary decision made by the City under clause 3.17.

3.19 Design Guidelines which may be required

For the purpose of promoting the highest standard of development within the Mirrabooka Regional Centre the Council may adopt appropriate Design Guidelines for the Mirrabooka Regional Centre.

3.20 Coming into Operation of the Design Guidelines and Amendments

- 3.20.1 The Council having prepared and adopted draft Design Guidelines shall publish a notification once a week for three consecutive weeks in a local newspaper circulating in the District giving details of where the draft Design Guidelines may be inspected, and in what form and during what period submissions may be made.
- 3.20.2 The Council shall review the draft Design Guidelines in the light of any submissions made and shall then resolve either to finally adopt the draft Design Guidelines with or without modification, or not to proceed with the draft Design Guidelines.
- 3.20.3 Following final adoption of the Design Guidelines, notification of the final adoption shall be published once in a newspaper circulating in the District.
- 3.20.4 The Council shall make copies of the Design Guidelines available to the public at the offices of the City during normal office hours and may charge for copies an amount sufficient to recoup the cost of reproduction for public distribution.
- 3.20.5 An amendment or addition to the Design Guidelines may be made after the Design Guidelines have become operative and shall be made in the same manner as provided for the making of the Design Guidelines in sub clauses 3.20.1, 3.20.2 and 3.20.3 and the provisions of those sub clauses shall apply mutatis mutandis to an amendment or addition.
- 3.20.6 Design Guidelines prepared by the Council before the coming into operation of this Schedule provided that it is dealt with in accordance with the procedures in sub clauses 3.20.1, 3.20.2 and 3.20.3 shall upon the completion of those procedures be operative, and shall upon the coming into operation of this Schedule have the same force and effect as if prepared and dealt with under sub clauses 3.20.1, 3.20.2 and 3.20.3 after the coming into operation of this Schedule.
- 3.20.7 The Design Guidelines shall be a Policy operative on and from the date of adoption by the Council of Draft Design Guidelines notwithstanding that the procedure specified in clause 3.20 has not been completed or complied with in respect of that policy.

3.21 Rescission of Design Guidelines

- 3.21.1 Design Guidelines may be rescinded by—
- (a) preparation and final adoption of new Design Guidelines in accordance with clause 3.20, specifically worded to supersede the existing Design Guidelines; and
 - (b) publication of a formal notice of rescission in a local newspaper circulating in the district.

3.22 Application of Design Guidelines

- 3.22.1 In making a decision in respect of any Application for Approval to Commence Development within the Mirrabooka Regional Centre, the Council shall have due regard to the provisions of any Design Guidelines adopted by the Council and to the objectives which the Design Guidelines are intended to achieve.
- 3.22.2 Subject to clause 1.4.3 of the Scheme, where there is any inconsistency between development requirements or standards specified in the Scheme and development requirements or standards specified in Design Guidelines adopted by the Council for the Mirrabooka Regional Centre, the development requirements or standards specified in the Design Guidelines shall apply.

4 PARKING

4.1 Interpretation

In this clause—

“**Commencement Date**” means the date of gazettal of the amendment to the Scheme containing this Schedule.

“Reciprocal Access Rights” means rights to access and cross a lot within the Mirrabooka Regional Centre as a pedestrian or in a vehicle, at any time, in order to access any other lot within the Mirrabooka Regional Centre.

“Reciprocal Parking Rights” means rights to park a vehicle in a parking area on a lot within the Mirrabooka Regional Centre, at any time, in order to attend that lot or any other lot within the Mirrabooka Regional Centre.

4.2 In order to promote multi-use trips and increased pedestrian activity within the Mirrabooka Regional Centre, the Council will facilitate Reciprocal Access Rights and Reciprocal Parking Rights whereby persons are able to access and park their vehicles on land not directly associated with the place they wish to go.

4.3 Existing Reciprocal Access Rights and Reciprocal Parking Rights

4.3.1 The land within the Mirrabooka Regional Centre indicated on Plan 2 and Table 8.2 to this Schedule is land that, at the Commencement Date, is subject to existing agreements providing for rights equivalent or similar to Reciprocal Access Rights and Reciprocal Parking Rights.

4.3.2 Upon the Commencement Date—

4.3.2.1 Reciprocal Access Rights shall apply in relation to each lot comprising the land indicated on Plan 2 and Table 8.2; and

4.3.2.2 Reciprocal Parking Rights shall apply in relation to all parking on each lot comprising the land indicated on Plan 2 and Table 8.2.

4.3.3 Reciprocal Access Rights and Reciprocal Parking Rights pursuant to clause 4.3.2 shall apply notwithstanding any existing agreement, except to development for residential purposes, as determined by the Council.

4.4 New developments to provide Reciprocal Access Rights and Reciprocal Parking Rights

4.4.1 Subject to clause 4.4.3 below, upon the approval by the Council of any development within the Mirrabooka Regional Centre—

4.4.1.1 Reciprocal Access Rights shall apply in relation to the lot the subject of the development; and

4.4.1.2 Reciprocal Parking Rights shall apply in relation to all parking on the lot the subject of the development, whether that parking is approved as part of the development or is existing as part of any existing development of the lot.

4.4.2 Reciprocal Access Rights and Reciprocal Parking Rights pursuant to clause 4.4.1 shall apply notwithstanding any agreement or arrangement entered into by the owner or occupier of the lot relating to access and/or parking in relation to the lot, including an agreement referred to in clause 4.5.1.2(b) below.

4.4.3 Clause 4.4.1 does not apply—

4.4.3.1 to development for residential purposes, as determined by the Council; or

4.4.3.2 if the Council is satisfied, because of exceptional circumstances relating to particular parking, that Reciprocal Access Rights and/or Reciprocal Parking Rights would be inappropriate in those circumstances.

4.5 Reduction of on-site parking requirements due to Reciprocal Access Rights and Reciprocal Parking Rights

4.5.1 Council may exercise its discretion to reduce the on-site parking requirements otherwise applicable to a development where the Council is satisfied—

4.5.1.1 that the parking requirements otherwise applicable to the development can be met by parking provided on other lots within the Mirrabooka Regional Centre in the vicinity of the lot by reason of—

(a) differing times of operation according to the use of the lot the subject of the development and the use of the other lots;

(b) differing peak demand times according to the use of the lot the subject of the development and the use of the other lots;

(c) excess parking capacity on the other lots;

(d) a verifiable reduction in parking demand within the Mirrabooka Regional Centre over time; and/or

(e) any other criteria acceptable to the Council, and

4.5.1.2 that the other lots on which parking is to be provided are subject to—

(a) Reciprocal Access Rights and Reciprocal Parking Rights pursuant to clause 4.3.2 or clause 4.4.1 above; or

(b) legal agreements, to the satisfaction of the Council, providing for Reciprocal Access Rights and Reciprocal Parking Rights.

4.6 Record of Reciprocal Access Rights and Reciprocal Parking Rights

4.6.1 The City shall keep a record of all lots to which Reciprocal Access Rights and Reciprocal Parking Rights apply pursuant to clause 4.3.2, clause 4.4.1 or clause 4.5.1.2(b).

4.7 Extinguishment of rights-of-way, easements or restrictive covenants

- 4.7.1 A right of way, easement or restrictive covenant affecting any land in the Mirrabooka Regional Centre which provides for reciprocal parking rights and/or reciprocal access rights is extinguished in respect of any land to which Reciprocal Access Rights and Reciprocal Parking Rights apply pursuant to clause 4.3.2, clause 4.4.1 or clause 4.5.1(b).

TABLE 8.1: ZONING TABLE—SUB ZONES

	Sub-Zones	Centre Retail	Service Commercial	Main Street	Institutional/ Mixed Use	Residential	General/ Recreation	Public Open Space
USE CLASSES								
Amusement Area		AA	AA	P	AA		AA	
Automotive								
: Accessory Sales		AA	P	AA	AA		AA	
: Panelbeating								
: Repairs								
: Spray Painting								
: Wrecking								
Automotive/Marine Sales			AA				AA	
Automatic Car Wash			AA				AA	
Betting Agency		P	AA	P	AA		AA	
Boarding House				AA	AA		AA	
Builders Storage Yard								
Caravan Park								
Caretaker's Dwelling		IP	IP	IP	IP		AA	
Car Parking Station		AA	AA	AA	AA		AA	
Child Day Care Centre		AA		AA	AA	AA	AA	
Cinema/Theatre		AA		P			AA	
Civic Use		AA	AA	P	P		P	P
Club Premises				AA	AA		P	IP
Consulting Rooms		AA	AA	P	P		AA	
Consulting Rooms: Group Practice		AA	AA	P	P		AA	
Corner Store/Service Shop		P	IP	P	IP		AA	
Display Home Centre				AA	AA	AA	AA	
Drive-In Cinema								
Dwelling								
: Aged Persons				AA	AA	AA	AA	
: Single				AA	AA	P	AA	
: Grouped				AA	AA	P	AA	
: Multiple				AA	AA	AA	AA	
Education Establishment			AA	AA	AA		AA	
Fuel Depot								
Funeral Parlour			AA		AA		AA	
Garden Centre		AA	AA				AA	
Holiday Unit								
Home Business				AA	AA	AA	AA	
Home Occupation				IP	IP	IP	AA	
Home Office				IP	IP	IP	AA	
Horse Stables								
Hospital					AA		AA	
Hospital : Special Purposes								
Hotel / Motel				AA	AA		AA	
Hotel / Motel : Private				AA	AA		AA	

	Sub-Zones	Centre Retail	Service Commercial	Main Street	Institutional/ Mixed Use	Residential	General/ Recreation	Public Open Space
USE CLASSES								
Indoor Sports Centre		AA	P		AA		P	IP
Industry								
:General								
:Noxious								
:Service								
Institutional Building								
Institutional Home				AA	AA	AA	AA	
Local Convenience Store		AA	AA				AA	
Marine Collector's Yard								
Market Garden Sales								
Medical Centre		AA	AA	P	P		AA	
Nursing Home					AA	AA	AA	
Office		AA	AA	P	P		AA	
Personal Services		AA	P	P	AA		AA	
Prison								
Public Amusement		AA	AA	P	AA		AA	AA
Public Assembly							AA	AA
Public Utility		AA	AA	AA	AA	AA	AA	AA
Public Worship		AA	AA	AA	AA		AA	
Radio Equipment		AA	AA	AA	AA		AA	
Radio / TV Installation		AA	AA	AA	AA		AA	
Reception Centre			AA	AA	AA		AA	AA
Reformatory								
Restaurant/Night Club		AA		AA	AA		AA	IP
Restricted Premises		AA	AA	AA	AA		AA	
Rural Use								
Service Station		AA	AA				AA	
Shop		P	IP	P	IP		AA	
Showroom		AA	P		AA		AA	
Spraypainting—Non Automotive								
Take Away / Fast Foods		AA	AA	AA	AA		AA	
Tavern		AA	AA	P	AA		AA	
Trade Display		AA	AA		AA		AA	
Transport Depot								
Veterinary Consulting Rooms			AA	AA	AA		AA	
Veterinary Hospital			AA		AA		AA	
Video Hire Outlet		AA	AA	P	AA		AA	
Warehouse			P					

TABLE 8.2: PARKING TABLE—LOTS AFFECTED BY CLAUSE 4.3.1

Lot No.	Street address
60	1 Milldale Way
61	2 Milldale Way
1	44 Mirrabooka Avenue
4	15 Chesterfield Road
2	17 Chesterfield Road
3	11 Chesterfield Road

Lot No.	Street address
52	42 Mirrabooka Avenue
54	9 Chesterfield Road
53	40 Mirrabooka Avenue
55	1 Chesterfield Road
56	2 Chesterfield Road
57	10 Chesterfield Road
1	29 Yirrigan Drive
2	31 Yirrigan Drive
13	5 Ilkeston Place
16	2 Ilkeston Place
15	16 Ilkeston Place
104	5 Sudbury Place
53	9 Sudbury Place
25	10 Sudbury Place
Res 43378 Loc 12229	30 Chesterfield Road
Res 43377 Loc 12228	28 Chesterfield Road
311	24 Chesterfield Road
300	20 Chesterfield Road
310	22 Chesterfield Road
52	18 Chesterfield Road
101	14 Chesterfield Road
200	12 Chesterfield Road
Loc 12875	10A Chesterfield Road
27	29 Chesterfield Road

T. TYZACK, Mayor.
L. DELAHAUNTY, Chief Executive Officer.

PI402*

TOWN PLANNING AND DEVELOPMENT ACT 1928

TOWN PLANNING SCHEME AMENDMENT

City of Stirling

District Planning Scheme No. 2—Amendment No. 457

Ref: 853/2/20/34 Pt 457

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the City of Stirling town planning scheme amendment on 22 February 2006 for the purpose of—

1. Inserting the following clause after Clause 1.3.4—

1.3.4A No person shall carry out development within the Special Beach Development Zone except in accordance with Schedule 16 of the Scheme or any other relevant provisions of the Scheme.

- 1A. Inserting the following paragraph after paragraph (e) of clause 1.6.2.3—

(f) within the Special Beach Development Zone, except in accordance with Schedule 16 of the Scheme;

2. Inserting the following interpretation into clause 1.1.11 after the 'Spraypainting' interpretation—

Storey: means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of the floor and the ceiling above it, but does not include any portion of a storey having 50% or more of its volume below natural ground level.

3. Deleting Clause 2.2.6.1

4. Deleting Clause 2.3.9 and inserting the following new clause—

2.3.9 The provisions of Schedule 16 apply to all residential development within the Special Beach Development zone.

5. Deleting Clause 3.2.3 and inserting the following new clause—

3.2.3 The provisions of Schedule 16 apply to all commercial development within the Special Beach Development zone.

6. Amending the Scheme Text by inserting a new Schedule, 'Schedule 16 Special Beach Development Zone' following Schedule 15 (to promote and facilitate the development of a complex mixed use tourism orientated centre for the area generally bounded by West Coast Highway, The Esplanade, Brighton Road, and Reserve Street), as follows—

SCHEDULE 16—SPECIAL BEACH DEVELOPMENT ZONE

1. OBJECTIVES

The objectives of the Special Beach Development zone are as follows;

- Development of a range of commercial facilities that will contribute towards the viability of the area as a vibrant commercial centre servicing both residents and visitors;
- Development of a range of versatile, high density accommodation suitable for both tourists and permanent residents, so as to maximise accessibility to the foreshore and enhance the level of support for a wide range of commercial and recreational facilities.
- Buildings designed to contribute towards a distinctive urban-coastal character and sense of place, and which are evocative of a beach-side town.
- Buildings designed to capitalise on the vistas and climatic attributes of the location, but which will respect the visual amenities of the street and locality.
- Buildings designed to provide an attractive visual frame and sense of enclosure for the adjacent street but which are in 'scale' with the adjoining public spaces.
- Development that is conducive to the safe and vibrant interaction of people, and accords with 'main street' design principles.

2. DEVELOPMENT REQUIREMENTS

The provisions of this Schedule shall apply to all development within the Special Beach Development zone.

Note: Development standards and requirements set out in this Schedule are subject to modification under the provisions of clause 1.4.3 of the Scheme unless otherwise indicated. Modifications under the provisions of clause 1.4.3 are only able to be considered where the Council is satisfied that the particular standard or requirement is unreasonable or undesirable in the particular circumstances of the case.

2.1 Land Use

- 2.1.1 Commercial uses should occupy the ground level of all street frontages, with the exception of Reserve Street and Brighton Road which define the extreme northern and southern boundary of the Special Beach Development zone. Preferred uses include specialty shops, cafés, restaurants, bars, entertainment facilities and other commercial services likely to be attractive to tourists and visitors, as well as those serving the day-to-day needs of residents of the wider area.
- 2.1.2 For those commercial street frontages on the periphery of the Special Beach Development zone, where there may be limited demand for intensive retail development, other less intensive forms of commercial activity such as offices, medical suites and personal care services may be accommodated at the ground level, provided they are designed in such a way as to facilitate future conversion to one or more of the preferred uses referred to in clause 2.1.1 above.
- 2.1.3 The continuity of street front commercial development may only be interrupted to provide for approved vehicular or pedestrian accessways (also see Clause 2.9 Parking and Access below). It is anticipated there would be a minimum depth of commercial floorspace of around 10 metres, although more extensive commercial development is generally encouraged.
- 2.1.4 Uses to be accommodated in the upper levels, and at ground level apart from the street frontages, may include both commercial and residential.

2.2 Plot Ratio

- 2.2.1 The overall allocation of commercial floorspace for any development within the Special Beach Development zone (including ground level) shall not exceed a plot ratio of 1.0:1.
- 2.2.2 Subject to clause 2.2.3 below, the total plot ratio of any development within the Special Beach Development zone (excluding 0.5:1 of ground level commercial plot ratio floor space) shall not exceed 1.5:1.
- 2.2.3 For the purposes of clause 1.4.3 of the Scheme, the plot ratio referred to in clause 2.2.2 above may be increased to a maximum of 2.5:1 (excluding 0.5:1 of ground level commercial plot ratio floor space), but only subject to—
 - (a) provision of commercial floor space at ground level with a plot ratio area of at least 0.2:1;
 - (b) compliance with the dwelling unit size and occupancy requirements of Clause 2.4 Residential Density, Dwelling Unit Size and Occupancy below, without modification;
 - (c) compliance with the payment of cash-in-lieu of carparking requirements of Clause 2.9 Parking and Access, without modification; and
 - (d) payment of an infrastructure contribution in accordance with Part 4 Developer Contributions below, without modification.

2.3 Open Space and Landscaping

Open space and landscaping requirements under the Residential Design Codes are subject to variation, and no on-site open space will generally be required where a developer contribution towards the cost of public domain landscaping is payable in accordance with Part 4 Developer Contributions below.

2.4 Residential Density, Dwelling Unit Size and Occupancy

- 2.4.1 A maximum residential density of R-160 shall apply, based on the number of dwelling units other than short-stay accommodation.
- 2.4.2 Single bedroom dwellings with a plot ratio area up to 60m² and aged or dependent persons' dwellings with a plot ratio area up to 80m² will be subject to the standard density bonus provisions of the Residential Design Codes.
- 2.4.3 Of the total number of dwellings on any development site, a minimum of—
 - (a) 10 per cent shall be single bedroom dwellings, with a maximum plot ratio area of 60m²;
 - (b) 25 per cent, which may include the single bedroom dwellings referred to in subparagraph (a) above, shall be designed and occupied for short-stay accommodation, with a maximum plot ratio area of 85m², and
 - (c) 10 per cent shall be designed for occupancy on a permanent basis, with a maximum plot ratio area of 85m².

Note: For the purposes of determining the percentage of dwellings allocated for short stay accommodation, dwellings capable of separate access and occupancy (separately keyed) shall be deemed to be separate dwellings, notwithstanding that they may be available for occupation on a combined basis, e.g. twin key apartments.

2.4.4 Dwellings required to be allocated for short-stay accommodation—

- (a) shall be so designed as, in the opinion of the Council, to satisfactorily limit conflict with, or disturbance of the occupants of any dwelling (other than caretaker accommodation) available for occupancy on a permanent basis;

Note: Areas of potential conflict between permanent residents and the occupants of short stay accommodation are generally related to different expectations concerning noise, privacy, and behaviour. Minimisation of conflicts relating to these matters will generally require some degree of segregation, and may also require design features to reduce the transmission of noise and limit visual intrusion.

- (b) shall be available for tenancy on a short-term basis, not exceeding a period of more than six weeks at any one time by occupier or occupiers;
- (c) shall be subject to a management agreement providing for occupancy controls, to the satisfaction of the Council.

Note: It is anticipated that the required management agreement would be incorporated as a Management Statement as provided for under the Strata Titles Act, and be subject to enforcement as part of the By-Laws of the relevant Strata company. Under these circumstances, any amendment or repeal of the Management Statement would require the consent of the Council.

2.5 Building Height

- 2.5.1 Subject to clauses 2.5.2 and 2.5.3 below, the building height of any development within the Special Beach Development zone shall not exceed 8 storeys or 32 metres (whichever is the lesser).

Note: Height in relation to a 'building' refers to the vertical distance at any point from natural ground level to the uppermost part of the building above that point, and shall include all lift motor rooms, lift overruns, and architectural features.

- 2.5.2 No part of any development shall extend above the level of the existing Rendezvous Hotel.
- 2.5.3 The wall height of any development adjoining or immediately adjacent to any street, shall be between 10 metres and 15 metres (3-4 storeys), above which there shall be a setback so as to create a podium for any extension of height above this level in accordance with Clause 2.6 Setbacks below.
- 2.5.4 All developments shall include distinguishable roofing to a height of between 3 metres and 5 metres above the highest point of the wall to which it relates, and within the overall maximum permitted height.
- 2.5.5 The minimum floor to ceiling heights of any development shall be—
 - (a) 3.5 metres for the ground floor; and
 - (b) 3.0 metres for all other floors.

2.6 Setbacks

- 2.6.1 Subject to clause 2.6.2, any part of a building within the Special Beach Development zone from ground level up to 15 metres in height (three to four storeys), shall have a zero front setback and take the form of street-front development so as to provide a continuity of building frontages and a visual frame and sense of enclosure of the street.
- 2.6.2 For the purposes of clause 1.4.3 of the Scheme, the zero front setback referred to in clause 2.6.1 may be increased to allow a front setback, but only if alfresco dining or

other active public use is to be made of the setback area, or in the case of approved vehicular or pedestrian access through, or to the interior of the site (see also Clause 2.10 Pedestrian Movement and Shelter below).

2.6.3 Any part of a building above 15 metres in height shall have a minimum street setback of 6 metres.

2.6.4 Side and rear setbacks shall generally accord with the standards prescribed in the Residential Design Codes, except in the case of side setbacks for the building podium adjacent to commercial street frontages, where a zero setback will be required so as to maintain the continuity of building frontages.

2.6.5 Privacy setback requirements prescribed in the Residential Design Codes are subject to variation based on the priority to be given to outlooks, views and vistas and the generally lower level of privacy expected for residents living in a tourist precinct.

2.7 Visual Permeability

2.7.1 In order to provide for east-west visual permeability, all development above a height of 15 metres from natural ground level shall accord with the side and rear setback standards prescribed in the Residential Design Codes.

2.7.2 Notwithstanding clause 2.7.1 above, no eastern or western elevation above a height of 15 metres from natural ground level shall be longer than 60 metres in length, and shall be separated from any other building above 15 metres in height on the same lot by a minimum distance of at least 20 metres.

2.8 Solar Access

Solar access requirements prescribed in the Residential Design Codes are subject to variation, and consideration will be given to departures from the prescribed standards, provided—

- (a) living areas on the affected site are afforded at least three hours of solar access between the hours of 9 am and 3 pm on the shortest day of the year; and
- (b) a higher level of solar access may be required for those sites outside the Special Beach Development zone which may be affected by overshadowing of development otherwise provided for under this Schedule.

2.9 Parking and Access

2.9.1 Parking requirements for developments within the Special Beach Development zone shall accord with the standards in the Scheme, and where applicable the Residential Design Codes, except that a proportion of the required parking shall be subject to a cash-in-lieu contribution in accordance with this clause.

2.9.2 In the case of residential development:-

- (a) the cash-in-lieu contribution shall be in respect of 10 per cent of the total number of parking spaces required for the residential development.; and
- (b) the amount of the cash-in-lieu contribution shall be determined by the Council on the basis of the estimated cost of providing an equivalent number of parking spaces in the form of decked parking.

2.9.3 In the case of commercial development—

- (a) the cash-in-lieu contribution shall be in respect of 50 per cent of the total number of parking spaces required for the commercial development; and
- (b) the amount of the cash-in-lieu contribution shall be determined by the Council on the basis of half the estimated cost of providing an equivalent number of parking spaces in the form of decked parking.

2.9.4 The Council may agree to a cash-in-lieu contribution in respect of a greater proportion of the total number of required parking spaces in circumstances where the provision of additional parking on-site is considered undesirable or not practicable.

2.9.5 The number of parking spaces required to be provided on-site shall be reduced by the number of parking spaces in respect of which a cash-in-lieu contribution is made pursuant to this clause.

2.9.6 Where cash-in-lieu of parking is payable, there shall be no reduction in parking standards otherwise applicable under the Scheme, except for the reduction in on-site parking as a consequence of the contribution to the cost of off-site parking.

2.9.7 Cash-in-lieu of required parking spaces shall be placed in a trust account for use in the provision of public parking facilities, which may take the form of additional on-street parking bays or a parking station which is open to the public.

Note: The allocation of parking for public use does not necessarily require that the land or facilities be publicly owned and/or managed.

2.9.8 Other than for residential development, on-site parking spaces shall be designed to facilitate shared use of the parking spaces by all occupants of the site.

2.9.9 In the case of residential development, on-site parking spaces may be allocated for the exclusive use of the occupiers of individual dwellings, but there must remain unallocated a number of parking spaces equivalent to at least 10% of the total number of parking spaces required for the residential development.

2.9.10 Parking spaces provided on-site shall be located so as not to disrupt the continuity of commercial frontages or otherwise detract from the amenity of the streetscape.

- 2.9.11 In general no more than one crossover shall be permitted for any one site, and the position and width of all crossovers shall be such as to minimise traffic (including pedestrian) conflict and any disruption to the continuity of commercial frontage or the amenity of the streetscape.
- 2.9.12 The position of existing crossovers shall be reviewed in relation to all applications for planning approval, and where practicable, provision for shared access between adjoining sites shall be required as a condition of planning approval.
- 2.10 Pedestrian Movement and Shelter
 - 2.10.1 Continuous pedestrian shelter shall be provided along all commercial street frontages, either in the form of awnings or colonnading, with a minimum width of 2.5 metres and a nominal vertical clearance from the finished pavement level of 3.5 metres.
 - 2.10.2 Where re-development is proposed in the street block between Brighton Road and Scarborough Beach Road, Council may require that provision be made for public pedestrian access in order to improve east-west access (permeability) to and from the foreshore area.

3. DESIGN GUIDELINES

3.1 Adoption, Amendment and Rescission of Design Guidelines

- 3.1.1 For the purpose of promoting the highest standard of development within the Special Beach Development zone the Council may adopt appropriate Design Guidelines for the Special Beach Development zone.
- 3.1.2 The Council having prepared and adopted draft Design Guidelines shall publish a notification once a week for three consecutive weeks in a local newspaper circulating in the District giving details of where the draft Design Guidelines may be inspected, and in what form and during what period submissions may be made.
- 3.1.3 The Council shall review the draft Design Guidelines in the light of any submissions made and shall then resolve either to finally adopt the draft Design Guidelines with or without modification, or not to proceed with the draft Design Guidelines.
- 3.1.4 Following final adoption of the Design Guidelines, notification of the final adoption shall be published once in a newspaper circulating in the District.
- 3.1.5 The Council shall make copies of the Design Guidelines available to the public at the offices of the City during normal office hours and may charge for copies an amount sufficient to recoup the cost of reproduction for public distribution.
- 3.1.6 An amendment or addition to the Design Guidelines may be made after the Design Guidelines have become operative and shall be made in the same manner as provided for the making of the Design Guidelines in clauses 3.1.2, 3.1.3 and 3.1.4 above and the provisions of those clauses shall apply mutatis mutandis to an amendment or addition.
- 3.1.7 Design Guidelines prepared by the Council before the coming into operation of this Schedule and dealt with in accordance with the procedures in clauses 3.1.2, 3.1.3 and 3.1.4 above shall upon the completion of those procedures be operative, and shall upon the coming into operation of this Schedule have the same force and effect as if prepared and dealt with under those clauses after the coming into operation of this Schedule.
- 3.1.8 Design Guidelines may be rescinded by—
 - (a) preparation and final adoption of new Design Guidelines in accordance with clauses 3.1.2, 3.1.3 and 3.1.4 above, specifically worded to supersede the existing Design Guidelines; and
 - (b) publication of a formal notice of rescission in a local newspaper circulating in the District.

3.2 Application of Design Guidelines

- 3.2.1 In making a decision in respect of any Application for Approval to Commence Development within the Special Beach Development zone, Council shall have due regard to the provisions of any Design Guidelines adopted by the Council and to the objectives which the Design Guidelines are intended to achieve.
- 3.2.2 Subject to clause 1.4.3 of the Scheme, where there is any inconsistency between development requirements or standards specified in the Scheme and development requirements or standards specified in Design Guidelines adopted by the Council for the Special Beach Development zone, the development requirements or standards specified in the Design Guidelines shall apply.

4. DEVELOPER CONTRIBUTIONS

4.1 Interpretation

- 4.1.1 In this part, unless the context otherwise requires—
 - “**borrowing costs**” means the costs incurred or expected to be incurred by the City in borrowing money to meet the costs of and incidental to the carrying out by the City of the infrastructure works;
 - “**infrastructure contribution**” means the share of infrastructure costs payable in respect of a particular development, determined in accordance with clause 4.4
 - “**infrastructure costs**” means the costs of and incidental to the carrying out by the City of the infrastructure works, including borrowing costs;

“infrastructure works” means the works described in Appendix 1 to this Schedule and includes all such works carried out, contracted or undertaken by the City or proposed to be carried out, contracted or undertaken under clause 4.3;

“owner” means owner of land within the Special Beach Development zone.

- 4.1.2 For the purposes of clause 1.4.3 of the Scheme, the provisions of this Part 4 are not a development requirement or standard specified in the Scheme and the discretion to modify any development requirement or standard does not apply to any of the provisions of this Part 4.

4.2 Application

As set out in clause 2.2.3(d) above, an infrastructure contribution in accordance with this Part shall be required in respect of any development with a plot ratio (excluding 0.5:1 of ground level commercial plot ratio floor space), as determined by the City, of more than 1.5.

4.3 Infrastructure Works

The City may in its discretion carry out or contract for the carrying out or otherwise undertake any or all of the infrastructure works.

4.4 Estimate of Infrastructure Costs

- 4.4.1 The City’s initial estimate of the infrastructure costs (including road works, foreshore works, landscaping and streetscape works) is set out by reference to the infrastructure works referred to in Appendix 1 of this Schedule.

- 4.4.2 From time to time the City may revise the estimate of infrastructure costs set out in clause 4.4.1 based on the best advice or information available to it.

- 4.4.3 The City may, in revising an estimation of infrastructure costs, take into consideration any promised or anticipated grant of allocation of funds with respect to the infrastructure works.

- 4.4.4 Except where the only reason for a revision of an estimate of infrastructure costs by the City is a change in the borrowing costs or estimate of the borrowing costs, any revision of an estimate of the infrastructure costs shall be supported by the report of an independent auditor with respect to the calculation of the estimate.

- 4.4.5 The City shall notify all owners of any revision of estimate of the infrastructure costs.

- 4.4.6 On request by an owner, the City shall make available to the owner, for inspection—

- (a) the advice or information referred to in clause 4.4.2 and clause 4.4.3; and
- (b) the report of the independent auditor referred to in clause 4.4.4.

- 4.4.7 Any revision of an estimate of infrastructure costs takes effect from the date of notification to owners.

4.5 Calculation of Infrastructure Contribution

The infrastructure contribution for each development shall be calculated as follows—

$$\frac{\text{Site additional plot ratio area}}{\text{Total additional plot ratio area}} \times 50\% \text{ Infrastructure costs}$$

where—

“Site additional plot ratio area” is the area of the lot on which the development is proposed, multiplied by the amount of the plot ratio of the development above 1.5 (excluding 0.5:1 of ground level commercial plot ratio floor space);

“Total additional plot ratio area” is the total area of land within the Special Beach Development zone excluding roads and reserved lands (75,950m²), multiplied by the maximum available plot ratio above 1.5 (excluding 0.5:1 of ground level commercial plot ratio floor space);

Example—

Development site area (hypothetical site)	3,000m ²
Standard plot ratio	1.5
Proposed plot ratio (excl. 0.5:1 of ground level commercial plot ratio floor space)	2.5
Site additional plot ratio area	$(2.5-1.5) \times 3,000\text{m}^2 = 3,000\text{m}^2$
Total additional plot ratio area	$75,950\text{m}^2 \times 1.0 = 75,950\text{m}^2$
Proportional contribution from development site	$3,000/75,950 = 3.95\%$
Total Infrastructure costs	\$32,754,000
Infrastructure contribution	$3.95\% \times (\$32,754,000 \times 50\%) = \$646,891$
Infrastructure contribution per m ² of site additional plot ratio area	$\$646,891/3,000\text{m}^2 = \215.63 per m^2
Infrastructure contribution per m ² of total site plot ratio area	$\$646,891/7,500\text{m}^2 = \86.25 per m^2

4.6 Payment of Infrastructure Contribution

- 4.6.1 The City is to establish and maintain a reserve account in accordance with the *Local Government Act 1995*, into which infrastructure contributions in accordance with this Part will be credited and from which all payments for the cost of infrastructure will be paid.
- 4.6.2 An infrastructure contribution in respect of a development is payable by the owner for the time being of the land the subject of the development.
- 4.6.3 If there are two or more owners of land under clause 4.6.2 they are jointly and severally liable to pay the infrastructure contribution.
- 4.6.4 The City shall notify the owner of the infrastructure contribution payable in respect of a development in writing at the time of granting planning approval in respect of the development.
- 4.6.5 Subject to any express agreement between the City and the owner as to the date on which an infrastructure contribution becomes due and payable, an infrastructure contribution in respect of a development becomes due and payable on the date on which, in the opinion of the City, the development the subject of the infrastructure contribution is commenced.
- 4.6.6 The City may agree with an owner that an infrastructure contribution may be paid by a lump sum, by instalments or in such other manner as agreed with the City.
- 4.6.7 No person shall commence or carry out any development the subject of an infrastructure contribution until—
 - (a) the infrastructure contribution has been paid in full; or
 - (b) an agreement has been entered into with the City, to the satisfaction of the City, regarding the payment of the infrastructure contribution.
- 4.6.8 Interest shall be payable on any infrastructure contribution which is due at a rate 2 per cent higher than the rate payable from time to time on judgment debts as determined pursuant to section 142 of the *Supreme Court Act 1935*.
- 4.6.9 Interest payable pursuant to clause 4.6.7 shall accrue from the date the infrastructure contribution became due and payable to the date of payment.
- 4.6.10 The liability to pay any infrastructure contribution shall be a charge on the land the subject of the infrastructure contribution and the City may lodge a caveat against the title of the land in respect of that liability.
- 4.6.11 Upon payment of the entirety of an infrastructure contribution in respect of any land, the City shall withdraw any caveat lodged against the title of that land pursuant to clause 4.6.10.

4.7 Disputes

Any dispute between any owner and the City as to calculation of an infrastructure contribution under clause 4.5.1 is to be resolved by any method agreed upon by the City and the owner, or in the absence of such agreement by arbitration in accordance with the *Commercial Arbitration Act 1985*.

4.8 Acquisition of Land for Infrastructure Works

The City may acquire land for the carrying out of any infrastructure works either by agreement or compulsorily under the powers conferred by section 13 of the *Town Planning and Development Act 1928*.

5. INFORMATION TO ACCOMPANY APPLICATIONS FOR PLANNING APPROVAL

In addition to any other information required by the Scheme or Council Policy, applications for planning approval for development within the Special Beach Development zone shall be accompanied by the following—

- (a) diagrams illustrating the shading of adjacent property, including the public domain, at 9.00 am, 12.00 noon and 3.00 pm on the shortest day (June 21) and at the time of the equinox (March 22/September 22);
- (b) assessment of the effect of any proposed building development on wind velocities as experienced by pedestrians, including any interactive effects associated with existing or likely future building development and the effect of any measures designed to ameliorate any adverse impacts and/or improve pre-existing wind conditions;
- (c) assessment of the effect of any proposed building development on the reception of TV, radio, telephone and micro-wave signals, including the effect of any measures designed to ameliorate any adverse impacts and/or improve any pre-existing deficiencies;
- (d) traffic assessment associated with the proposed development, including the volume and timing of associated traffic flow, and the impact of any traffic access to the development site during peak periods of the day for both the development itself and the adjacent road network; and
- (e) in respect of residential development, the management agreement referred to in clause 2.4.4 above.

Appendix 1: Detailed description of estimated infrastructure cost

The following works/infrastructure generally as depicted/illustrated on the Scarborough Environs Area Strategy (SEAS) Staging Plan contained in the *Financial Analysis Report* (March 2004) prepared by Syme Marmion & Co.

Description	Estimated costs in (\$000's)
Site preparation	\$3,052
Structures	\$7,738
Infrastructure	\$4,726
Signage	\$21
Services	\$1,216
Amphitheatre Walls	\$293
Walls	\$1,822
Planting	\$274
Paving	\$3,393
Furniture	\$851
Grass	\$275
Irrigation	\$648
Public art	\$243
Contingencies	\$2,518
Fees	\$2,707
Total (Excluding GST)	\$29,777
Total (GST)	\$2,977
TOTAL (INCLUDING GST)	\$32,754

T. TYZACK, Mayor.
L. DELAHAUNTY, Chief Executive Officer.

PI403***TOWN PLANNING AND DEVELOPMENT ACT 1928****APPROVED TOWN PLANNING SCHEME AMENDMENT***City of Joondalup*

District Planning Scheme No. 2—Amendment No. 30

Ref: 853/2/34/2 Pt 30

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the City of Joondalup town planning scheme amendment on 22 February 2006 for the purpose of—

1. Rezoning Lot 200 (157) Kinross Drive, Kinross from 'Commercial' to 'Residential'.
2. Rezoning Lot 200 (157) Kinross Drive, Kinross from 'R20' to 'R30'.
3. Modifying Schedule 3 (Commercial and Centre Zones) of the Scheme Text by removing the following entry—

KINROSS Portion Lot 2 (400) Burns Beach Roads (North) 500

J. PATERSON, Chairman of Commissioners.
G. G. HUNT, Chief Executive Officer.

PI404**TOWN PLANNING AND DEVELOPMENT ACT 1928****APPROVED TOWN PLANNING SCHEME AMENDMENT***Shire of Murray*

Town Planning Scheme No. 4—Amendment No. 165

Ref: 853/6/16/7 Pt 165

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the Shire of Murray town planning scheme amendment on 22 February 2006 for the purpose of—

1. Rezoning Lot 46A Lakes Road, North Dandalup from "Rural" to "Special Rural".

2. Introducing the following Special Provisions into Schedule 3 relating to the use and development of the land.

Specified Land (A)	Special Provisions Relating to (A)
Portion of Cockburn Sound Loc 16 and being part of Lot a46 Lakes Road, North Dandalup	<p>1. (a) The following uses are permitted—</p> <ul style="list-style-type: none"> - Single House - Outbuilding - Public Utility <p>(b) The following uses may be permitted at the discretion of the Council—</p> <ul style="list-style-type: none"> - Aged or Dependent Persons Dwelling - Cottage Industry - Home Occupation - Rural Pursuit - Stables <p>(c) All other uses are not permitted.</p> <p>2. With the intention of preventing over stocking or other practices detrimental to the amenity of the zone, the breeding or keeping of horses shall be contained within a stable as approved by Council. Notwithstanding the foregoing, the Council may require stocking rates to be reduced where in the opinion of Agriculture WA, they are excessive or the land is subject to soil degradation.</p> <p>3. Prior to subdivision of the land, the subdivider shall prepare a detailed building envelope plan for each of the proposed new lots in accordance with the Building Envelope Guide Plan, with each envelope not exceeding 2,000m² and being located so as to minimise the need for clearing of vegetation to the satisfaction of Council.</p> <p>4. All buildings and effluent disposal systems shall be located within the approved building envelope. Council may, upon application from a lot owner vary the approved building envelope provided it can be demonstrated to the satisfaction of Council that the new location is environmentally acceptable.</p> <p>5. In order to conserve the landscape, no trees or other vegetation shall be felled or cleared, or otherwise destroyed, without the prior written approval of the Council except where required for the erection of a single house, outbuildings, effluent disposal system, accessways, fences and firebreaks.</p> <p>6. No building, other than fencing, shall be constructed without a building licence being issued by the Council.</p> <p>7. No building or outbuilding shall be constructed within 20 metres of any boundary.</p> <p>8. All lots to be serviced by an effluent disposal system with nutrient retention capacities as approved by the Department of Health, to the satisfaction of Council.</p> <p>9. Each dwelling shall be provided with a supply of potable water from either an underground bore or a rainwater storage tank with a capacity of not less than 92,000 litres, being connected to a roof catchment with an area of not less than 120 square metres in the projected plan area, as a reticulated water supply cannot be provided by the Water Corporation. Access shall be permitted to domestic water supplies for emergency fire fighting purposes and all domestic water supply tanks to be fitted with a gate valve to enable fire brigade appliances to draw water.</p>

Specified Land (A)	Special Provisions Relating to (A)
	Tank fittings shall be positioned so as to leave 25% capacity of water in the tank.
	10. A well or bore shall not be constructed without a well licence being issued by the Water Corporation.
	11. A dam shall not be constructed without the written approval of the Council.
	12. Subdivision of the land shall be generally in accordance with the Subdivisional Guide Plan adopted by the Council.
	13. No lot shall have an area of less than two hectares.
	14. Within the area shown as the building envelope, an area no greater than 1500 square metres may be cleared of vegetation to allow for the construction of a single house and any ancillary outbuildings.
	15. Firebreaks shall be established and maintained to the specifications and satisfaction of the Council.
	16. A fuel free zone, clear of all flammable material/vegetation to a distance of 20 metres, is required around all buildings.
	17. Prior to subdivision of the land the subdivider shall prepare an Environmental Management to the satisfaction of Council and the Department of Environment.

N. H. NANCARROW, President.
N. LEACH, Chief Executive Officer.

PREMIER AND CABINET

PC401*

DEPARTMENT OF THE PREMIER AND CABINET

RETENTION OF THE TITLE HONOURABLE

It is hereby notified for public information that the Governor, on behalf of Her Majesty the Queen, has approved the retention of the title "Honourable" by Dr Geoffrey Ian Gallop, who served as Premier of Western Australia for a continuous period in excess of one year.

M. C. WAUCHOPE, Director General.

RACING, GAMING AND LIQUOR

RG401*

LIQUOR LICENSING ACT 1988

LIQUOR LICENSING APPLICATIONS

The following is a summary of applications received under the *Liquor Licensing Act 1988* and required to be advertised. Any person wishing to obtain more details about any application, or about the objection process, should contact the Department of Racing, Gaming and Liquor, 1st Floor, Hyatt Centre, 87 Adelaide Terrace, Perth, Telephone: (08) 9425 1888, or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE GRANT OF A LICENCE			
11229	Sisco Enterprises Pty Ltd	Application for the grant of a Restaurant licence in respect of premises situated in Two Rocks and known as Sea Salt Licensed Cafe	10/03/2006

APPLICATIONS FOR THE GRANT OF A LICENCE—*continued*

11235	Edward Reuben Lesley Steer and Darralyn Pax Ebsary	Application for the grant of a Producer's licence in respect of premises situated in Wandering and known as Tanglefoot	08/03/2006
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APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS

26263	Debonne Holdings Pty Ltd	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Bassendean and known as the Bassendean Hotel	12/03/2006
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APPLICATIONS FOR APPROVAL TO ALTER/REDEFINE THE LICENSED PREMISES

231902	Lanella Nominees Pty Ltd	Application for approval to alter/redefine the Tavern in respect of premises situated in Toodyay and known as the Toodyay Tavern	21/03/2006
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This notice is published under section 67(5) of the *Liquor Licensing Act 1988*.

Dated: 1 March 2006.

P. MINCHIN, Director of Liquor Licensing.

REGIONAL DEVELOPMENT

RD401*

REGIONAL DEVELOPMENT COMMISSIONS ACT 1993

APPOINTMENT OF MEMBERS

Department of Local Government
and Regional Development.

The following have been appointed as a board member to the Goldfields-Esperance Development Commission in Western Australia, in accordance with the Regional Development Commissions Act 1993.

GOLDFIELDS-ESPERANCE DEVELOPMENT COMMISSION

Board of Management

Type of Appointment	Office	Term
Local Government		
Cr Steve Tonkin	Member	3 years

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Notice to Creditors and Claimants of John Leitch late of Regents Garden, 33 Drovers Place, Wanneroo, Western Australia, Retired Engineer deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the deceased who died on 28 January 2006 are required by the Trustee ANZ Executors & Trustee Company Limited ABN 33 006 132 332) of Level 21, 530 Collins Street, Melbourne, Vic 3000 to send particulars of their claim to them by 7 April 2006 after which date the Trustee may convey or distribute the assets having regard only to the claims of which he then has notice.

ZX402**TRUSTEES ACT 1962****DECEASED ESTATES****Notice to Creditors and Claimants**

In the matter of the Estate of Edwin Robert Basire, late of 84 Epsom, Avenue, Belmont in the State of Western Australia, Wood Machinist, deceased.

Creditors and other persons having claims to which Section 63 of the Trustees Act 1962 relate in respect of the Estate of the deceased, who died on the 4th day of February 2006, are required by the Executor Ross Mitchell to send the particulars of their claim to Messrs Taylor Smart of Level 8, 50 St George's Terrace, Perth in the State of Western Australia, by the 3rd day of April 2006, after which date the said Executor may convey or distribute the assets, having regard only to the claims of which he then has had notice.

Dated the 28th day of February 2006.

GARRY E. SAME, Taylor Smart.

ZX403**TRUSTEES ACT 1962****DECEASED ESTATES****Notice to Creditors and Claimants**

Alessandro Lutero, late of Brightwater, Hamersley Road, Subiaco in Western Australia, Teacher.

Creditors and other persons having claims (to which section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased, who died on 18 July 2005 at Brightwater, Hamersley Road, Subiaco in Western Australia, are required by the personal representative, being Anna Maria Lutero to send particulars of their claims to Fidock Legal, Locked Bag 10, South Perth WA 6951 within 30 days of publication of this notice after which date the personal representative may convey or distribute the assets, having regard only to the claims of which she then has notice.

ZX404**TRUSTEES ACT 1962****DECEASED ESTATES****Notice to Creditors and Claimants**

Claims against the estate of Janet Falconer Black, late of Gwen Hardie Lodge, Albany, Western Australia formerly of 45 Stead Road, Albany, Western Australia should be lodged with the Executors, c/- PO Box 485, Albany, Western Australia before 3 April 2006 after which date the assets will be distributed having regard only to the claims received.

ZX405**TRUSTEES ACT 1962****DECEASED ESTATES****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 3rd April 2006 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

BASLEY Alan Sydney, late of 171 Albert Street Osborne Park, died 04.02.2006, (DE19950381EM27)

BUTLER Helen Margaret, late of 14 Colombo Street Victoria Park, died 25.01.2006, (DE33045317EM113)

EVANS Eloise Mary, late of Elanora Villa Unit 3/37 Hastie Street Bunbury, died 12.01.2006, (DE19941537EM15)

FREEMAN Wendy, late of 30 Caporn Street Crawley, died 15.12.2005, (DE32040869EM37)

JACK Amy, late of Numbala Nunga Nursing Home Sutherland Street Derby, died 11.02.2006, (DE33020344EM13)

KRUMMEL Byron, late of 1 Taylor Way Hillarys, died 17.01.2006, (DE19650925EM113)

LENK Chitra, late of 18 Deerness Way Armadale formerly of Unit 1/20 Westfield Road Armadale, died 18.01.2006, (DE30305725EM38)

SIMPSON Frederick John, late of Unit 32/40-44 Worley Street Willagee, died 04.02.2006, (DE19742656EM37)

SMITH Lily May, late of Onslow Garden Nursing Home 39 Hamersley Road Subiaco, died 08.12.2005, (DE30312290EM38)

STEPHENS Isabella, late of Royal Australian Air Force Association Estate 250 Baltimore Parade Merriwa, died 25.01.2006, (DE19530446EM26)

WELLS Hector Charles, late of 32 Beatrice Street Doubleview, died 26.08.2005, (DE19893653EM27)

WITNEY Doris Patricia, late of Grandview Nursing Home 21 Aldwych Way Joondalup, died 19.01.2006, (DE19752743EM16)

JOHN SKINNER, Public Trustee,
Public Trust Office, 565 Hay Street, Perth WA 6000.
Telephone 9222 6777.

A L L N E W !

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