CITY OF STIRLING

Local Planning Scheme No. 3

AMENDMENT NO. 124.

Normalisation of the Scarborough Redevelopment Area.

INTRODUCTION

AMENDMENT PURPOSE

The purpose of Amendment 124 to Local Planning Scheme No.3 is to progress the transfer of planning control for the Scarborough Redevelopment Area to the City, including administration of the Scarborough Development Contribution Plan.

BACKGROUND

DevelopmentWA is responsible for administration of the Scarborough Redevelopment Scheme and has overseen the upgrade of the Scarborough Foreshore Area. Following a review of its project areas, DevelopmentWA has advised the City it wishes to return statutory planning functions for the Area to the City through a process referred to as 'normalisation'.

The current Scarborough Redevelopment Scheme is supplemented by a Development Contribution Plan to enable the City to recoup its investment in the beachside works west of West Coast Highway (which are now complete) and streetscape upgrades east of West Coast Highway.

A complex amendment is therefore required to introduce the DCP into the City's local planning scheme and advance the normalisation process, including the introduction of land use controls for the Area.

RELEVANT DOCUMENTS

The following report was considered by Council on **5 April 2022**.

Mayor Mark Irwin disclosed an Impartial Interest in Item 13.2 as his mother lives on the boundary of the area.

Councillor Felicity Farrelly disclosed a Financial Interest in Item 13.2 as she awaits a legal opinion. Her home is in the Masterplan area and she is a beneficiary to a deceased estate, part of which is a house in the Masterplan area.

Accordingly she left the meeting at 7.33pm prior to consideration of Item 13.2.

Councillor Bianca Sandri disclosed an Impartial Interest in Item 13.2 as she is an LRC Committee member.

13.2 LOCAL PLANNING SCHEME NO.3 AMENDMENT NO.124 - SCARBOROUGH REDEVELOPMENT AREA - TRANSFER OF PLANNING CONTROL OF THE SCARBOROUGH REDEVELOPMENT AREA INTO LOCAL PLANNING SCHEME NO.3 - INITIATION

Preparation of Local Planning Scheme No.3 Amendment No.124 was DEFERRED at the Council meeting held 15 February 2022 to allow the Chief Executive Officer to write to DevelopmentWA to request it to re-draft the Scarborough Redevelopment Area Contribution Plan to modify the method of calculating development contribution.

Additional information and a Suggested Alternative Recommendation have been included at the end of the report.

Report Information

Location:	Scarborough Redevelopment Area
Applicant:	Not Applicable
Reporting Officer:	Manager Development Services
Business Unit:	Development Services
Ward:	Coastal
Suburb:	Scarborough

Authority/Discretion

Definition

☐	Advocacy	*when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☐	Executive	*the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☒	Legislative	*includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.*
☐	Quasi-Judicial	*when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
☐	Information Purposes	*includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').*

Council Resolution

0422/010

Moved Councillor Krsticevic, seconded Councillor Re

1. That pursuant to section 75 of the *Planning and Development Act 2005*, Council PREPARES (Initiates) Local Planning Scheme No.3 Amendment No.124 as shown in Attachment 1, to transfer the planning control for the Scarborough Redevelopment Area back to the City of Stirling.

2. That pursuant to Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015, Council RESOLVES that, in its opinion, Local Planning Scheme No.3 Amendment No.124 is a Complex Amendment as it introduces a development contribution area with an associated development contribution plan for the Scarborough Redevelopment Area.

The motion was put and declared CARRIED (13/0).

For: Councillors Creado, Ferrante, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re, Sandri, Sargent and Mayor Irwin.
Against: Nil.

Recommendation

1. That pursuant to section 75 of the *Planning and Development Act 2005*, Council PREPARES (Initiates) Local Planning Scheme No.3 Amendment No.124 as shown in Attachment 1, to transfer the planning control for the Scarborough Redevelopment Area back to the City of Stirling.

2. That pursuant to Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015, Council RESOLVES that, in its opinion, Local Planning Scheme No.3 Amendment No.124 is a Complex Amendment as it introduces a development contribution area with an associated development contribution plan for the Scarborough Redevelopment Area.

Report Purpose

To seek approval to prepare (initiate) an amendment to Local Planning Scheme No.3 (LPS3) to transfer the planning control for the Scarborough Redevelopment Area (Redevelopment Area) back to the City.

Relevant Documents

Attachments

Attachment 1 - Proposed Scheme Amendment (previously circulated to Elected Members under separate cover) ⇨

Attachment 2 - Draft Scarborough DCP Report ⇩

Attachment 3 - Reasons for changes to Scarborough Redevelopment Scheme ⇩

Attachment 4 - Outcomes of survey (previously circulated to Elected Members under separate cover) ⇨

Attachment 5 - Response Letter from DevelopmentWA (previously circulated to Elected Members under confidential separate cover)*

Available for viewing at meeting

Nil

Background

DevelopmentWA, formerly the Metropolitan Redevelopment Authority (MRA) assumed planning control of the Redevelopment Area in July 2014 as part of the initiative to upgrade and revitalise the Scarborough area, the aim being to transform Scarborough into one of the nation's best beachfront destinations.

DevelopmentWA, the Department of Planning, Lands and Heritage and City officers are working to transfer planning authority back to the City by the end of 2022. This process is known as 'normalisation'. A key component of this work is ensuring a mechanism is in place for the City to collect contributions towards its investment of the upgrade of the Scarborough foreshore area. This needs to be in place before the City assumes planning control of the Redevelopment Area.

The City and State Government jointly funded the foreshore upgrades, with the City contributing $27.4 million. Additional unfunded street upgrade works were planned east of West Coast Highway, at an estimated cost of $8.5 million.

To enable the City to collect contributions towards its investment and fund the works east of West Coast Highway, a Development Contribution Plan (DCP) was prepared and adopted by the MRA under its Scarborough Redevelopment Scheme (Redevelopment Scheme). The City at the time agreed the DCP would seek to recover a maximum of $19.1 million (70%) of its investment.

The Scarborough DCP was adopted on 7 September 2017 and to date has received seven contribution payments with a total value of $351,989.62. Once normalisation occurs this money will be transferred to the City.

The purpose of the DCP is to provide for future infrastructure needs of the Redevelopment Area in a holistic and timely manner, and to obtain equitable contributions from landowners who benefit from government investment in infrastructure and services.

At its meeting held 17 August 2021, Council considered a report on the planning control for the Redevelopment Area. At that meeting, Council resolved (Council Resolution Number 0821/039) in part as follows:

> *"1. That Council NOTES the update report on the transfer of planning control of the Scarborough Redevelopment Area to the City of Stirling (referred to as 'Normalisation') and SUPPORTS the 'simple' normalisation process in accordance with Section 58 of the Metropolitan Redevelopment Authority Act 2011.*
>
> *2. That Council NOTES that a Development Contribution Plan will be PREPARED, to enable transfer of the Development Contribution Plan for the Scarborough Redevelopment Area concurrently as part of the normalisation process for this Area."*

Section 58 of the *Metropolitan Redevelopment Authority Act 2011* (MRA Act) enables a local authority to amend its local planning scheme to facilitate normalisation, while a redevelopment scheme is in place, with changes not coming into effect until the redevelopment scheme ceases to apply. This is the point that normalisation occurs when gazettal of the City's Scheme Amendment occurs.

The resolution of Council requires a Complex Amendment to the City's LPS3 to introduce the DCP before planning control is returned to the City. A copy of the proposed Scheme Amendment is contained in Attachment 1.

The location of the Redevelopment Area, and the surrounding zoning under LPS3, are shown in Figures 1 and 2 below.

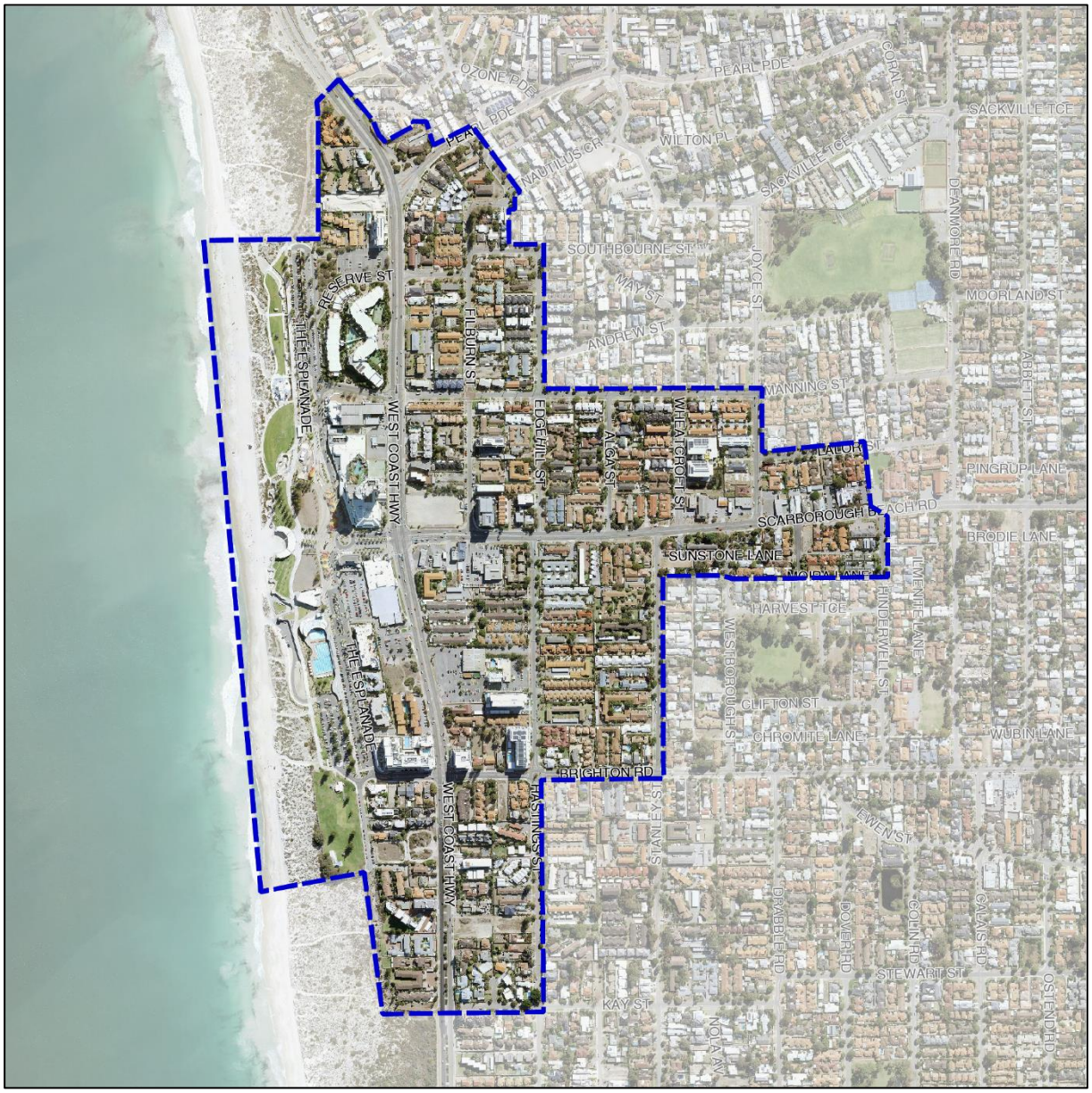


Figure 1 - Aerial Photograph - Boundary of Scarborough Redevelopment Area

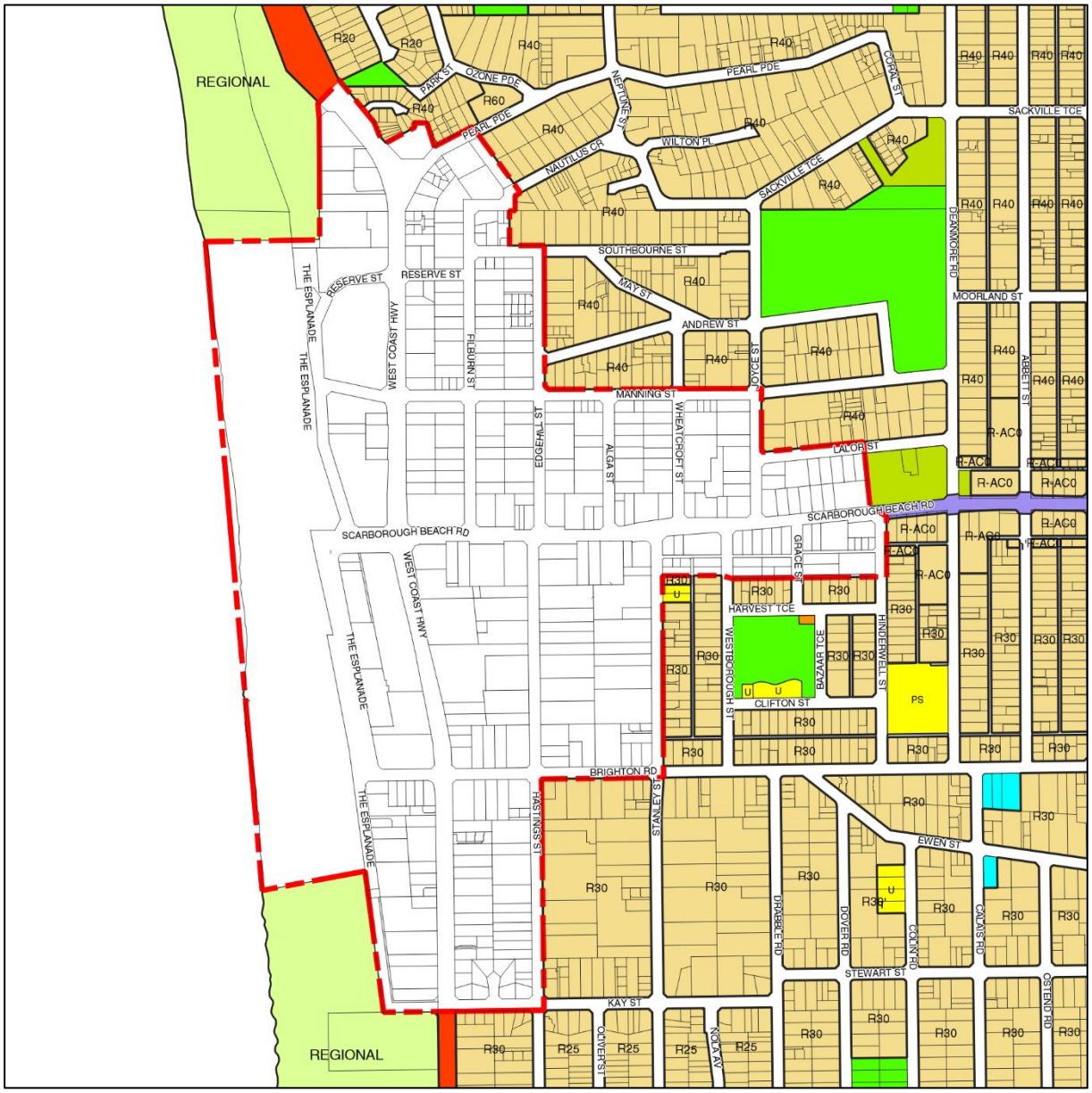


Figure 2 - Boundary of Scarborough Redevelopment Area and surrounding zoning

Comment

Regional Framework - Perth and Peel@3.5 Million

Perth and Peel@3.5 Million is the primary strategic plan guiding development of the Perth and Peel metropolitan region, providing a framework for urban growth and consolidation. A key objective of this strategy is to enable opportunities for higher-density residential development, particularly around activity centres, station precincts and along high-frequency public transport routes.

The City is located within the 'Central Sub-Region', identified in Perth and Peel@3.5 Million. The Central Sub-Regional Planning Framework identifies Scarborough as a 'District Centre' to be connected to Glendalough Train Station via a 'High Priority Public Transit Corridor' in the medium-term (2022-2031). The geographical boundaries of the Scarborough district centre identified in Perth and Peel@3.5 Million, depicted in Figure 3, spatially define, and differentiate the extent of activity centres and urban corridors.

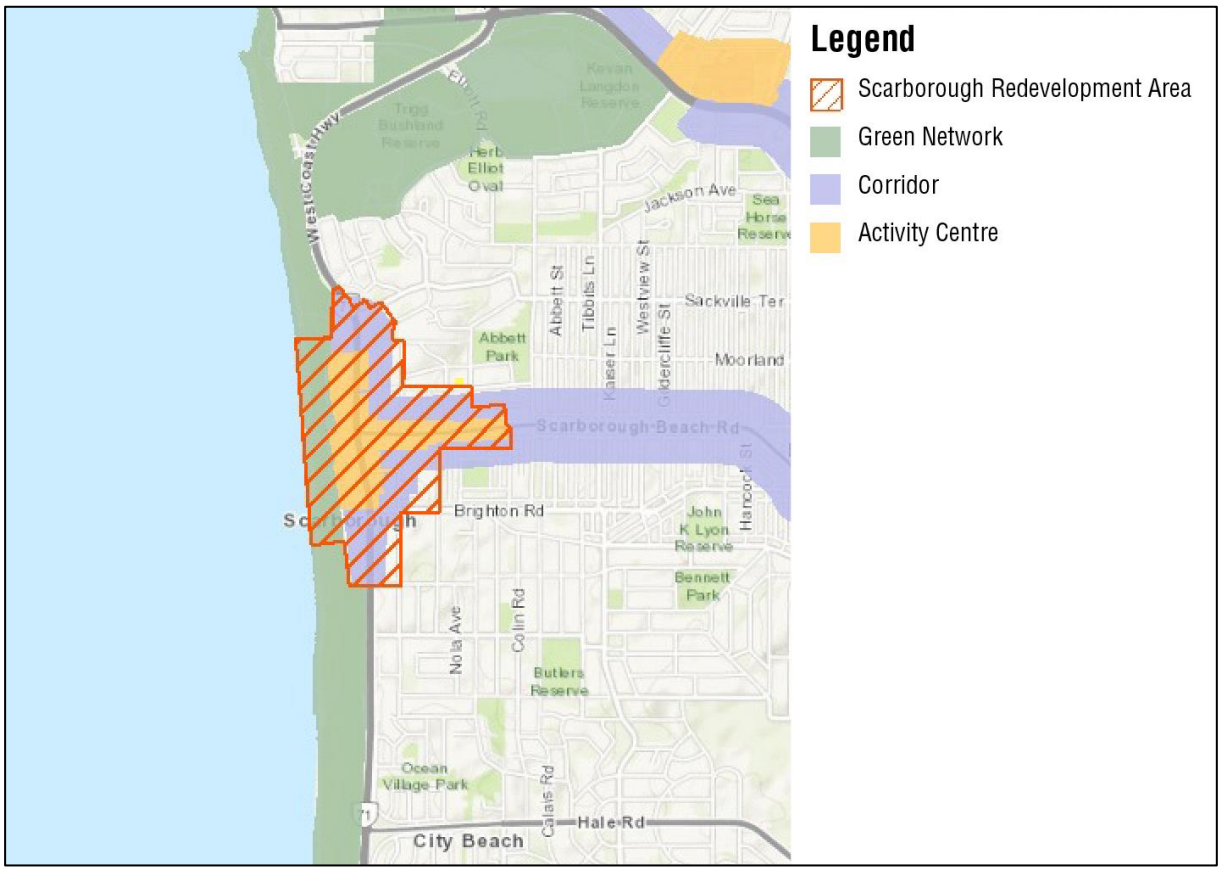


Figure 3 - Activity Centre Boundaries (source: Department Planning, Lands and Heritage)

The framework also notes that integration of the tourism economy - particularly around waterside activity centres, recreation infrastructure and appropriate natural landscapes - should be supported.

Perth and Peel@3.5 Million identifies the current role of DevelopmentWA in the administration of the Redevelopment Scheme but does not contemplate the future handover of planning control to the City.

The proposed Scheme Amendment will allow the continued redevelopment of the Redevelopment Area consistent with the broad objectives of Perth and Peel@3.5 Million and the Central Sub-Region Planning Framework.

Local Framework

a. Local Planning Strategy

The City's Local Planning Strategy identifies activity centres and corridors consistent with the objectives of Perth and Peel@3.5 Million. These corridors are split into three classes, Class 1 – Class 3.

The Redevelopment Area is classified as a 'District Centre' at the intersection of a Class 1 Corridor (West Coast Highway) and a Class 2 Corridor (Scarborough Beach Road). The Local Planning Strategy identifies the current situation within the Scarborough District Centre and DevelopmentWA's role with regards to the planning framework, but does not contemplate the future handover of planning control to the City.

The Redevelopment Area is considered a 'Tourism and Entertainment Precinct' given the area's high concentration of short stay accommodation land uses.

The Local Planning Strategy states that population growth and additional dwellings should be in and around activity centres and corridors. For a District Centre, the Local Planning Strategy sets a dwelling target of 20 dwellings (minimum) and 30 dwellings (desirable) per gross hectare.

According to 2016 data from the Australian Bureau of Statistics, there were approximately 1,883 dwellings in the Redevelopment Area. This represents 16.63 dwellings per gross hectare. A further 382 dwellings are therefore required in the Redevelopment Area to meet the 'minimum' dwelling target and at least 1,514 additional dwellings to meet the 'desirable' dwelling target for the Redevelopment Area.

The Scarborough Master Plan estimates a potential yield of approximately 2,828 dwellings for the Redevelopment Area. This equates to an additional 945 dwellings, consistent with the desired dwelling targets for the Redevelopment Area.

This future development will place additional pressure on the foreshore and the Redevelopment Area more broadly. These developments will also add increased numbers of residents and jobs to the Redevelopment Area, demanding higher levels of services including better access to local and regional services by public transport, car, bicycle, and foot.

The proposed DCP will assist to deliver an orderly and proper outcome responding to the evolution of the Redevelopment Area and the demands this generates.

b. Local Planning Scheme No.3

As development in the Redevelopment Area is governed by DevelopmentWA's Redevelopment Scheme, the City's LPS3 does not contain any provisions for the area. This will be changed as part of the normalisation process.

Officers from the Department of Planning, Lands and Heritage (Department of Planning) have advised the City to normalise the planning scheme by:

- Including the Redevelopment Area within a 'Development' zone. This will be supported by provisions in the scheme text pointing to the existing DevelopmentWA framework for the purpose of development assessment.
- Including the existing Redevelopment Scheme in its entirety as a schedule to LPS3, with the provisions that no longer apply being 'struck through'.

The City's officers explored an alternative approach for dealing with land use in the Redevelopment Area. This included assigning zones across the Redevelopment Area and aligning these with the City's Local Planning Scheme zoning table. However, to ensure the current framework for the Redevelopment Area remains largely consistent and that normalisation occurs by the end of 2022, the approach preferred by the Department of Planning officers is being undertaken.

It is recommended that a future amendment to LPS4 be undertaken to assign zonings to the redevelopment precincts and density codes that align with the built form requirements of the Scarborough Design Guidelines. It is envisioned that a report will be presented to Council at a later date to undertake the necessary work.

The provisions of the Redevelopment Scheme to be 'struck out' and the reasons why are summarised in Attachment 3.

Zoning

The approach preferred by the Department of Planning means that the Redevelopment Area will be rezoned from 'No Zone' to 'Development' zone. The objectives of the 'Development' zone are:

> *"a) To provide for coordinated development through the application of a comprehensive structure plan to guide subdivision and development.*
>
> *b) To avoid the development of land for purposes likely to compromise its future development for purposes, or in a manner likely to detract from the amenity or integrity of the area."*

Despite the first objective of the zone, there is no intention to prepare a structure plan for the Redevelopment Area. Instead, development will be controlled by relevant provisions contained in a schedule to LPS3, and the Design Guidelines and Local Planning Policies adopted for the area.

The Department of Planning is aware of this but does not see this as a barrier to 'simple' normalisation.

Land Use

The current Redevelopment Scheme is primarily an administrative tool that was prepared prior to and not subject to the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations). The Redevelopment Scheme sets a vision and objectives for the area and identifies precincts and their 'intent'. It does not contain development standards and only controls land use.

The Redevelopment Scheme uses a precinct based 'Preferred' and 'Contemplated' land use system, rather than 'zones' to control land use which is not reflected in LPS3. Land use categories are used to group together similar types of land uses into seven specific categories. These categories are identified as either:

'Preferred' Land uses which are considered to contribute to the vision and intent for a location); or

'Contemplated' Land uses which may be considered as suitable for a location if it can be demonstrated that the use would not detract from the precinct intent and the amenity of the locality.

DevelopmentWA's current planning framework does not identify uses which are not permitted. Where a use is not shown as a 'Preferred' or 'Contemplated' use for a relevant precinct, the use or uses are generally considered inconsistent with the precinct intent and may be inappropriate for that precinct. However, those uses can still be considered for approval.

The implications of using the 'Development' zone and the 'Preferred' and 'Contemplated' land use approach are that all land uses can be considered in the Redevelopment Area. However, this approach also means that exemptions from the need to obtain development approval provided by the Regulations for certain land uses will not apply in the Redevelopment Area as they do throughout the City.

Special Control Area

For the City to collect contributions to works within the Redevelopment Area, the Regulations require a development contribution area to be shown as a Special Control Area (SCA) on the Scheme map. This Amendment proposes to re-introduce the Scarborough Special Control Area, which was removed when the MRA assumed planning control in 2014.

The purpose of the Scarborough SCA is to continue to facilitate redevelopment and urban renewal of the Redevelopment Area and identify the DCP area.

The proposed purpose, objectives and provisions of the Scarborough SCA are contained in Attachment 1.

Built Form

Currently, built form controls (i.e. setbacks, building heights, etc) are provided in the Scarborough Design Guidelines and Local Planning Policies. This will continue to be the case post-normalisation. It is proposed to include a provision in the SCA to allow existing planning instruments adopted under the MRA Act for the Redevelopment Area to apply as if adopted under the provisions of LPS3 as Local Planning Policies. Once planning control has been handed back to the City, these policies can be amended or revoked as needed.

The current Scarborough planning framework does not assign density codes to land in the Redevelopment Area. The proposed amendment does not seek to introduce residential densities into the area. This means that development is not subject to the deemed-to-comply provisions of State Planning Policy 7.3 - Residential Design Codes Volume 1 (R-Codes).

The implication of this is that exemptions for the need to obtain development approval provided by the Regulations do not apply for works that meet the deemed-to-comply provisions of the R-Codes, such as the erection of, or alterations or additions to, a single house.

Development Contribution Plan

The main purpose of this Amendment is to transfer the existing DCP for the Redevelopment Area into LPS3. This will ensure that development contributions can be levied after the transition of planning control back to the City.

When a local government prepares a DCP, it is required to be consistent with State Planning Policy 3.6 - Infrastructure Contributions (SPP3.6). The reason for this is to ensure the infrastructure contributions system is transparent, equitable, and accountable.

The current version of SPP3.6 was gazetted on 30 April 2021. However, given the current DCP was prepared prior to the existing version of SPP3.6, officers of the Department of Planning have advised they will assess the proposed Scarborough DCP as a 'transfer' of an existing DCP, rather than the preparation of a new DCP. This means that the City's Scarborough DCP does not need to strictly adhere to the requirements of SPP3.6.

The MRA's DCP was adopted on 7 September 2017 with a 20 year lifespan until 2037. Under SPP3.6, a DCP should generally have a maximum lifespan of 10 years. A lifespan longer than 10 years may be considered appropriate in limited circumstances. Discussions with officers of the Department of Planning have confirmed in principle support of a 15 year lifespan for the new DCP, given that this aligns with the current DCP's lifespan through to 2037.

The existing DCP is intended to levy contributions towards a portion of the City's investment and some streetscape upgrades on the east of West Coast Highway. Specifically, a total of $29,122,322 has been identified, comprising $19.1 million (70%) of the City's financial investment together with estimated costs for administration of the DCP ($1.5 million) and streetscape upgrades east of West Coast Highway (approximately $8.5 million).

DevelopmentWA's powers, functions, and objectives under the MRA Act are broad and highly discretionary. The current Scarborough DCP states that *"No funding has been committed to the [streetscape works] which are intended to be progressively undertaken as sufficient development contributions are received"*. Contrary to a percentage based approach to contribution allocation, the current DCP adopts a progressive/linear approach to the funding of works, with funding and reimbursement for the Beachside Works to occur first and streetscape works to be funded later, only if and when sufficient money is collected. The City's proposed DCP includes provisions that continue this flexibility.

The $8.5 million estimate for streetscape upgrades, east of West Coast Highway, is intended to fund upgrading of street lighting, new tree planting and street furniture together with the provision of embayed car parking to enhance pedestrian amenity and safety along Hastings Street and the main east-west connector streets. These works were not costed by the City and are now at least seven years old and have not been reviewed annually, which is a requirement for DCP's. It is also unclear whether they are still relevant, as some streetscape improvements have been undertaken by the City while DevelopmentWA had planning control for the area.

It is noted that the money collected under the current DCP does not reflect the expected contributions for each development site. This is due to provisions in the current DCP that state a contribution made under an interim Scheme (the City's former DCP) constitutes payment of the landowner's liability. Additionally, the current DCP gives DevelopmentWA the power to agree to the provision of 'works-in-kind' by an owner in lieu of a monetary contribution. The proposed DCP removes the option of an owner providing 'works-in-kind' in lieu of a monetary contribution. The reason for this is that the intent of the DCP is to recoup money invested by the City, and most of the works undertaken in lieu of a monetary contribution generally form part of the redevelopment of any site, for example undergrounding of power.

A future review of the DCP's cost apportionment schedule will be required to reconcile any differences.

While the existing DCP was intended to be reviewed annually for the first three years and once every three years thereafter to ensure accuracy of costs incurred and up to date estimates, it is understood that no reviews were undertaken, and no additional costs have been incurred.

As the financial costs of the DCP need to be updated, it is therefore recommended that the City undertakes a review of the infrastructure costs within the first year. Where infrastructure costings are significantly affected, this may require future modification to the DCP.

The City intends to undertake the detailed review of the cost estimates for the streetscape enhancement works to provide greater certainty over the intended outcome and delivery timeframes for these works. However, as mentioned above, in the interim it is proposed to transfer the DCP in its current form (with the 'works-in-kind' option removed) to achieve normalisation by the end of 2022.

The proposed DCP is contained in Attachment 2.

DCP for Rights of Way Improvement Works

The DCP for Rights of Way Improvement Works contained in LPS3 (DCA5) came into operation on 15 December 2015. This DCP covers the upgrading (sealing, drainage and/or lighting) of Category 1, 2 and 3 Rights of Way (ROWs) across the City. Properties adjacent to these laneways are liable, upon development, to contribute towards the cost of the laneway upgrade.

At its meeting held 21 March 2017, Council resolved (Council Resolution Number 0317/034) to amend LPS3 to remove Sunstone Lane and Moira Lane (ROW Nos. 14003 to 14007 inclusive and part of ROW No.14002) from DCA5. These ROWs were identified as being within the Redevelopment Area, meaning the City could not seek contributions for necessary upgrade works.

At the time of preparation of the current DCP for the area, Council requested (Council Resolution Number 1216/023) that the MRA include provisions for the upgrade of these ROWs within its DCP, but this did not occur. Reinstating these ROWs into DCA5 is therefore required to ensure that the upgrading of ROWs is funded equitably.

Amendment Type

Regulation 35 of the Regulations requires a resolution of a local government to prepare or adopt an Amendment to a local planning scheme. The resolution must:

a) specify whether, in the opinion of the local government the Amendment is a complex Amendment, a standard Amendment or a basic Amendment; and

b) include an explanation of the reason for the local government forming that opinion.

Regulation 34 of the Regulations identifies the various Amendment types. Part (e) of Regulation 34 states that a Complex Amendment is:

(e) An Amendment to identify or amend a development contribution area or prepare or amend a development contribution plan.

The proposed Amendment seeks to introduce a new development contribution area into LPS3 and modify DCA5, therefore requiring a Complex Amendment.

Community Engagement

At its meeting held 17 August 2021, when Council considered a report relating to the transfer of planning control to the City, Council resolved (Council Resolution Number 0821/039) as follows:

> *"3. That Council NOTES that engagement with owners and residents in and around the Redevelopment Area will be undertaken to explain the process of normalisation, and to gauge community attitude to the design of developments being delivered under the current planning framework."*

The community engagement was undertaken between 21 October and 15 November 2021 and was not a statutory requirement. The purpose of the engagement was to educate, inform and gauge the community's attitude towards the current planning framework and if it is delivering on the vision of the Scarborough Master Plan.

The community consultation involved an online survey, and the City's officers attending the Scarborough Sunset Markets to answer any questions the public had.

To encourage participation in the survey, the following measures were taken:

- Letters to owners and residents within the Redevelopment Area;
- Two face-to-face discussion sessions at the Scarborough Sunset Markets;
- Digital marketing campaign;
- Media Release; and
- Article in Scoop/Scene.

At the conclusion of the engagement process, 215 online survey responses were recorded with a 72% completion rate.

The survey included a range of questions that gauged the respondent's relationship to the area, their favourite/least favourite places, familiarity with the planning framework and satisfaction with what is being delivered by the current framework. These responses will inform and assist in any future community engagement outside of the normalisation process.

This engagement was a successful means of informing and enabling the community to provide feedback with 90% of survey respondents electing to be kept informed on the project.

The next stage of the engagement process will be consultation with the community as part of the proposed amendment to the City's LPS3 and the DCP.

A copy of the outcomes of the survey are provided in Attachment 4.

Consultation/Communication Implications

If Amendment 124 is initiated by Council, the consent of the Western Australian Planning Commission (WAPC) will be required prior to commencement of consultation.

Following WAPC confirmation that the Complex Amendment is suitable to be advertised, the City will publicly advertise the Amendment for a period of not less than 60 days in accordance with Regulations 38 and 76A, including:

- Publication on the City's website; and
- Making a copy available for public inspection during normal business hours.

Policy and Legislative Implications

Part 5 of the *Planning and Development Act 2005*, together with the Regulations, details the procedures for amending an existing local planning scheme.

Section 71 of the *Planning and Development Act 2005*, read in conjunction with Section 58 of the MRA Act, provides for the Amendment of a local planning scheme, in relation to land within a redevelopment scheme area with the Amendment taking effect at the time of normalisation.

Any pending development applications submitted prior to normalisation will be determined by DevelopmentWA.

Inclusion of the DCP into LPS3 will enable the City, following normalisation of the Redevelopment Area, to apply a condition on relevant development approvals requiring a development contribution payment.

Financial Implications

Since the DCP was adopted in 2017 contribution payments to a value of $351,989.62 have been received.

It is understood that DevelopmentWA will retain a portion of the contributions to cover administration costs with the balance transferred to the City at the time of normalisation.

All contribution payments thereafter will be received by the City to collect contributions towards its $19 million investment in the beachside works and then, as funds become available, fund future works east of West Coast Highway.

This process can occur after the DCP has been 'transferred' to the City, by way of an annual review of cost estimates.

Strategic Implications

Key Result Area: Liveable neighbourhoods

Outcome B3: Built infrastructure that meets community needs

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	**Comment**
Sustainability	DevelopmentWA's planning framework includes a 'Green Building' development policy requiring the design, construction and operation of environmentally sustainable buildings, including efficient resource and energy use and the reduction of emissions and waste.

SOCIAL	
Issue	**Comment**
Community engagement	The preparation of a new Development Contribution Plan will require an amendment to the City's Local Planning Scheme No.3. This will provide an opportunity to consult with the community.
Equity	Infrastructure contributions should be levied equitably from identified stakeholders within a contribution area, based on the relative contribution to need.

ECONOMIC	
Issue	**Comment**
Job creation	Re-development of the Redevelopment Area will assist in job creation, through construction of new developments and the attraction of new business opportunities.

Conclusion

Proposed Amendment No.124 is the first step to commence the process of normalising the Scarborough Redevelopment Area into the City's LPS3.

To ensure a DCP is in place before normalisation, a 'Complex Amendment' process must be undertaken to enable the DCP to operate under LPS3. This will ensure that development contributions can continue to be collected prior to and following normalisation.

It is recommended that Council adopts, for the purpose of advertising, Amendment No.124 as shown in Attachment 1.

To ensure the DCP remains consistent with SPP3.6, it is recommended that the City undertakes a review of the DCP within the first year of operation. Where the need for change to the DCP is identified, this may require a future Complex scheme amendment.

Additional Information – 5 April 2022

At its meeting held 15 February 2022, Council considered the above report and resolved (Council Resolution Number 0222/003) as follows:

"1. That Council DEFERS preparation of Local Planning Scheme No.3 Amendment No.124.

2. That the Chief Executive Officer WRITES to DevelopmentWA to request it redraft the Scarborough Redevelopment Area Development Contribution Plan to modify the method of calculating development cost to also include a contribution rate that is proportionate to the number of storeys proposed."

The reason for this resolution was:

There is community concern that developments being approved in the Scarborough Redevelopment Area, which propose building heights beyond base and bonus heights, should pay a greater contribution than that required by the existing Development Contribution Plan.

The Chief Executive Officer has written to DevelopmentWA, which has advised (refer Confidential Attachment 5) that it does not consider it appropriate to modify the DCP for the following reasons:

- The current DCP is primarily in place to collect contributions to repay the City's financial contribution to the foreshore redevelopment. These works are complete and paid for, and therefore are fixed.
- While the fixed rate is calculated on land area, a range applies depending on the development potential of each site in accordance with the applicable planning controls, including height. The sites with the greatest development potential are required to pay a rate six times higher than those with the least potential.
- The apportionment is transparent and consistent in order to collect the fixed sum. Imposing a variable mechanism, as requested, would disconnect the nexus between the amount of money being collected to the amount spent. This would undermine the principles of development contributions as contained in the current DCP and under State Planning Policy 3.6 (SPP 3.6) — Development Infrastructure Contributions.
- Any formal amendment process undertaken by DevelopmentWA would only be effective for a short period of time and significantly diminishes the value of undertaking the change. Any change should be contemplated by the City.

DevelopmentWA also reaffirmed its support for the transfer of planning control for the Scarborough Redevelopment Area to occur by the end of 2022. It is therefore recommended that Council adopt the officer's original recommendation.

1 Scarborough Development Contribution Plan

The development contribution area is shown on the Local Planning Scheme No. 3 (LPS3) scheme map as Special Control Area 9 - Scarborough (Scarborough SCA). The area is replicated in Appendix 1 – Special Control Area 9, should there be any discrepancies between Appendix 1 and the area of the Scarborough SCA shown on the scheme map, the scheme map shall prevail.

2 Relationship to the Scheme

The DCP for the Scarborough SCA should be read in conjunction with Part 6B - Development Contribution Areas of the City's Local Planning Scheme (LPS3).

3 Definitions

Terms in the DCP shall generally have the same meaning as defined in Appendix 2 of the Scheme.

Additional terms used in the Development Contribution Plan that are not defined in the Scheme shall have the following meanings:

"**Cost contribution**" in relation to an owner, means the share of Development Costs for which that owner is liable under the Development Contribution Plan.

"**Development costs**" means the infrastructure and administrative costs included in the Development Contribution Plan.

"**Operative date**" means the date on which the DCP comes into effect.

"**Site area**" means the area used to calculate a cost contribution and is the area of an owner's land that is subject to a development contribution, excluding any area required to be set aside for future road widening under the Metropolitan Region Scheme (MRS) or identified within a Planning Control Area (PCA).

4 Purpose

The purpose of this development contribution plan report is to provide for the infrastructure needs of the Scarborough SCA in a holistic and timely manner; and to obtain equitable contributions from landowners who benefit from changes to the statutory planning framework plus the City's investment in infrastructure and services within the Area.

The Development Contribution Plan (DCP) provides a mechanism for the City to recoup costs associated with the upgrade of the beachside areas and to also fund streetscape upgrades to the east of West Coast Highway. The streetscape upgrades will be completed progressively assufficient development contributions are received.

Development within the Scarborough SCA and the identification of infrastructure items within the corresponding DCP are guided by the following plans and documents:

- State Planning Policy 3.6: Infrastructure Contributions, WAPC
- Liveable Neighbourhoods 2009, WAPC
- Development Control Policy 1.7: General Road Planning, WAPC
- Development Control Policy 2.3: Public Open Space in Residential Areas, WAPC

5 Period of the Plan

The DCP will operate for a period of 15 years from the gazettal of the DCP, unless otherwise extended by the Minister.

6 Operation of Development Contribution Plan

This plan has been prepared in accordance with State Planning Policy 3.6: Infrastructure Contributions (SPP 3.6) and operates in accordance with the provisions of Part 6B - Development Contribution Areas.

7 Application Requirements

An owner of land in the Scarborough SCA is required to make a Development Contribution in accordance with the DCP on the earlier of:

- The approval of any development on the owner's land within the Scarborough SCA.
- The approval of any subdivision of the owner's land within the Scarborough SCA.

8 Prior Development Contribution Plan Payments

Where, prior to the operative date, DevelopmentWA has given to an owner of land notice in writing that it accepts a payment made by the owner in full and final satisfaction in respect of that land, then the notice is to be taken to be a discharge of that owner's liability under sub-clause 6B.14.3. of the Scheme.

9 Development Contribution Plan Components

The key components of the DCP are defined below:

9.1 Development Contribution Plan Administration

Costs associated with preparation, implementation and review of the DCP, including;

- DCP preparation and review costs;
- DCP administration costs;
- Legal fees;
- Land valuations.

9.2 Beachside Precinct Works

Works to enhance and revitalise the Scarborough beachfront consistent with the approved Master Plan, which provides generally for the following:

- Road upgrades and improved parking arrangements
- Hard landscaping
- Soft landscaping
- Signage
- Street furniture
- Play equipment
- Community recreation facilities

- Scarborough Square (including Clock Tower Piazza)
- Upgrades to the public realm north and south of the Scarborough Amphitheatre.

The City of Stirling has committed $27.4m to the Beachside Precinct upgrade works, subject to the conditions of a Funding Agreement executed between the City and the MRA.

9.3 Streetscape Upgrades East of West Coast Highway

Provision of new infrastructure and upgrades to existing infrastructure, including local area traffic management, to the following streets located east of West Coast Highway:

- Hastings Street between Kay Street and Scarborough Beach Road;
- Brighton Road between West Coast Highway and Stanley Street;
- Scarborough Beach Road between West Coast Highway and Hinderwell Street; and
- Manning Street between West Coast Highway and Joyce Street.

Specific streetscape upgrade works to be undertaken include:

- Provision of additional embayed on-street car parking;
- Provision of new footpaths;
- Undergrounding of existing overhead power transmission lines;
- Provision of street furniture;
- Provision of new street trees and coastal plantings to verge areas; and
- Upgrading of existing street lighting.

The costs also include the design and construction of traffic calming infrastructure such as speed bumps, plateaus and intersection treatments to provide a safe, pedestrian orientated environment.

No funding has been committed to the above works which are intended to be progressively undertaken as sufficient development contributions are received.

9.4 Exemptions

Minor Development

Certain minor development proposals are exempt from being liable to pay the Development Contribution. For the purpose of this DCP, minor development includes the first single house on a property, or outbuilding associated with the first single house, and/or small scale alterations and additions to a property.

The City may, on request by the landowner, agree to exempt other minor development proposals from being liable. The City will at its discretion consider the exemption where it can be demonstrated to the City's satisfaction that the works are minor or incidental development that does not have a connection (nexus) between the development and the demand for the infrastructure included in the DCP.

Should such an exemption be granted, this does not preclude the ability of the City to require a Development Contribution as a result of any subsequent development or subdivision of the affected land.

Charitable Institutions

The City may recognise the social contribution and limited financial capacity of Charitable Institutions within the DCP Area and exclude certain charitable land holdings from being liable for Development Contributions.

The City may recognise any Charitable Institution which owns land within the DCP Area and uses the land exclusively for charitable purposes, and exempt them from liability to pay the Development Contribution that is applicable to that land.

Any application must demonstrate to the City's satisfaction that the land is used for charitable purposes. An exemption may otherwise be provided, at the City's discretion, for part of a land holding if only part of the land is used for charitable purposes.

An exemption granted by the City ceases to have effect if the land is no longer owned by the Charitable Institution or is no longer used for charitable purposes.

9.5 Exclusions

The following items are excluded from the DCP:

City of Stirling Legacy Costs

Legacy costs associated with previous foreshore works undertaken by the City of Stirling (including works to the Amphitheatre) have been excluded from the Contribution Area Cost Schedule of this report.

Master Planning Costs

Master Planning costs have been funded by the State Government and are not proposed to be recouped. Accordingly, all master planning costs are excluded from the Contribution Area Cost Schedule of this report.

Service Upgrades / Improvements

Existing service investigations have identified the likely need for service upgrades to support increased demands associated with additional development outside of the Beachside Precinct.

Accurate estimation of the extent and timing of service upgrades is difficult given the fragmented land ownership arrangements within the redevelopment area.

As a result, costs associated with service upgrades and improvements have generally been excluded from the DCP.

Owners will therefore be required to make their own enquiries and arrangements with the relevant utility providers for any service upgrades required to support individual developments.

Beachside Precinct Works - Beach Hubs

The cost of providing services to the beach hubs has been excluded given that these facilities will generate a commercial return once completed and operational.

10 Cost Schedule

The Contribution Area Cost Schedule identifies costs to be funded by the DCP. The summary of the costs is outlined below:

Item	Total Cost	DCP Cost (%)	DCP Cost ($ ex GST)
Administration Costs	$1,500,000	100%	$1,500,000
Beachside Works – State Government Investment	$40,931,000	0%	$0
Beachside Works – City of Stirling Investment	$27,400,000	70%	$19,117,460
- Other Infrastructure Costs	*$19,117,460*	*100%*	*$19,117,460*
- Commercial Beach Hub Sites and Public Art Costs	*$8,282,540*	*0%*	*$0*
Streetscape Upgrades East of West Coast Highway (incl. Local Area Traffic Management)	$8,504,861	100%	$8,504,861
Total Development Costs (incl. Contingency & Professional Fees)	**$78,335,861**	**37%**	**$29,122,322**

** all figures rounded to the nearest whole number.*

11 Calculating Development Costs

The preferred method for calculating costs is one in which the estimated Development Costs above are apportioned across the total developable site area based on the maximum number of building levels permitted under the Scarborough Design Guidelines. In this regard, a higher proportion of the development costs will be attributed to sites where increased height and density is afforded.

The table below outlines the proposed development cost apportionment across the Development Contribution Area.

Maximum Building Height (Base)^	Contribution Rate ($/sqm)
2 storeys / 11.5m	$16.82
3 storeys / 11.5m	$25.23
4 storeys / 15m	$33.64
8 storeys / 29m	$67.29
12 storeys / 43m	$100.93

^ Maximum Building Heights taken from Scarborough Design Guidelines

An owner's development contribution shall be calculated by multiplying the applicable contribution rate by the owner's total Site Area, as illustrated in the following example:

Site Area: *1,000m²*

Max Permitted Building Height: *8 storeys / 29 metres*

Contribution Rate: *$67.29 per m²*

Total Development Contribution: *1,000 x $67.29*

= $67,290

12 Methods of Payment

An owner, at the absolute discretion and subject to the agreement of the City, shall pay the owner's Development Contribution by:

- Cheque, cash or electronic transfer of funds;
- Providing land to the value of the Development Contribution;
- Any combination of these methods, where acceptable to the City; or
- Some other method acceptable to the City.

The owner, subject to the agreement of the City, may pay the owner's Development Contribution in a lump sum, by instalments, or in such other manner acceptable to the City.

Payment by an owner of the full Development Contribution consistent with the DCP at the time of payment, including a contribution based on estimated costs, constitutes full and final discharge of the owner's liability under the DCP and the City shall provide certification in writing to the owner of such discharge.

13 Priority and timing of infrastructure delivery

Due to the fragmented land ownership of the Scarborough SCA it is difficult to accurately predict the delivery of infrastructure within the Area. Nonetheless, the timing of development and the order of priority is estimated below:

- Stage 1 - Beachside works – Completed.
- Stage 2 - Streetscape Upgrades East of West Coast Highway – as funds are available.

14 Review of the Development Contribution Plan

The DCP will be reviewed within the first year of the operative date and then when considered appropriate, though not exceeding a period of five years duration, having regard to the rate of subsequent development in the catchment areas since the last review and the degree of development potential still existing.

The estimated infrastructure costs contained in the Cost Apportionment Schedule will be reviewed at least annually to reflect changes in funding and revenue sources.

15 Schedules

Schedule 1 – Development Contribution Area



FORMAL DOCUMENTATION

PLANNING & DEVELOPMENT ACT 2005

CITY OF STIRLING

LOCAL PLANNING SCHEME NO 3 - AMENDMENT NO. 124

Resolution to prepare Amendment to Local Planning Scheme No.3

Resolved that the local government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme and Scheme Map by:

1. Amending the Scheme Map to include the Scarborough Redevelopment Area Special Control Area;

2. Amending the Scheme Map to include the Scarborough Redevelopment Area within Development Contribution Area 6.

3. Amending the Scheme Map to rezone various sites from unzoned to Development zone.

4. Amending 6.9 – Scarborough Special Control Area as follows:

6.9 Scarborough Redevelopment Area Special Control Area

6.9.1 Special Control Area

The Scarborough Special Control Area is the land delineated as such on the Scheme Map.

6.9.2 Purpose

To facilitate redevelopment and urban renewal of the Special Control Area and to identify the Scarborough Development Contribution Area.

6.9.3 Subdivision and Development

(a) The subdivision and development of all land within the Scarborough Redevelopment Area Special Control Area shall have due regard to Schedule 13 of the Scheme.

(b) Any reference to 'Authority' in Schedule 13 is to be read as the local government.

6.9.4 Planning Instruments Adopted Under the Scarborough Redevelopment Scheme

a) All Policies and Design Guidelines adopted under the Metropolitan Redevelopment Authority Act 2011 for the Scarborough Redevelopment Area apply as if adopted under the provisions of Local Planning Scheme No. 3 as Local Planning Policies, and may be amended and revoked as needed under the Planning and Development (Local Planning Scheme) Regulations 2015.

b) The Metropolitan Redevelopment Authority Scarborough Redevelopment Area Heritage Inventory applies as if included as a Heritage List under Local Planning Scheme No. 3 until such time as the City of Stirling Heritage List is reviewed in accordance with the Planning and Development (Local Planning Scheme) Regulations 2015.

5. Amending Schedule 11 – Development Contribution Areas to delete the following text from DCA 4 – All land within the Stirling City Centre Development Contribution Area:

"Details relating to DCA 5 'Rights of Way Improvement Works Development Contribution Area' are included in Schedule 11A."

6. Amending Schedule 11 – Development Contribution Areas to include Development Contribution Area No. 5 as follows:

No.	Description of land	Infrastructure to which cost sharing arrangements relate	Cost sharing arrangement
5	All land within Schedule 11A – Rights of Way Improvement Works	Details relating to DCA 5 – Rights of Way Improvement Works are included in Schedule 11A.	Details relating to DCA 5 – Rights of Way Improvement Works are included in Schedule 11A.

7. Modifying Schedule 11A DCA 5 ROW Map 1 to insert the whole ROW Nos, 14003 (Sunstone Lane), 14004 (Moira Lane), 14005 (Sunstone Lane), 14006 (Sunstone Lane) and 14007 (Moira Lane) and portion of ROW No 14002 (abutting No. 55 Sunstone Lane, No. 8 Stanley Street and Nos. 5, 7 Westborough Street) Scarborough.

8. Amending Schedule 11 – Development Contribution Areas to include Development Contribution Area No. 6 as follows:

No.	Description of land	Infrastructure to which cost sharing arrangements relate	Cost sharing arrangement
6	All land within the Scarborough Redevelopment Area Special Control Area	Details relating to DCA 6 – Scarborough Development Contribution Area are included in Schedule 11B.	Details relating to DCA 6 – Scarborough Development Contribution Area are included in Schedule 11B.

9. Introducing Schedule 11B Scarborough Development Contribution Plan to include DCA 6 – Scarborough Development Contribution Area as follows:

Reference No.	Development Contribution Plan 6
Area name:	DCA 6 as shown on the Scheme Map.
Relationship with other Planning Instruments:	The development contribution plan should be read in conjunction with the Scarborough Design Guidelines and Development Policies.

Infrastructure and Administrative Items to be Funded:	The key components of the DCP are defined below: **1. Development Contribution Plan Administration** Costs associated with preparation, implementation and review of the DCP, including: • DCP preparation and review costs; • DCP administration costs; • Legal fees; • Land valuations. **2. Beachside Precinct Works** Works to enhance and revitalise the Scarborough foreshore area, which provides for the following: • Road upgrades and improved parking arrangements • Hard landscaping • Soft landscaping • Signage • Street furniture • Play equipment • Community recreation facilities • Scarborough Square (including Clock Tower Piazza) • Upgrades to the public realm north and south of the Scarborough Amphitheatre. **3. Streetscape Upgrades East of West Coast Highway** Provision of new infrastructure and upgrades to existing infrastructure, including local area traffic management, to the following streets located east of West Coast Highway: • Hastings Street between Kay Street and Scarborough Beach Road; • Brighton Road between West Coast Highway and Stanley Street; • Scarborough Beach Road between West Coast Highway and Hinderwell Street; and • Manning Street between West Coast Highway and Joyce Street. Specific streetscape upgrade works to be undertaken include: • Provision of additional embayed on-street car parking; • Provision of new footpaths; • Undergrounding of existing overhead power transmission lines; • Provision of street furniture; • Provision of new street trees and coastal plantings to verge areas; and • Upgrading of existing street lighting. The costs also include the design and construction of traffic calming infrastructure such as speed bumps, plateaus and intersection treatments to provide a safe, pedestrian orientated environment.
Method for Calculating Contributions:	The method for calculating costs is one in which the estimated Development Costs are apportioned across the total developable site area based on the maximum number of building levels permitted under the Scarborough Design Guidelines. A higher proportion of the development costs will be attributed to sites where increased height and density is afforded. An owner's development contribution shall be calculated by multiplying the applicable contribution rate by the owners total Site Area, as illustrated in the following example: **Site Area:** 1,000m2 **Max Permitted Building Height:** 8 storeys / 29 metres **Contribution Rate:** $67.29 per m2 **Total Development Contribution:** 1,000 x $67.29 = $67,290

Payment of Cost Contribution:	An owner of land in the Development Contribution Area is required to make a Development Contribution in accordance with the applicable Development Contribution Plan. An owner's liability to pay the Development Contribution arises on the earlier of: • the approval of any development on the owner's land within the Development Contribution Area, unless the development meets the exemption requirements set out below; • the approval of any subdivision of the owner's land within the Development Contribution Area; No person shall commence or carry out any subdivision or development the subject of a subdivision approval or a development approval until the owner's cost contribution in respect of the land has been paid in full, or other arrangements for payment have been made to the satisfaction of the local government. Where, prior to the operative date, DevelopmentWA (or the Metropolitan Redevelopment Authority) has given to an owner of land notice in writing that it accepts a payment made by the owner in full and final satisfaction in respect of that land, then the notice is to be taken to be a discharge of that owner's liability under clause 6B.14.3.
Exemptions:	**Minor Development** Certain minor development proposals are exempt from being liable to pay the Development Contribution. For the purpose of this DCP, minor development includes the first single house on a property, or outbuilding associated with the first single house, and/or small scale alterations and additions to a property. The local government may, on request by the landowner, agree to exempt other minor development proposals from being liable. The local government will at its discretion consider the exemption where it can be demonstrated to the local government's satisfaction that the works are minor or incidental development that does not have a connection (nexus) between the development and the demand for the infrastructure included in the DCP. Should such an exemption be granted, this does not preclude the ability of the local government to require a Development Contribution as a result of any subsequent development or subdivision of the affected land. **Charitable Institutions** The local government may recognise the social contribution and limited financial capacity of Charitable Institutions within the DCP Area and exclude certain charitable land holdings from being liable for Development Contributions. The local government may recognise any Charitable Institution which owns land within the DCP Area and uses the land exclusively for charitable purposes, and exempt them from liability to pay the Development Contribution that is applicable to that land. Any application must demonstrate to the local government's satisfaction that the land is used for charitable purposes. An exemption may otherwise be provided, at the local government's discretion, for part of a land holding if only part of the land is used for charitable purposes. An exemption granted by the local government ceases to have effect if the land is no longer owned by the Charitable Institution or is no longer used for charitable purposes.
Interest on Unpaid Cost Contributions:	a) Interest shall be paid on any cost contribution which is due at the maximum rate of interest prescribed for the purposes of section 6.13 of the *Local government Act 1995*. b) Interest payable on any cost contribution or portion of a cost contribution (as the case may be) shall be paid from the date an owner becomes liable.
Period of Operation:	15 years from the date of gazettal of the DCP.
Priority and Timing:	Stage 1 - Beachside works – Completed Stage 2 - Streetscape Upgrades East of West Coast Highway – as funds are available
Review Process:	The plan will be reviewed one (1) year from the date of gazettal of the amendment to the local planning scheme to incorporate the plan. The estimated infrastructure costs shown in the cost apportionment schedule will be reviewed at least annually to reflect changes in funding and revenue sources and indexed based on the Building Cost Index or other appropriate index as approved by the qualified person undertaking the certification of costs in accordance with clause 6B.11.2.

10. Introducing Schedule 13 Scarborough Redevelopment Area into the Scheme.

GOVERNMENT OF WESTERN AUSTRALIA

MRA Metropolitan Redevelopment Authority



Scarborough Redevelopment Scheme

September 2016

The MRA acknowledges the traditional owners of the land within its Redevelopment Area.

USER GUIDE

INTRODUCTION

This User Guide is provided to assist people who may be involved with or affected by the planning system of the Metropolitan Redevelopment Authority (the Authority). It provides an introduction to the Authority and includes a guide to using the Authority's Scarborough Redevelopment Scheme (the Scheme).

The User Guide provides the following four sections of useful information:

- **The Authority's Role**
- **Planning Framework**
- **Scheme User Guide**
- **Development Applications**

It is important to note that this User Guide does not form part of the actual Scheme document – the User Guide is for assistance only and is not a statutory (enforceable) document.

User's information is also provided throughout the Scheme document. A coloured "Notes Column" runs alongside each page of the Scheme and provides explanations and definitions relevant to that part of the Scheme, as well as other useful notes and images to assist the reader. The Notes Column also does not form part of the Scheme and is intended as a guide only.

The User Guide and the Notes Column are all not part of the legislative Scheme document. The written text, maps and tables together form the actual Scheme document.

THE AUTHORITY'S ROLE

The Metropolitan Redevelopment Authority was established in 2011 by an Act of the Western Australian Parliament. The Authority is a State Government Authority responsible for redevelopment of land within its jurisdiction (this area is known as the "Redevelopment Area").

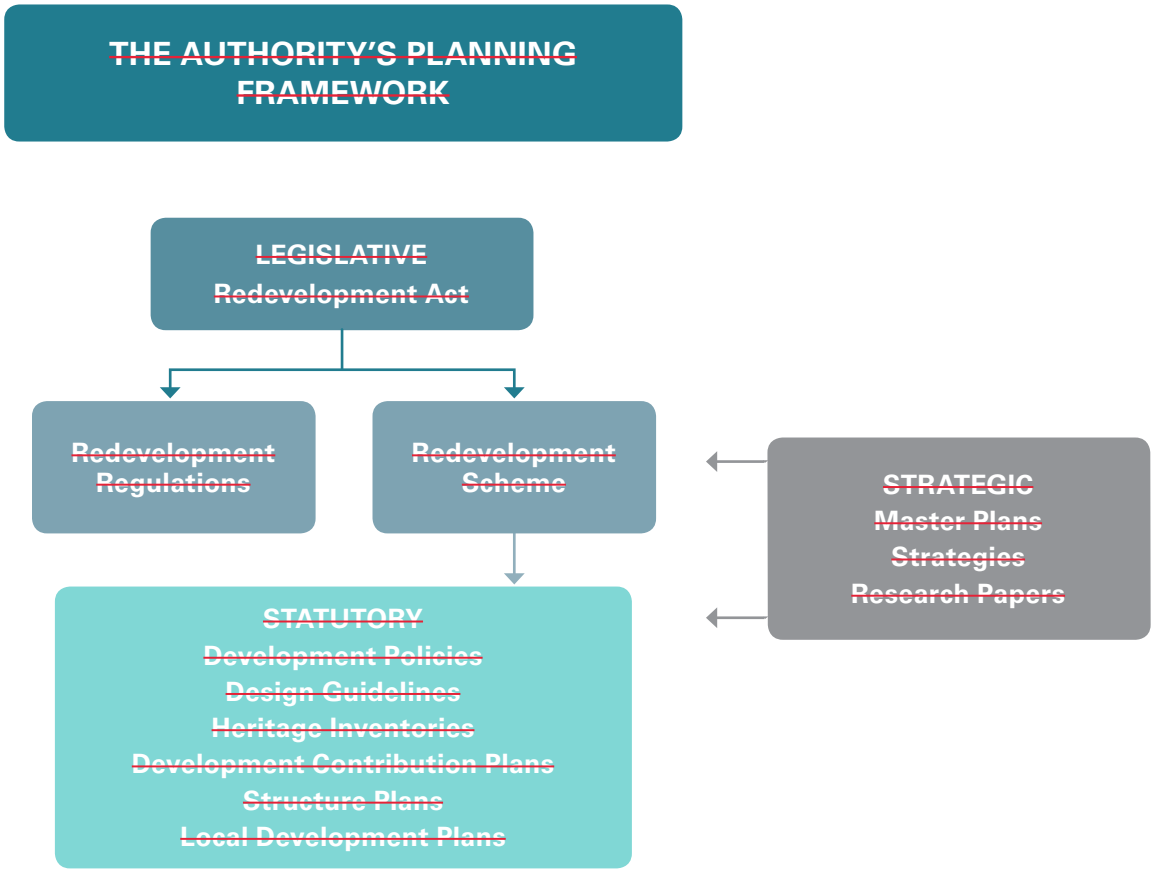
Under the responsibilities and powers provided by the *Metropolitan Redevelopment Authority Act 2011* (referred to in this text as "the MRA Act"), The Authority performs a number of roles to enable the revitalisation of each of its project areas. These roles include land acquisition and land sales, subdivision of land, development of land, strategic planning for project areas, control of development undertaken by others, and activities to activate and enhance the Redevelopment Area.

The Authority has an expectation of high quality development in each of its redevelopment areas and seeks positive social, economic and environmental outcomes. The Authority also recognises that good governance is an essential component of delivering successful, sustainable redevelopment.

The Authority consults with local governments, including the City of Stirling and other State agencies, such as the Department of Transport and the Department of Parks and Wildlife, to facilitate development that is consistent with the broader vision for Scarborough.

The User Guide and the Notes Column on each page are not part of the legislative Scheme document.





PLANNING FRAMEWORK

The Authority has a planning framework in place to guide the sustainable redevelopment of land in its redevelopment areas. This planning framework is made up of three components – Legislative Tools, Statutory Tools and Strategic Tools. Each type of tool allows for different types of plans and documents to be prepared with different purposes and different levels of legal obligations.

LEGISLATIVE TOOLS

Legislative tools are tools that are prepared under legislative processes and are formal documents that must be consistently applied and adhered to.

The **Metropolitan Redevelopment Authority Act 2011** is the legislation that enabled the establishment of the Metropolitan Redevelopment Authority. The MRA Act guides the Authority's operation and enables the preparation of key planning tools including the Redevelopment Regulations and the Redevelopment Scheme.

The **Metropolitan Redevelopment Authority Regulations 2011** are subsidiary legislation, enabled under the provisions of the MRA Act. The Regulations set out matters 'prescribed' by the Act, including the fees and required information for Development Applications and certain activities that do not require approval.

The **Redevelopment Scheme** is a legislative document which the MRA Act requires the Authority to prepare. The Scheme sets out the provisions for the development and use of land within the Scheme

Area and enables the preparation of statutory planning tools. The Scheme is the Authority's most important document for managing the development of land.

STATUTORY TOOLS

Statutory tools are documents that are adopted under powers set out in the Redevelopment Scheme. They are a set of separate documents and are not part of the Scheme. The documents provide detailed requirements for land development, as well as guidance on other planning matters.

The statutory documents are to be applied consistently, yet more flexibly than the legislative planning tools.

Some specific requirements of the documents may be varied (with the consent of the Authority), however as the documents are statutory (legally enforceable) all development must be shown to generally comply with each document.

Development Policies are a set of guiding documents that address key development issues (such as sound attenuation or heritage conservation) by providing the Authority's position on that issue and detailing how that issue should be dealt with in the development or use of land. All development must comply with the policies that are relevant to the type of development being proposed.

Design Guidelines set out the requirements for building design and other development standards for land within a specific area of the redevelopment area, such as for a project area or a precinct. Design Guidelines provide the detailed guidance for designing and assessing development proposals and include standards such as building design and materials, building height and setbacks, and car parking.

A **Heritage Inventory** is a comprehensive record of buildings, sites or precincts that are recognised by the Authority as having cultural heritage significance. The Inventory provides a historic record and identifies the heritage significance or heritage fabric (building qualities) of each place. Entry of a place onto the Inventory has implications for the future development of the site, with conservation usually being a high priority.

Development Contribution Plans are plans that set out the major physical and social infrastructure needs of a defined area and formulate the contributions required from land owners towards the costs of this infrastructure. The plans will list major infrastructure such as road works, public transport facilities, environmental works and community facilities that the Authority proposes for an area and requires payments from those who will benefit from this infrastructure when redeveloping their land.

STRATEGIC TOOLS

Strategic tools are those planning tools that are not adopted under the powers of the Scheme or other legislation. Strategic documents are generally based on research of issues, trends and opportunities relating to a place or topic, and are used to guide the Authority's future planning and other activities. Strategic documents are also used to help prepare legislative and statutory planning tools, yet they are not core considerations in development assessment.

Master Plans are graphical plans and supporting information setting out the high level direction of a large area. The Authority usually prepares a Master Plan for each of its redevelopment areas, prior to further planning and redevelopment of that area taking place. The plan sets out the vision for the future of the area and provides guidance on the layout, design and building form of the area. Preparation of a Master Plan includes a high level of expert input, wide public consultation, and endorsement by the Minister for Planning. Master Plans influence the content of the Scheme and Design Guidelines.

Strategies are documents that are prepared to explore the issues and opportunities relating to a certain topic or specific place, and to set out the intended response to these issues and opportunities. Strategies generally include a future vision, objectives and proposed actions or desired outcomes, which are then incorporated into other planning documents, such as development policies, and/or are also used to guide other work undertaken by the Authority.

Research Papers are documents prepared by the Authority or other experts to explore particular issues in depth. Research Papers include Discussion, Issue or Background papers and any other planning research documents. Research Papers are used to guide the preparation of other planning tools, such as development policies.

USING THE REDEVELOPMENT SCHEME

When preparing an application for Development Approval, the Scheme must be used in conjunction with the Authority's Development Policies and Design Guidelines.

Who & Where Does the Scheme Apply To?

The Scheme applies to anyone proposing or undertaking any kind of development in the Authority's Scheme Area.

Development includes construction of new buildings and structures, alterations and additions to existing buildings, and changes in the way land is used.

The Scheme Area is the geographical area that the Scheme covers and is shown on the Scheme Map. You can view the Scheme Map in Appendix 1 to check if your property falls within the Scheme Area. Land that falls within the Scheme Area is subject to the requirements of the Scheme document.

If the site you wish to develop is not within the Authority's redevelopment area, the relevant Local Government Authority (City of Stirling) will need to be consulted for all planning matters.

What is the Role of the Scheme?

The Scheme is a legal document that provides guidance and requirements for the development and use of land within the Scheme Area.

A key element of the Scheme is the requirement for approval to be obtained before undertaking any development. The Scheme sets out the procedure for a person to apply for Development Approval and how the Authority will process that application, including what matters the Authority must consider. The Scheme also details other applications relating to land, such as In-Principle Applications and Structure Plan Applications.

Another important role of the Scheme is to set out the Authority's expectations for development, including the Authority's vision for the Scheme Area, the principles that guide development and decision making, and requirements for the use of land, heritage conservation and financial contributions from land developers.

The Scheme also establishes powers and procedures to guide the Authority's planning functions, such as provisions for preparing Policies, Design Guidelines and Heritage Inventories, and other administrative functions.

DEVELOPMENT APPLICATIONS

A Development Approval (also known as a Planning Approval) is a legal document that gives permission for a specified building, land use or other development to occur on a particular piece of land. The Development Approval includes a signed approval form, which may include conditions of how that development is to take place, and approved plans and documents of the development.

Do I Need Development Approval?

Development Approval must be obtained from the Authority prior to any development taking place on any land in the redevelopment area.

However some minor works and activities (such as non-heritage related building repairs) are not defined as 'development' and therefore do not require Development Approval to undertake.

The Authority also has a number of Development Policies that provide details of other specific activities that are considered to not require Development Approval – however, is not required only when those activities fall within all of the relevant criteria listed in the policy.

Refer to the following policies for further information:

- Additional Structures
- Signage
- Home Based Business
- Public Events

It is your responsibility to check if other State or Local Government permits are required for your proposal, for example a building licence, signage permit or health approval.

Lodging a Development Application

Once it has been confirmed that Development Approval is required from the Authority, a Development Application is required to be lodged showing detailed, professional plans of the proposed development and any relevant supporting information, along with the application form and application fee. Information is available on the Authority's website listing all information, forms and fees required with applications, see: www.mra.wa.gov.au

Prior to lodging your Development Application, a thorough review of all of the Authority's planning documents should be undertaken to ensure your proposal complies with all of the Authority's requirements. The most important documents to consider are the Authority's Redevelopment Scheme, Development Policies and Design Guidelines (these can be accessed on the Authority's website).

You may find professional assistance from a town planner or architect beneficial in designing your plans and preparing the documentation to support your application, to ensure it meets the Authority's expected level of high quality development.

DEVELOPMENT APPLICATION PROCESS

Step 1	Arrange a meeting with the Authority if you want to discuss your proposal.
Step 2	Lodge your Development Application.
Step 3	The Authority checks the information, then a receipt note is posted to you.
Step 4	The application is referred to the Local Government and any relevant State Government agency for comments.
Step 5	The Authority may publicly advertise the application or obtain expert advice.
Step 6	The Authority assesses your application against the Scheme, Development Policies, and Design Guidelines.
Step 7	The Authority may request changes to your plans.
Step 8	The Authority makes its decision on the Application.
Step 9	An approval or refusal notice is sent to you.

The Authority has 90 days to complete a standard application or 120 days for a major application.

What Happens After the Application is Lodged?

After the application is lodged, the Authority will assess the proposal against the requirements of the Scheme, relevant Development Policies, Design Guidelines, and any other applicable statutory or strategic planning tools.

The Authority will also seek comment on the proposal from the relevant Local Government or affected State Government agencies, and may also seek technical advice from architects, engineers, heritage professionals or other experts. Applications that present potential negative impacts to the streetscape or neighbouring properties may also be required to be publicly advertised.

The Authority has 90 days to assess standard applications, and 120 days for major applications, including the time taken to gain comment from others.

If your application does not comply with all of the Authority's planning requirements you may be asked to submit revised plans or to fully justify the proposed variation, prior to the Authority making its decision on the application.

If the Authority is satisfied that the application meets all of the Authority's planning requirements the Authority will grant Development Approval. The Authority may attach conditions to the approval controlling how the development is to take place. If the Authority is not satisfied with the proposal, it has the power to refuse the application.

There is a right of review to the State Administrative Tribunal if an applicant is not satisfied with the decision of the Authority, such as a refusal or a condition of approval.

Working Drawings and Building Permits

A building permit from the relevant Local Government (City of Stirling) or permit authority will be required for most developments. After obtaining Development Approval, detailed working drawings for a building licence are to be submitted to the Authority and to the Local Government.

The Authority will check that the working drawings comply with the Development Approval plans and all Development Approval conditions prior to the Local Government issuing a building permit.

MORE INFORMATION

If you require any further information or explanation of the Authority planning framework, Development Applications or the Scheme, the following options are available:

Website:
review planning documents on the Authority's website:
www.mra.wa.gov.au

Email:
email your query to the Authority at:
reception@mra.wa.gov.au

Phone:
phone the Authority to chat to a planner on (08) 6557 0700

Meeting:
book a meeting to discuss your proposal with a planner by phoning (08) 6557 0700

Contents

~~USER GUIDE~~ ~~i~~

~~1.0 ADMINISTRATION~~ ~~5~~

2.0 **THE VISION AND SCHEME OBJECTIVES** 13

3.0 **PRECINCTS** 23

4.0 **DEVELOPMENT POLICIES AND DESIGN GUIDELINES** 37

5.0 **DEVELOPMENT MANAGEMENT** 43

6.0 **LAND USE** 63

~~7.0 DEVELOPMENT CONTRIBUTIONS~~ ~~79~~

8.0 **HERITAGE PROTECTION** 91

~~9.0 REQUIREMENTS FOR STRUCTURE PLANS AND LOCAL DEVELOPMENT PLANS~~ ~~99~~

10.0 **APPENDICES** 105



~~1.0~~ ~~Administration~~

Contents

1.0 ADMINISTRATION 5

1.1 INTRODUCTION 5

PART A – ADMINISTRATION REGARDING THE SCHEME 5

1.2 OPERATION OF THE SCHEME 5

1.3 APPLICATION OF THE SCHEME 5

1.4 INTERPRETATION OF WORDS AND EXPRESSIONS 6

1.5 FORMS AND NOTICES REGARDING THE SCHEME 6

PART B – ADMINISTRATION REGARDING DEVELOPMENT 6

1.6 DELEGATION OF POWER TO DETERMINE APPLICATIONS 6

1.7 COMPLY WITH THE SCHEME AND DEVELOPMENT APPROVAL 6

1.8 CESSATION OF UNAUTHORISED DEVELOPMENT 6

1.9 PENALTY FOR UNLAWFUL DEVELOPMENT 7

1.10 VALIDITY OF AUTHORITY'S DECISION ON APPLICATIONS 7

PART C – RIGHT OF REVIEW 7

1.11 RIGHT OF REVIEW OF DECISION 7

PART D – ADMINISTRATION REGARDING LAND 7

1.12 LEGAL AGREEMENTS 7

1.13 RESERVES FOR PUBLIC PURPOSE 8

1.14 ACQUISITION OF LAND 8

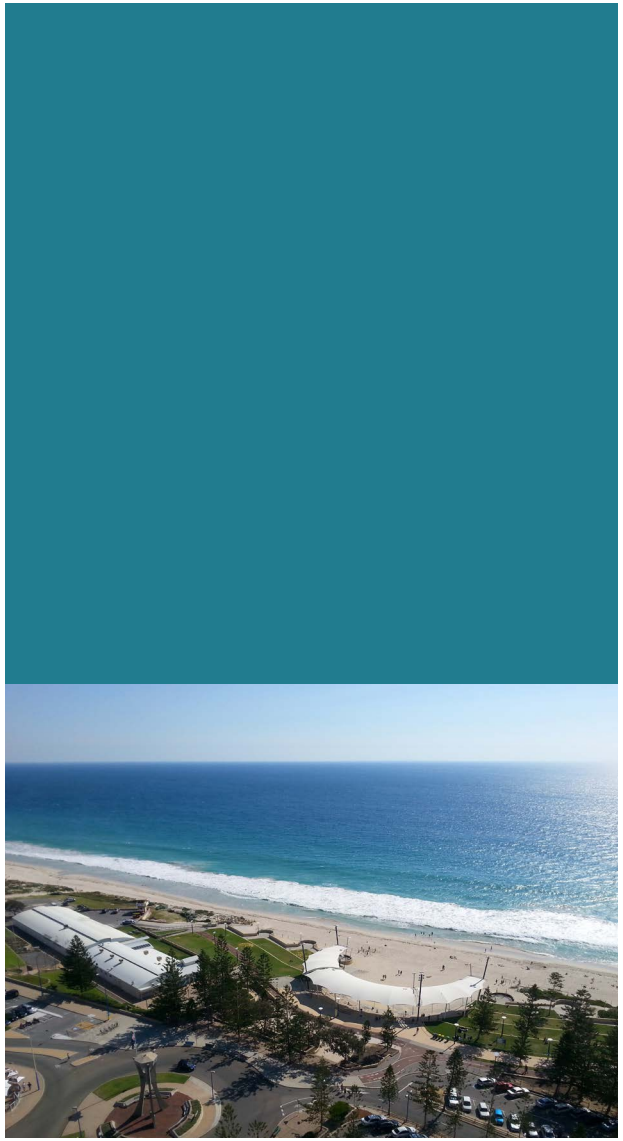
1.15 DEALING WITH ACQUIRED LAND 8

1.16 AUTHORISED ENTRY 9

1.0 Administration

1.1 INTRODUCTION

The Administration Chapter establishes particular powers to assist the Authority in managing the development of land and to ensure the orderly and proper planning of the Scheme Area. This chapter also sets out certain procedures the Authority is required to follow in administering its powers under the Scheme.



PART A – ADMINISTRATION REGARDING THE SCHEME

1.2 OPERATION OF THE SCHEME

(1) This Scheme is made pursuant to Part 5 of the *Metropolitan Redevelopment Authority Act 2011* (referred to in this text as the "MRA Act").

(2) The Scheme may be cited as the Scarborough Redevelopment Scheme (referred to in this text as "the Scheme").

(3) The responsible authority for the preparation and implementation of the Scheme is the Metropolitan Redevelopment Authority (referred to in this text as "the Authority").

(4) The Scheme shall come into operation on the day after a notice that the Scheme has been approved by the Minister is published in the Government Gazette. The Interim Scarborough Redevelopment Scheme published in the Government Gazette on 1 July 2014 is hereby repealed.

1.3 APPLICATION OF THE SCHEME

(1) This Scheme shall apply to that part of the redevelopment area as defined in the MRA Act and associated *Metropolitan Redevelopment Authority Regulations 2011* (referred to in this text as the "MRA Regulations")s and delineated as "Scheme Area" on the Scheme Map in Appendix 1.

(2) In accordance with section 51 of the MRA Act, the Metropolitan Region Scheme, the City of Stirling Local Planning Scheme No. 3 and any other Scheme made under the *Planning and Development Act 2005* do not apply to the Scheme Area after the Scheme comes into operation in respect to the Scheme Area or any portion of the Scheme Area.

(3) This Scheme comprises the following documents:

a) the Scheme Text; and

b) the Scheme Map.

1.4 INTERPRETATION OF WORDS AND EXPRESSIONS

(1) In the Scheme unless the context otherwise requires, or unless it is otherwise provided for in Appendix 2 – Glossary of Terms or Appendix 3 – Defined Land Uses, words and expressions have the respective meanings given to them in the MRA Act and the *Planning and Development Act 2005*.

(2) In the case of conflict between the meanings of words and expressions in those instruments, priority shall be given according to the order in which the instruments are referred to in this clause.

1.5 FORMS AND NOTICES REGARDING THE SCHEME

(1) The Authority may prepare and thereafter amend application forms, information forms or notices required to be used for any matter related to the Scheme.

PART B – ADMINISTRATION REGARDING DEVELOPMENT

1.6 DELEGATION OF POWER TO DETERMINE APPLICATIONS

(1) The delegation by the Authority of its powers and duties is dealt with by section 14 of the MRA Act.

1.7 COMPLY WITH THE SCHEME AND DEVELOPMENT APPROVAL

(1) Subject to the provisions of the MRA Act and the MRA Regulations, no person shall depart from the requirements and provisions of the Scheme, nor shall any person use or permit the use of any land or building or undertake any development within the Scheme Area which does not comply with the Scheme, without the written consent of the Authority.

(2) No person shall use or permit the use of any land or building or undertake any development which does not comply with the terms of any Development Approval or any condition attached to that approval.

1.8 CESSATION OF UNAUTHORISED DEVELOPMENT

(1) The Authority may by notice in writing:

a) served on a person who is undertaking any development in or partly in the Scheme Area without the Development Approval of the Authority or in contravention of the approval, direct the person to forthwith stop doing so;

b) served on a person who has undertaken any development in or partly in the Scheme Area without the Development Approval of the Authority or in contravention of the approval, direct the person within such period as is specified in the notice, to remove, pull down, alter, reinstate or make good any development undertaken without approval or in contravention of an approval.

1.9 PENALTY FOR UNLAWFUL DEVELOPMENT

(1) A person must not undertake any development or cause any development to be undertaken on land that is in, or partly in, the Scheme Area without the Development Approval of the Authority, or in contravention of a Development Approval including contravention of a condition of approval.

(2) The approval by the Authority of an existing development shall not affect the power of the Authority to take appropriate action for a breach of the Scheme or the MRA Act in respect of the undertaking of the development without prior Development Approval.

(3) Unauthorised development may incur penalties under section 71 of the MRA Act including a fine of $200,000 and a daily penalty of $25,000.

1.10 VALIDITY OF AUTHORITY'S DECISION ON APPLICATIONS

(1) Provided the Authority has acted within the scope of its powers and authority, no procedural informality shall affect the validity of the Authority's decision on an application under this Scheme if the decision is acted upon by the applicant or the owner of the subject land or any person having an interest in the development through the applicant or the owner.

PART C – RIGHT OF REVIEW

1.11 RIGHT OF REVIEW OF DECISION

(1) An applicant who is aggrieved by decisions of the Authority or the Minister may have a right of review of the decision to the State Administrative Tribunal, pursuant to section 69 of the MRA Act.

PART D – ADMINISTRATION REGARDING LAND

1.12 LEGAL AGREEMENTS

(1) The Authority may enter into any agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme for the purpose of implementing the Vision or Objectives of the Scheme.



Reserves for public purpose may include public open space, community facilities, road or rail reserves, river reserves, public parking areas and public buildings.

The MRA acquires land for strategic purposes to facilitate successful redevelopment of areas under its planning control.

(2) In any such agreement the applicant or the owner or occupier may covenant for themselves, their transferees, assignees and successors, to carry out and observe all conditions imposed by the Authority, and any land may be charged with the obligation to observe such covenants. The agreement may also deal with any other matter relevant to the orderly and proper planning and sustainable development of the Scheme Area.

(3) The Authority may enter into any other agreement which the Authority is authorised or empowered to enter into under the provisions of the MRA Act.

1.13 RESERVES FOR PUBLIC PURPOSE

(1) Certain land within the Scheme Area may be set aside as reserves for public purposes. Those reserves and their respective public purposes are to be delineated, identified and described as such on the Scheme Map.

(2) Where compensation for injurious affection is claimed as a result of the operation of the provisions of Part 11 Divisions 1 and 2 and Sections 184 (3) and (4), 187 and 188 of the *Planning and Development Act 2005* the Authority may at its option elect to acquire the land so affected instead of paying compensation.

(3) A claim for compensation is to be made in the form prescribed by the *Planning and Development Act 2005* and addressed to the Authority.

(4) In dealing with a development application relating to land reserved under this Scheme, the Authority is to have due regard to the ultimate purpose intended for the reserve.

1.14 ACQUISITION OF LAND

(1) In accordance with Part 2 of the MRA Act the Authority may acquire any land within the Scheme Area for the purpose of ensuring the delivery of the Scheme Vision or the intent for the subject precinct, as set out in Chapters 2 and 3 of the Scheme.

(2) The Authority may compulsorily acquire land in accordance with section 22 of the MRA Act, pursuant to the provisions of the *Land Administration Act 1997* and the *Public Works Act 1902*.

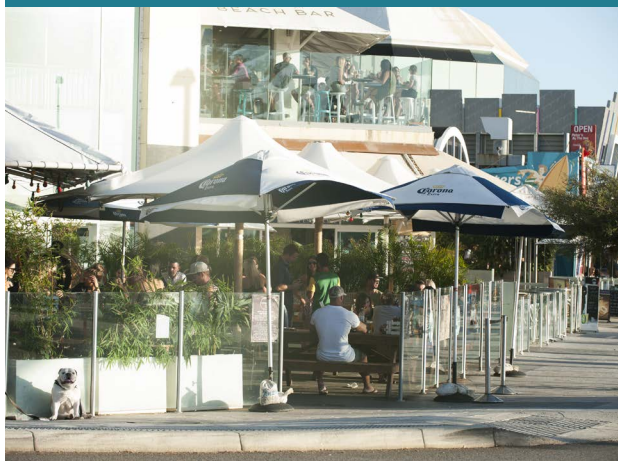
1.15 DEALING WITH ACQUIRED LAND

(1) The Authority may deal with or dispose of any land that it owns or which it acquires pursuant to the Scheme or under the MRA Act, in accordance with the powers conferred upon it by the MRA Act, and for that purpose may make such agreements with any other owner or person or body whatsoever as it sees fit, in accordance with the MRA Act.

(2) The Authority may enter into any lease or licence or agreement for use of any land it acquires under the Scheme for such period and on such terms as the Authority thinks fit, but provided that any such lease, licence or agreement will not delay or in any way interfere with the carrying out of any necessary infrastructure or site works within the Scheme Area.

1.16 AUTHORISED ENTRY

(1) An officer of the Authority, authorised by the Authority for the purpose, may at reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme or any approval under the Scheme are being observed.





2.0
The Vision and Scheme Objectives

Contents

2.0 THE VISION AND SCHEME OBJECTIVES.....13

2.1 THE SCHEME VISION.....13

2.2 DELIVERING THE VISION.....14

2.3 SCHEME OBJECTIVES.....15

2.0 The Vision and Scheme Objectives

The Scheme Vision set out below is the overall aim that underpins the preparation, content and application of the Scarborough Redevelopment Scheme ('the Scheme'). The Scheme applies to the Scarborough Redevelopment Area, which is all land shown on the Scheme Map in Appendix 1. This area is referred to as the 'Scheme Area'.

The Authority will have due regard for the achievement of this Vision in determining applications made under the Scheme and when making all other discretionary decisions regarding the Scheme.

2.1 THE SCHEME VISION

The Authority's vision for the redevelopment and urban renewal of the Scarborough Redevelopment Area is to draw on Scarborough's unique identity to create an authentic, contemporary urban-coastal experience for a growing residential community, workers and visitors, befitting its role as a key tourist destination.

Scarborough will be a vibrant hub of activity with restaurants, cafés, shops and entertainment. A range of events and activities will be on offer for locals and tourists, and people of all ages, at various times of the day and night. Scarborough's role as a meeting place will be enhanced, providing a welcoming place for people from all lifestyles and backgrounds to enjoy and become a part of the community.

The Authority will strive to create neighbourhoods that embrace and celebrate the urban-coastal lifestyle. The Scarborough redevelopment project will expand lifestyle choices and offer attractive alternatives to traditional suburban development.

The Authority's vision is based on delivering design and development excellence through creating a great public environment, high quality buildings, connecting people and places, and ensuring a successful mixture of land uses and activities. Development will interpret and reflect Scarborough's urban-coastal character and will be highly responsive to the site context including the natural environment, topography, neighbouring sites and streetscape.

PLACE MAKING

The Authority's desire to create great places is based on the understanding that activity, physical setting and meaning come together to create a 'sense of place'. A space that is has a good sense of place is more likely to become a great place that people want to part of.

Key attributes to develop in 'place making' include:

Comfort and Image:
A place needs to be safe, clean and comfortable to be in, while also being attractive and appealing, with its own character and sense of history. Great places exhibit an attention to detail.

Access and Connections:
A place needs to be easy to access from surrounding transport and nearby attractions and also connected to the wider area.

The design should be legible and permeable, with a pedestrian focus.

Uses and Activities:
A place should have a range of uses and activities occurring from day to night, from season to season. It needs to be convenient for local daily activities through to unique events.

Sociability:
A place should promote co-operation and neighbourliness, it should be welcoming and non-exclusionary. A great place connects people with other people.



2.2 DELIVERING THE VISION

The Scheme is the principal planning tool that will bring the Authority's vision to life. The Scheme reinforces the strategic planning and visioning undertaken by the Authority and embeds this in a statutory planning framework to guide redevelopment of the Scarborough Redevelopment Area. The Scheme has the flexibility of an outcomes based approach to development. It is supported by the Authority's Development Policies, Design Guidelines and other planning tools to achieve the sustainable development of the Scheme Area.

The Scheme is designed to provide opportunities for renewal, growth and innovation that can respond to changing environmental, economic and social trends and challenges. Inherent in the Scheme is a quadruple bottom line approach to sustainability, providing opportunities for social enrichment, economic innovation and environmental enhancement through appropriate and transparent governance.

The Scheme incorporates the requirements, provisions and opportunities to ensure sustainable growth and development, and includes important sustainability outcomes such as compact growth, mixed land use, good design, primacy of public spaces, heritage conservation and reduced car use. The Scheme places importance on equity, opportunity, diversity and good governance, all intrinsic elements of sustainability.

The Objectives and provisions of the Scheme are intended to be applied in context of the most current technologies and best practices of the time. Creativity and innovation are encouraged, to achieve outstanding development outcomes.

2.3 SCHEME OBJECTIVES

The Scheme Objectives listed and described in this chapter must be taken into account in the preparation and approval of the planning framework for the Scheme Area and the assessment and determination of all applications for approval made under the Scheme. The Scheme Objectives are:

- Sense of Place;
- Economic Wellbeing;
- Urban Efficiency;
- Connectivity;
- Social Inclusion; and
- Environmental Integrity

Development in accordance with the Scheme Objectives will ensure the Scheme Area develops in a sustainable manner which will enrich Scarborough's role as a premier destination for people to live, work, visit and recreate within a vibrant, mixed use setting.

All development proposals will be required to be consistent with the Scheme Objectives set out in this Chapter (sub-clauses 2.3.1-2.3.6). The Authority will have due regard to these Objectives in discretionary decision making regarding the Scheme, including the assessment of:

- Development Applications;
- In-Principle Applications;
- Structure Plan Applications;
- Local Development Plan Applications; and
- Subdivision Proposals.



GREAT PLACES

Urban renewal is all about creating great places. Somewhere you want to live, work or visit. The MRA places a focus on PEOPLE in developing great places. People want the urban environment to be attractive and activated, with a 'sense of place' – having qualities and characteristics that make people feel connected to a location.



2.3.1 Sense of Place

To build a sense of place by supporting high quality urban design, heritage protection, public art and cultural activities that respond to Perth's environment, climate and lifestyle; including:

- **Quality** Public Realm – Planning, design, development and management of places and spaces that contributes to the vitality, amenity, comfort and safety of the public realm which is attractive to all people;
- **Local** Character - Create development which respects, responds to and builds upon the existing coastal lifestyle and character of Scarborough and its community; protecting, maintaining and enhancing view corridors to the coast;
- **Quality** Architecture and Urban Design – Create visually attractive development, with high quality design, a diverse but architecturally urban-coastal character, well-integrated landscaping and appropriately scaled streetscapes and other elements;
- Activation – Increasing activation to public spaces and adding vitality through active ground floor uses and integration between the public and private realm to attract residents, workers and visitors to Scarborough;
- Local Assets – Development and enhancement of key focal points within Scarborough providing for community events, outdoor activities and social engagement;
- Liveability – A high quality of life is facilitated by accommodating a diversity of land uses, services and social infrastructure in a compatible and complimentary manner, with high levels of amenity;
- Heritage – Interpretation of the themes surrounding places, people and stories no longer physically evident;
- Environment – Protection and enhancement of the natural environment;
- Intergenerational Equity – Providing a quality urban environment and protecting community assets, heritage places and natural resources for future generations; and
- Health and Wellbeing – Development that facilitates physical and social health and wellbeing contributing to a safe and comfortable environment for all people through providing a high level of walkability and diverse opportunities for social interaction.

2.3.2 Economic Wellbeing

To promote economic wellbeing by supporting, where appropriate, development that facilitates investment and provides opportunity for local businesses and emerging industries to satisfy market demand; including:

- Tourism Services – Increased provision of tourism related industries, including short-stay accommodation, servicing a diverse visitor market and promoting the urban renewal of Scarborough;
- Investment Opportunities – Aid in the revitalisation of Scarborough as an attractive and sustainable coastal destination through the attraction of local and international investment;
- Connectivity and Diversity – Encourage development close to transit corridors that provides a high quality public realm and a mix of land uses to promote the exchange of ideas between people and businesses;
- Business and Employment Growth – Increased business activity establishes a critical mass of employment, services and economic activity, enhancing Scarborough's liveability and competitiveness; create diversity of land use and development which contributes to a range of enhanced employment and residential opportunities in Scarborough;
- Live and Work – Deliver a diverse range of housing choices, providing the opportunity for people to live, work and play in Scarborough; and
- Communication Networks – Encourage the progressive upgrade of data connectivity to ensure effective virtual connections locally and internationally.

2.3.3 Urban Efficiency

To promote urban efficiency through infrastructure and buildings, the mix of land use and facilitating a critical mass of population and employment, through:

- Resource Efficiency – Minimise the ecological footprint of building and lifestyles through density, diversity and efficiency in the urban environment;
- Integration – Ensure efficient integration of development with adjoining areas and the transport network;
- Diversity – Diversity of land use and development contributes to enhanced residential and employment opportunities and promotes the revitalisation of Scarborough as a metropolitan attractor; and
- Infrastructure Efficiency – Provides improved efficiency (cost effectiveness) in infrastructure services, community facilities and services.

ECONOMIC WELLBEING

Economic wellbeing is a person's or family's standard of living based primarily on how well they are doing financially. Economic wellbeing is measured to determine how people are faring, as it is integral in a person's overall wellbeing.

INTERGENERATIONAL EQUITY

The Australian Research Institute in Education for Sustainability defines intergenerational equity as 'the principle that future generations have fair and equal right to the same standard of quality of life and environment as the present generation. This is a core principle of sustainable development.'

The Authority embraces all aspects of diversity in its redevelopment area. As our areas are redeveloped we will seek diversity in the types of housing to accommodate a diverse population, and facilitate diversity in businesses and entertainment and community facilities, to support the diverse needs and interests of the wider metropolitan Perth region.

TRANSIT INTEGRATED DEVELOPMENT

Transit integrated development, also known as transit oriented development (TOD) is an important element of sustainable urban renewal.

The aim is to create more compact, diverse and accessible urban development, within walkable precincts that are served by good public transport, to reduce car dependency and provide a wide choice of housing within easy reach of workplaces, education, shops and other community facilities.

The Authority, and those developing within our redevelopment area, are well placed to achieve these outcomes by developing to make the most of the existing public transport network, amenities and services, and designing places that encourage pedestrians and cyclists.

2.3.4 Connectivity

To enhance connectivity and reduce the need to travel by car, supporting development aimed at well-designed places that support walking, cycling and public transit; including:

- Connectivity – Develop a range of transport networks for visitors and commuters that facilitate access to and from Scarborough and promote the use of sustainable transport modes such as cycling, walking and public transit options.
- Land Use and Transport Integration – Development and transport systems support each other to create an efficient and successful urban environment;
- Walking and Cycling – Accessible by active transport modes (walkable & bikeable) through high levels of amenity, safety and permeability throughout the Scheme area;
- Alternatives to Car Use – Development will facilitate non-car based forms of travel, such as bus, cycling and walking, and the potential for future light rail;
- Equity of Access – Provide travel networks that are accessible by all; and
- Transit Integrated Development – Contemporary transport planning and design principles are used to develop appropriate land uses and population densities around well designed transport corridors.

2.3.5 Social Inclusion

To promote social inclusion by encouraging, where appropriate, a diverse range of housing and by supporting community infrastructure, activities and opportunities for visitors and residents to socialise; including:

- Place Making – Creation of high quality sustainable places is underpinned by facilitating a diverse range of land uses, housing types, buildings, events and transportation options that meet the needs of a wide demographic;
- Choice and Accessibility – Development facilitates choice and access in housing, employment, leisure and transport, for a wide range of people's needs and interests;
- Inclusive Design – Development is designed to help children, youth, seniors, indigenous people, minority groups and people with disabilities feel included and connected to Scarborough;
- Diversity – Provide a diverse range of housing types and tenures, commercial, cultural, leisure and transport options to create opportunities for everyone to live, work, and play within Scarborough;
- Activation – Promotion of key locations within the Scheme Area as destinations for community events, ongoing place activation, recreation, socialising and leisure spaces; and
- Healthy Design – Develop green spaces and urban public spaces in strategic locations throughout Scarborough to provide opportunities for active and passive recreation, and community activities.

2.3.6 Environmental Integrity

To enhance environmental integrity by encouraging ecologically sustainable design, resource efficiency, recycling, renewable energy and protection of the local ecology; including:

- Ecological Footprint – Encourage and facilitate development which is consistent with efficient use of energy and the minimisation of greenhouse gas emissions;
- Efficient Use of Land – Redevelopment and urban infill provides improved efficiency in land and resource use.
- Environmentally Sensitive Design – Building design, construction, refurbishment and operation ensures resource efficiency and minimises use of non-renewable resources and the production of waste, pollution and other damaging emissions;
- Water Sensitive Design – Encourage and facilitate development which reduces demand on natural water resources and promotes water reuse and recycling;
- Natural Environments – Development responds to the natural coastal environment of Scarborough beach and assists in the protection of the natural environment and the management of groundwater and drainage;
- Mitigation of Urban Heat Island Effect – Conservation of existing mature trees on public and private land, and new plantings within deep soil zones to allow for growth;
- Alternative Transport – Development incorporates innovative technologies that support non-private car-based forms of transport, including bus, cycling and walking, and the potential for future light rail; and
- Site Responsive Design – Development responds to the site and environmental constraints and reduces 'heat island' impact in urban areas.

UNIVERSAL ACCESS

The concept of universal access is to provide the ability for all people, regardless of their background, social status or abilities, to have equal opportunity to access places, services and facilities.

When places and buildings are designed to allow people with special needs to access them, these places become successful, enjoyable places for all people. Designing and developing for changing demographics and life stages enhances the longevity and adaptability of places.

ENVIRONMENTAL INTEGRITY

The sustenance of important biophysical processes which support plant and animal life and which must be allowed to continue without significant change.The objective is to assure the continued health of essential life support systems of nature, including air, water, and soil, by protecting the resilience, diversity, and purity of natural communities (ecosystems) within the environment.



3.0 Precincts

Contents

3.0 PRECINCTS 23

INTRODUCTION 23

3.1 BEACHSIDE PRECINCT 24

3.2 ESPLANADE PRECINCT 26

3.3 GATEWAY PRECINCT 28

3.4 BEACH ROAD PRECINCT 30

3.5 GROVES PRECINCT 32

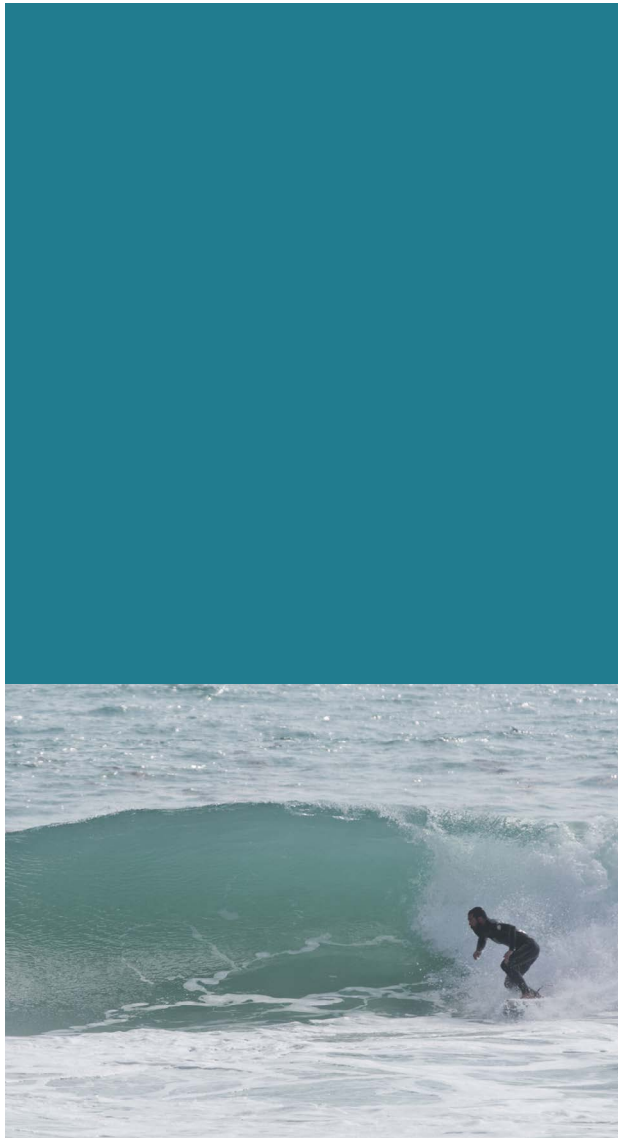
3.0 Precincts

INTRODUCTION

This Chapter identifies the precincts that make up the Scheme Area and sets out the Authority's intent for the future development of each precinct.

The Scarborough Redevelopment Area is made up of five precincts, as shown in the Scheme Map at Appendix 1. A Precinct Map is provided for each precinct and the corresponding text sets out the Authority's intent for the development of that precinct. All development within the Scheme Area is required to be generally consistent with the Scheme Vision and Scheme Objectives in Chapter 2 and the intent set out in this chapter for the relevant precinct.

Additional precincts may be added and existing precincts removed either whole or in part from the Scheme Area from time to time.





3.1 BEACHSIDE PRECINCT

The Beachside Precinct encompasses all land west of The Esplanade within the Scheme Area, including the foreshore reserve, Scarborough Amphitheatre and Surf Lifesaving Club.

The precinct is envisaged to be the focus for year-round activity, with a series of flexible and robust open spaces which respond to the existing local assets and topography, cater for active and passive uses, and are well-serviced by quality amenities and infrastructure.

The precinct will include a number of destinations which support visitor attraction and local amenity across the Scheme Area, including Scarborough Square, Beach Hub North, Intergenerational Plaza, Sunset Hill, and Beach Hub South, incorporating the City of Stirling's Beach Pool project. These will be the driving force behind Scarborough's transformation as a contemporary, family friendly destination of state significance.

The destinations will provide contemporary yet diverse activities, which ensure Scarborough will become an inclusive, all-season, modern beach experience, with something happening during extended hours of the day and night. Centralising regional attractions will ensure that the area effectively balances the needs of local residents and regional visitors.

The natural setting, environmental richness and cleanliness of Scarborough Beach will be protected, providing controlled access and supporting rehabilitation.

FIG 3.1 BEACHSIDE PRECINCT PLAN



LEGEND

- Scheme Area Boundary
- Beachside Precinct
- Public Open Space Reserve



3.2 ESPLANADE PRECINCT

The Esplanade Precinct is bounded by The Esplanade to the west, Reserve Street to the north, West Coast Highway to the east and the southern boundary of Lot 115 (No. 204) The Esplanade and Lot 0 (No. 273) West Coast Highway to the south.

The Esplanade Precinct forms the central core of the Scheme Area, providing for a wide range of active recreational, retail, commercial, community, entertainment and tourism uses.

As the entry point to the beach itself, it will have a strong sense of arrival and be focussed on the beach, its activities and complementary uses. A permanent population will be established through the redevelopment of existing sites providing the community with improved 'ownership' of the area.

Road widening requirements may apply to developments on West Coast Highway and Scarborough Beach Road to allow for future transport upgrades.

FIG 3.2 ESPLANADE PRECINCT PLAN



LEGEND

Scheme Area Boundary

Esplanade Precinct

3.3 GATEWAY PRECINCT

The Gateway Precinct is in two parts, at the northern and southern extents of the redevelopment area respectively. The northern gateway is bounded by the foreshore reserve to the west, the boundary of the Scheme Area to the north, the eastern boundaries of Lot 900 (No. 5) Pearl Parade and Lot 51 (No. 6) Nautilus Crescent and Filburn Street to the east, and Reserve Street to the south.

The southern gateway generally straddles West Coast Highway between Kay Street and the northern boundaries of Lot 114 (No. 210) The Esplanade and Lot 153 (No. 279) and Lot 201 (No. 266) West Coast Highway.

The Gateway Precinct creates the northern and southern gateways into the Scarborough Beach area. The physical form will create a sense of arrival and a transition into the intensity of the beachfront core from the surrounding residential areas. The precinct will cater for medium to high density residential development and tourism accommodation.

Reflecting Scarborough's relaxed coastal aesthetic, buildings will be positioned in landscaped settings, to provide privacy and recreation spaces for residents and a softening of the built form.

Road widening requirements may apply to developments on West Coast Highway to allow for future transport upgrades.

FIG 3.3 GATEWAY PRECINCT PLAN



LEGEND

Scheme Area Boundary

Gateway Precinct



3.4 BEACH ROAD PRECINCT

The Beach Road Precinct generally encompasses land on the eastern side of West Coast Highway between Reserve Street and the south side of Brighton Road, lots on both sides of Hastings Street between Brighton Road and Scarborough Beach Road, and lots on both sides of Scarborough Beach Road between West Coast Highway and Hinderwell Street.

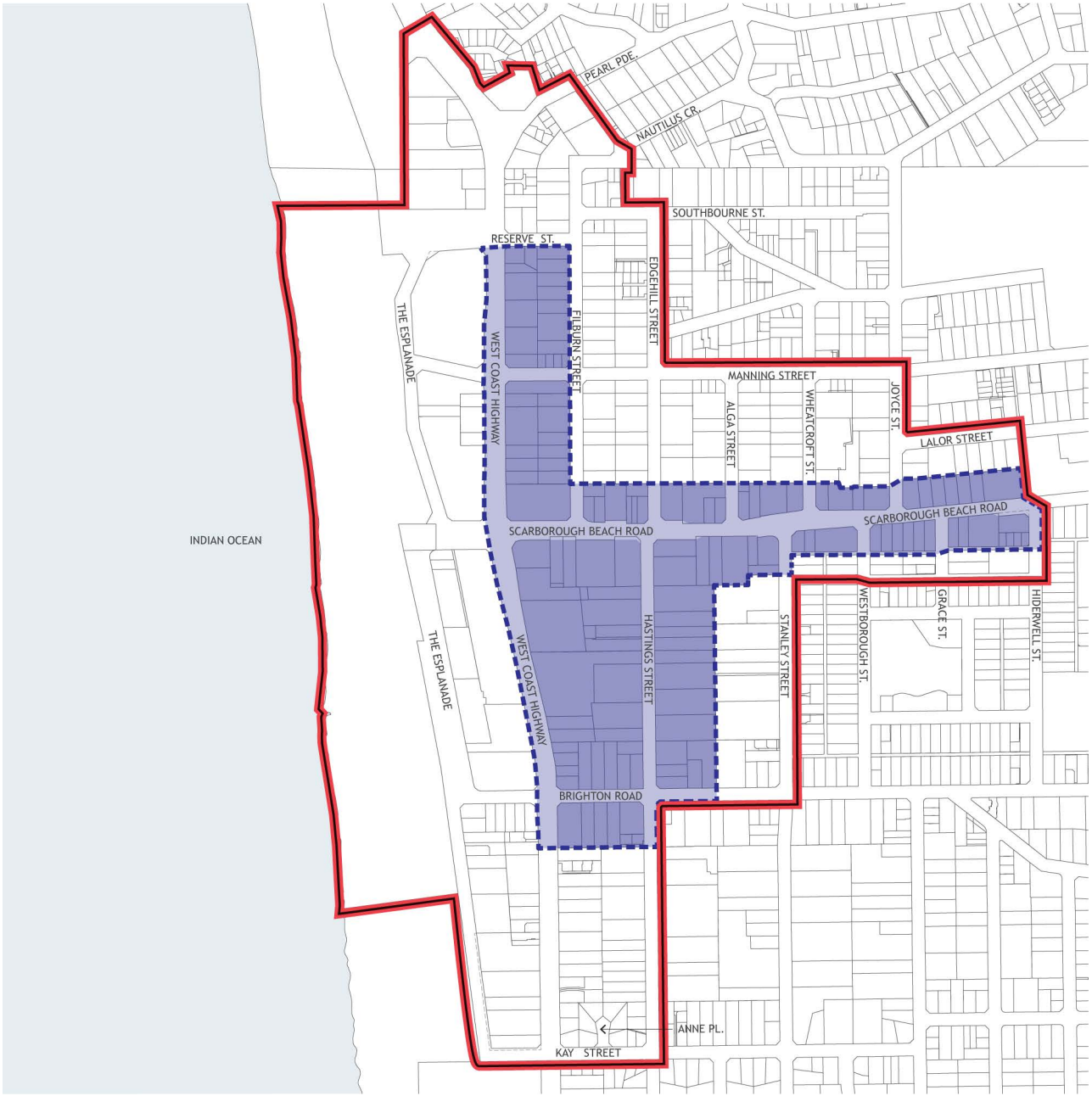
The Beach Road Precinct will provide a flexible mixed use environment for a diversity of commercial, tourism and medium to high density residential development. Commercial uses may include district level retail and services, and other commercial development not directly dependent on the beachfront.

Commercial development should primarily be located along Scarborough Beach Road and West Coast Highway, with the potential for commercial enterprises to establish on consolidated blocks back from these routes in the longer term.

Road widening requirements may apply to developments on West Coast Highway and Scarborough Beach Road, to allow for future transport upgrades. Pedestrian links through blocks will be promoted to create a more interesting and pedestrian friendly precinct.

For development fronting West Coast Highway or Scarborough Beach Road vehicle access should be taken from secondary streets or laneways, or consolidated access points to be shared between neighbouring sites where possible.

FIG 3.4 BEACH ROAD PRECINCT PLAN



LEGEND

Scheme Area Boundary

Beach Road Precinct

3.5 GROVES PRECINCT

The Groves Precinct is generally located at the outer edges of the Scheme Area.

The Groves Precinct will provide for medium density residential development accommodating both apartments and townhouses to facilitate continued growth of the local community and housing types to suit different household structures. New development will respond to the relaxed coastal lifestyle and character of Scarborough.

It is envisaged that this precinct will provide a transitionary zone between the higher intensity development at the core of the Scheme Area and the existing predominantly single- to two-storey low density residential development outside the Scheme Area boundary.

Limited small-scale non-residential uses such as cafés, small shops or consulting rooms may be considered where it can be demonstrated that such a use would not cause undue impact on the residential amenity or character of the locality.

FIG 3.5 GROVES PRECINCT PLAN



LEGEND

- Scheme Area Boundary
- Groves Precinct
- Public Purpose Reserve



~~4.0~~
~~Development Policies and Design Guidelines~~

Contents

4.0 DEVELOPMENT POLICIES AND DESIGN GUIDELINES 37

4.1 PREPARATION OF DEVELOPMENT POLICIES 37

4.2 PREPARATION OF DESIGN GUIDELINES 37

4.3 CONSULTATION OF DRAFT DEVELOPMENT POLICIES AND DESIGN GUIDELINES 37

4.4 FINAL ADOPTION OF DEVELOPMENT POLICIES AND DESIGN GUIDELINES 38

4.5 AMENDING OR RESCINDING DEVELOPMENT POLICIES AND DESIGN GUIDELINES 38

4.6 DEVELOPMENT TO COMPLY WITH DEVELOPMENT POLICIES AND DESIGN GUIDELINES 39

4.7 DUE REGARD FOR DEVELOPMENT POLICIES AND DESIGN GUIDELINES IN DECISION MAKING 39

4.8 DEVELOPMENT POLICIES OR DESIGN GUIDELINES ADVERTISED UNDER PREVIOUS SCHEME 39

4.9 DEVELOPMENT POLICIES AND DESIGN GUIDELINES ADOPTED UNDER PREVIOUS SCHEME 39

4.0 Development Policies and Design Guidelines

4.1 PREPARATION OF DEVELOPMENT POLICIES

(1) The Authority may prepare and adopt Development Policies which may:

a) make provisions for any matter related to the planning or development of the Scheme Area; and

b) apply generally to the Scheme Area, or to a particular matter, or to a particular area of the Scheme Area.

(2) The content of a Development Policy is to be based on one or more of the Scheme Objectives and each Development Policy is to be written to establish or protect appropriate levels of amenity and to guide the sustainable development of the Scheme Area.

(3) Development Policies are to be prepared and adopted in accordance with clauses 4.3 and 4.4.

4.2 PREPARATION OF DESIGN GUIDELINES

(1) The Authority may prepare and adopt Design Guidelines which:

a) make a provision for any matter related to urban, building, architectural or landscape design within the Scheme Area; and/or

b) apply generally to the Scheme Area, or to a particular type of development, or in a particular area of the Scheme Area.

(2) The content of Design Guidelines is to be based generally on the Scheme Vision and Objectives and each Design Guideline is to be written to ensure a high standard of design and amenity in new buildings and other development, and to facilitate a high quality public realm.

(3) Design Guidelines are to be prepared and adopted in accordance with clauses 4.3 and 4.4.

4.3 CONSULTATION OF DRAFT DEVELOPMENT POLICIES AND DESIGN GUIDELINES

(1) After preparation of a draft Development Policy or draft Design Guidelines in accordance with clause 4.1 or 4.2, and prior to final adoption, the document/s must be endorsed by the Authority for the purpose of public consultation.

(2) The Authority will undertake a 42 day consultation period during which the draft document is to be made available for stakeholders and the general public to provide comment on.

(3) The consultation period is to commence with the following actions:

a) referral of the draft document/s to relevant Local Governments and State Government agencies;

Development Policies are a set of guiding documents that address key development issues (such as sound attenuation or heritage conservation) by providing the Authority's position on that issue and detailing how that issue should be dealt with in the development or use of land. All development must comply with the policies that are relevant to the type of development being proposed.

Design Guidelines set out the requirements for building design and other development standards for land within a specific area of the redevelopment area, such as for a precinct. Design Guidelines provide the detailed guidance for designing and assessing development proposals and include standards such as building design and materials, building height and setbacks, and car parking.

b) referral of the draft document/s to other organisations, service providers or other stakeholders who in the opinion of the Authority may be reasonably affected by the adopting of the document;

c) notification in a newspaper circulating within the Scheme Area inviting comment on the document/s and advising where and when the draft document/s can be viewed; and

d) notification, including publishing the draft document/s, on the Authority's website inviting comment on the draft document/s.

4.4 FINAL ADOPTION OF DEVELOPMENT POLICIES AND DESIGN GUIDELINES

(1) Following the undertaking of consultation of a draft Development Policy or draft Design Guidelines as set out in clause 4.3, the Authority will undertake the following actions:

a) review all written submissions made during the consultation period and consider whether modification to the document is necessary; and

b) resolve either to finally adopt the document with or without modification, or not to proceed with the draft document.

(2) As soon as practicable after the Authority makes a determination under clause 4.4(1)(b) details of that resolution are to be:

a) provided to the relevant Local Government;

b) provided to all those that made a submission during the consultation period; and

c) published in a notification in a newspaper circulating within the Scheme Area and on the Authority's website.

(3) The Authority is to make copies of any adopted Development Policy and Design Guideline available to view at the Authority's offices, on the Authority's website and make electronic or printed copies available subject to payment of any necessary fee.

4.5 AMENDING OR RESCINDING DEVELOPMENT POLICIES AND DESIGN GUIDELINES

(1) The Authority may resolve to amend or rescind an adopted Development Policy or Design Guidelines at any time. The Authority is to publicly advertise any such resolution, and in the case of a substantial amendment, this shall be carried out in accordance with the procedures set out in clauses 4.3 and 4.4.

4.6 DEVELOPMENT TO COMPLY WITH DEVELOPMENT POLICIES AND DESIGN GUIDELINES

(1) All development within the Scheme Area is to generally comply with the Development Policies and Design Guidelines that are relevant to the nature and location of the proposed development. The provisions of relevant Development Policies and Design Guidelines will form the basis of the assessment of development proposals, in addition to the provisions of the Scheme.

4.7 DUE REGARD FOR DEVELOPMENT POLICIES AND DESIGN GUIDELINES IN DECISION MAKING

(1) Subject to the provisions of Chapter 5, a Development Policy or Design Guidelines shall not bind the Authority in respect of any Application for Approval to Undertake Development. However, the Authority shall have due regard to the provisions of relevant Development Policies and Design Guidelines and the objectives or outcomes which the Development Policy or Design Guideline was designed to achieve.

4.8 DEVELOPMENT POLICIES OR DESIGN GUIDELINES ADVERTISED UNDER PREVIOUS SCHEME

(1) A Development Policy or Design Guideline may be adopted under clause 4.4(1)(b) even if that planning document was prepared and advertised prior to the commencement of the Scheme, provided that anything done prior to the commencement of the Scheme would otherwise comply with the requirements of Chapter 4.

4.9 DEVELOPMENT POLICIES AND DESIGN GUIDELINES ADOPTED UNDER PREVIOUS SCHEME

(1) All development policies and design guidelines adopted under the Interim Scarborough Redevelopment Scheme published in the Government Gazette on 1 July 2014 are hereby rescinded.





5.0 Development Management

Contents

5.0 DEVELOPMENT MANAGEMENT 43

PART A: OVERVIEW 43

5.1 VISION AND OBJECTIVES 43

5.2 HIGH QUALITY BUILDINGS 43

5.3 IMPORTANCE OF THE PUBLIC REALM 43

PART B: SUBDIVISION 44

5.4 SUBDIVISION 44

PART C: WHAT REQUIRES DEVELOPMENT APPROVAL 45

5.5 REQUIREMENT FOR DEVELOPMENT APPROVAL 45

5.6 LEVEL OF ASSESSMENT 45

5.7 MATERIAL CHANGE IN USE 45

5.8 SELF EVALUATION OF OTHER ACTIVITIES NOT CONSTITUTING DEVELOPMENT 46

PART D: DEVELOPMENT APPLICATION PROCESS 47

5.9 APPLICATION FOR DEVELOPMENT APPROVAL 47

5.10 SUPPORTING TECHNICAL DOCUMENTS 47

5.11 RECEIPT OF A COMPLETE APPLICATION 48

5.12 DETERMINATION PERIOD AND DEEMED REFUSAL 48

5.13 REFERRAL OF APPLICATIONS TO GOVERNMENT BODIES 48

5.14 PUBLIC CONSULTATION ON CERTAIN APPLICATIONS 49

5.15 SPECIALISED ADVICE 50

5.16 WITHDRAWAL OF APPLICATION 50

5.17 KEY MATTERS FOR CONSIDERATION IN DETERMINATION 51

5.18 DETERMINATION WHEN NON COMPLIANT 51

5.19 DETERMINATION DECISION 51

5.20 NOTIFICATION OF THE AUTHORITY'S DETERMINATION 52

5.21 CONDITIONS OF APPROVAL 52

5.22 REASONS FOR REFUSAL 53

5.23 MULTIPLE DEVELOPMENT APPROVALS 53

5.24 VALIDITY PERIOD FOR COMMENCEMENT OF DEVELOPMENT 53

5.25 VALIDITY PERIOD FOR DEVELOPMENT OF LIMITED DURATION 53

5.26 POWER TO REVOKE APPROVAL 54

5.27 NON CONFORMING USES 54

PART E: SPECIAL DEVELOPMENT APPLICATIONS 56

5.28 IN PRINCIPLE DEVELOPMENT APPLICATION 56

5.29 APPLICATION TO AMEND A DEVELOPMENT APPROVAL 57

5.30 RETROSPECTIVE DEVELOPMENT APPLICATION 57

5.31 DEVELOPMENT APPLICATION INVOLVING DEMOLITION 58

PART F: OTHER DEVELOPMENT MANAGEMENT PROCESSES 59

5.32 WORKING DRAWINGS PROCESS 59

5.33 DEVELOPMENT AUDIT PROCESS 60

5.0 Development Management

PART A: OVERVIEW

5.1 VISION AND OBJECTIVES

Chapter 2 of the Scheme sets out the Authority's Vision and Objectives for the sustainable urban renewal of the Scarborough Redevelopment Area. Ensuring a high quality built environment which provides social, environmental and economic benefits is central to implementing the Vision and Objectives.

In the assessment and determination of all applications made under this chapter the Authority shall have due regard to the Vision and Objectives set out in Chapter 2.

5.2 HIGH QUALITY BUILDINGS

The achievement of high quality design and the implementation of the Scheme Vision and Objectives place a strong emphasis on quality built form that is integral to creating a strong sense of place for the Scarborough Redevelopment Area.

For the purposes of promoting the Scheme Vision and Objectives, in assessment and determination of all applications made under this chapter the Authority shall require high quality in all built form that embraces all aspects of the Scheme Objectives. The Authority may require the improvement or redesign of any proposal to achieve a built form outcome that is of a quality acceptable to the Authority.

5.3 IMPORTANCE OF THE PUBLIC REALM

Creating sustainable places and spaces and the implementation of the Scheme Vision and Objectives require a strong emphasis to be placed on the quality of the public realm.

For the purposes of promoting the Scheme Vision and Objectives, in the assessment and determination of all applications the Authority shall require a well designed, activated, safe and comfortable public realm and may require the amendment or redesign of any proposal to meet a public realm outcome that is of a quality acceptable to the Authority.

HUMAN SCALE

Development at a 'human scale' produces places that are inclusive and inviting. This includes development that is oriented to the streetscape, sets tall elements of buildings away from the street, feels safe and attractive, and where people can easily find their way.

PUBLIC REALM

The public realm is the area that people can see and access and interact with each other and their surroundings. It is more than just public land, it is the places, the streets, the building frontages, the whole environment.

A great public realm is crucial to the success of a city, its how people experience the city centre. It also allows social interaction, formal meeting, private contemplation, or community activation.



DO YOU NEED APPROVAL?

If you are unsure if you need Development Approval or what level of assessment your proposal will require, contact the Authority on ph (08) 6557 0700 to discuss your proposal with a town planner.

PART B: SUBDIVISION

5.4 SUBDIVISION

(1) In exercising its functions in respect to subdivision or amalgamation under section 18 of the MRA Act, or in providing advice on proposed subdivisions in the Scheme Area, the Authority shall have regard to:

a) a strategic master plan approved by the Authority for the relevant project or locality;

b) a Structure Plan or Local Development Plan approved by the Authority that includes the subject site;

c) all other relevant provisions of the Scheme;

d) any relevant planning document adopted under the Scheme, including but not limited to a Design Guideline, Development Policy, Heritage Inventory, or Development Contribution Plan;

e) any submission received as a result of a referral to government bodies or public consultation;

f) the requirements of orderly and proper planning; and

g) the current and intended amenity of the locality.

PART C: WHAT REQUIRES DEVELOPMENT APPROVAL

5.5 REQUIREMENT FOR DEVELOPMENT APPROVAL

(1) Development Approval is required from the Authority to undertake any development on or partly on any land within the Scheme Area. An Application for Approval to Undertake Development is required to be lodged in accordance with Part D of this chapter and approved prior to development taking place.

5.6 LEVEL OF ASSESSMENT

(1) The Authority takes an "impact level" based approach to the requirement for Development Approval and to the level of detailed assessment undertaken of Development Applications.

(2) The four levels of assessment are:

a) Excluded Activities – certain activities and works are identified in the MRA Regulations as being excluded from the definition of development, and therefore do not require Development Approval.

b) Self Evaluation – in certain situations, particular low impact works, activities and minor structures are not considered by the Authority to constitute development, and therefore do not require Development Approval. Individuals can self evaluate a proposal against a relevant Development Policy to assess whether Development Approval is required.

c) Standard Application – proposals for a standard development (as defined in the MRA Regulations) within the Scheme Area that require assessment and approval by the Authority.

d) Major Application – proposals for a major development (as defined in the MRA Regulations) within the Scheme Area that require assessment and approval by the Authority.

5.7 MATERIAL CHANGE IN USE

(1) In accordance with the provisions of the MRA Act, Development Approval is required for a material change in the use of land. A material change in use includes:

a) change from one land use to another use, whether or not the use is a defined use under Chapter 6 and Appendix 3 of the Scheme;

b) an intensification of use, resulting in a significant increase in floor space, operating hours, or customer or vehicular patronage;

c) any change in the nature of a land use that presents a significant change in the function of a development, as determined by the Authority; or

EXCLUSIONS FROM DEVELOPMENT APPROVAL

Please note that not requiring Development Approval does not provide an exemption from any other law or requirements. Local Government approvals such as building licence and health permits may be required.

ACTIVITIES THAT MAY NOT REQUIRE APPROVAL:

In some instances Development Approval may not be required for minor works and activities if they are in keeping with the limitations set out in the Authority's Development Policies.

Please refer to these policies for more information:

- Home Based Business
- Signage
- Additional Structures
- Public Events

MATERIAL CHANGE IN USE

Some of the most common examples of a material change in use include:

- Changing the activity a premises is used for, such as changing from an office to a shop.
- Changing a liquor licensed premises to another type of licensed premises, such as changing a restaurant to a small bar.
- Extending into an area of land not previoulsy part of the approved plans, such as adding an alfresco dining area.
- Significant changes to how a premises operates, such as changing opening hours to open late at night or playing amplified music.

These types of changes usually require Development Approval from the Authority.

d) any change in the nature of a land use that presents a significant impact on the public realm, as determined by the Authority.

(2) The Authority may adopt a Development Policy or Policies in accordance with Chapter 4 to provide guidance in relation to activities considered by the Authority to constitute or to not constitute a material change in use. Such policies will allow the proponent to self-evaluate whether an activity they are proposing requires Development Approval.

5.8 SELF EVALUATION OF OTHER ACTIVITIES NOT CONSTITUTING DEVELOPMENT

(1) The Authority may consider other low impact activities and minor structures to not constitute development in certain situations, and therefore not require Development Approval.

(2) The Authority may make a Development Policy or Policies in accordance with Chapter 4, to provide guidance in relation to when such activities or structures are considered by the Authority to constitute or to not constitute development.

PART D: DEVELOPMENT APPLICATION PROCESS

5.9 APPLICATION FOR DEVELOPMENT APPROVAL

(1) An application for approval to undertake development or change of use, referred to in the Scheme as a "Development Application", must include the following:

a) a completed application form, as prescribed by the MRA Regulations;

b) the application fee, as prescribed by the MRA Regulations;

c) detailed development plans, as prescribed by the MRA Regulations;

d) a written statement describing the nature and impact of the proposal, as prescribed by the MRA Regulations; and

e) any additional information or supporting material the Authority requires to assist in the determination of the application.

5.10 SUPPORTING TECHNICAL DOCUMENTS

(1) In receiving, determining, or approving a Development Application the Authority may require the submission of technical reports or documents, which are to be prepared by a suitably qualified person, at the applicant's cost and expense. The report/s are to assess or detail the proposed development's compliance or compatibility with aspects of the statutory planning framework, including but not limited to the following aspects:

a) environmentally sustainable design;

b) acoustic attenuation;

c) heritage conservation;

d) traffic and transport matters in accordance with the Western Australian Planning Commission's Transport Assessment Guidelines;

e) engineering considerations;

f) universal design and accessibility;

g) public realm design, amenity and safety;

h) public art proposal;

i) venue or event management plan;

j) environmental or water management; or

k) retail needs and/or impact assessment.

DO YOU NEED ASSISTANCE?

Application forms, fee schedules and other information to assist you in preparing a Development Application are available on the Authority's website at www.mra.wa.gov.au/planning or contact the Authority on (08) 6557 0700 for further information.

If you need assistance or advice in preparing your Development Application you may make an appointment with the Authority's planning staff. They can discuss your application with you, provide some preliminary advice, and tell you what information and forms you need to submit with your application.

In this Scheme a Complete Application is defined as: a Development Application that is submitted to the Authority's satisfaction, including a completed application form, payment of application fee, complete sets of development plans, and all required supporting information, as required by the Regulations and Clauses 5.9, 5.10 and 5.11 of the Scheme.

5.11 RECEIPT OF A COMPLETE APPLICATION

(1) A Development Application may be lodged with the Authority, but will not be formally received until all required information is supplied in accordance with clauses 5.9 and 5.10 and the application is considered by the Authority as a "Complete Application".

(2) Following receipt of a Complete Application the Authority will issue a Notice of Acknowledgement of a Complete Application to the applicant detailing:

a) the date of formal receipt;

b) the level of assessment and the determination period;

c) details of any referral to local or state government body; and

d) whether public consultation will be required.

5.12 DETERMINATION PERIOD AND DEEMED REFUSAL

(1) The Authority is required to determine a Development Application, by way of making a decision on the application, within 90 days of formal receipt of a Complete Application for a Standard Application and within 120 days of formal receipt of a Complete Application for a Major Application. These time frames are referred to as the "Determination Period".

(2) The time period for the Authority to refer applications to government bodies and/or to undertake public consultation on applications is included in the determination period.

(3) The length of the Determination Period may be extended by agreement in writing between the applicant and the Authority.

(4) A Development Application shall be deemed to have been refused if the Authority has not made a decision in respect of that application by the end of the Determination Period.

5.13 REFERRAL OF APPLICATIONS TO GOVERNMENT BODIES

(1) Within 7 days of receipt of a Complete Application the Authority shall refer a copy of the application and all supporting information to the applicable Local Government and to relevant State Government bodies for their consideration and comment, in accordance with the MRA Act.

(2) In accordance with the provisions of the MRA Act, no decision shall be made on a Development Application until comment from all referred government bodies has been received, or until after the expiration of 42 days, whichever occurs first.

(3) Should a Development Application be subsequently significantly modified, the Authority may again refer the application to the referred government bodies for comment.

(4) The Authority is to have due regard for the matters raised in any submission made by any government body in determining an application.

5.14 PUBLIC CONSULTATION ON CERTAIN APPLICATIONS

(1) In determining a Development Application the Authority may undertake public consultation on the application seeking comment from nearby property owners and occupiers, other potentially affected stakeholders, or the general public.

(2) The Authority will undertake consultation for an application that in the opinion of the Authority:

a) includes proposed land uses that necessitate public advertising in accordance with Chapter 6;

b) proposes a substantial variation to an approved Structure Plan or similar;

c) proposes a substantial variation to a Design Guideline or Development Policy;

d) has the potential to impact negatively on amenity due to the bulk and scale or design of a development, or the operation of a development; or

e) necessitates consultation for any other reason, as determined by the Authority.

(3) Public consultation is to involve a minimum 21 day period, where information regarding the application is made available to view and comment on the application is invited. The consultation period is to commence with one or more of the following actions:

a) written notification of the proposed use or development served on neighbouring property owners and occupiers and all other potentially affected stakeholders;

b) notice of the proposed use or development published on the Metropolitan Redevelopment Authority website;

c) notice of the proposed use or development published in a newspaper circulating in the Scheme Area; and

d) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land, if considered necessary by the Authority.

(4) In determination of an application which has been the subject of public consultation the Authority will have regard for any of the following matters raised regarding the application in any submission received within the consultation period:

a) any proposed variation to Scheme, Design Guideline or Development Policy requirements;

b) the potential impact on the amenity of an affected landowner, or the locality of the development generally;





c) the design of the development;
d) environmental, heritage, cultural or social impacts of the development; or
e) any other comments relevant to orderly and proper planning and sustainable development.

5.15 SPECIALISED ADVICE

(1) The Authority may obtain specialist advice, from individuals or bodies with suitable expertise to provide advice on specific technical elements of a proposal to assist in the determination of any application.

(2) Specialised advice may be sought on matters including, but not limited to:
a) environmentally sustainable building design;
b) architectural design;
c) acoustic attenuation;
d) modelling of energy use, wind impacts, or overshadowing;
e) transport services and traffic impacts in accordance with the Western Australian Planning Commission's Transport Assessment Guidelines;
f) heritage conservation;
g) engineering considerations;
h) public realm design, amenity or safety;
i) public art provision;
j) aboriginal heritage and interpretation; or
k) compliance with a Design Guideline or Development Policy.

(3) The Authority is to have due regard to any specialised advice obtained under this clause in determining an application.

5.16 WITHDRAWAL OF APPLICATION

(1) A Development Application may be withdrawn by written request of the applicant at any time prior to the Authority making its determination decision on the application. An application that is withdrawn is taken for the purposes of the MRA Act to never have been made.

(2) The Authority may choose to refund part or all of the application fee when an application is withdrawn, if assessment of the proposal has not been substantially commenced.

5.17 KEY MATTERS FOR CONSIDERATION IN DETERMINATION

(1) In the determination of any application made under the Scheme the Authority shall have due regard for:

a) the Scheme Vision and Objectives and the achievement of sustainable development;

b) any currently valid decision on an In-Principle Development Application or a Structure Plan Application;

c) all other relevant provisions of the Scheme;

d) any relevant planning document adopted under the Scheme, including but not limited to a Design Guideline, Development Policy, Heritage Inventory, or Development Contribution Plan;

e) any submission received as a result of a referral to government bodies or public consultation, in accordance with clauses 5.13 and 5.14;

f) any specialised advice obtained under clause 5.15;

g) the requirements of orderly and proper planning; and

h) the current and intended amenity of the locality.

5.18 DETERMINATION WHEN NON-COMPLIANT

(1) If an application does not comply with a provision of the Scheme or a provision of any other planning document adopted under the Scheme, the Authority may approve the application if it is satisfied that the development:

a) is consistent with the Scheme Vision and Objectives;

b) is consistent with sustainable development and orderly and proper planning;

c) would not have a significant adverse impact on the current or intended amenity of the locality; and

d) would not compromise the development intent of the relevant precinct.

5.19 DETERMINATION DECISION

(1) In determination of a Development Application the Authority may:

a) approve the application without condition;

b) approve the application subject to condition/s; or

c) refuse the application; with reasons for refusal.



AMENDING PLANNING CONDITIONS

Land Owners who are not satisfied with a condition of their approval may apply for a reconsideration, if they have sufficient justification. Refer to clause 5.30 for the process for an Amended Development Approval.

RIGHT OF REVIEW

Land owners and applicants also have a 'Right of Review' by the State Administrative Tribunal if they wish to have a condition of a Development Approval or a refusal reviewed by the Tribunal.

Other discretionary decisions by the Authority may also be reviewed by the Tribunal.

Refer to Chapter 1 Part C for further information, or see the Tribunal's website: www.sat.justice.wa.gov.au

5.20 NOTIFICATION OF THE AUTHORITY'S DETERMINATION

(1) A determination made by the Authority in regard to a Development Application takes effect from the date on which the approval or refusal form is signed by a delegated officer of the Authority.

(2) The Authority shall give notice in writing of its decision in respect of an application to the applicant within 7 days of the approval or refusal form being signed. The Authority shall also give notice in writing of its decision to the relevant Local Government and each Public Authority to which a referral notice was given and to each person who made a submission during any consultation period.

5.21 CONDITIONS OF APPROVAL

(1) In approval of a Development Application the Authority may apply conditions to that approval that must be adhered to, relating to any of the following matters:

a) building quality, such as form, layout, appearance, materials, colours and finishes;

b) environmentally sustainable design and construction, such as green star or environmental ratings, energy and water efficiency design and devices, and building design and materials;

c) development impacts, such as impacts on the public realm, relationship of buildings to the street, and impacts on privacy, light and air access;

d) amenity impacts such as noise, vibration, light, dust, odour, and other emissions;

e) business or premises management, such as customer numbers, hours of operation, security, and management plans;

f) transport and access matters, such as traffic management, parking provision, cyclist facilities, pedestrian amenity and accessibility;

g) environment quality and impacts, such as remediation, site management, site topography and levels, provision of landscaping, and preservation of vegetation or verge trees;

h) conditions to ensure compliance with any provision of the Scheme, Design Guideline or Development Policy, including but not limited to the Scheme Objectives, housing affordability, housing design, heritage conservation, sound attenuation, green building design and public art; and/or

i) any other matter as considered appropriate by the Authority, having regard for orderly and proper planning, sustainable development and the protection of the current or intended amenity of the locality or the amenity of an affected land owner.

5.22 REASONS FOR REFUSAL

(1) If the Authority refuses a Development Application the Authority shall give the applicant written reasons for the refusal. The reasons for which the Authority may refuse a Development Application may include, but are not limited to:

a) non compliance with one or more provisions of the Scheme;

b) general non compliance with an applicable Design Guideline or Development Policy;

c) the application is not consistent with sustainable development practices;

d) the application is not consistent with orderly and proper planning; and/or

e) the application presents a likely detrimental impact on the current or intended amenity of the locality.

5.23 MULTIPLE DEVELOPMENT APPROVALS

(1) The Authority may determine or approve more than one Development Application for any site at any one time.

(2) Where a Development Approval has been substantially commenced and that approval is inconsistent with any other Development Approval for the same land, then, to the extent of the inconsistency, the commenced approval is taken to prevail and any other previous or concurrent approval that is inconsistent with the commenced approval is taken to have been superseded and revoked.

5.24 VALIDITY PERIOD FOR COMMENCEMENT OF DEVELOPMENT

(1) If the Authority approves a Development Application that approval shall lapse and be no longer valid if the development has not been substantially commenced within two years of the date of the approval form, or within any other time frame stipulated by the Authority on the approval form.

5.25 VALIDITY PERIOD FOR DEVELOPMENT OF LIMITED DURATION

(1) The Authority may limit the period during which development may occur where the Authority considers that the undertaking of a proposed development for an extended or indefinite period of time would be:

a) contrary to the Scheme Vision and/or precinct intent; or

b) likely to detrimentally affect the amenity of the locality.

(2) When the Authority limits the time that a development may occur, no person shall undertake that development or use that land or building for that purpose after the expiration of the time limit without gaining a new development approval.



5.26 POWER TO REVOKE APPROVAL

(1) The Authority may revoke a Development Approval granted under the Scheme or the previous Interim Scarborough Redevelopment Scheme 2014 in any of the following circumstances:

a) the development is not being or has not been constructed generally in accordance with the approved plans and documents of the Development Approval; or

b) the development is not being or has not been carried out in accordance with one or more conditions of the Development Approval; or

c) one or more conditions of the Development Approval have not been complied with within a time frame specified on the approval form; or

d) at any time at the written request of the current landowner/s of the subject land.

(2) Prior to revocation of a Development Approval the Authority is to provide 21 days written notice to the land owner of its intention to revoke the approval and is to offer the owner options to remedy the situation to avert the approval being revoked.

(3) Final revocation of a Development Approval is to be provided in writing to the land owner and signed by a delegated officer of the Authority.

5.27 NON-CONFORMING USES

(1) In this Scheme land uses operating prior to the gazettal of the Scheme, which are not within the Preferred or Contemplated Land Use Categories in Table 6.1 and 6.2 for the subject precinct, are considered non-conforming land uses. No provision of the Scheme is to be taken to prevent the continuation of a nonconforming use.

(2) A person must not:

a) alter or extend a non-conforming use;

b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or

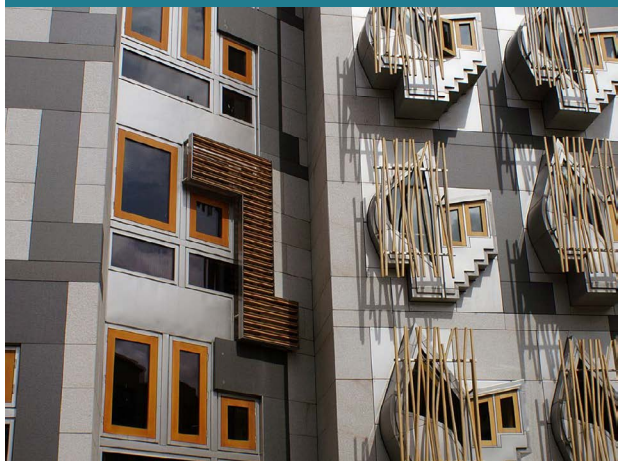
c) change the use of the land from a non-conforming use to another non-conforming use, without having first applied for and obtained development approval under the Scheme.

An application for development approval under this clause is to be dealt with in accordance with clause 6.7.

(3) Where a non-conforming use of any land has been discontinued for a period of 6 months the land must not be used after that period otherwise than in conformity with the provisions of the Scheme.

~~(4) The Authority may effect the discontinuance of a non-conforming use by the purchase of the land, or by the payment of compensation to the owner or occupier or to both the owner and occupier of that land, and may enter into an agreement with the owner for that purpose.~~

~~(5) If a building used for a non-conforming use is destroyed to 75% or more of its value, the building is not to be repaired, rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the approval of the Authority.~~



PART E: SPECIAL DEVELOPMENT APPLICATIONS

5.28 IN-PRINCIPLE DEVELOPMENT APPLICATION

(1) Where an applicant considers it beneficial to obtain the Authority's preliminary position on a proposal prior to lodging a Development Application, an application for In-Principle Development Approval may be made to the Authority.

(2) An In-Principle Development Application may deal with the following matters:

a) the proposed built form of the proposal;

b) the response to the site and streetscape context;

c) the response to relevant environmental, transport, heritage and public realm considerations;

d) compliance with or proposed variations to Scheme, Design Guideline or Development Policy provisions; and

e) any other important considerations or aspects of the development, as determined by the Authority, or as requested by the applicant.

(3) An In-Principle Development Application must include professional plans and sufficient detail to allow the Authority to undertake assessment of the proposal.

(4) An In-Principle Development Application is to be determined and processed by the Authority generally in accordance with Part D of this chapter, as determined necessary by the Authority, as if the application were an application for Development Approval, including but not limited to the clauses addressing:

a) for major applications, referral to government bodies;

b) design advice or specialist advice; and

c) decision of the Authority to approve, approve subject to condition/s or refuse the application.

(5) A decision on an In-Principle Development Application conveys the Authority's preliminary position on the proposal and does not in any way constitute an approval or refusal to undertake development.

(6) An In-Principle Development Approval is current for two years from the date of the In-Principle Approval Form being signed, or until such time as stipulated on the form.

(7) The Authority is to have due regard for the decision on any current In-Principle Development Application when determining any subsequent Development Application for the land. However the in-principle decision is in no way binding on the Authority.

5.29 APPLICATION TO AMEND A DEVELOPMENT APPROVAL

(1) Where a valid Development Approval exists, the owner of the subject land may apply to the Authority for a reconsideration or amendment of aspects of the approval through an Application to Amend a Development Approval. The application may seek approval to:

a) amend or delete one or more conditions of the Development Approval;

b) extend the period within which any development approval must be substantially commenced;

c) make a minor amendment/s to the approved plans of the Development Approval; and/or

d) make minor amendments to other details or aspects of the Development Approval.

(2) An Application to Amend a Development Approval is to include:

a) a completed Application to Amend a Development Approval form;

b) copies of amended plans, where required;

c) detailed written justification of the grounds to amend the approval; and

d) any other information or supporting material as required by the Authority.

(3) An Application to Amend a Development Approval is to be determined and processed by the Authority generally in accordance with Part D of this Chapter, as determined appropriate by the Authority and as if the application were an application for Development Approval.

(4) Any approval notice by the Authority to amend a development approval does not affect or extend the validity period of the original development approval in accordance with clause 5.24, other than where requested and approved in accordance with subclause (1)b).

(5) This clause will apply to any Development Approval granted by the Authority whether before or after the commencement of the Scheme.

5.30 RETROSPECTIVE DEVELOPMENT APPLICATION

(1) Where development has been or is being carried out and does not have a Development Approval, a person may apply to the Authority for Retrospective Development Approval for that development in accordance with the provisions of this Chapter.

(2) A Retrospective Development Application is to be determined and processed by the Authority in accordance with Part D of this Chapter.

(3) If the Authority grants Retrospective Development Approval it does not render lawful any unauthorised development before the date on which the approval was granted, nor does it prevent action being taken by the Authority in respect of the unauthorised development before the date of approval.



DEMOLITION

Contact the Authority to find out if you need Development Approval for any structure you wish to demolish or remove. You may also require building or health approvals from your Local Government.

5.31 DEVELOPMENT APPLICATION INVOLVING DEMOLITION

(1) In accordance with the provisions of the MRA Act, demolition is included in the definition of development and may require Development Approval from the Authority, unless excluded from the definition of development by provisions of the Regulations.

(2) Apart from the additional matters outlined in this clause, a Development Application involving demolition is to be determined and processed by the Authority in accordance with Part D of this chapter, as a Standard Application as if the application were an application for Development Approval.

(3) The Authority may resolve to defer determination of a development application that involves substantial or complete demolition of all structures on a site until after it has received and approved a Development Application for replacement or new development for the site.

(4) In determining a Development Application involving demolition the Authority may require –

a) a written submission from the applicant justifying the grounds on which demolition is sought;

b) a written justification and/or impact statement from a suitably qualified person, where the proposed demolition relates to a heritage place; and

c) details regarding the method or process of demolition activities.

(5) Should the Authority approve a Development Application involving demolition, conditions may be applied to that approval relating to, but not limited to, the following matters –

a) the retention, maintenance, reinstatement, or relocation of any part of a building or structure, particularly those listed on a Heritage Inventory;

b) the method or process of demolition works;

c) the date by which demolition is to be completed; and

d) the fencing and maintenance of the subject land during and after demolition.

PART F: OTHER DEVELOPMENT MANAGEMENT PROCESSES

5.32 WORKING DRAWINGS PROCESS

Working drawings are a set of detailed drawings and supporting information which may be required by the Authority to demonstrate compliance with a development approval and associated conditions listed in the *Form 2 – Approval to Undertake Development*. Where Working Drawings are required to be submitted, they must be cleared by the Authority, prior to the commencement of development.

(1) Where development approval has been granted and that development requires a building permit from the Permit Authority, the Authority may require the applicant or builder to submit Working Drawings and supporting information to the Authority for review and clearance prior to the commencement of development.

(2) The requirement for the Authority to review and clear Working Drawings may be applied by way of condition/s of a Development Approval or by other written notice of the Authority.

(3) The Authority may grant consent for the Working Drawings to be submitted separately for different stages of a development.

(4) The Authority will refer Working Drawings to the relevant Local Authority and any other relevant Agency as deemed necessary, for consideration and comment for a period of 21 days. If written comments have not been received within the 21 day period it will be assumed that the relevant Local Authority or referral Agency do not wish to provide comments.

(5) The Authority may consider variations to approved plans that are part of a Development Approval where it can be demonstrated that the variations are minor in nature and are consistent with the intent of the Development Approval. Major variations will require an Application to Amend a Development Approval or a new Application for Development Approval, at the discretion of the Authority.

(6) Once satisfied that the Working Drawings and supporting information comply with the approved plans and all relevant conditions of the Development Approval, the Authority shall provide notification of the Working Drawings clearance to the local government or other Permit Authority to assist in their determination of the building permit application.

(7) Endorsement of the Working Drawings and supporting information by the Authority confirms general compliance with the Development Approval only and does not indicate compliance with all of the Authority's planning framework or compliance with the Building Code of Australia or any other relevant legislation.

In this Scheme Working Drawings is defined as: Detailed drawings and supporting information, reports and documentation which are to be provided to the Authority under clause 5.32 of the Scheme, to demonstrate compliance with a development approval and associated conditions. Working drawings must be cleared by the Authority prior to the submission of a building permit application to a permit authority.

CAVEAT WITHDRAWAL
DEVELOPMENT AUDIT PROCESS

Where land has been sold by the Authority for development, a caveat is usually placed on the land title to ensure development is undertaken in accordance with the Authority's contract of sale requirements.

A Development Audit will be required to be undertaken to ensure all planning requirements have been met before the caveat can be withdrawn.

(8) The provisions of this clause do not affect the obligation to comply with a Development Approval, including all conditions of the approval, in perpetuity.

5.33 DEVELOPMENT AUDIT PROCESS

(1) Where construction or undertaking of a development has been completed, the Authority or Local Government may require, or the land owner may request, a Development Audit be undertaken to confirm that the development has been carried out in accordance with the development approval.

(2) A Development Audit will involve an inspection and assessment of the relevant site by the Authority to ensure the development has been constructed and undertaken in accordance with the approved plans and conditions and details of the development approval.

(3) Following a Development Audit, the Authority may require any aspect of the development that does not comply with the development approval, or which has been carried out without development approval, to be rectified within a specified time period.

(4) Once satisfied that the development is compliant with all applicable development requirements the Authority will issue a notice to that effect to the land owner.

(5) The provisions of this clause do not affect the obligation to comply with a development approval, including all conditions of the approval, in perpetuity.



6.0
Land Use

Contents

6.0 LAND USE 63

PART A: INTRODUCTION 63

6.1 INTRODUCTION 63

6.2 DIVERSE LAND USE ENVIRONMENTS 63

6.3 ACTIVE STREET LEVEL LAND USES 63

PART B: OVERVIEW 64

6.4 LAND USE SYSTEM 64

6.5 PREFERRED LAND USES 64

6.6 CONTEMPLATED USES 65

6.7 USES NOT PREFERRED OR CONTEMPLATED 65

6.8 DEFINITION OF LAND USES 66

6.9 USES NOT DEFINED IN THE SCHEME 66

PART C: OBJECTIVES FOR SPECIFIC LAND USES 68

6.10 CULTURE AND CREATIVE INDUSTRY USES 68

6.11 COMMERCIAL LAND USES 68

6.12 LIGHT INDUSTRY LAND USES 69

6.13 RETAIL LAND USES 69

6.14 RESIDENTIAL LAND USES 69

6.15 COMMUNITY LAND USES 70

6.16 DINING AND ENTERTAINMENT LAND USES 71

PART D: CAR PARKING 75

6.17 CAR PARKING 75

6.18 CASH IN LIEU OF CAR PARKING 75

6.0 Land Use

PART A: INTRODUCTION

6.1 INTRODUCTION

The Land Use Chapter sets out the provisions guiding the use of land within the Scheme Area. Use of land or changing the use of land is generally considered to be "development" and may require development approval from the Authority, in accordance with Chapter 5 of the Scheme.

This chapter establishes a land use system based on identifying the preferred activities for which a site should be used for, while generally allowing for a flexible approach to encourage mixed land use, diversity and economic prosperity. This chapter also includes specific considerations for certain land uses, to enable a compatible land use mix in the Scheme Area.

6.2 DIVERSE LAND USE ENVIRONMENTS

(1) The Authority's land use system is predominantly based on the Scheme Objectives of Urban Efficiency and Economic Wellbeing, through the provision of mixed land use urban environments. Successful mixed land use environments enable a diversity of complimentary and compatible land uses to provide local convenience, connectivity, reduced travel, and day to evening vitality.

(2) For the purpose of promoting the Scheme Objectives, and subject to any provisions of this chapter to the contrary, the Authority in dealing with any application under this Scheme shall encourage a mixture of compatible land uses throughout the Scheme Area and may require a specified mixture of uses within any precinct, site or building.

6.3 ACTIVE STREET LEVEL LAND USES

(1) The Authority seeks to develop a strong sense of place in the Scarborough Redevelopment Area, which includes ensuring an activated and interesting public realm. An active public realm provides a diversity of activity and opportunities for social interaction, whilst also enhancing the personal experience and safety of an area.

(2) For the purpose of promoting the Scheme Objectives, the Authority in dealing with any application under the Scheme may require specific land uses at street or pedestrian level of a building or place in order to help achieve activation of the public realm.

The following terms are defined terms in the Scheme:

Mixed-Use
means buildings that contain commercial and other non-residential uses in conjunction with residential dwellings in a multiple dwelling configuration.

Mixed Land Use
means the existence of a variety of different land uses within a project area, precinct, site or locality.



PREFERRED LAND USES

The Authority continues to propose an innovative approach to guiding land use and development within its redevelopment areas. In traditional Local Planning Schemes land uses are prescribed in detail and their permissibility is tightly controlled by a system of acceptable to not permitted uses. The use of 'preferred uses' and 'contemplated uses' enables the Authority to consider a variety of land uses, resulting in a more sophisticated assessment of land use activities. The system encourages diverse yet complementary and harmonious land uses.

CONTEMPLATED LAND USES

The 'contemplated uses' within the Scheme provide guidance for developers and the community on the types of land uses that may also be considered for an area. The developer must justify the proposed use and identify to the Authority how the use will not adversely affect the amenity of the area. This approach supports flexibility, adaptability and diversity.

PART B: OVERVIEW

6.4 LAND USE SYSTEM

(1) The Authority has adopted a precinct based Preferred and Contemplated land use system. The Scheme does not use land use zones.

(2) Table 6.1 – Land Use Categories groups together similar types of land uses into seven specific categories. Table 6.2 – Land Use Table then identifies which of these categories are Preferred Uses or Contemplated Uses for each precinct within the Scheme Area. Definitions of each land use within each category are provided in Appendix 3 of the Scheme.

(3) Design Guidelines, prepared and adopted in accordance with the Scheme may also specify or limit the Preferred or Contemplated Use or Uses for a precinct, site or building. In the event of any inconsistency with regard to land use between a Design Guideline and the broader provisions found in Table 6.2 – Land Use Table, the Design Guidelines shall prevail.

6.5 PREFERRED LAND USES

Preferred Uses are land uses which are considered to contribute to the vision and intent for a location, as set out in Chapter 2 - Vision and Chapter 3 - Precincts. Preferred Uses are those uses within the land use category or categories which are shown as a Preferred category for a particular precinct in Table 6.2 – Land Use Table.

(1) If Table 6.2 stipulates a land use category as Preferred for a particular precinct the Authority shall not refuse a Development Application for a use within that category on the basis that the proposed use is not suitable for that location, unless the Preferred Uses for that site are limited by provisions of a Design Guideline.

(2) In dealing with a Development Application, the Authority may, having due regard to the provisions of Chapters 5 and 6, relax or vary any requirement of the Scheme or any relevant Design Guideline or Development Policy if the Authority considers it desirable to encourage the incorporation of a Preferred Use into the development.

6.6 CONTEMPLATED USES

Contemplated Uses are land uses which the Authority may consider suitable for a location if it can be shown that such a use would not detract from the precinct intent and the amenity of the locality. Contemplated Uses are those uses within the Land Use Category or Categories which are shown as a Contemplated category for a particular precinct in Table 6.2 – Land Use Table.

(1) If Table 6.2 stipulates a Land Use Category as Contemplated for a particular precinct, in dealing with a Development Application involving a use within that category the Authority may:

a) require written justification from the applicant detailing the suitability of the use in that location, including consistency with the Scheme Vision and precinct Intent and its compatibility with surrounding land uses;

b) seek expert advice on the application or require the applicant to obtain expert advice (at the applicant's cost) on aspects of the proposal;

c) advertise the application for public comment; and/or

d) require the incorporation of a Preferred Use into the development instead of or as well as the Contemplated Use.

(2) The Authority may approve or refuse an application involving a Contemplated Use, or approve the application subject to conditions. Conditions of approval may include, but are not limited to, any condition the Authority considers appropriate to manage the suitability or compatibility of that use in its location.

6.7 USES NOT PREFERRED OR CONTEMPLATED

Where a use is a defined use in Table 6.1 but is not included in a category that is shown in Table 6.2 as a Preferred or Contemplated use for a relevant precinct, the use or uses are generally considered inconsistent with the precinct intent and may be inappropriate for that precinct. However those uses may be considered for approval.

(1) In dealing with a Development Application for a defined use that is not Preferred or Contemplated the Authority may:

a) require written justification from the applicant detailing the suitability of the use in that location, including its consistency with the Scheme Vision and precinct intent and its compatibility with surrounding land uses;

b) seek expert advice on the application, or require the applicant to obtain expert advice (at the applicant's expense) on aspects of the proposal;

AMPLIFIED MUSIC ENTERTAINMENT VENUE

An Amplified Music Entertainment Venue is defined in this Scheme as: a hotel, tavern, nightclub, small bar, function centre, entertainment complex, theatre/performance venue, or other such entertainment premises, that plays amplified music, either live or pre-recorded, on a regular or periodic basis for the entertainment of customers or the general public.

NOISE SENSITIVE PREMISES

Noise Sensitive Premises is defined in this Scheme and the *Environmental Protection (Noise) Regulations 1997* as: premises occupied solely or mainly for residential or accommodation purposes; and premises used for the purpose of a hospital, sanatorium, educational establishment, public worship, aged care or child care.



c) advertise the application for public comment; and/or

d) require the incorporation of a Preferred Use or Contemplated Use into the development instead of or as well as the proposed use.

(2) The Authority may approve or refuse an application involving a use that is not Contemplated or Preferred, or approve the application subject to conditions. Conditions of approval may include, but are not limited to, any condition the Authority considers appropriate to manage the suitability or compatibility of that use in its location.

6.8 DEFINITION OF LAND USES

The land uses in Table 6.1 and the corresponding land use definitions set out in Appendix 3 will enable the Authority to classify most proposed activities into a defined land use.

(1) Where an application is received which is characterised by the applicant as a defined land use but, in the opinion of the Authority, would be more appropriately classified as another defined use, the Authority may classify the proposed use under a definition it considers appropriate and may then proceed to determine the application in accordance with the provisions of the Scheme.

(2) Where an application is received for a proposed use that does not match the terminology of land uses in Table 6.1 the Authority may, with the assistance of the land use definitions, determine the proposed use fits reasonably within a defined use and may then proceed to determine the application in accordance with the provisions of the Scheme.

(3) The Authority may require any additional information from an applicant to assist in defining the use of any proposed Development Application.

(4) The Authority will provide the applicant a written copy of any decision made in regard to this clause.

6.9 USES NOT DEFINED IN THE SCHEME

(1) Where a Development Application is received which includes a use that in the opinion of the Authority does not reasonably fit within the definition of any defined land use in Appendix 3, in dealing with that application the Authority will consider the proposed use against the Category Descriptions in Table 6.1 for the purpose of determining if the proposed use should generally fit within a category.

(2) If in the opinion of the Authority the proposed use generally fits into a land use category in Table 6.1, the Authority may then use Table 6.2 to determine if the use falls within a Preferred or Contemplated category for the particular precinct and may then proceed to determine the application in accordance with the Scheme.

(3) In dealing with a Development Application involving a land use not defined in the Scheme the Authority may:

a) require additional information from the applicant to assist in determining an appropriate land use definition or land use category for the proposed use;

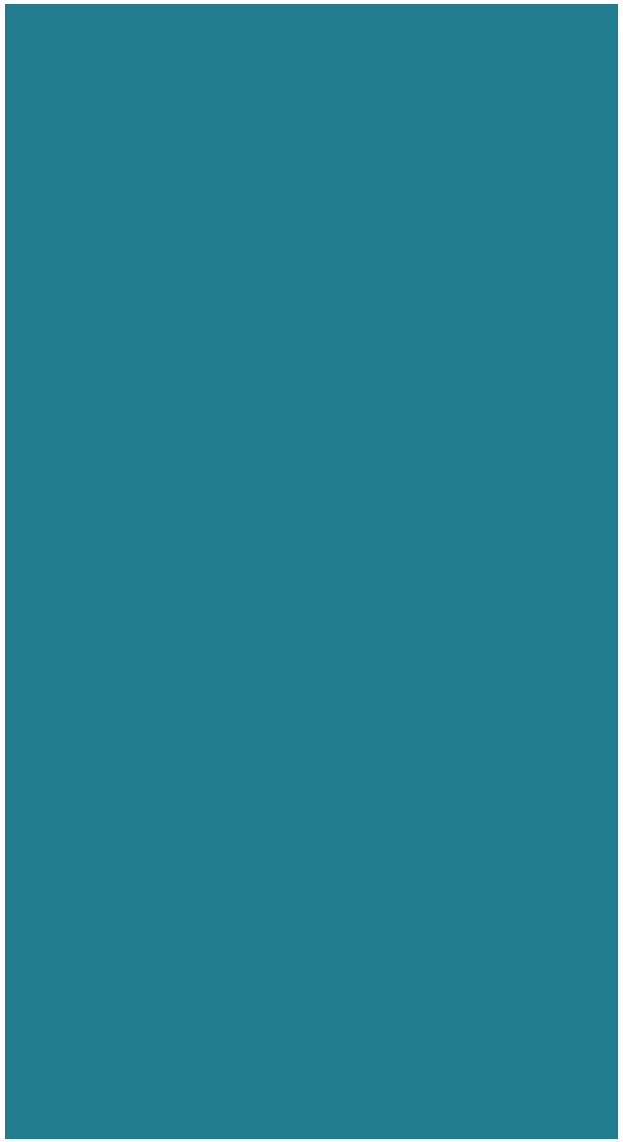
b) require written justification from the applicant detailing the suitability of the use in that location, including consistency with the Scheme Vision and precinct intent and its compatibility with surrounding land uses;

c) seek expert advice on the application, or require the applicant to obtain expert advice (at the applicant's expense) on aspects of the proposal;

d) advertise the application for public comment; and/or

e) require the incorporation of a Preferred Use or Contemplated Use into the development instead of or as well as the proposed use.

(4) The Authority may refuse an application involving a land use not defined in the Scheme, or approve the application subject to conditions. Conditions of approval may include, but are not limited to, any condition the Authority considers appropriate to manage the suitability or compatibility of that use in its location.





PART C: OBJECTIVES FOR SPECIFIC LAND USES

6.10 CULTURE AND CREATIVE INDUSTRY USES

Cultural activities and creative industries have the potential to make a positive contribution to the urban renewal of Scarborough. These land uses can provide both character and economic advantage to an area, and engender diversity and a unique sense of place.

(1) In determining a Development Application for a land use within the Culture and Creative Industry land use category, in addition to other provisions of the Scheme, the Authority shall have regard to the following objectives:

a) infusing creativity, originality and innovation into the built environment;
b) the encouragement of creative industries;
c) providing opportunities for business incubation;
d) the provisions of flexible and adaptive spaces to live, work and display; and
e) ensuring the compatible operation of culture and creative land uses with other land uses in the vicinity of the proposed development.

6.11 COMMERCIAL LAND USES

Commercial activities are a fundamental aspect of the function of the Scheme Area. The Authority seeks to encourage a considerable portion of commercial development throughout the Scheme Area to facilitate economic growth and job creation, the achievement of urban efficiency, and connection of residents to workplaces and services.

(1) In determining a Development Application for a land use within the Commercial land use category, in addition to other provisions of the Scheme, the Authority shall have regard to the following objectives:

a) facilitating prosperity and diversity in economic activity and commercial buildings and premises;
b) ensuring an active interface of ground floor development with the public realm;
c) healthy, functional and environmentally sustainable workplaces; and
d) accessibility to work places by sustainable modes of transport.

6.12 LIGHT INDUSTRY LAND USES

Given the vision, objectives and intent of the Scheme Area, light and service industry uses are not encouraged in any precinct of the Scheme Area. However, development applications may be considered, subject to detailed justification for the proposal and how it complies with the Scheme Vision, Objectives and precinct intent, as well as other relevant provisions of the Scheme, Design Guidelines and Development Policies.

(1) In determining a Development Application for a land use within the Light Industry land use category, in addition to other provisions of the Scheme, the Authority shall have regard to the following objectives:

a) ensuring the proposed use is generally compatible with the intent of the Precinct within which it is proposed to be developed;

b) ensuring the operation of the land use does not negatively affect the amenity of the locality, including operating hours, traffic, noise, emissions and other operations are compatible with surrounding land uses; and

c) ensuring an appropriate interface of the development with the surrounding environment, including amenity and quality streetscape.

6.13 RETAIL LAND USES

Retail development is an important activity throughout the Scheme Area, both in supporting tourism and the visitor market and in providing convenient goods and services to local residents.

(1) In determining a development application for a land use within the Retail land use category, in addition to the other provisions of the Scheme, the Authority shall have regard to the following objectives:

a) encouraging a diversity of retail services and premises in appropriate locations; and

b) ensuring an active interface of ground floor development with the public realm.

6.14 RESIDENTIAL LAND USES

Increasing both the permanent and transient residential population in the Scheme Area is a key element of the Scheme Vision and Objectives, to create dynamic, authentic and sustainable places. An increased population will facilitate critical mass and provide increased vibrancy and improved efficiencies. The Authority also recognises that all types of individuals and households should have the opportunity to live in the Scheme Area.





(1) In determining a Development Application for a land use within the Residential land use category, in addition to other provisions of the Scheme, the Authority shall have regard to the following objectives:

a) encouragement of a socially diverse population;

b) the provision of a diversity of housing and accommodation types, size and tenure;

c) the provision of social and affordable housing;

d) the provision of universally accessible and adaptable housing; and

e) the appropriate interface of new residential development with non-residential development.

(2) Where the provisions of this chapter or a Design Guidelines indicate that residential development generally or a specific type of Permanent Residential or Transient Residential development is a Preferred Use within a specific precinct or site, the Authority when dealing with a Development Application within that precinct may require the inclusion of a residential component within the proposed development, and may require a minimum level intensity or proportion for the residential component as against any non-residential component.

6.15 COMMUNITY LAND USES

The need for social interaction, physical activity, leisure, health services and social support are fundamental aspects of any successfully functioning community. The Authority seeks to promote social inclusion and a strong sense of place, and will encourage and support community land uses that enhance the quality of life for residents, and support local workers and visitors.

(1) In determining a Development Application for a land use within the Community land use category, in addition to other provisions of the Scheme, the Authority shall have regard to the following objectives:

a) encouraging facilities that provide essential services or enhanced lifestyles to segments of the community or to the general public;

b) facilitating social interaction and community building;

c) supporting physical activity and healthy lifestyles; and

d) ensuring the appropriate interface of development with the surrounding environment, including patron and traffic management and a high quality public realm.

6.16 DINING AND ENTERTAINMENT LAND USES

Dining and Entertainment land uses in the Scheme Area are important in supporting the role of the redevelopment area as a key tourist and visitor destination, and in enhancing the lifestyle for residents. However, entertainment land uses generally need to be carefully planned and managed to ensure compatibility with residential or other sensitive land uses.

(1) In determining a Development Application for a land use within the Dining and Entertainment land use category, in addition to other provisions of the Scheme, the Authority shall have regard to the following objectives:

a) enhancing lifestyle, character and vibrancy in the Scheme Area;

b) achieving effective venue management, including venue operation, patron management, and customer and public safety; and

c) ensuring the operation of the land use does not negatively affect the amenity of the locality, including operating hours, traffic, noise or other emissions, are compatible with surrounding land uses.



Table 6.1 Land Use Categories

Land Use Category	Land Use Type
Category 1: Culture and Creative Industry Category Description: Businesses and activities which have their origin in individual creativity, skill and talent and which contribute to the cultural richness and economic advantage of an area. Provides opportunities for business incubation and job creation through exploitation of intellectual property and/or unique skills.	Media Production, Artist Studio, Theatre/Performance Venue, Exhibition Centre, Event Space.
Category 2: Commercial Category Description: Business activities, professional services and other principally profit-based land uses of a non-retail, low impact nature. The category does not include businesses of an industrial, entertainment or other moderate to high impact nature.	Office, Business Services, Consulting Rooms, Medical Centre, Laundromat, Veterinary Centre, Trade Display, Commercial Car Park.
Category 3: Light Industry Category Description: Low to moderate impact businesses, predominately based in skilled trades, manufacturing, goods handling, the automotive industry and other land uses of an industrial nature. The land uses usually require large purpose built premises and may not be appropriate for mixed-use buildings or residential areas.	Industry - Light, Industry - Service, Motor Vehicle Maintenance, Warehouse, Showroom, Research & Development, Self-Storage Unit, Outdoor Display Centre, Transport Depot, Convenience Store, Service Station, Animal Establishment, Caretakers Dwelling, Lunch Bar, Telecommunications Infrastructure.
Category 4: Retail Category Description: Places of business offering goods displayed on the premises for sale or hire to the public, and also includes premises for the provision of services of a personal nature. May include the preparation of goods for sale on site but not manufacturing of goods.	Shop, Shopping Complex, Personal Services, Dry Cleaning, Garden Centre, Market, Liquor Store.

Land Use Category	Land Use Type
Category 5: Residential Category Description: A building or a portion of a building that is designed or adapted for habitation either as Permanent Residential – being private dwellings, or as Transient Residential – being accommodation provided for temporary periods, generally for commercial gain.	**Category 5A Permanent Residential:** Single House, Multiple Dwellings, Group Dwellings, Specific Purpose Housing, Aged Persons Accommodation, Home Business, Home Store. **Category 5B Transient Residential:** Bed and Breakfast, Motel, Short Stay Accommodation, Serviced Apartments, Hotel, Hostel.
Category 6: Community Category Description: Premises or land uses which provide essential services or leisure facilities to local residents and workers or the wider community, also referred to as 'social infrastructure'. May include activities for commercial gain which provide a social benefit.	Community Facility, Commerical Hall, Recreation & Sporting Facilities, Library, Public Open Space, Place of Worship, Funeral Parlour, Child Care Premises, Hospital, Educational Establishment.
Category 7: Dining and Entertainment Category Description: Premises designed and used to provide public entertainment or social interaction, principally dining and drinking. Usually involves extended/evening trading and may involve service of alcohol and amplified music. Includes land uses which may present moderate impacts on residential amenity, due to noise, patronage and hours of operation.	Tavern, Small Bar, Night Club, Entertainment Complex, Function Centre, Club Premises, Restaurant/Café, Fast Food Outlet, Cinema, Amusement & Gaming Centre, Betting Agency, Exhibition Centre.

Table 6.2 Land Use Table

Precinct	Category 1 Culture and Creative Industry	Category 2 Commercial	Category 3 Light Industry	Category 4 Retail	Category 5 Residential	Category 6 Community	Category 7 Dining and Entertainment
Beachside	Contemplated	-	-	Contemplated	-	Preferred	Preferred
Esplanade	Contemplated	Contemplated	-	Preferred	Preferred	Contemplated	Preferred
Gateway	Contemplated	Contemplated	-	Contemplated	Preferred	Contemplated	Contemplated
Beach Road	Preferred	Preferred	-	Preferred	Preferred	Contemplated	Preferred
Groves	Contemplated	-	-	Contemplated	5A Preferred 5B Contemplated	Preferred	Contemplated

PART D: CAR PARKING

6.17 CAR PARKING

(1) In accordance with the Scheme Objectives, particularly Connectivity and Environmental Integrity, the Authority takes a restrictive approach to car parking provision, where the provision of car parking bays is provided as a maximum rate based on Activity Centre needs and a minimum rate respectful of the suburban location.

(2) Car parking bay provision for all land uses and development within the Scheme Area shall be in accordance with the Design Guideline applicable to that location. Where provisions are not included in the applicable Design Guidelines, the car parking bay requirements will be determined by the Authority.

(3) The design standards for the design and layout of parking, including Australian Standards and disability access, applied by the relevant Local Government shall apply within the Scheme Area unless the Authority adopts a Development Policy or Design Guidelines dealing with parking design standards.

(4) Bicycle parking and end of trip facilities shall be provided in accordance with the Design Guideline or relevant Development Policy applicable to that area.

6.18 CASH IN LIEU OF CAR PARKING

(1) Where a development proposes a variation to the minimum required car parking bays in accordance with clause 6.17(2), the Authority may consider the acceptance of a payment of money in lieu of provision of the bays in accordance with sub-clause (2) (referred to as cash in lieu).

(2) The Authority shall calculate the cost of providing a parking bay within the Scheme Area, including but not limited to:

a) the market value of the land required for a parking bay and the necessary access and manoeuvring space;

b) any structures required; and

c) other improvements including forming, paving, kerbing, drainage, landscaping, crossovers and lighting.

(3) The cost of providing a parking bay may be calculated in respect of the Scheme Area as a whole, or in respect of any precinct, reflecting the differences in the market value of land in the different precincts.

(4) The Authority may from time to time vary or adjust the parking bay cost calculation under sub-clause (2) to reflect changes in land values and costs or works.

REDUCING CAR USE

There are many benefits for the individual, the community and the environment of reducing private car usage, including:

- Increased walking and cycling, resulting in healthier communities.
- Less cars and more pedestrians makes places feel safer and more inviting.
- Reduced consumption of fossil fuels for car use.
- Reduced air pollution and carbon emissions from car use.
- Less land wasted on roads and car parking.
- More demand for public transport, making increased services viable.
- Reduced traffic congestion.
- Reduced traffic accidents (and associated costs).
- Reduced personal costs of car ownership.



~~(5) Any amount paid to the Authority in parking cash-in-lieu shall be held by the Authority in a separate trust account and shall be applied by the Authority either:~~

~~a) for the provision of public parking, cycling and pedestrian facilities within the Scheme Area; or~~

~~b) for the provision of public transport which, in the opinion of the Authority, services the Scheme Area and permits or encourages a reduction in the use of or demand for parking facilities within the Scheme Area.~~



~~7.0~~ ~~Development Contributions~~

Contents

7.0 DEVELOPMENT CONTRIBUTIONS 79

7.1 INTRODUCTION 79

7.2 ESTABLISHMENT OF DEVELOPMENT CONTRIBUTION AREAS 79

7.3 DEVELOPMENT CONTRIBUTION PLANS 80

7.4 DEVELOPMENT COSTS 81

7.5 ESTIMATED COSTS 81

7.6 CONSULTATION ON DRAFT DEVELOPMENT CONTRIBUTION PLAN 82

7.7 FINAL ADOPTION OF A DEVELOPMENT CONTRIBUTION PLAN 82

7.8 AMENDMENT OF A DEVELOPMENT CONTRIBUTION PLAN 83

7.9 DEVELOPMENT CONTRIBUTION PLANS PREVIOUSLY ADOPTED 84

7.10 LIABILITY FOR DEVELOPMENT CONTRIBUTION 84

7.11 REVIEW OF COST CONTRIBUTION 84

7.12 METHOD OF PAYMENT 85

7.13 INTEREST IS PAYABLE 85

7.14 CAVEAT MAY BE LODGED AGAINST THE LAND TITLE 86

7.15 EXEMPTIONS FOR MINOR DEVELOPMENT 86

7.16 EXEMPTION FOR CHARITABLE INSTITUTIONS 86

7.17 SPECIAL FUND FOR ACCUMULATING CONTRIBUTIONS 87

8.0 HERITAGE PROTECTION 91

7.0 Development Contributions

7.1 INTRODUCTION

Effective redevelopment of each of the Authority's redevelopment areas requires the cost efficient provision of infrastructure and facilities such as utilities, roads, public transport, open space and community facilities. This physical and social infrastructure greatly influences the standard of living, mobility, and lifestyle choices of a community.

In most instances the Authority and/or the Local Government will provide or make plans to provide the majority of new infrastructure within the Scheme Area prior to private land owners undertaking redevelopment of their land. Accordingly, the Authority will seek to recoup costs associated with infrastructure provision from land owners who benefit from this work, by requiring Development Contributions.

Chapter 7 sets out the provisions for the preparation and application of Development Contribution Plans, which set out the works and contribution system for an area. These plans are prepared to assist in the timely, equitable funding and provision of physical and social infrastructure in the Scheme Area.

Land owner Development Contributions are usually made by way of making payments, or, where appropriately guided by the applicable development contribution plan, offset by undertaking works on behalf of the Authority or ceding land to the value of the contribution. The requirement to provide a contribution is usually triggered by developing or subdividing land.

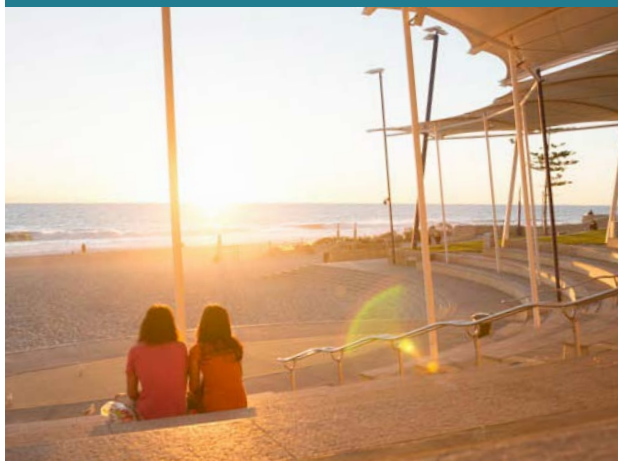
7.2 ESTABLISHMENT OF DEVELOPMENT CONTRIBUTION AREAS

(1) For the purpose of this chapter, the whole of the Scheme Area as shown on the Scheme Map in Appendix 1 shall be considered as a Development Contribution Area.

(2) The purpose of establishing Development Contribution Areas is to enable the preparation and adoption of a Development Contribution Plan to provide for the infrastructure needs of the area in a holistic and timely manner and to obtain equitable contributions from land owners who benefit from government investment in infrastructure and services.

(3) A Development Contribution Plan may identify different Development Costs and different Development Contributions for specific precincts and/or lots within the Development Contribution Area.

(4) The provisions of a Development Contribution Plan apply to the Development Contribution Area in addition to any other applicable provisions of the Scheme.





7.3 DEVELOPMENT CONTRIBUTION PLANS

(1) The Authority may prepare a Development Contribution Plan or Plans to plan for the provision and funding of Development Costs for the Development Contribution Area ('the Area').

(2) The Authority may seek expert advice and/or stakeholder input in identifying appropriate Development Costs for the Area as considered appropriate by the Authority.

(3) The Development Contribution Plans are to be prepared and reviewed in accordance with the following principles:

a) Need and nexus
b) Efficiency and certainty
c) Equity and consistency
d) Transparency and accountability
e) Right of consultation and comment

(4) The Development Contribution Plan may specify:

a) the Development Contribution Area to which the plan applies;
b) the validity period of the Development Contribution Plan;
c) the Development Costs from the list in clause 7.4 (the works and dollar value) that are required in the Contribution Area and that will be partly or fully funded by the Contribution Plan;
d) the priority and approximate timing for the provision of infrastructure;
e) any land within the Development Contribution Area to which Development Contributions will be excluded;
f) any exemptions from paying the calculated Development Contribution;
g) any Development Costs or other associated costs and expenses that will not be charged to owners, including any costs that have received Federal Government funding;
h) the method of allocating and calculating the Development Contribution applicable to each land holding and land owner in the Contribution Area, including whether any one of the Development Costs are to be allocated differentially between precincts or landholdings within the Contribution Area on the basis of the need and nexus of a Development Cost to land within the Area; and
i) any other information the Authority considers necessary to assist in the understanding or implementation of the plan.

(5) A Development Contribution Plan is to be prepared and adopted in accordance with the public consultation procedure of clause 7.6 and final adoption procedure of clause 7.7.

7.4 DEVELOPMENT COSTS

(1) Development Costs that may be included in a Development Contribution Plan may include all costs associated with providing or improving any one or more of the following for the relevant Development Contribution Area:

a) essential services, including water, sewerage, drainage, telecommunications, gas, electricity and other power supplies, that are not supplied and charged for by other service providers;

b) any road, cycleway, footpath or other carriageway;

c) infrastructure or facilities relating to public transport;

d) areas or facilities for public car parking;

e) public open space, recreation reserves or waterway inlets, including the provision of land and physical improvements to enable public enjoyment of that land;

f) landscaping and enhancement of public areas, including (but not limited to) lighting, paving, street and park furniture, planting and reticulation;

g) the provision of any public community or recreation facility including (but not limited to) beachfront facilities, community centres, child care facilities, libraries, public toilets or playgrounds;

h) environmental remediation or enhancement of natural environments, including (but not limited to) works to contaminated sites, waterways or vegetation areas;

i) acquisition of any land for the provision of infrastructure works;

j) administration and/or legal costs incurred in the preparation, review and implementation of Development Contribution Plans;

k) interest accumulated on any loan taken out by the Authority to provide infrastructure in the Development Contribution Area; and/or

l) any other infrastructure or works the Authority considers necessary or appropriate for the amenity and sustainable development of the Project Area.

7.5 ESTIMATED COSTS

(1) The value of Development Costs shown in a Development Contribution Plan are to be based on amounts expended, but when expenditure has not yet occurred, they are to be based on the best and latest estimated costs available to the Authority.

(2) The Authority is to have such estimated costs independently verified by an appropriately qualified person and must include this verification in the Development Contribution Plan.





(3) On receiving a request in writing from an affected land owner, the Authority is to provide the owner with a copy of the estimated costs and the independent verification.

7.6 CONSULTATION ON DRAFT DEVELOPMENT CONTRIBUTION PLAN

(1) After preparation of a Development Contribution Plan in accordance with clauses 7.3, 7.4 and 7.5, and prior to final adoption of the Plan, the Authority may resolve to approve the Plan as a draft Development Contribution Plan for the purpose of public consultation.

(2) The Authority is to then undertake a minimum 42 day consultation period during which the Draft Development Contribution Plan is made available to relevant stakeholders and written comment is invited.

(3) The consultation period is to commence with the following actions:

a) notification of affected land owners;

b) referral of the Draft Plan to the relevant Local Government, relevant State Government agencies and service providers;

c) publication of a notice in a newspaper circulating within the Contribution Area; and

d) publication of the Draft Plan on the Authority's website.

7.7 FINAL ADOPTION OF A DEVELOPMENT CONTRIBUTION PLAN

(1) Following the undertaking of consultation of a Draft Development Contribution Plan in accordance with clause 7.6, the Authority will undertake the following actions:

a) review all submissions made during the consultation period and consider whether modification to the Plan is necessary;

b) resolve either to finally adopt the Plan with or without modification, to undertake further review of the Plan, or to not proceed with the Plan;

c) provide written notification of the Authority's resolution to all land owners who made a submission during public consultation, including giving notice of the Development Contribution they will be liable for under the Plan;

d) advise all others that made a submission during the consultation period, of the Authority's resolution;

e) advise the relevant Local Government of the Authority's resolution;

f) publish a notification of the Authority's resolution in a newspaper circulating within the Contribution Area and on the Authority's website; and

g) make available the Development Contribution Plan report to landowners.

7.8 AMENDMENT OF A DEVELOPMENT CONTRIBUTION PLAN

(1) The Authority may resolve at any time to make amendment to a Development Contribution Plan adopted under the Scheme, for the following reasons:

a) adjustment of estimated costs in line with revised and current estimates or actual amounts spent;

b) adjustment of costs for present value calculations or for indexing in line with the Consumer Market Price Index;

c) addition of one or more Development Costs that are needed or have been provided for the Development Contribution Area;

d) removal of one or more Development Costs that are no longer planned for the Development Contribution Area; or

e) to generally review and update text or other details of the Plan, as considered necessary by the Authority.

(2) Amendment of a Development Contribution Plan is to be undertaken in accordance with the procedures set out in clauses 7.6 and 7.7, except that the minimum consultation period shall be 28 days.

(3) Any revised costs or other amendments to a Development Contribution Plan will only apply to those owners yet to make full payment of their Development Contribution, and may not be applied retrospectively to an owner or land area where full payment under clauses 7.9, 7.10 and 7.11 has been received.

(4) Where the Development Contribution Plan has been amended to reduce or remove estimated costs or planned works, an owner that has made payment towards these costs may be refunded the excess amount in accordance with the difference between the adopted plan and the amended plan.

7.9 DEVELOPMENT CONTRIBUTION PLANS PREVIOUSLY ADOPTED

(1) Any Development Contribution Plan adopted under the provisions of the Interim Scarborough Redevelopment Scheme 2014 which was still in operation at the Gazettal date of the Scheme is deemed to have been made in accordance with clauses 7.3 and 7.7 and shall come into operation upon the coming into operation of this Scheme unless it is revoked by the Authority.

(2) Any landholding for which a Development Contribution has been made in full in accordance with a Development Contribution Plan previously adopted under the Interim Scarborough Redevelopment Scheme 2014 will not become liable for any Development Contribution under a further Development Contribution Plan.



7.10 LIABILITY FOR DEVELOPMENT CONTRIBUTION

(1) An owner of land in a Development Contribution Area is required to make a Development Contribution in accordance with the applicable Development Contribution Plan. An owner's liability to pay the owner's Development Contribution to the Authority arises on the earlier of:

a) the approval of any development on the owner's land within the Development Contribution Area, unless the development constitutes 'minor' development under clause 7.14;

b) the approval of any subdivision of the owner's land within the Development Contribution Area;

c) the last day before the expiry (if stipulated) of the Development Contribution Plan; or

d) the last day before the land is subtracted from the redevelopment area under section 31(1)(b) of the MRA Act, unless the Plan is transferred to the Local Government, or otherwise agreed by the Authority.

(2) No person shall commence or carry out any subdivision or development the subject of a subdivision approval or a development approval until the owner's cost contribution in respect of the land has been paid in full, or other arrangements for payment have been made to the satisfaction of the Authority.

(3) Where, prior to the operative date, the Authority has given to an owner of land notice in writing that it accepts a payment made by the owner in full and final satisfaction under this chapter in respect of that land, then the notice is to be taken to be a discharge of that owner's liability under sub-clause 7.10(1).

7.11 REVIEW OF COST CONTRIBUTION

(1) If an owner objects to the amount of a cost contribution, the owner may give notice to the Authority requesting a review of the amount of the cost contribution by an appropriate qualified person ('independent expert') agreed by the Authority and the owner at the owner's expense, within 28 days after being informed of the cost contribution.

(2) If, following a review, the valuer's determination of the value of the cost contribution is still not a figure acceptable to the owner, the value is to be determined —

a) by any method agreed between the Authority and the owner; or

b) if the Authority and the owner cannot agree, the owner may apply to the State Administrative Tribunal for a review of the matter under part 14 of the *Planning and Development Act 2005*.

7.12 METHOD OF PAYMENT

(1) The owner, subject to the agreement of the Authority, is to pay the owner's Development Contribution by:

a) cheque, cash or electronic transfer of funds;

b) providing infrastructure to the value of the Development Contribution;

c) providing land to the value of the Development Contribution;

d) providing a community facility or other community benefit, which is preferable to the Authority than other means of payment, and which is of equal or greater value to the Development Contribution;

e) any combination of these methods, where acceptable to the Authority; or

f) some other method acceptable to the Authority.

(2) The owner, subject to the agreement of the Authority, may pay the owner's Development Contribution in a lump sum, by instalments, or in such other manner acceptable to the Authority.

(3) Payment by an owner of the full Development Contribution consistent with the Development Contribution Plan at the time of payment, including a contribution based on estimated costs, constitutes full and final discharge of the owner's liability under the Development Contribution Plan and the Authority shall provide certification in writing to the owner of such discharge.

7.13 INTEREST IS PAYABLE

(1) Interest shall be payable on any owner's Development Contribution, which is due at the rate payable from time to time on judgement debts as determined pursuant to Order 61 Rule 23(2) of the Supreme Court Rules 1971 (WA) as amended.

(2) Interest payable pursuant to this clause shall accrue from the date the owner's Development Contribution became due in accordance with clause 7.10 to the date of receipt of payment, unless the Authority for good reason shown by the owner agrees to suspend or waive interest.

7.14 CAVEAT MAY BE LODGED AGAINST THE LAND TITLE

(1) The amount of any cost contribution for which an owner is liable under clause 7.9, but has not paid, is a charge on the owner's land to which the Development Contribution relates, and the Authority may lodge a caveat, at the owner's expense against the owner's title to that land.

(2) The Authority, at the owner's expense and subject to such other conditions as the Authority thinks fit, can withdraw a caveat lodged under this section to permit a dealing and may then re-lodge the caveat to prevent further dealings.

(3) If the cost contribution is paid in full, and if requested to do so by the owner, the Authority, at the expense of the owner, is to withdraw any caveat lodged under this section.



In this Scheme Charitable Institution means: an establishment, organisation or association that is instituted and operated to advance or promote a charitable purpose, and does not engage in activities that do not further, or are not in aid of, its charitable purpose; such as institutions providing not for profit services to the homeless, sick, disabled, aged, or under privileged persons, and is not an individual, a partnership, a political party, a superannuation fund or a government body.

7.15 EXEMPTIONS FOR MINOR DEVELOPMENT

(1) The Authority may, on request by the landowner, elect to exempt certain minor development proposals from being liable under clause 7.10 to pay the Development Contribution. In this instance minor development may include the first single house or outbuilding associated with that first single house, small scale alterations and additions to properties. The Authority will consider the exemption provided it is minor or incidental development that does not have a connection (nexus) between the development and the demand for the infrastructure included in the Development Contribution Plan.

(2) Should such an exemption be granted, this does not preclude the ability of the Authority to require a Development Contribution as a result of any subsequent development or subdivision.

7.16 EXEMPTION FOR CHARITABLE INSTITUTIONS

(1) The Authority may recognise the social contribution and limited financial capacity of Charitable Institutions within the Scheme Area and exclude certain charitable land holdings from being liable for Development Contributions.

(2) In preparation of a Development Contribution Plan the Authority may recognise any Charitable Institution which owns land within a Contribution Area and uses the land exclusively for charitable purposes, and exempt them from liability to pay the Development Contribution that is applicable to that land.

(3) During the consultation period of a Draft Development Contribution Plan and prior to its final adoption, any Charitable Institution which has not been exempted under the Draft Plan may apply to the Authority for an exemption. Any application must demonstrate to the Authority's satisfaction that the land is used for charitable purposes. An exemption may otherwise be provided, at the Authority's discretion, for part of a land holding if only part of the land is used for charitable purposes.

(4) An exemption granted by the Authority ceases to have effect if the land is no longer owned by the Charitable Institution or is no longer used for charitable purposes.

7.17 SPECIAL FUND FOR ACCUMULATING CONTRIBUTIONS

(1) The Authority shall establish in an interest bearing account a special fund for each Development Contribution Area that is subject to a Development Contribution Plan, for the purpose of accumulating moneys raised under this chapter. Money accumulated in each Development Contribution Area special fund, including any interest raised, is to be used only for:

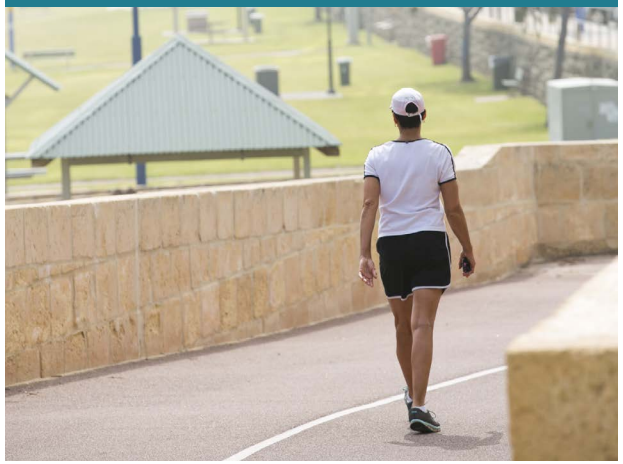
a) funding the Authority or those nominated by the Authority for the undertaking of any Development Costs in accordance with the Development Contribution Plan;

b) the reimbursement of the Authority or Local Government of moneys spent on any Development Costs in accordance with the Development Contribution Plan or Development Contribution Plan previously adopted under the Interim Scarborough Redevelopment Scheme 2014 or the City of Stirling Local Planning Scheme No. 3;

c) repayment of loans taken out by the Authority for the purposes of funding Development Costs in accordance with the Development Contribution Plan; or

d) where surplus funds have been collected from landowners into the special fund over and above the amount that is required to fund Development Costs in accordance with the Development Contribution Plan, then those surplus funds may, at the Authority's discretion, be reimbursed equitably to owners who have made a contribution.

e) to the extent, if any, that it is not reasonably practicable to identify owners and/or their entitled amount of refund, any excess in funds shall be applied to the provision of additional facilities or improvements in the development contribution area.





~~8.0~~
~~Heritage Protection~~

Contents

8.1 INTRODUCTION....91
8.2 HERITAGE PRECINCTS AND HERITAGE PLACES....91
8.3 PREPARATION OF A HERITAGE INVENTORY....91
8.4 CONSULTATION ON DRAFT HERITAGE INVENTORY....92
8.5 FINAL ADOPTION OF A HERITAGE INVENTORY....92
8.6 AMENDING OR RESCINDING A HERITAGE INVENTORY....93
8.7 HERITAGE INVENTORY ADVERTISED UNDER PREVIOUS SCHEME....93
8.8 LOCAL GOVERNMENT HERITAGE INVENTORY....93
8.9 INCLUSION OF STATE HERITAGE PLACES....93
8.10 EFFECT OF INCLUSION IN THE HERITAGE INVENTORY....94
8.11 DEVELOPMENT INVOLVING A HERITAGE PLACE OR PRECINCT....94
8.12 EXPERT ADVICE ON DEVELOPMENT APPLICATIONS....94
8.13 VARIATION OF DEVELOPMENT REQUIREMENTS....94
8.14 DETERMINATION OF HERITAGE DEVELOPMENT APPLICATIONS....94

9.0 REQUIREMENTS FOR STRUCTURE PLANS AND LOCAL DEVELOPMENT

8.0 Heritage Protection

8.1 INTRODUCTION

Chapter 8 makes provisions for the identification of Heritage Places and Heritage Precincts within the Scheme Area. The Heritage Inventory recognise and record sites, buildings, objects and other assets that are considered to have aesthetic, historic, scientific, social and/or spiritual value for the community. Special consideration of any proposed change to or new development of such places or within such precincts may be required to ensure their cultural heritage significance is maintained.

This chapter also sets out special provisions regarding development of Heritage Places and Heritage Precincts. These special provisions apply in addition to the provisions relating to development in Chapter 5 – Development Management and Chapter 6 – Land Use and elsewhere in the Scheme.

8.2 HERITAGE PRECINCTS AND HERITAGE PLACES

(1) The Authority recognises that there are buildings, sites, objects and areas within the Scheme Area that are of cultural heritage significance. The Authority defines these as either Heritage Places or Heritage Precincts.

(2) The Authority considers it necessary to protect, conserve, restore and re-use, as appropriate to the site, Heritage Places and Heritage Precincts for the benefit and enjoyment of present and future generations.

(3) The Authority may take such action as it deems appropriate for the conservation of Heritage Places and Heritage Precincts within the Scheme Area.

8.3 PREPARATION OF A HERITAGE INVENTORY

(1) The Authority shall prepare and maintain a Heritage Inventory or Inventories, which makes provision for the recognition and recording of places and precincts within the Scheme Area which, in the opinion of the Authority, are of cultural heritage significance and are therefore considered to be a Heritage Place and/or a Heritage Precinct.

(2) The Authority may seek expert advice and/or community input in identifying sites of cultural heritage significance and in preparing a Heritage Inventory, as considered appropriate by the Authority.

(3) The Heritage Inventory is to be prepared and adopted in accordance with the public consultation procedure of clause 8.4 and final adoption procedure of clause 8.5.

The following terms are defined terms in this Scheme:

Cultural Heritage Significance
in relation to a site means the relative value which that site has in terms of its aesthetic, historic, scientific, or social significance, for the present community and future generations.

Heritage Place
means land, building/s or structure/s within a defined area that is of recognised cultural heritage significance and is listed in the Authority's Heritage Inventory or the State Register of Heritage Places.

Heritage Precinct
means a group of sites that together form a precinct which is of cultural heritage significance, notwithstanding that each site within the precinct may not itself be a Heritage Place, and is listed in the Authority's Heritage Inventory or the State Register of Heritage Places.

THE BURRA CHARTER

The Burra Charter is Australia's principal guiding document that sets out principles and procedures to be followed in the conservation of heritage places, based on internationally accepted principles. Some of the principles of the charter include:

- Places of cultural significance should be conserved.
- Places of cultural significance should be safeguarded and not put at risk or left in a vulnerable state.
- Maintenance is fundamental to conservation.
- Demolition of significant fabric of a place is generally not acceptable.
- New work such as additions to the place may be acceptable where it does not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation.
- New work should be readily identifiable as such.
- Changes which reduce cultural significance should be reversible.
- The cultural significance of many places is not readily apparent, and should be explained by interpretation.

8.4 CONSULTATION ON DRAFT HERITAGE INVENTORY

(1) After preparation of a Heritage Inventory in accordance with clause 8.3, and prior to final adoption of the Inventory, the Authority may resolve to adopt the Inventory as a Draft Heritage Inventory for the purpose of public consultation. The Authority will then undertake a minimum 42 day consultation period during which the Draft Heritage Inventory is made available to relevant stakeholders and the general public and written comment is invited.

(2) The consultation period is to commence with the following actions:

a) notification of all land owners of any place or precinct that is to be added to the inventory;
b) referral of the inventory to the relevant Local Government/s;
c) referral of the inventory to the Heritage Council of Western Australia;
d) referral of the inventory to any other stakeholders, as identified by the Authority;
e) publication of a notification in a newspaper circulating within the locality of the proposed inventory;
f) publication of a notification on the Authority's website; and
g) a sign on subject sites if considered necessary by the Authority.

8.5 FINAL ADOPTION OF A HERITAGE INVENTORY

(1) Following the undertaking of consultation of a Draft Heritage Inventory in accordance with clause 8.4, the Authority will undertake the following actions:

a) review all submissions made during the consultation period and consider whether modification to the Inventory is necessary;
b) resolve either to finally adopt the Inventory with or without modification, or to undertake further review and consultation of the draft document;
c) provide written notification of the Authority's resolution to land owners of any place or precinct entered into the Heritage Inventory;
d) advise the relevant Local Governments and the Heritage Council of Western Australia of the Authority's resolution;
e) advise all those that made a submission during the consultation period, of the Authority's resolution;
f) publish a notification of the Authority's resolution in a newspaper circulating within the locality of the Heritage Inventory and on the Authority's website; and
g) make copies of any adopted Heritage Inventory available to view at the Authority's offices, and make electronic or printed copies available subject to payment of any necessary fee.

8.6 AMENDING OR RESCINDING A HERITAGE INVENTORY

(1) The Authority may resolve at any time to make amendment to or rescind a Heritage Inventory adopted under the Scheme, including the addition or removal of a Heritage Place or Heritage Precinct or any other change considered necessary by the Authority.

(2) Amendment of a Heritage Inventory is to be undertaken in accordance with the procedures set out in clauses 8.4 and 8.5.

(3) The Authority may resolve to revoke an adopted Heritage Inventory where the Heritage Inventory is to be replaced by an updated Heritage Inventory, or where land has been removed from the Scheme Area.

8.7 HERITAGE INVENTORY ADVERTISED UNDER PREVIOUS SCHEME

(1) A Heritage Inventory may be adopted under clause 8.5 even if the Heritage Inventory was prepared prior to the commencement of the Scheme, provided that anything done prior to the commencement of the Scheme would otherwise comply with the requirements of Chapter 8.

8.8 LOCAL GOVERNMENT HERITAGE INVENTORY

(1) When the Scheme Area is extended, such as by addition to the Scheme Map of a new precinct, the Heritage Inventory listings for that area of the relevant Local Government shall apply to that area as if adopted under this Scheme, until such time as the Authority prepares or amends its own Heritage Inventory for that area, in accordance with clauses 8.3 – 8.6.

8.9 INCLUSION OF STATE HERITAGE PLACES

(1) Any place or precinct within the Scheme Area that is entered on the current State Register of Heritage Places shall be deemed to be automatically entered into the Authority's Heritage Inventory for the relevant locality, regardless of whether or not the site is physically recorded in the Authority's Heritage Inventory. The site will be categorised as having the highest level of significance and conservation afforded by the relevant Inventory.

(2) The procedures set out in clauses 8.4 and 8.5 are not necessary to achieve automatic inclusion into the Authority's Heritage Inventory. The Authority is to give written notice to affected land owners and physically modify its Heritage Inventory as soon as practical after a site becomes automatically included.

THE BURRA CHARTER

More information on the Burra Charter is available from the Australian International Council on Monuments and Sites (ICOMOS) at: http://australia.icomos.org/publications/charters

STATE HERITAGE PLACES

The Heritage Council of Western Australia (HCWA) maintains a "Register of Heritage Places", which recognises places and precincts that are of high cultural heritage importance to Western Australia. These places are generally known as State heritage listed places. Those in the Authority's area are also included in the Authority's heritage inventories.

Development Approval is required for all development to State heritage listed places. A Development Application must be lodged with the Authority, and the Authority will obtain advice from HCWA on the application. Refer to the Authority's Heritage Policy before undertaking any works to State heritage listed places.

HCWA's website provides useful information on State listed places, grants programmes, case studies and conservation at: www.heritage.wa.gov.au

8.10 EFFECT OF INCLUSION IN THE HERITAGE INVENTORY

(1) Inclusion of a place or precinct in the Heritage Inventory shall have the effect of recognising its cultural heritage significance. The Authority is to have regard to the recognised cultural heritage significance and any statements regarding its significance and any level of management as recorded in the Heritage Inventory when determining applications made under this Scheme.

8.11 DEVELOPMENT INVOLVING A HERITAGE PLACE OR PRECINCT

(1) In accordance with the provisions of Part 6 of the MRA Act and Chapter 5 of this Scheme, Development Approval is required prior to undertaking any development (including demolition) of any Heritage Place or Heritage Precinct in the Scheme Area, unless otherwise stated in the *Metropolitan Redevelopment Authority Regulations 2011*.

8.12 EXPERT ADVICE ON DEVELOPMENT APPLICATIONS

(1) Prior to making any decision on a Development Application relating to a Heritage Place or Heritage Precinct, the Authority may consult with the Heritage Council of Western Australia, an independent heritage consultant or other such bodies or persons as the Authority considers appropriate to assist in the determination of the application or improve the conservation outcome and/or design.

8.13 VARIATION OF DEVELOPMENT REQUIREMENTS

(1) Where any development is proposed which would conserve, by reason of incorporation in the development or otherwise, the whole or a substantial part of an existing Heritage Place which the Authority considers worthy of conservation, the Authority may consider approval of variations to requirements of the Scheme, Development Policy or Design Guideline.

8.14 DETERMINATION OF HERITAGE DEVELOPMENT APPLICATIONS

(1) In determining a Development Application relating to a Heritage Place or Heritage Precinct, in addition to the matters for consideration set out in Chapter 5 and Chapter 6 and elsewhere in the Scheme, the Authority will have particular regard for the following matters:

a) the recognised cultural heritage significance of the place or precinct and any statements regarding its significance and any level of management, as recorded in the Heritage Inventory;

b) the provisions and requirements of its adopted heritage inventory, both in general and in regard to the provisions contained in the heritage inventory for any particular place or precinct;

c) ~~any Development Policy adopted under the Scheme relating to heritage conservation or heritage places;~~

d) ~~any conservation plan or heritage impact assessment prepared for that site by a recognised heritage professional;~~

e) ~~the policies, plans, agreements or views of the State Heritage Office in relation to any site on the State Heritage Register; and~~

f) ~~any views or comments the Authority may have solicited from any expert person or body, or other stakeholder in relation to the application.~~





~~9.0~~
~~Requirements for Structure Plans and Local Development Plans~~

Contents

PLANS 99

9.1 PURPOSE OF STRUCTURE PLAN AREAS 99

9.2 SUBDIVISION AND DEVELOPMENT 99

9.3 PREPARATION OF A STRUCTURE PLAN 99

9.4 CONTENTS OF A STRUCTURE PLAN 99

9.5 DETERMINATION OF AN APPLICATION FOR STRUCTURE PLAN APPROVAL 100

9.6 AMENDMENT OF AN APPROVED STRUCTURE PLAN 101

9.7 LOCAL DEVELOPMENT PLANS 101

10.0 APPENDICES 105

9.0 Requirements for Structure Plans and Local Development Plans

9.1 PURPOSE OF STRUCTURE PLAN AREAS

(1) To ensure the orderly and proper planning of the Scheme Area, the Authority may require the preparation of a Structure Plan for large, significant, or fragmented land holdings in, or partly within, the Scheme Area. This may be required where the Authority has yet to approve a strategic master plan or adopt Design Guidelines for the subject land.

9.2 SUBDIVISION AND DEVELOPMENT

(1) Where preparation of a Structure Plan is required, the Authority's approval of the Structure Plan is required prior to the Authority determining a Major Development Application or recommending approval of a subdivision to the Western Australian Planning Commission or the Minister for Planning for land within the Structure Plan area.

9.3 PREPARATION OF A STRUCTURE PLAN

(1) Structure Plans can be prepared by the Authority or by a land owner(s).

(2) When so requested by the Authority, a land owner(s) will prepare and submit an Application for Structure Plan Approval to the Authority for determination. Alternatively a land owner(s) may submit a Structure Plan Application for the Authority's determination without being requested to do so by the Authority.

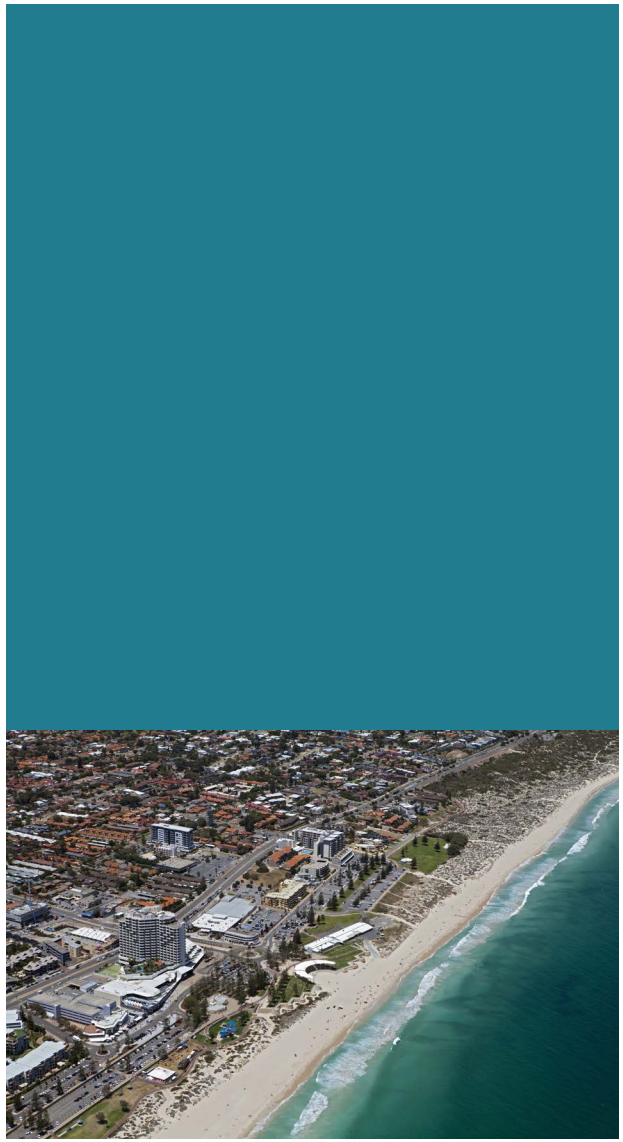
9.4 CONTENTS OF A STRUCTURE PLAN

(1) Unless otherwise set out in a Development Policy adopted in accordance with Chapter 4, a structure plan is to be prepared generally in accordance with the Western Australian Planning Commission's Structure Plan Framework 2015 and contain detailed information as required but not limited to the following:

a) movement network;
b) consideration for and connection to the surrounding context;
c) public places, public open space and/or other public realm considerations;
d) any foreshores, waterways and/or other environmental features;
e) the response to relevant environmental, heritage or transport considerations;
f) relevant plans, supporting information and technical reports to justify the proposal;
g) water management in accordance with water sensitive urban design principles; and
h) any other important considerations or aspects, as required by the Authority.

A Structure Plan is a document that incorporates a report, structure plan map, additional technical supporting documents and plans, to provide a framework for the coordinated provision and arrangement of future land use, subdivision and development in new urban areas (greenfield sites) and in existing developed/redevelopment areas (brownfield sites) in metropolitan and regional areas. It coordinates the provision of transport networks, public open space (POS), utility and service networks, urban water management, development standards and community and other infrastructure investment and staging programs. A Structure Plan is a particularly important planning instrument for land held in fragmented or multiple ownership. It often accompanies a region scheme amendment or local planning scheme amendment proposal in order to illustrate future development and subdivision intentions.

Structure Plans coordinate the provision and planning for land use development, infrastructure and facilities on the neighbourhood scale and provide a statutory planning framework to facilitate future subdivision and development.



9.5 DETERMINATION OF AN APPLICATION FOR STRUCTURE PLAN APPROVAL

(1) An application for Structure Plan Approval is to be determined and processed by the Authority generally in accordance with the provisions of Chapter 5 for a Major Application, including but not limited to the clauses addressing:

a) Referral to government bodies;

b) Public consultation on certain applications;

c) Specialist advice; and

d) The decision of the Authority to approve, approve subject to condition/s or refuse the application.

(2) In addition to the above clauses, the Authority may have regard (but not be limited) to the following:

a) the planning framework for the applicable structure plan area, and any development policies, design guidelines, strategies, and Scheme provisions which apply to the land;

b) whether the proposed structure plan is consistent with the Scheme Vision and Objectives and the precinct intent;

c) how planning for the subject area is to be integrated with the surrounding land;

d) the design rationale for the proposed pattern of subdivision, land use and development;

e) traffic management and safety in accordance with the Western Australian Planning Commission's Transport Assessment Guidelines;

f) open space provision and management;

g) wastewater management, how the proposal incorporates the principles of water sensitive design and how it addresses the objectives of total water cycle management;

h) the provision of utility services;

i) the proposed method of implementation, including any cost sharing arrangements; and details of any staging of subdivision and development.

(3) A decision on an Application for Structure Plan Approval conveys the Authority's position on the proposed general layout and built form of the land holdings only and does not in any way constitute an approval or refusal to undertake development or subdivision.

(4) A Structure Plan approval is current for five years from the date of the approval form being signed, or until such further time as may be stipulated on the form.

(5) The Authority is to have due regard for any valid decision to approve a structure plan when determining a subsequent Development Application or providing comment to the Western Australian Planning Commission or Minister for Planning on a proposed subdivision for land within the area of the Structure Plan.

9.6 AMENDMENT OF AN APPROVED STRUCTURE PLAN

(1) An application to amend an approved structure plan should contain all details outlined in 9.4 which are subject to variation.

(2) The Authority may vary a structure plan:

a) If in the opinion of the Authority, the variation does not materially alter the intent of the structure plan; or

b) otherwise, amend the approved structure plan in accordance with the procedures set out in clause 8.5.

(3) After resolving to amend a structure plan under subclause (2), the Authority is to notify as soon as practicable, the Local Government and any other person who in the opinion of the Authority is affected by the amendment.

(4) A variation to a structure plan comes into effect on the day on which the Authority provides written notification of its decision to make the variation under subclause (2).

9.7 LOCAL DEVELOPMENT PLANS

(1) Local Development Plans may be prepared by the Authority or by an owner at the request of the Authority for the whole or part of a Structure Plan area, for the purpose of enhancing, elaborating and expanding the details or provisions contained in a Structure Plan.

(2) Local Development Plans prepared under subclause (1) are to be made and approved generally in accordance with Chapter 5 for a standard application, including but not limited to the clauses addressing:

a) Referral to government bodies

b) Public consultation on certain applications;

c) Specialist advice; and

d) The decision of the Authority to approve, approve subject to condition/s or refuse the application.

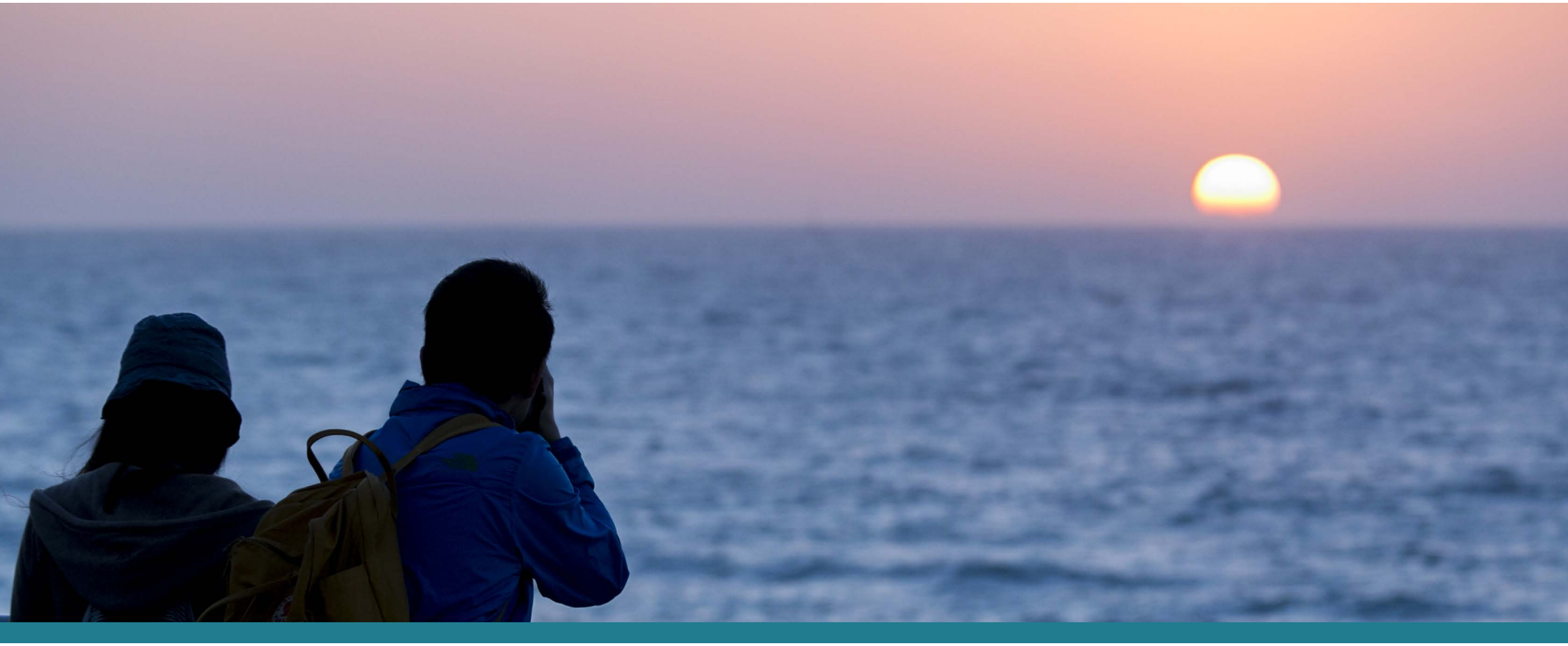




~~(3) Local Development Plans may include (but not be limited) to details regarding:~~

~~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 areas;~~
~~f) the location, orientation and design of buildings and the spaces between buildings;~~
~~g) advertising signs, lighting and fencing;~~
~~h) landscaping, finished site levels and drainage;~~
~~i) water management and water sensitive urban design principles;~~
~~j) the protection of places of heritage or environmental significance;~~
~~k) special development controls and guidelines; and~~
~~l) such other information, guidance or controls considered relevant by the Authority.~~

~~(4) Once approved by the Authority, Local Development Plans prepared under this clause constitute a variation to the structure plan.~~



10.0 Appendices

Contents

~~APPENDIX 1 – SCHEME MAP..... 105~~

APPENDIX 2 – DEFINED TERMS..... 106

APPENDIX 3 – DEFINED LAND USES..... 111

~~APPENDIX 4 – RECORD OF SCHEME AMENDMENTS..... 117~~

10.0 Appendices

~~APPENDIX 1 – SCHEME MAP~~



LEGEND

- Scheme Area Boundary
- Beachside Precinct
- Esplanade Precinct
- Gateway Precinct
- Beach Road Precinct
- Groves Precinct
- Primary Regional Road
- Other Regional Road
- Public Purpose Reserve
- Public Open Space Reserve

APPENDIX 2 – DEFINED TERMS

Advertisement or Advertising Device	means any object or structure on which words, numbers, figures or drawings are displayed for the purpose of advertising, announcing or providing direction to any business, function, operation, development, event undertaking or any product.
Amplified Music Entertainment Venue	means a hotel, tavern, nightclub, small bar, function centre, entertainment complex, theatre/performance venue, or other such entertainment premises, that plays amplified music, either live or pre-recorded, on a regular or periodic basis for the entertainment of customers or the general public.
Applicant	means a person, company or body authorised by the owner to make an application for development, subdivision or other application under the Scheme, or to act on any other matter in relation to the land.
Authority	means the Metropolitan Redevelopment Authority.
Building	means any structure whether fixed or moveable, temporary or permanent, placed or erected on land.
Building Height	means the full and greatest height of a building or structure, as measured at any point from ground level at the lot boundary to the highest point of any roof.
Charitable Institution	means an establishment, organisation or association that is instituted and operated to advance or promote a charitable purpose, and does not engage in activities that do not further, or are not in aid of, its charitable purpose; such as institutions providing not for profit services to the homeless, sick, disabled, aged, or under privileged persons, and is not an individual, a partnership, a political party, a superannuation fund or a government body.
Complete Application	means a Development Application that is submitted to the Authority's satisfaction, including a completed application form, payment of application complete sets of development plans, and all required supporting information, as required by the Regulations and clauses 5.9, 5.10 and 5.11 of the Scheme.
Consumer Price Index	means the measure of quarterly or yearly chance in the price of typical household consumers goods and services, as set by the Australian Bureau of Statistics.
Contemplated Use	means land uses falling within a Land Use Category that is listed in Table 6.2 as 'Contemplated' for a specified Precinct, or a land use/s specified in a Design Guideline as Contemplated for a Precinct, site or part of a building.
Council	also Local Government, means the Council of the relevant Local Government (whether City, Town or Shire) which has statutory jurisdiction under the *Local Government Act 1995* (as amended) over the district in which the subject land is located.
Cultural Heritage Significance	means, in relation to a place, the relative value which that place has in terms of its aesthetic, historic, scientific, or social significance, for the present community and future generations.
Design Guideline	provide specific development requirements for project or site specific areas to ensure quality development outcomes (adopted under the applicable MRA Redevelopment Scheme).

Development	has the same meaning as is given to that term in section 3 of the MRA Act.
Development Application	means an Application for Approval to Undertake Development issued by the Authority in accordance with clause 3.20 of the Scheme.
Development Approval	means an Approval to Undertake Development issued by the Authority, including the approval form and any conditions of approval and all plans and documents of that approval.
Development Contribution	means a financial contribution required from an owner towards the Development Costs in a Development Contribution Area, in accordance with a Development Contribution Plan. Liability for a Development Contribution is set out in clause 6.10.
Development Contribution Area	means an area as defined in clause 7.2 and shown on the Scheme Map at Appendix 1.
Development Contribution Plan	means a plan which sets outs the Development Costs required for a Development Contribution Area and the calculation system for Development Contributions, prepared in accordance with clause 7.3.
Development Costs	means the infrastructure and administrative costs as identified in clause 7.4.
Development Policy	detailed statutory requirements to achieve issue specific outcomes at the redevelopment area level (adopted under the applicable MRA Redevelopment Scheme).
Dwelling	means a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.
Gross Floor Area	means the gross total of the area of all floors within a building including the thickness of all walls but excluding non-habitable floor space in basements; areas used exclusively for the parking of wheeled vehicles at or below ground level; lift shafts, stairs, and stair landings, open balconies, verandas, courtyards and roof terraces; lobbies or amenities common to more than one dwelling or occupancy; machinery/air conditioning/plant rooms.
Heritage Conservation	means, in relation to any place, the management of that place in a manner that will enable the cultural heritage significance of that place to be retained and yield the greatest sustainable benefit to the present community without diminishing the cultural heritage significance of that place, and may include preservation, stabilisation, protection, restoration, reconstruction, adaptation, and maintenance of that place in accordance with relevant professional standards and as appropriate to the place.
Heritage Inventory	the inventory of heritage places and precincts that are of recognised cultural heritage significance, adopted under the Scheme.
Heritage Place	means land, building/s or structure/s within a defined area that is of recognised cultural heritage significance and is listed in the Authority's Heritage Inventory or the State Register of Heritage Places.

Heritage Precinct	means a group of sites that together form a precinct which is of cultural heritage significance, notwithstanding that each site within the Precinct may not itself be a Heritage Place, and is listed in the Authority's Heritage Inventory or the State Register of Heritage Places.
Land Use	means the development or use of land for a specified purpose, including but not limited to the Land Uses listed within each Land Use Category in Table 6.1.
Land Use Category	means a Land Use Category listed as one of the seven categories of Table 6.1 and includes all Land Uses listed in Table 6.1 as being within that category.
Land Use Table	means Table 6.2 that indicates the Preferred and Contemplated Land Use Categories for each Precinct within the Scheme Area.
Local Development Plan	also referred to as detailed area plans approved by the Authority under the scheme to provide specific and detailed planning to guide and coordinate development, which may include variation(s) to development requirements.
Master Plan	a strategy for achieving the project vision, objectives and targets, including a map of proposed land uses and destinations. The master plan is not adopted as a statutory document under this Scheme.
Mixed Land Use	means the existence of a variety of different land uses within a project area, precinct, site or locality.
Mixed-Use	buildings that contain commercial and other non-residential uses in conjunction with residential dwellings in a multiple dwelling configuration.
MRA Act	means the *Metropolitan Redevelopment Authority Act 2011*.
MRA Regulations	means the *Metropolitan Redevelopment Authority Regulations 2011* (as amended).
Net Lettable Area	means the gross floor area of a building minus the area of the thickness of external walls and excludes the following areas - a) all stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas; b) lobbies between lifts facing other lifts serving the same floor; c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building; and d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.
Noise-Sensitive Premises	has the same meaning as in the *Environmental Protection (Noise) Regulations 1997*, and includes premises occupied solely or mainly for residential or accommodation purposes; and premises used for the purpose of a hospital, sanatorium, educational establishment, public worship, aged care or child care.

Non-Conforming Use	a) being lawfully carried out; or b) for which an approval or approvals lawfully required to authorise development for that purposes were duly obtained and are current, immediately before the Gazettal date or date Gazettal of an amendment to the Scheme, whichever is relevant, and that is not stipulated in regard to the relevant precinct as either a 'preferred use' or 'contemplated use'
Normalisation	the processes required to return functions, powers and responsibilities to Local Government and other government bodies.
Owner	a) 'Owner' in relation to any land includes the Crown or any instrumentality of the Crown or the Council and every person who jointly or severally, whether at law or in equity is in possession as: (i) the holder of a legal or equitable estate of freehold in possession in the land; (ii) a Crown lessee with a right to purchase or acquire the freehold; (iii) a mortgagee of the land; or (iv) a trustee, executor, administrator, attorney or agent of any of the foregoing. b) where there is not a person in possession, means the person who is entitled to possession of the land in any of the capacities mentioned in paragraph (a) of this interpretation except that of mortgagee; c) in regard to State Crown land not vested in any department, authority, instrumentality, Council, body or person and not the subject of a lease with a right to purchase or acquire the freehold means the Crown in right of the State of Western Australia; d) in regard to State Crown land vested in any department, authority, instrumentality, Council, body or person for any purpose, means that department, authority, instrumentality, Council, body or person; and e) an owner of land that is located within a Development Contribution Area.
Planning and Development Act	means the *Planning and Development Act 2005* (as amended).
Precinct	means a definable area within a project area.
Preferred Use	means land uses falling within a Land Use Category that is listed in Table 6.2 as "Preferred" for a specified Precinct, or a land use/s listed in a Design Guideline as a Preferred Use for a Precinct, site or part of a building.
Project Area	means a definable area within a Redevelopment Area designated on the Scheme Map in Appendix 1.
Public Authority	has the same meaning as is given to that term in section 3 of the MRA Act.

Public Realm	also means public domain, means the public setting of place that people can see and access, and interact with each other and their surroundings, including public land, public places, public gardens, streets, laneways, footpaths and the associated environmental setting and building frontages.
Redevelopment Area	has the same meaning as is given to that term in section 3 of the MRA Act.
Scheme	means the current gazetted redevelopment scheme, adopted pursuant to provisions in the MRA Act. The scheme sets out provisions for development and use of land within the Scheme Area; enables adoption of subsidiary statutory documentation; establishes project and precinct boundaries; establishes land use definitions.
Scheme Area	means the geographical area covered by the provisions of the Scheme, as shown on the Scheme Map in Appendix 1.
Special Fund	means an account maintained by the Authority for the purpose of accumulating moneys collected for a specified purpose.
Structure Plan	a framework to coordinate future land use, subdivision and development, including the provision of transport networks, public open space, utility and service networks (approved under the applicable Redevelopment Scheme).
Undertake	when the term is used in relation to development it means to commence, carry out or continue development.
Universal Access	means the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialised design.
Valuer	means a licensed valuer agreed by the Authority and the owner, or where the Authority and the owner are unable to reach agreement, a valuer appointed by the President of the Western Australian Division of the Australian Property Institute.
WAPC	means the Western Australian Planning Commission, or its successor.
Working Drawings	means plans and supporting details, reports and documentation that form part of a building permit application to a Permit Authority, copies of which are provided to the Authority under clause 5.33 of the Scheme prior to submitting a building permit application.

APPENDIX 3 – DEFINED LAND USES

Aged Persons Accommodation	means a dwelling or group of dwellings designed and used for the accommodation of aged persons or for a person living with a disability but does not include a hostel or a nursing home.
Amusement and Gaming Centre	means premises providing public amusement facilities such as amusement machines, computer gaming, karaoke, pool tables or bowling alleys. The premises may be open evenings or late night.
Animal Establishment	means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include veterinary centre.
Artist's Studio	means a premises from which an artist or artists work to produce items of an artistic nature including paintings, ceramics, sculptures, craft, photography, jewellery, fashion and mixed-media art. It may also include the ancillary display and sale of artistic goods produced on site. An artist studio does not allow for accommodation on the premises.
Bed and Breakfast	means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.
Betting Agency	means premises used for betting and operated in accordance with the *Racing and Wagering Western Australia Act 2003* (as amended).
Business Services	means premises used for the provision of commercial services which are predominantly administrative in nature but which are dependent on direct access to the public and generally have a retail shop front, includes a bank or similar financial services, real estate agency or similar property services, post office, travel agency, and other similar such businesses.
Caretaker's Dwelling	means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant.
Child Care Premises	means land and buildings used for the daily or occasional care of children in accordance with the *Children and Community Services (Child Care) Regulations 2006* (as amended).
Cinema	means land and buildings designed and used for the public viewing of motion pictures which include the provision of single or multiple cinemas or screens, and may also include large scale parking areas and facilities for patron dining or drinking and other ancillary public amusements.
Club Premises	means land or buildings used solely by a legally constituted club or association, or other membership-based group to pursue an identified common interest.

Commercial Car Park	means land and buildings used primarily for parking cars, taxis or wheeled vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings in which cars are displayed for sale or hire.
Commercial Hall	means a structure designed and used for commercial gatherings and public meetings.
Community Facility	means a premises used for the purposes of public meeting, social interaction and other non-commercially based social activities.
Consulting Rooms	means premises used by not more than two legally qualified health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care.
Convenience Store	means premises a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods; b) operated during hours which include, but may extend beyond, normal trading hours; c) which provide associated parking; and d) the floor are of which does not exceed 300 square metres net lettable area.
Dry Cleaning Premises	means premises used for the cleaning of garments and other fabrics by chemical processes.
Educational Establishment	means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre.
Entertainment Complex	means a large scale multi-purpose sports, concert and entertainment venue, which may include associated dining and drinking facilities and may be subject to a Special Facility or other such licence under the *Liquor Control Act 1988*.
Event Space	means land and/or premises regularly or occasionally used for temporary events such as festivals, fairs, expos, concerts, artist performances and art exhibitions or art installations.
Exhibition Centre	means premises used for the display and ancillary sale of materials of an artistic, cultural, historical or scientific nature, such as an art gallery or museum, with or without facilities for the ancillary sale of refreshments and/or souvenirs.
Fast Food Outlet	means premises where food is prepared and sold for consumption on the premises and/or to be taken away and the operation of which is likely to attract a high level of pedestrian and/or vehicular traffic, including a drive through facility.
Function Centre	means premises used, by arrangement, to accommodate for private functions, which would usually include the provision of meals and/or alcohol and may include amplified music or live entertainment. May be subject to a Special Facilities licence under the *Liquor Control Act 1988*.

Funeral Parlour	means premises used to prepare and store bodies for burial or cremation.
Garden Centre	means premises used for the display and sale of garden products, including ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of prefabricated garden buildings.
Grouped Dwelling	a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property.
Home Business	means any business, commercial or occupational activity operated from a private residential dwelling or within a residential lot. A private residential dwelling is one used for permanent residence and not used for temporary or commercial accommodation.
Home Store	means any shop with an NLA not exceeding 100m^2 attached to a dwelling and which is operated by a person resident in the dwelling.
Hospital	means a premises used to provide health care services and treatment to the public or to private patients including medical, surgical, psychiatric, diagnostic and other such services, and includes provisions for the temporary accommodation of patients and may include provisions for visitors, ambulances, and service vehicles.
Hostel	means accommodation premises specifically used for temporary accommodation of tourists or members of associations or institutions, including youth hostels, backpacker establishments, educational institutions, religious retreats or similar.
Hotel	means premises providing accommodation the subject of a hotel licence under the *Liquor Control Act 1988*, and may include a betting agency on those premises, but does not include a tavern or motel.
Industry – Light	means premises used for industrial activity of a low impact nature in which the associated processes, machinery, goods or transportation do not present a significant adverse effect on the amenity of the locality from the emissions of bi-products, particles, odours or noise, or other disturbances; and which will not impose an undue load on service infrastructure.
Industry – Service	means premises used similar to Light Industry but that also include a retail shop front used for the sale of goods manufactured on the premises or the receiving of goods to be serviced on the premises.
Laundromat	means premises open to the public in which washing machines, with or without provision for drying clothes, are available for use.
Liquor Store	means premises licensed under the *Liquor Control Act 1988* providing for the sale of packaged liquor for consumption off the premises only, but does not include a Hotel or a Tavern.
Lunch Bar	means premises or part premises used for the sale of take-away food in a form ready to be consumed without further preparation.

Market	means land or premises used for the temporary or permanent establishment of stalls for the display and retail sale of goods or to provide services of a personal nature, by independent vendors or stall holders.
Media Production	premises designed and used for production, post production, or broadcasting of media.
Medical Centre	means premises, other than a hospital, used by three or more legally qualified health consultant/s for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment).
Motel	means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the *Liquor Control Act 1988*.
Motor Vehicle Maintenance	means premises used for or in connection with: a) electrical and mechanical repairs, or overhauls, to vehicles; or b) repairs to tyres, but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping.
Multiple Dwelling	means a dwelling in a group of more than one dwellings on a lot where any part of a dwelling is vertically above part of any other but a) does not include a grouped dwelling; and b) includes any dwellings above the ground floor in a mixed use development.
Night Club	means premises used for late night live entertainment and/or amplified music, with or without eating facilities; and that may be subject of a Nightclub, Cabaret or other licence under the *Liquor Control Act 1988*, but does not include takeaway (packaged) liquor sales.
Office	means premises used for administrative, clerical, technical, professional or other like business activities.
Outdoor Display Centre	means premises which include an open air land area used for the display, hire or sale of goods by wholesale or retail, usually of a bulky nature or in large quantities, such as garden and landscaping products, outdoor leisure goods, hardware goods, and usually also includes large parking and delivery areas and buildings for office or shop purposes.
Personal Services	means an establishment providing services of a personal beauty or wellbeing nature such as hairdressers, massage, manicure, solariums and beautician services.
Place of Worship	means premises used for religious activities such as a church, chapel, mosque, synagogue or temple.

Recreation and Sporting Facilities	means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public, and to which a charge may or may not be made for use.
Research and Development	means premises used for scientific and industrial research and the development, production and assembly of products associated with that research.
Restaurant/Cafe	means premises including a building and any outdoor area used for the primary purpose of providing meals or snacks and/or coffee and other non-alcoholic beverages for consumption on the premises. The sale of alcohol for consumption on the premises or the sale of food for consumption off the premises may be ancillary to this. May or may not be subject to a Restaurant licence under the *Liquor Control Act 1988*.
Self Storage Unit	means building/s used for the storage or goods, equipment or material.
Serviced Apartments	means buildings which include self-contained units used for transient accommodation together with associated office and service facilities, but the term does not include a hostel, a hotel, a motel, short stay accommodation, student accommodation or a residential building.
Service Station	means any land or building used for the supply of vehicle fuels and which includes the provision of lubrication and greasing services, tyre repairs and minor mechanical repairs.
Shop	means a small scale building or premises used for the display and sale of goods by retail sale, which does not require a large car parking requirement. Includes premises selling items such as clothing, footwear, jewellery, books, music, homewares, plants, flowers, sporting goods and small scale electrical goods, as well as bakeries, butchers, chemists, newsagents and like stores. May include some preparation but not manufacturing of goods for sale on site.
Shopping Complex	means a large scale premises, building, or group of buildings and associated land and car parking, used for large retail outlets displaying and selling bulky goods or a large variety of goods, such as a supermarket, variety store, department store, retail showroom, or a shopping centre containing several shops.
Short Stay Accommodation	means premises used for accommodation that may be occupied by the same person/s for a maximum period of three months within any twelve month period, and are not subject to residential tenancy agreements (residential leases).
Showroom	premises used to display, sell by wholesale or retail, or hire goods of a bulky nature that require a large area for handling, display or storage; or direct access to the site of the premises by the public for the purpose of loading goods into a vehicle after purchase or hire. For example: automotive parts and access; camping and recreational equipment; electrical light fittings; animal pet supplies; floor coverings; furniture; home entertainment goods, household appliances.

Single House	means a dwelling standing wholly on its green title own lot or survey-strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property.
Small Bar	means premises licensed as a Small Bar under the *Liquor Control Act 1988* to sell liquor for consumption on the premises. May or may not provide live entertainment and the supply of food for consumption on the premises.
Specific Purpose Accommodation	means a dwelling or collection of dwellings designed and/or set aside for a specific or special accommodation need usually of a permanent nature and may include student accommodation.
Tavern	means premises licensed as a Tavern under the *Liquor Control Act 1988* to supply liquor for consumption on the premises.
Telecommunications Infrastructure	means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network.
Theatre / Performance Venue	means a premises designed and used for the regular performance and public viewing of a theatrical, dance, music, or comedy performance or other such live artistic performance The premises usually includes a stage, public seating and the ancillary service of beverages or light food, but does not include a Tavern or Nightclub or other such venue operated predominately for the sale and consumption of liquor.
Trade Display	means premises used for the display of trade goods and equipment for the purposes of advertisement.
Transport Depot	means land and associated buildings for the holding or storage and ancillary servicing of transport vehicles such as trains, trams, buses and trucks and related infrastructure, equipment, and offices.
Veterinary Centre	means any premises used in practice by a registered veterinary surgeon for the medical or surgical treatment of animals other than for the purpose of the hospitalisation or boarding of animals.
Warehouse	means premises used to store or display goods and may include sale by wholesale.

APPENDIX 4 – RECORD OF SCHEME AMENDMENTS

~~DOCUMENT CONTROL~~	
~~**Gazettal Date:**~~	~~17 September 2016~~

~~**Amendment Date:**~~	~~**Nature of Amendment:**~~

GOVERNMENT OF WESTERN AUSTRALIA

MRA Metropolitan Redevelopment Authority

MORE INFORMATION

If you require any further information or explanation of the Authority planning framework, Development Applications or the Scheme, the following options are available:

Website:
review planning documents on the Authority's website:
www.mra.wa.gov.au

Email:
email your query to the Authority at:
reception@mra.wa.gov.au

Phone:
phone the Authority to chat to a planner on (08) 6557 0700

Meeting:
book a meeting to discuss your proposal with a planner by phoning (08) 6557 0700

CITY OF STIRLING

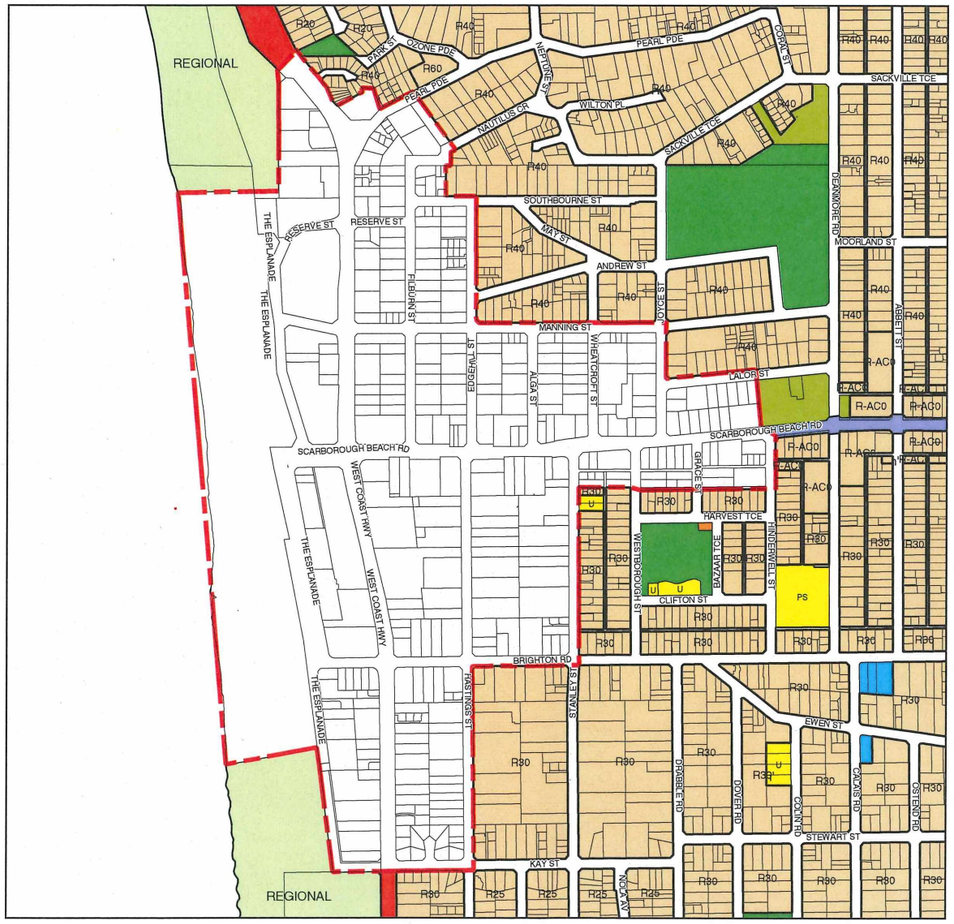
Local Planning Scheme No. 3
Scheme Map

AMENDMENT No. 124

Scarborough Beach Redevelopment Area - Normalisation
Sheet 1 of 2

REZONING OF VARIOUS LOTS TO PROGRESS NORMALISATION OF THE SCARBOROUGH REDEVELOPMENT AREA

Existing Zoning



Proposed Zoning



LEGEND

ZONING

- Scarborough Redevelopment Area
- No Zone
- R'n' — RESIDENTIAL - R - CODE (where "n" is the R Code value)
- Development
- Local Centre
- Private Institution

METROPOLITAN REGION SCHEME RESERVES

- Primary Regional Road
- Other Regional Road
- REGIONAL — Parks and Recreation

LOCAL RESERVES

- Public Open Space and Local Authority Purposes

PUBLIC USE RESERVES

- U — Utility
- PS — Primary School
- P — Police Station

Adopted by resolution of the Council of the City of Stirling at the Meeting of the Council held on the 5 day of April 2022.

Acting Mayor — Date: 21/4/2022

Chief Executive Officer — Date: 19/4/22

FINAL APPROVAL

1. Adopted by resolution of the Council of the City of Stirling at the Meeting of the Council held on the _____ day of _____ 202 ___ and the Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:-

   Mayor — Chief Executive Officer

2. Recommended / Submitted for Final Approval

   Delegated Under S.16 of the Planning & Development Act 2005 — Date

3. Final Approval Granted

   Minister for Planning — Date

CITY OF STIRLING

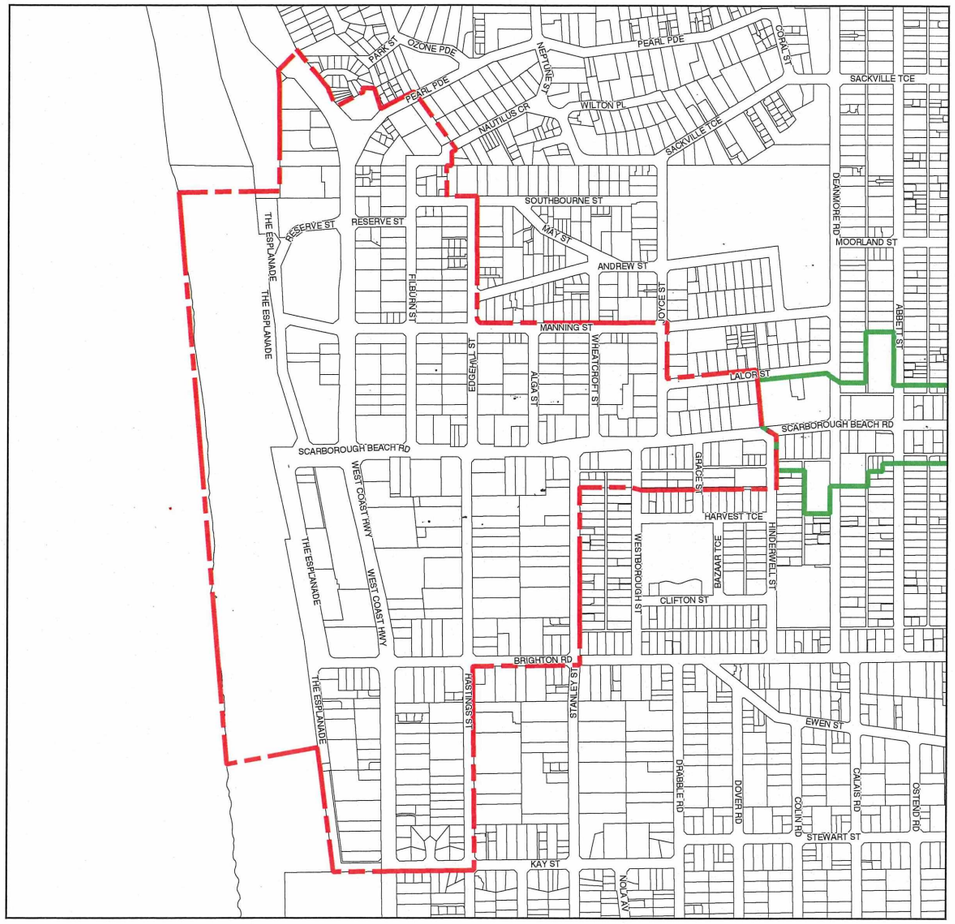
Local Planning Scheme No. 3
Scheme Map

AMENDMENT No. 124

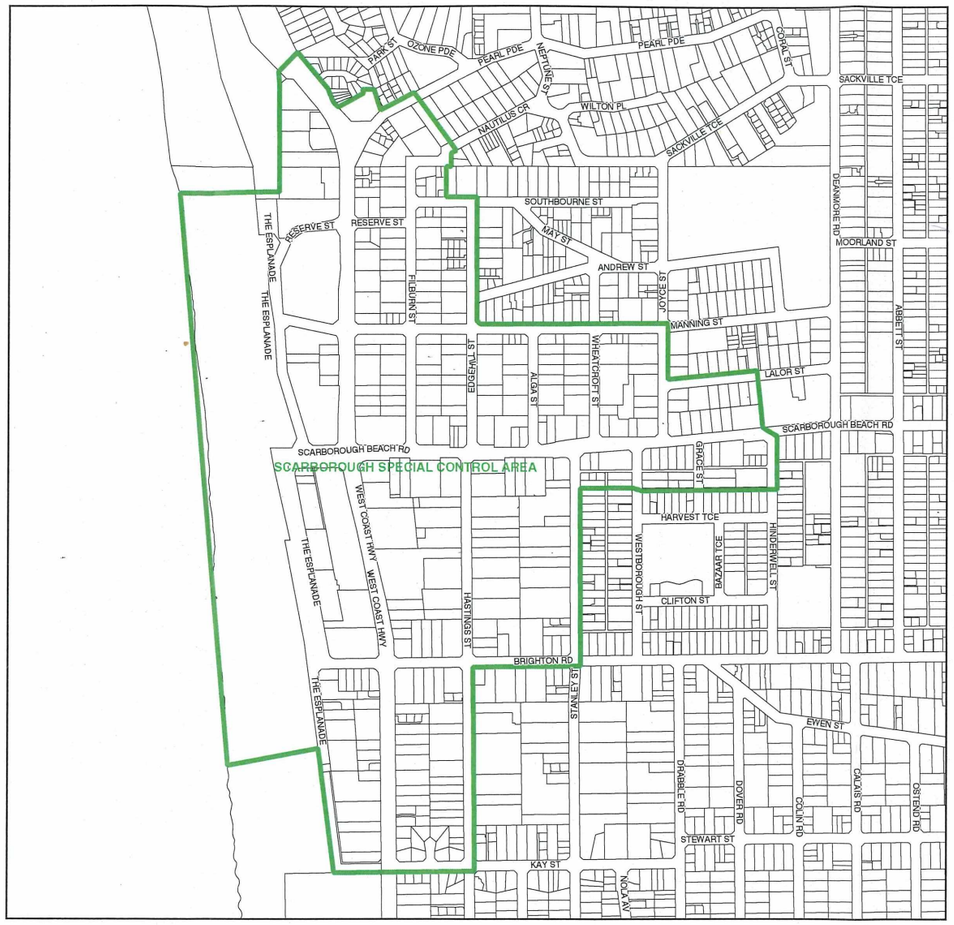
Scarborough Beach Redevelopment Area - Normalisation
Sheet 2 of 2

DESIGNATION OF THE SCARBOROUGH SPECIAL CONTROL AREA

Existing Zoning



Proposed Zoning



LEGEND

Scarborough Redevelopment Area

SPECIAL CONTROL AREAS

Special Control Area

Adopted by resolution of the Council of the City of Stirling at the Meeting of the Council held on the 5 day of April 2022.

Acting S/Pearson
Mayor

21/4/22
Date

Chief Executive Officer

19/4/22
Date

FINAL APPROVAL

1. Adopted by resolution of the Council of the City of Stirling at the Meeting of the Council held on the _____ day of _____ 202 ___ and the Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:-

Mayor

Chief Executive Officer

2. Recommended / Submitted for Final Approval

Delegated Under S.16 of the Planning & Development Act 2005

Date

3. Final Approval Granted

Minister for Planning

Date

The Amendment is complex in accordance with Part 5 r.34 complex amendment subsection (e) of the *Planning and Development (Local Planning Schemes) Regulations 2015.*

Dated this 5 day of April 2022.

CHIEF EXECUTIVE OFFICER

PLANNING & DEVELOPMENT ACT 2005

CITY OF STIRLING

LOCAL PLANNING SCHEME NO 3 - AMENDMENT NO. xx

Adopted by resolution of the Council of the City of Stirling at the meeting of the Council held on the 5 day of April 2022

Acting _____ JP
MAYOR

_____
CHIEF EXECUTIVE OFFICER

Adopted for final approval by resolution of the City of Stirling at the Meeting of the Council held on the day of 20 and the Common Seal of the City of Stirling was hereunto affixed by the authority of a resolution of the Council in the presence of:

_____
MAYOR

_____
CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval

_____
Delegated under S.16 of PD Act 2005

Date_____

Final Approval granted

_____
MINISTER FOR PLANNING

Date_____