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SHIRE OF CHITTERING

Local Planning Scheme No. 6 DISTRICT ZONING SCHEME

Updated to include AMD 72 GG 05/05/2023



Department of Planning,
Lands and Heritage

Prepared by the
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal
30 November 2004

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SHIRE OF CHITTERING LPS 6 – TEXT AMENDMENTS

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
18	18/4/08	29/4/08	DH	Part 5 - modifying clause 5.8.1 by inserting words "and the Western Australian Planning Commission" following the word "Council" in first sentence.
16	30/9/08	30/9/08	DH	Schedule 5 - modifying Special Use Area 1 for Lot 9003 Muchea East Road" together with special uses and conditions of use.
8	30/1/09	4/2/09	DH	<p>Part 4 - modifying Clause 4.2.6.1.</p> <p>Part 4 - inserting objective 4.2.7 Rural Conservation Zone.</p> <p>Part 5 - modify Clause 5.8.</p> <p>Part 5 - modifying clause 5.8.1, Clause 5.8.2, 5.8.3, 5.8.4, 5.8.5, 5.8.6, 5.8.7, 5.8.9, 5.8.10, 5.8.11.</p> <p>Part 5 - inserting new clause 5.8.12 "Water Re-use" after clause 5.8.11 and renumber subsequent clauses accordingly.</p> <p>Part 5 - adding new clause 5.8.13, 5.8.14.</p> <p>Part 5 - modify existing clause 5.8.12 by replacing Department of Environmental Protection with "Department of Environment and Conservation".</p> <p>Schedule 1 (Land Use Definitions) - inserting definition "tourist accommodation".</p> <p>Schedule 2 - insert new zone column "Rural Conservation" together with relevant designated uses.</p> <p>Schedule 3 - inserting new additional use area "A14 Lot 20 Gray Road, Bindoon".</p>
21	3/4/09	11/5/09	DH	<p>Part 1 - modifying sub-clause 1.7.1(a).</p> <p>Part 4 - deleting heading "Objectives" in clauses 4.2.1, 4.2.2.1, 4.2.3.1, 4.2.4.1, 4.2.5.1 and 4.2.6.1.</p> <p>Part 4 - amending the Note to Clause 4.8.</p> <p>Part 4 - amending Note to Clause 4.11.</p> <p>Part 5 - replacing Heading of Clause 5.7.</p> <p>Part 5 - including sub-heading in Clause 5.7 to read "Rural Retreat, Rural Smallholdings, Rural Conservation and Rural Residential Zones".</p> <p>Part 5 - amending sub-clause 5.8.1.</p> <p>Part 5 - amending sub-clause 5.8.1(f).</p> <p>Part 5 - replacing first sentence of sub-clause 5.8.3.</p> <p>Part 5 - amending sub-clause 5.8.3, 5.8.6, 5.8.7.</p> <p>Part 5 - changing number of sub-clause 5.8.9 to 5.8.7 and inserting additional sentence.</p> <p>Part 5 - amending sub-clause 5.8.11, 5.8.12, 5.11.5, 5.11.6, 5.11.8.</p> <p>Part 6 - amending sub-clause 6.3.3.e), and clause 6.5.3.</p> <p>Part 7 - amending clause 7.5.</p> <p>Part 8 - amending Note 1) in clause 8.1.</p> <p>Part 8 - amending sub-clause 8.2(b) and deleting sub-clause (iii).</p> <p>Part 8 - amending Note in Clause 8.2.</p> <p>Part 9 - amending sub-clause 9.1.2, 9.3(b), 9.4.4, 9.4.6.</p> <p>Part 10 - amending Clause 10.2 to insert new sub-clause (z) and renumbering subsequent clauses (z) to (bb) and inserting word 'and' after clause (bb).</p> <p>Part 10 - amending sub-clause 10.4.1, 10.9.1 and Clause 10.10.</p> <p>Part 11 - amending sub-clause 11.4.1, 11.5.1, 11.6.2, 11.7.1, 11.7.2.</p> <p>Part 11 - correcting numbering of sub-clause 11.7.2 to read 11.8.2.</p> <p>Part 11 - amending subclause 11.8.2.</p> <p>Schedule 1 - deleting definition "Town Planning Act" and amending definitions of "Non-conforming Use", "Gazettal Date" and "Development" and add definition of "Planning and Development Act".</p> <p>Schedule 2 - adding use class "Airfield" together with relevant use class symbols and renumber following use classes accordingly.</p> <p>Schedule 9 - Amending sub-heading of schedule by replacing words 'Town Planning Act' with 'Planning and Development Act'.</p> <p>Schedule 10 - amending Note 3.</p> <p>Part 1 - amending Clause 1.5(g).</p> <p>Part 10 - renaming Clause 10.10 to 'Right of Review'.</p> <p>Part 11 - modifying Clause 11.1.1(b), Clause 11.2.4 and Clause 11.6.1.</p> <p>Schedule 1 - amending definition for "Lot".</p>
10	15/1/10	5/3/10	NM	<p>Schedule 2 – Zoning Table, "Rural Retreat" for each use class was edited.</p> <p>"See note 1 at end of zoning table" under the rural retreat heading in Zoning Table, was deleted.</p>

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				Clause 4.2.4 and 4.2.5 were edited. Clause 5.8.11 was modified. All references in the scheme text to "Small Rural Holdings" were replaced with "Rural Smallholdings".
23	15/1/10	9/3/10	NM	Inserted Schedule 12. Added No.1 Lot 101 Tea Tree Road, Bindoon to Schedule 12.
40	27/4/10	30/4/10	NM	Inserted new Clause "4.2.8 – Residential R2 Zone". Inserted new zone "Residential R2" into Schedule 2 – Zoning Table.
39	20/07/10	23/07/10	NM	Modified Schedule 2 – Zoning Table use class "Land Refuse Centre". Inserted "No. 3 – Lot 16 Wandena Road, Muchea" into Schedule 5 – Special use Zones.
29	20/05/11	30/05/11	NM	Created a new schedule, Schedule 13. Inserted new Clause, clause 6.7.
35	13/05/11	20/06/11	NM	Modified Schedule 2 – Zoning Table. Modified Clause 4.2.4.
42	23/08/11	25/08/11	NM	Inserted Additional Use No. 15 into Schedule Three (3) – Additional Uses.
17	21/9/12	24/9/12	NM	Within Clause 5.8.5 – - Changed the title from 'Non-Potable Water Supply' to 'Water Supply' - Inserted a new paragraph following the first one.
47	18/1/13	5/2/13	NM	Inserted A16 into Schedule 3 – Additional uses.
41	22/3/13	2/4/13	NM	Inserted Schedule 14. Inserted clauses 5.17 and 8.2(b)(vii).
50	15/11/13	19/11/13	NM	Inserted Additional Use No. 17 into Schedule 3 – Additional uses.
49	5/12/14	19/01/15	ML D	Amend schedule 1 – Dictionary of defined words. Amend existing definitions for Commercial Vehicle, Home Business and Transport Depot. Insert New Clause 5.18 – Parking of Commercial vehicles in Townsite, Residential, Rural Residential and Rural Conservation Zones.
52	26/06/15	15/07/15	NG	Amend Scheme maps. Replace the words 'outline development plan' and 'development plan' with 'structure plan' throughout the Scheme text. Insert new clause 4.2.3 and 4.2.4 and re-number subsequent clauses accordingly. Delete clause 5.8.1 and replace with new text. Amend clause 5.8.8. Insert new clause 5.19. Delete clause 6.7 and replace with new text. Delete the definitions for 'Industry- Noxious', 'Industry- Hazardous', 'Industry- General', 'Piggery' and 'Poultry Farm' from Schedule 1 and Schedule 2. Replace the definition for 'Animal Husbandry- Intensive' in Schedule 1. Insert a definition for 'Structure Plan' into Schedule 1. Amend Schedule 2-Zoning Table to include columns for Industrial Development Zone and General Industry Zone. Rename 'Schedule 13- Community Infrastructure Development Contribution Plans for Development Contribution Areas' to 'Schedule 13- Development Contribution Areas'. Insert Schedule 15- Muchea Employment Node Special Control Area.
55	18/03/16	31/03/16	RO	Rezoning Lot 2 Reserve Road, Chittering from 'Rural Residential' to 'Residential R2 Zone'. Rezoning Lot 9001 Rosewood Drive, Chittering from 'Rural Residential' to 'Rural Conservation'. Amending the Scheme Map accordingly Amending 'Schedule 12 - 'Rural Conservation' to include Lot 9001 Rosewood Drive, Chittering. Inserting a new clause in Part 5 of the Scheme - 5.21 Development provisions - Residential R2 zone.
62	14/02/17	09/03/17	GM	Inserted reference to the deemed provisions and supplemental provisions in Part 1.4 by inserting new sub-clauses (b) and (c) and renumbering the sub-clauses accordingly. Corrected Schedule references. Deleted the following from the Scheme Text, as they have been superseded by the deemed provisions set out in the <i>Planning and</i>

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				<p><i>Development (Local Planning Scheme) Regulations 2015</i> Schedule 2: Parts 2, 7, 8, 9, 10 and 11 in their entirety; Clauses 5.11.1, 5.11.2, 5.11.4, 5.11.5, 5.11.6, 5.11.7, 5.11.8, 5.14, 5.19; and Schedules 7, 8, 9 and 10. Removed Clauses 8.2(b)(ii), 8.2(c), 8.2(g), 8.2(h), 8.2(f), 8.2(b)(v), 8.2(b)(vii), 5.8.4, 8.2(i) from the Scheme Text.</p> <p>Inserted Schedule A – Supplemental Provisions.</p> <p>Deleted the following definitions from Schedule 1, as they have been superseded by the definitions in the deemed provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule 2: Advertisement, Amenity, Cultural heritage significance, Local government, Local Planning Strategy, Owner, Place, Premises, Residential Planning Codes, Substantially commenced, Zone, Storage, Warehouse, Rural Pursuit.</p> <p>Amended clauses by removing the cross reference to the clause deleted by the amendment and replaced them with cross reference to the deemed provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule 2.</p> <p>Deleted references to the following terms and replace them with the corresponding term throughout the scheme:</p> <ul style="list-style-type: none"> • 'residential planning codes' replaced with 'Residential Design Codes'; • 'development application' replaced with 'development application'; • 'planning approval' replaced with 'development approval'; • 'council' replaced with 'local government'; • 'detailed area plan' replaced with 'Local Development Plan'. <p>Inserted Clause 18(7) of the Model Provisions as new Clause 3.4.3 of the model provisions to ensure guidance is provided for when considering application within the Industrial Development Zone.</p> <p>Inserted new text in Clauses 4.2.1, 4.2.5 – 4.2.10.</p> <p>Zoning Table modified.</p> <p>Amended Schedule 15.</p> <p>Amended Clause 5.8.8.</p> <p>Schedule 3 modified.</p> <p>Schedule 12 modified.</p> <p>New definitions inserted into Schedule 1.</p> <p>Renumbered the scheme provisions and Schedules sequentially and updated any cross referencing to the new clause numbers and deemed provisions as required and updated the Table of Contents.</p>
54	17/03/17	27/03/17	ML D	<p>Rezone Lot 300 Settlement Road, Bindoon from Agriculture Resource to Rural Smallholdings.</p> <p>Amend the Scheme Map accordingly.</p>
59	01/08/17	09/08/17	GM	<p>Rezone Lot 4 Great Northern Highway, Bindoon from 'Agricultural Resource A5' to 'Special Use - Tourist Development'.</p> <p>Schedule 1 – Dictionary of Defined Words and Expressions – deleted definition for Tourist Accommodation and replaced with Tourist Development and inserted definition for Short-term Accommodation.</p> <p>Schedule 5 – Special Use – inserted Lot 4 Great Northern Highway, Bindoon.</p> <p>Schedule 3 – deleted Use 5.</p> <p>Scheme Maps amended accordingly.</p>
58	03/11/17	08/11/17	GM	<p>Amended the Scheme Map by rezoning Lot 8 Buckthorn Drive, Lower Chittering from 'Agricultural Resource' to 'Rural Residential'.</p> <p>Inserted a new schedule, 'Schedule 12 - Rural Residential' into the Scheme Text.</p> <p>Inserted No. 1, Lot 8 Buckhorn Drive, Lower Chittering into new Schedule 12 – Rural Residential.</p> <p>Replaced Clause 4.8.1.</p>
60	03/11/17	08/11/17	GM	<p>Replaced clauses 3.2.2, 4.9, 4.14 and 5.7.</p> <p>Inserted new clause 4.20.</p> <p>Amended Schedule 2 – Zoning Table by:</p> <ul style="list-style-type: none"> • deleting Builders Storage Yard from the Zoning table and renumbering the use classes accordingly; and • changing the permissibility for Stock Yards in the 'Light Industrial' and 'General Industry' zones from 'X' to 'A' and 'P' to 'A' respectively. <p>Amended Schedule 3 – Additional Use by:</p> <ul style="list-style-type: none"> • under additional use 'A17' replaced the text 'Builders Storage Yard' with 'Warehouse / Storage' and renamed the description to Lot 802 and Lot 803 Great Northern Highway. <p>Amended the Scheme Map by:</p> <ul style="list-style-type: none"> • extending the Muchea Employment Node Special Control Area around the boundary of the Employment Node, as identified in Figure 8 of the

AMD NO	GAZETAL DATE	UPDATED		DETAILS
		WHEN	BY	
				<p>Muchea Employment Node Structure Plan (2011); and</p> <ul style="list-style-type: none"> Reclassified Lot M1606 Great Northern Highway, Muchea from 'Agricultural Resource' to 'Light Industry'. <p>Renumbered clauses as required and ensured consecutive numbering. Updated the table of contents.</p>
66	5/10/18	8/10/18	HB	<p>Rezone Lot 22 Great Northern Highway, Muchea from "Agricultural Resource" to "General Industry".</p> <p>Modify the Scheme Maps accordingly to reflect the "General Industry" zone over Lot 22 Great Northern Highway, Muchea as provided for on the attached Scheme Amendment Map.</p> <p>Replace the words General Industrial Zone to General Industry in Clause 3.2.3 and delete the word 'zone' after the words General Industry in the Zoning Table.</p> <p>Modify the Scheme Maps Legend to include the "General Industry" zone in the Local Schemes Zones as provided for on the attached Scheme Amendment Map.</p>
65	18/04/19	18/04/19	GM	<p>Delete the following definitions from Schedule 1 - Dictionary of Defined Words and Expressions and Schedule 2 - Zoning Table: Builders Storage Yard, Landfill/Refuse Centre, Plant Nursery, Place of Assembly, Stable and Winery/Brewery.</p> <p>In Schedule 1, modify the definitions for garden centre, industry, shop and transport depot.</p> <p>In Schedule 1, add the following definitions (in alphabetical order): Brewery, Commercial Vehicle Parking, Home Office, Place of Worship, Resource Recovery Centre, Waste Disposal Centre, Waste Disposal Facility, Waste Storage Facility, Winery.</p> <p>In Schedule 2, modify the zoning table as follows:</p> <ol style="list-style-type: none"> add the following land uses (in alphabetical order): Brewery, Place of Worship, Resource Recovery Facility, Waste Disposal Facility, Waste Storage Facility and Winery. change the land use permissibility for the following land uses: Caretaker's Dwelling, Funeral Parlour, Garden Centre, Industry - Extractive, Industry, Industry - Rural, Market, Office Reception Centre, Rural Pursuit, Showroom, Stock Yards, Telecommunications Infrastructure, Transport Depot, Warehouse/Storage. delete the text following the zoning table as it replicates the text in clause 3.3.2 of the scheme. In clause 3.3.2 of the scheme, add text that reads: "A number of cells in the zoning table are blank. The corresponding land uses for these blank spaces are X (prohibited) in the Residential R2 zone". <p>In Schedule 3 - Additional Uses of the Scheme, add the following entries: A18 – A26.</p> <p>Update the scheme maps by indicating each of the proposed Additional Uses in modification 5 as 'Additional Uses', using the legend set out in clause 3, schedule 3 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>
61	25/06/19	26/06/19	GM	<p>Insert a new Clause 3.2.11 – Environmental Conservation Zone.</p> <p>Replace the first two paragraphs of Clause 4.8.13.</p> <p>Insert a new Clause 4.21 – Development Provisions – Environmental Conservation Zone.</p> <p>Insert definition for 'Holiday House' into the Land Use Definitions section of Schedule 1.</p> <p>Delete the definition of 'Resort' in the Land Use Definition section of Schedule 1.</p> <p>Replace the term 'Tourism Development' with 'Tourist Development' in the Land Use Definition section of Schedule 1.</p> <p>Insert a new column for the 'Environmental Conservation' zone into the Zoning Table in Schedule 2 with the permissibility of a 'Single House' depicted as 'D', the permissibility of 'Bed and Breakfast' depicted as 'A', the permissibility of 'Home Business' depicted as 'A' and the permissibility of all other Use Classes depicted as 'X'.</p> <p>Amend Schedule 5 by inserting a new Special Use site for a portion of Lot 101 Teatree Road, Bindoon.</p> <p>Amend Schedule 8 by deleting entry No.1 in its entirety.</p> <p>Insert a new Schedule titled 'Schedule 13 - Environmental Conservation Requirements' and inserting entry No.1 into Schedule 13 – Portion of Lot 101 Teatree Road, Bindoon.</p> <p>Amend the Scheme Map Legend by inserting the 'Environmental Conservation' zone immediately below the 'Agricultural Resource' zone, and amending the Scheme Map by including a portion of the land in the</p>

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				Environmental Conservation zone, including a portion of the land in the Special Use zone with the annotation 'SU5', and removing the border and text annotation for the RC1 Rural Conservation Area.
69	22/07/2022	09/08/2022	HB	<p>Recoding Lot 9002 Reserve Road, Chittering from 'Residential R2' to 'Residential R5', and amending the Scheme maps accordingly.</p> <p>Delete clause 3.2.10 and replace with 3.2.10 Residential Zone.</p> <p>Amend clause 3.3.2 to remove reference to 'R2' density code and add the symbols used in the cross reference in the Zoning Table with their meanings.</p> <p>A number of cells in the zoning table are blank. The corresponding land uses for these blank spaces are X (prohibited) in the Residential zone.</p> <p>Amend clause 4.19 to remove reference to 'R2' density code and 'Lot 2 Reserve Road', as follows: 4.19 - DEVELOPMENT PROVISIONS – RESIDENTIAL ZONE</p> <p>Delete subclause 4.19.1 and replace with the following subclauses 4.19.1 to 4.19.4.</p> <p>Amend Schedule 2 – Zoning Table to remove reference to 'R2' density code from the Residential zone name; and insert the following uses and associated permissibilities against the relevant zones:</p> <p>Home Store and Holiday House.</p> <p>Delete clause 5.5 Military Considerations (RAAF) and replace with 5.5.1 to 5.5.5.</p> <p>Amend the 'List of Contents' to reflect the modifications accordingly.</p> <p>Renumber any clauses, tables or schedules as required and address any editorial matters necessary to correct formatting, numbering, administrative matters and/or inconsistencies within the text.</p>
67	07/10.2022	20/10/2022	CS	<p>Rezone portions of Lots 800-804 & 192, 195 & 35 Great Northern Highway, Muchea, from Agricultural Resource zone to Light Industry zone.</p> <p>Clarify portions of Lots 192, 194 & 35 Great Northern Highway abutting Ellenbrook, denoted as Environment & Conservation.</p> <p>Replace the words from 'Light Industrial' zone to 'Light Industry' zone and 'Conservation' reserve to 'Environmental Conservation' reserve.</p> <p>Replace references to 'Muchea Employment Node' to Muchea Industrial Park'.</p> <p>Within clause '5.1.1 Operation of Special Control Areas' add ' Muchea Industrial Park' as new dot point 6.</p> <p>In Schedule 1 add the following definitions (in alphabetical order): Concrete Bating Plant, Workforce Accommodation.</p> <p>Amend Schedule 2 - Zoning Table to identify the uses:</p> <ul style="list-style-type: none"> i. Concrete Batching Plant. ii. Workforces Accommodation <p>Modify clause 5.7.2.1.</p> <p>Amend clause '4.9: Requirements for Industrial Zones and Land Uses' to introduce new provisions.</p> <p>Amend Schedule 11 by including provisions for Precinct 3 of the Muchea Industrial Pak - Lot 800-804, 192, 194 and 35 Great Northern Highway, Muchea Industrial Park Strucure Plan 2022.</p> <p>Renumber any affected clauses accordingly.</p> <p>Amend scheme mapping accordingly.</p>
73	14/03/2023	16/03/2023	GL	Delete the second sentence of clause 5.3.1 and in its place, insert the following provision Development approval is required for any development within the Special Control Area, excluding development of a class specified in Column 1 of an item in the following Table and if all of the conditions set out in Column 2 of the Table opposite that item are satisfied in relation to the development.
72	05/05/2023	23/05/2023	GL	Modify the Scheme Maps by introducing the Rural Residential zone over Lot M1942 Morley Rd, Lower Chittering

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		WHEN	BY	
				<p>Insert the definition for building exclusion area under the Geeral Definitions of Schedule 1 – Dictionary of Defined Words and Expressions in alphabetic order.</p> <p>Insert the following into Schedule 12 – Rural Residential</p> <p>No. 2 – Lot M1942 Morley Road, Lower Chittering with conditions.</p>

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PART 1 - PRELIMINARY

1.1 CITATION

The Shire of Chittering District Planning Scheme No 6 (the Scheme) comes into operation on its Gazettal date.

The following Scheme is revoked-

Shire of Chittering Town Planning Scheme No 5

Date of Gazettal, 23rd of January, 1987.

1.2 RESPONSIBLE AUTHORITY

The Shire of Chittering is the responsible authority for implementing the Scheme.

1.3 SCHEME AREA

The Scheme applies to the Scheme Area, which covers all of the local government of the Shire of Chittering as shown on the Scheme Map.

1.4 CONTENTS OF SCHEME

AMD 62 GG 14/02/17

The Scheme comprises:

- (a) This Scheme Text;
- (b) The deemed provisions (set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2;
- (c) The supplemental provisions contained in Schedule A; and
- (d) The Scheme Map.

The Scheme is to be read in conjunction with the Local Planning Strategy.

1.5 PURPOSES OF THE SCHEME

The purpose of the Scheme is to: -

- (a) Set out the local government's aims and intentions for the Scheme Area;
- (b) Set aside land as reserves for public purposes;
- (c) Zone land within the Scheme Area for the purposes defined in the Scheme;
- (d) Control and guide land use and development;
- (e) Set out procedures for the assessment and determination of development applications;
- (f) Make provisions for the approval procedures, administration and enforcement of the Scheme;
- (g) Address other matters set out in the Schedule Seven to the Planning and Development Act.

AMD 21 GG 3/4/09

1.6 THE AIMS OF THE SCHEME

The Aims of the Scheme are: -

- (a) To provide environmental protection and enhancement of biodiversity and the natural resources including land, air and water quality;
- (b) To protect good quality agricultural soils suitable for sustainable farming and horticulture from inappropriate subdivision and development for non-agricultural purposes;
- (c) To ensure all developments comply with the principles of catchment management;
- (d) To maintain the rural lifestyle as part of the community structure and well-being;
- (e) To provide for, but contain, settlement growth in designated areas of a local village character as service centres for the local population and tourists;
- (f) To provide for rural residential development in controlled settlement areas;
- (g) To protect and improve areas of remnant vegetation and, waterways from further degradation;
- (h) To facilitate vegetated wildlife corridors and greenways, particularly along the primary water courses throughout the Shire by means of reserves and partnerships with government agencies and private landholders;
- (i) To protect the landscape values of any designated landscape precinct/area/zone;
- (j) To identify and protect basic raw materials resources for extraction and set standards for management and rehabilitation;
- (k) To promote employment opportunities by setting aside land for light and service industry development;
- (l) To provide for a coherent and efficient road system throughout the Shire;
- (m) To provide a cohesive framework on which to manage the development of the Shire;
- (n) To co-operate with community groups and to assist in sustainable enterprises for the benefit of the agricultural industry and the community as a whole.
- (o) To provide for essential infrastructure consistent with and as needed to support the other aims of the Scheme.

1.7 DEFINITIONS

1.7.1 Unless the context otherwise requires, words and expressions used in the Scheme have the same meaning as they have-

- a) in the Planning and Development Act; or AMD 21 GG 3/4/09
- b) if they are not defined in that Act-
 - i. in the *“Dictionary of Defined Words and Expressions”* in Schedule 1; or
 - ii. in the Residential Design Codes. AMD 62 GG 14/02/17

1.7.2 If there is conflict between the meaning of a word or expression in the “Dictionary of Defined Words and Expressions” in Schedule 1 and the meaning of that word or expression in the Residential Design Codes - *AMD 62 GG 14/02/17*

a) in the case of residential development, the definition in the Residential Design Codes prevails; and *AMD 62 GG 14/02/17*

b) in any other case the definition in the Dictionary prevails.

1.7.3 Notes, and instructions printed in italics, are not part of the Scheme.

1.8 RELATIONSHIP WITH LOCAL LAWS

Where a provision of this Scheme is inconsistent with a Local Law, the provision of this Scheme prevails.

1.9 RELATIONSHIP WITH OTHER SCHEMES

There are no other Schemes of the Shire of Chittering, which apply to the Scheme Area.

PART 2 - RESERVES

2.1 RESERVES

Certain lands within the Scheme Area are classified as Local Reserves.

2.2 REGIONAL RESERVES

There are no Regional Reserves in the Scheme Area.

2.3 LOCAL RESERVES

“Local Reserves” are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

2.4 USE AND DEVELOPMENT OF LOCAL RESERVES

2.4.1 A person must not-

- a) use a Local Reserve; or
- b) commence or carry out any development on a Local Reserve,

without first having obtained development approval under Part 7 of the deemed provisions.

AMD 62 GG 14/02/17

2.4.2 In determining an application for Development approval the local government is to have regard to:

- a) the matters set out in Clause 67 of the deemed provisions; and

AMD 62 GG 14/02/17

- b) the ultimate purpose intended for the Reserve.

2.4.3 In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for Development approval.

PART 3 – ZONES AND THE USE OF LAND

3.1 ZONES

The Scheme Area is classified into the zones shown on the Scheme Map.

The zones are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

3.2 OBJECTIVES OF THE ZONES

The objectives of the zones are-

3.2.1 Townsite Zone

AMD 21 GG 3/4/09; AMD 62 GG 14/02/17

The objectives of the Townsite zone are to:

- a) provide for a range of compatible uses within the Bindoon and Muchea townsites to provide for a high range of services, residential types, community and recreational facilities in a village with rural character;
- b) prohibit land uses which may adversely affect the living and visual amenity of the location;
- c) provide for the protection of the natural environment;
- d) protect or enhance any local reserves.

3.2.2 Light Industry Zone

AMD 21 GG 3/4/09; AMD 60 GG 03/11/17; AMD 67 GG 07/10/22

- a) To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones.
- b) To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as to not detract from the residential amenity.

3.2.3 General Industry

AMD 52 GG 26/06/15; AMD 66 GG 5/10/18

The objectives of the General Industrial Zone are to:

- a) accommodate a range of service based and related industrial land uses such as livestock, fabrication, warehousing, wholesaling and general commercial uses which will not by the nature of their operations, detrimentally impact upon residential and other sensitive land uses outside of the General Industry zone.
- b) to apply environmental standards and practices that protect and maintain the amenity and water and air quality of adjoining areas and support the retention and enhancement of the environmental values of the site and its surrounds. maintain the visual amenity of the area as seen from major public roads.
- c) minimise the visual impact of development to achieve a built form that is harmonious with the surrounding area.
- d) ensure orderly and comprehensive planning and coordinated subdivision and development.

3.2.4 Industrial Development Zone

AMD 52 GG 26/06/15

The objectives of the Industrial Development Zone are to:

- a) designate strategic land areas for future industrial development and employment creation purposes, and prevent such land from being used or developed in a manner which could prejudice its use for this purpose;
- b) ensure orderly and comprehensive planning and co-ordinated subdivision and development through the requirement for the preparation and endorsement of a structure plan in accordance with Part 4 of the deemed provisions and any associated provisions contained in Schedule 10 of the Scheme;
- c) ensure the coordinated provision of infrastructure, and the equitable sharing of service costs associated with subdivision and development of industrial land;
AMD 62 GG 14/02/17
- d) protect the amenity of adjacent properties; and
- e) protect the environmental assets of the site.

3.2.5 Agricultural Resource Zone

AMD 21 GG 3/4/09; AMD 62 GG 14/02/17

The objectives of the Agricultural Resource zone are to:

- a) preserve productive land suitable for grazing, cropping and intensive horticulture and other compatible productive rural uses in a sustainable manner;
- b) protect the landform and landscape values of the district against despoliation and land degradation;
- c) encourage intensive agriculture and associated tourist facilities, where appropriate;
- d) allow for the extraction of basic raw materials where it is environmentally and socially acceptable.

3.2.6 Rural Smallholdings Zone

AMD 21 GG 3/4/09; AMD 10 GG 15/1/10; AMD 35 GG 13/05/11; AMD 62 GG 14/02/17

The objectives of the Rural Smallholdings zone are to:

- a) preserve productive land suitable for intensive horticulture and other compatible productive rural uses in a sustainable manner;
- b) protect the landform and landscape values of the district against despoliation and land degradation.
- c) provide lots with a minimum size of 5ha.

3.2.7 Rural Retreat Zone

AMD 21 GG 3/4/09; AMD 10 GG 15/1/10; AMD 62 GG 14/02/17

The objectives of the Rural Retreat zone are to:

- a) promote land protection and environmental remediation.
- b) permit a range of land uses which are compatible with the capability of the landform for limited agricultural, viticultural, horticultural, tourism and rural lifestyle development.

- c) provide lots with a minimum size of 10ha.

3.2.8 Rural Residential Zone

AMD 8 GG 30/1/09; AMD 21 GG 3/4/09; AMD 62 GG 14/02/17

The objectives of the Rural Residential zone are to:

- a) designate areas where rural residential developments can be accommodated without detriment to the environment or the rural character of the area.
- b) meet the demand for a rural lifestyle on small lots, generally in excess of 1 hectare.
- c) maintain and enhance the rural character and amenity of the locality.

3.2.9 Rural Conservation Zone

AMD 8 GG 30/1/09; AMD 62 GG 14/02/17; AMD 67 GG 07/10/22

The objectives of the Rural Conservation zone are to:

AMD 67 GG 07/10/22

- a) maximise the long-term protection and management of significant environment values.
- b) minimise the fragmentation of, and where deemed relevant, promote ecological linkages between, these values.
- c) ensure that development is compatible, sympathetic and integrated with these values.
- d) create lot/s that are of sufficient size to sustain the long-term protection and management of these values.
- e) encourage innovative subdivision design, such as consolidated cluster style development, that maximises the long-term protection and management of these values.

3.2.10 Residential Zone

AMD 40 GG 27/4/10; AMD 62 GG 14/02/17 AMD 69 GG 22/07/2022

The objectives of the Residential zone are to:

- a) provide for a range of housing and a choice of residential densities to meet the needs of the community.
- b) facilitate and encourage high quality design, built form and streetscapes throughout residential areas.
- c) provide for a range of non-residential uses, which are compatible with and complementary to residential development.

3.2.11 Environmental Conservation Zone

AMD 61 GG 25/06/19

The objectives of the Environmental Conservation zone are to:

- a) Identify land set aside for environmental conservation purposes.
- b) Provide for the preservation, maintenance, restoration or sustainable use of the natural environment.

3.3 ZONING TABLE

3.3.1 The Zoning Table contained in Schedule 2, indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Areas in the various zones. The permissibility of any uses is determined by cross-reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

3.3.2 The symbols used in the cross reference in the Zoning Table have the following meanings:

‘P’ means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.

‘D’ means that the use is not permitted unless the local government has exercised its discretion by granting Development approval.

‘A’ means that the use is not permitted unless the local government has exercised its discretion by granting Development approval after giving special notice in accordance with clause 64 of the deemed provisions.

AMD 62 GG 14/02/17; AMD 69 GG 22/07/2022

‘X’ means a use is not permitted by the Scheme.

A number of cells in the zoning table are blank. The corresponding land uses for these blank spaces are X (prohibited) in the Residential zone.

AMD 65 GG 18/04/19; AMD 69 GG 22/07/2022

3.3.3 A change in the use of land from one use to another is permitted if-

- a) the local government has exercised its discretion by granting Development approval-
- b) the change is to a use which is designated with the symbol ‘P’ in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;
- c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the land or
- d) the change is to an incidental use that does not change the predominant use of the land.

Note:

(1) *The Development approval of the local government is required for the development of land in addition to any approval granted for the use of land. In normal circumstances, one application is made for both the use and development of land.*

(2) *The local government will not refuse a “P” use because of the unsuitability of the use for the zone but may impose conditions on the use of the land with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.*

(3) *In considering a “D” or “A” use, the local government will have regard to matters set out in Clause 67 of the deemed provisions.* AMD 62 GG 14/02/17

(4) *The local government must refuse to approve any “X” use of land. Approval to an “X” use of land may only proceed by way of an amendment to the Scheme.*

3.4 INTERPRETATION OF THE ZONING TABLE

- 3.4.1 Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.
- 3.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may-
- a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted; or
 - b) determine that the use may be consistent with the objectives of the zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for Development approval; or
AMD 62 GG 14/02/17
 - c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.
- 3.4.3 If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land –
AMD 62 GG 14/02/17
- a) a structure plan;
 - b) an activity centre plan;
 - c) a local development plan.

3.5 ADDITIONAL USES

Despite anything contained in the Zoning Table, the land specified in Schedule 3 may be used for the specific use or uses that are listed in addition to any uses permissible in the zone in which the land is situated subject to the conditions set out in Schedule 2 with respect to that land.

Note: An Additional Use is a land use that is permitted on a specific portion of land in addition to the uses already permissible in the zone that applies to the land.

3.6 RESTRICTED USES

Despite anything contained in the Zoning Table, the land specified in Schedule 4 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 4 with respect to that land.

Note: A Restricted Use is the only use or uses that are permitted on a specific portion of land and other uses that would otherwise be permissible in the zones are not permitted.

3.7 SPECIAL USE ZONES

Note: Special Use Zones apply to special categories of land use, which do not comfortably sit with any other zone in the Scheme.

- 3.7.1 Special Use Zones are set out in Schedule 5 and are in addition to the zones in the Zoning Table.
- 3.7.2 A person must not use any land, or any structure or buildings on land, in a Special Use Zone except for the purpose set out against that land in Schedule 5 and subject to compliance with any condition set out in Schedule 5 with respect to that land.

3.8 NON-CONFORMING USES

AMD 21 GG 3/4/09

Except as otherwise provided in this Scheme, no provision of the Scheme is to be taken to prevent-

- (a) the continued use of any land or building for the purpose for which it was being lawfully used at the Gazettal date;
- (b) the carrying out of any development for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or
- (c) subject to clause 80 of the deemed provisions, the continued display of advertisements, which were lawfully erected, placed or displayed prior to the Gazettal date. AMD 62 GG 14/02/17

Note: "Land" has the same meaning as in the Planning and Development Act (As Amended) and includes houses, buildings and other works and structures.

3.9 EXTENSIONS AND CHANGES TO A NON-CONFORMING USE

3.9.1 A person must not -

- a) alter or extend a non-conforming use;
- b) erect, alter or extend a building used for or in conjunction with or in furtherance of a non-conforming use; or
- c) change the use of land from a non-conforming use to another non-conforming use;

without first having applied for and obtained Development approval under this Scheme.

3.9.2 An application for Development approval under this clause shall be advertised in accordance with clause 64 of the deemed provisions. AMD 62 GG 14/02/17

3.9.3 Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the local government is not to grant its development approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended use of the zone.

3.10 DISCONTINUANCE OF NON-CONFORMING USE

When a non-conforming use of any land or building 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.

3.11 TERMINATION OF A NON-CONFORMING USE

AMD 21 GG 3/4/09

The local government may affect 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.

Note: Sections 190 and 191 of the Planning and Development Act enables the local government to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a town Planning scheme, subject to Part 9 of the Land Administration Act 1997, that section and the Scheme.

3.12 DESTRUCTION OF NON-CONFORMING USE BUILDINGS

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 Development approval of the local government.

PART 4 - GENERAL DEVELOPMENT REQUIREMENTS

4.1 COMPLIANCE WITH DEVELOPMENT STANDARDS AND REQUIREMENTS

Any development of land is to comply with the provisions of the Scheme.

4.2 RESIDENTIAL DESIGN CODES

AMD 62 GG 14/02/17

4.2.1 A copy of the Residential Design Codes is to be kept and made available for public inspection at the offices of the local government.

4.2.2 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.

4.2.3 The Residential Design Code density applicable to land within the Scheme Area shall be determined by reference to the Residential Design Codes density number superimposed on the particular areas contained within the borders shown on the Scheme Map or where such an area abuts another area having a Residential Design Code density, as being contained within the area defined by the centre-line of those borders.

4.3 SPECIAL APPLICATION OF RESIDENTIAL DESIGN CODES

AMD 62 GG 14/02/17

There are no exclusions or variations to the Residential Design Codes, which apply to the Scheme.

In the area coded R 10/30, the R 10 Code shall apply unless:

- (a) a connection to a reticulated sewer network is available or otherwise in accordance with the provisions of any relevant Government Sewerage Policy;
- (b) the proposed development satisfies the design requirements of the local government for development at the higher code.

4.4 RESTRICTIVE COVENANTS

4.4.1 Subject to the provisions of sub-clause 4.4.2, a restrictive covenant affecting any land in the Scheme Area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme.

AMD 62 GG 14/02/17

4.4.2 Where clause 4.4.1 operates to extinguish or vary a restrictive covenant, the local government is not to grant Development approval to the development of the land, which would, but for the operation of clause 4.4.1, have been prohibited, unless the application has been dealt with as an "A" use and has complied with all of the advertising requirements of clause 64 of the deemed provisions.

AMD 62 GG 14/02/17

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

AMD 62 GG 14/02/17

4.5.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for Development approval and does not comply with a standard prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

- 4.5.2 In considering an application for Development approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site, which is subject of consideration for the variation, the local government is to:
- a) consult the affect parties by following one or more of the provisions for advertising uses under clause 64 of the deemed provisions; *AMD 62 GG 14/02/17*
 - b) have regard to any expressed views prior to making its determination to grant the variation.
- 4.5.3 The power conferred by this clause may only be exercised if the local government is satisfied that:
- a) Approval of the proposed development would be appropriate having regard to the criteria set out in clause 67 of the deemed provisions; and
AMD 62 GG 14/02/17
 - b) the non-compliance will not have any adverse effect upon the occupiers or users of the development, the inhabitants of the locality or upon the likely future development of the locality.

4.6 ENVIRONMENTAL CONDITIONS

- 4.6.1 Environmental conditions to which the Scheme is, or amendments to the Scheme, are incorporated into the Scheme by Schedule 6 of the Scheme. *AMD 62 GG 14/02/17*
- 4.6.2 Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.
- 4.6.3 The local government is to-
- a) maintain a register of all relevant statements published under Section 48F and 48G of the EP Act; and
 - b) make the statements available for public inspection at the offices of the local government.

Note: Environmental conditions are those required to be incorporated into a Scheme or an amendment to a Scheme following assessment under the environmental Protection Act.

4.7 DWELLINGS IN THE AGRICULTURAL RESOURCE, RURAL RETREAT, RURAL SMALLHOLDINGS, RURAL CONSERVATION AND RURAL RESIDENTIAL ZONES

AMD 21 GG 3/4/09

Agricultural Resource Zone

Local government may grant approval to two dwellings on any lot, where the land is managed for agricultural production, tourism, religious or education purposes and where the occupants are engaged in those specified predominant land uses or activities.

Rural Retreat, Rural Smallholdings, Rural Conservation and Rural Residential Zones

Only one dwelling will be permitted on any lot, within the designated building envelope as shown on an adopted Local Development Plan.

Local government may permit ancillary accommodation providing it is located within the building envelope.

4.8 DEVELOPMENT PROVISIONS – RURAL RESIDENTIAL ZONE, RURAL RETREAT ZONE, RURAL SMALLHOLDINGS ZONE AND RURAL CONSERVATION ZONE

Subdivision and development of rural land for rural residential, rural retreat, small rural holding or rural conservation purposes will require an amendment to the town planning scheme

The following general clauses will apply to the development and use of land in these rural zones.

4.8.1. Requirement for a Structure Plan

*AMD 18 GG 18/4/08; AMD 8 GG 30/1/09; AMD 21 GG 3/4/09; AMD 52 GG 26/06/15;
AMD 62 GG 14/02/17; AMD 58 GG 03/11/17*

- a) Subdivision and development shall be generally in accordance with s Structure Plan prepared and approved in accordance with Part 4 of the deemed provisions.
- b) No further subdivision is permitted unless provided for in an approved Structure Plan and servicing, bushfire management and vegetation protection measures are demonstrated to be consistent with current State planning policy.

4.8.2 Building Envelopes/Setbacks

Development will only be permitted in the areas identified as building envelopes provided that local government may vary the boundaries of such envelopes if it is satisfied that such variation is desirable and will not detrimentally affect the objective for the Zone or the amenity of the area generally.

With respect to the Rural Conservation zone, building envelopes must be shown on the structure plan where it is within an area subject to an Environmental Management Plan. The building envelopes are to be located to minimise:

AMD 8 GG 30/1/09; AMD 52 GG 26/06/15

- a) fragmentation and disturbance of remnant vegetation taking into account vehicle access; and
- b) bush fire risk.

Clearing of remnant vegetation for the construction of buildings within the defined envelope shall not exceed 2000m² without prior approval of local government.

Unless otherwise stated on the structure plan if no building envelopes are identified, then the following setbacks from the cadastral boundaries shall be applied:

AMD 8 GG 30/1/09; AMD 52 GG 26/06/15

Front

- Lots fronting a Highway shall be a minimum of 100 metres
- Lots fronting a Major Road shall be a minimum of 50 metres
- Lots fronting a subdivisional road shall be a minimum of 20 metres

Side 15 metres

Rear 20 metres

If the site is to have a sand pad for the proposed dwelling greater than 0.5 metres above Natural Ground Level ,then for every 0.5 metre of height above natural ground level, setback distances shall be increased by 2 metres.

4.8.3 Development approval

AMD 8 GG 30/1/09; AMD 21 GG 3/4/09

Development approval will be required for all residential development in the rural residential zone, rural retreat zone, rural conservation and small rural holding zone not in accordance with an applicable structure plan. In considering an application for development approval for a proposed development (including additions and alterations to existing development) the local government shall have regard to the following:

AMD 52 GG 26/06/15

- a) the colour and texture of external building materials;
- b) building size, height, bulk, roof pitch;
- c) setback and location of the building on its lot;
- d) architectural style and design details of the building;
- e) relationship to surrounding development; and
- f) other characteristics considered by the local government to be relevant

Dwelling houses and ancillary buildings shall be constructed of non-reflective material (excluding glazed areas).

All earthworks and construction shall be carried out in a manner which minimises disturbance of vegetation, to control dust and noise emissions in accordance with the appropriate State government environmental agency guidelines, to minimise soil tillage and to employ stormwater management practices to the satisfaction of the local government.

Residential use will not be permitted in a building other than one approved by the local government for that purpose, except that local government may grant permission for occupation of a caravan for a period not exceeding 12 months if a building permit for a dwelling is concurrently in force or an application for such is before local government

4.8.4 Water Supply

AMD 8 GG 30/1/09; AMD 17 GG 21/9/12

All buildings intended for residential use must include provision for the storage of water in tanks of not less than 120,000 litres capacity unless satisfactory arrangements have been made for connection to a reticulated water supply provided by a licensed water provider. local government may permit the reduction in the size of storage tanks if the quality of water on-site meets or is treated to potable water standards.

In the Bindoon Townsite Consolidation Area, as identified in the Local Planning Strategy, Rural Residential zoned lots created through subdivision shall be connected to a reticulated water supply except in the following circumstances –

- The water supply license holder advises the provision of a reticulated water supply is not possible or feasible; or
- The lot is not in the licensed water supply area; or
- The lot is in a recognised conservation area; or
- Potable water supply is addressed in an endorsed structure plan. *AMD 52 GG 26/06/15*

Where rainfall is to be used as the predominate source for a water storage tank, the minimum collection area, in terms of rain surface runoff, to service the tank, is to be provided. The collection area will normally comprise of the roof area of structures on the lot and may include the dwelling, outbuildings and any other structure capable of collecting and directing water into the tank.

The size of the collection area is to be based on the following calculation:

Collection area (m²) = 120000 divided by (0.85 x (local rainfall - 24mm))

- Collection area (m²) is the minimum area for rain surface runoff that is required to service the water tank.
- 120000 is the minimum size of the water tank in litres (unless local government has determined an alternative size in accordance with the scheme).
- 0.85 is the efficiency of the collection meaning a minimum of 85% of the water will be collected (local government may accept a greater efficiency rate if it can be demonstrated through design).
- Local rainfall is the average annual mean rainfall measured in millimetres (mm) guided by the nearest collection point provided by the Bureau of Meteorology.
- 24mm is the anticipated loss through absorption and wetting of materials based on 2mm a month.

4.8.5 Land Management

AMD 8 GG 30/1/09; AMD 21 GG 3/4/09; AMD 52 GG 26/06/15

With the exception of any area subject to an Environmental Management Plan, as depicted on the Structure Plan, the local government may require the landowner to undertake a replanting programme or remedial works to the local government's satisfaction in any area depicted on the Structure Plan for the purposes of environmental protection or regeneration of vegetation.

Outside areas designated for vegetation protection use of endemic local species is encouraged, but non-endemic and non-invasive species may be used, provided these comply with any guidelines, adopted by the local government.

All owners or occupiers shall maintain the land, including any watercourses or drainage swales, in a manner, which prevents degradation of the land or any vegetation thereon. A suitable buffer is to be maintained around the watercourse or drainage swale and stock access managed to minimise degradation to the watercourse.

All earthworks and construction shall be carried out in a manner which minimises disturbance of vegetation, to control dust and noise emissions in accordance with the appropriate State government environmental agency guidelines, to minimise soil tillage and to employ stormwater management practices to the satisfaction of the local government.

4.8.6 Dams and Water Courses

AMD 8 GG 30/1/09; AMD 21 GG 3/4/09

The construction of dams and/or the extraction of surface water are not permitted without the approval of local government and the appropriate State government water agency.

4.8.7 Protection of Vegetation and Tree Cover

AMD 52 GG 26/06/15

In order to enhance the rural amenity of the land in areas, that the local government considers deficient in understorey and tree cover, it may require as a condition of any development approval the planting of such understorey and trees and/or groups of trees and species as specified by the local government.

Areas of Vegetation Protection identified on a Structure Plan adopted under Part 4 of the deemed provisions shall not be cleared, felled or removed except where necessary in the following situations: *AMD 62 GG 14/02/17*

- a) the vegetation is dead, diseased or poses a danger to humans or stock;
- b) the clearing is necessary for any firebreak required by law;
- c) the clearing is for the purpose of access to an approved dwelling or outbuildings;
- d) the clearing is within a defined building envelope and limited to that area;
- e) the clearing is necessary for the construction of a dwelling, outbuildings and an area of 20m width surrounding the dwelling for the purpose of bush fire protection.

4.8.8 Fire Control

AMD 8 GG 30/1/09; RENUMBERED BY AMD 21 GG 3/4/09; AMD 52 GG 26/06/15

Strategic Fire Breaks as shown on the Structure Plan shall be constructed by the developer and maintained to the satisfaction of the local government and the Fire and Emergency Services Authority by the landholder.

A Bush Fire Management Plan shall be prepared by the developer/subdivider to the satisfaction of local government and Fire Emergency Services Authority and shall be referred to any government agency that owns or manages land with a common boundary with the area the subject to the Bush Fire Management Plan, unless otherwise provided for in an Environmental Management Plan, the area of which will be depicted on the Structure Plan. The local government may require the developer/owner to prepare a property Fire Management Plan to its satisfaction where a proposed development is considered to be at risk from fire.

4.8.9 Effluent Disposal

AMD 8 GG 30/1/09

Appropriate disposal systems are required to be installed to the satisfaction of the local government and the Department of Health.

4.8.10 Livestock Management

AMD 8 GG 30/1/09; AMD 21 GG 3/4/09; AMD 52 GG 26/06/15

With the intention of preventing overstocking or other practices detrimental to the amenity of the area and to prevent land degradation and nutrient export, the keeping of livestock within the Rural Residential, Rural Smallholdings and Rural Retreat zones shall not be permitted without approval in writing from the local government. No livestock, however, will be permitted in any area that is subject to an Environmental Management Plan (EMP), as depicted on the Structure Plan, unless otherwise stated in the EMP for domestic use and is self-contained within the building envelope.

In considering any applications for the keeping of livestock, the local government will have regard to advice from the appropriate State government agriculture and water agencies (or their successor agencies) in relation to protection of watercourses, wetlands and ground and surface water quality. In assessing development applications for the keeping of stock in the Rural Retreat zone, the local government shall consider the capability of the site for the keeping of stock and where determined acceptable, shall require by condition of approval that stock be confined to a fenced

paddock not exceeding 2.0 hectares in area. The keeping of livestock will not be permitted within the Rural Conservation zone.

4.8.11 Water Re-use

AMD 8 GG 30/1/09; AMD 21 GG 3/4/09

All buildings intended for residential use must include a water re-use/recycling system/s (such as grey water) that is to be installed to the satisfaction of local government and the appropriate State government environmental agencies.

4.8.12 Energy Efficiency

AMD 8 GG 30/1/09

Energy Efficiency

- (a) All buildings intended for residential use are to be located and designed to maximise energy efficiency, including solar orientation.
- (b) All buildings intended for residential use must include a solar power system that is to be installed to the satisfaction of local government.

4.8.13 Environmental Management Plan

AMD 8 GG 30/1/09; AMD 52 GG 26/06/15; AMD 61 GG 25/06/19

Land that is to be included within the Rural Conservation zone or Environmental Conservation zone must identify what area/s will be subject to an Environmental Management Plan (EMP), and this will be depicted on the Structure Plan.

The use, development and management of any lot or part thereof that is within an area subject to an approved EMP, shall be in accordance with this plan. The EMP is to be approved by local government in consultation with the State government department responsible for biodiversity and conservation and to be submitted with the Structure Plan. Local government may request the EMP to be provided as part of any amendment to the scheme to demonstrate that the objectives of the Rural Conservation zone or Environmental Conservation zone will be achieved.

The EMP is to address the following:

- a) long term protection and management of the environmental values;
- b) weed and pest control;
- c) rehabilitation;
- d) fire control including strategic firebreaks;
- e) building envelope locations;
- f) access;
- g) use of suitable fencing to allow environmental values and associated fauna to move unhindered;
- h) dealing with domestic livestock (such as poultry or a sheep) that is self-contained within the building envelope;
- i) dealing with domestic pets;
- j) encourage landowner/s to investigate use of conservation covenants where it will provide management assistance;
- k) demonstrates that the objectives of the zone have been satisfied;
- l) any other matter deemed relevant by local government.

4.8.14 Agricultural Activities

AMD 8 GG 30/1/09

Where commercial agriculture vineyards and/or orchards are established, the application shall be supported by a Land Management Plan, addressing the issues of dust, noise and spray management, fertiliser, irrigation and pest management, waste solids and liquids disposal, together with surface water quality monitoring to the satisfaction of the local government in consultation with the Department of Environment and Conservation.

4.8.15 Vendor Responsibility

AMD 8 GG 30/1/09

The developer/vendor shall inform prospective purchasers of any lot, in writing, of the provisions of the local government's Town Planning Scheme relating to the management of the land.

4.9 REQUIREMENTS FOR INDUSTRIAL ZONES AND LAND USES

AMD 60 GG 03/11/17; AMD 67 GG 07/10/22

The following development requirements shall apply to the development and subdivision of land within industrial zones and to industrial land uses -

- (a) the effect on the environment by means of discharge of pollutants or contaminants into the air, ground and water be avoided, or managed within acceptable limits;
- (b) where an on-site wastewater disposal system is proposed –
 - i. land capability assessment may be required to demonstrate the capability of the site to manage wastewater and the suitability of the proposed system;
 - ii. the use of fill and drains to achieve the required separation from groundwater is to be limited; and
 - iii. a suitable and unencumbered land application area is to be set aside to distribute treated sewage, where required;
- (c) within sewerage sensitive areas secondary treatment systems with nutrient removal are to be utilised;
- (d) notwithstanding any other provisions of this scheme, industrial development not connected to reticulated sewerage (for treatment on-site or off-site) is to be restricted to 'dry industry' being land uses that intend to dispose of wastewater on site to the environment of a kind and volume ordinarily discharged from a habitable building at a daily volume of less than 540 litres per 1,000m² of the site area;
- (e) where trade waste is to be managed and/or disposed of on-site or off-site the associated risks must be identified and addressed, including the vulnerability of the receiving environment where relevant;
- (f) where a caretaker's dwelling is a discretionary use –
 - i. only one dwelling be permitted on each lot;
 - ii. the dwelling is to have a maximum floor area of 100m²;
 - iii. the dwelling is to be incidental to the industrial land use;
 - iv. subdivision of the dwelling from the parent lot will not be permitted;
 - v. the use of notifications on title may be considered to advise prospective purchasers of potential impacts from noise, dust, odour or amenity that may arise from the location of a residential land use within the zone;

- vi. the local government will not consider applications for caretakers' dwellings prior to the primary site activity being either approved or constructed;
 - vii. where simultaneous approval has been granted by local government for both a caretaker's dwelling and the main activity on the same lot, the main activity must be developed and operational prior to occupation of the dwelling; and
 - viii. caretaker's dwellings are to be carefully sited and constructed so the potential site (or estate) impacts from noise, dust, odour or amenity are minimised;
- (g) in considering rezoning proposals for industrial zones, the local government may require the preparation of a structure plan, and any information relevant to the site conditions, in keeping with the matters listed in clause 67 of the deemed provisions and clause 5.7 of the scheme; and
- (h) any other requirement as included in a Local Planning Policy adopted by the local government.
- (i) Where 'Workforce Accommodation' is a discretionary use –
- i. the accommodation is to be configured in a workforce camp/motel style;
 - ii. the accommodation is to have a combined maximum floor area of 250m² per lot;
 - iii. the accommodation is to be incidental to a predominant land use;
 - iv. subdivision of the accommodation from the parent lot will not be permitted; and
 - v. workforce accommodation must be carefully sited and constructed so that the potential site (or estate) impacts from noise, dust, odour, amenity and heavy vehicles is minimised.

AMD 67 GG 07/10/22

4.10 DEVELOPMENT OF LOTS ABUTTING UNCONSTRUCTED ROADS

Notwithstanding anything elsewhere appearing in the Scheme, development approval is required for development of land abutting an unconstructed road or a lot, which does not have frontage to a constructed road in considering such an application, the local government shall either:

- (a) refuse the application until the road has been constructed or access by means of a constructed road is provided as the case may be; or
- (b) grant approval to the application subject to a condition requiring the applicant to pay a sum of money in or towards payment of the cost or estimated cost of construction of the road or part thereof and any other conditions it thinks fit to impose; or
- (c) require such other arrangement are made for permanent access as shall be to the satisfaction of the local government.

4.11 ADVERTISEMENTS - POWER TO CONTROL

4.11.1 Existing Signs

Signs which-

- a) were lawfully erected, placed or displayed prior to the approval of this Scheme; or

- b) may be erected, placed or displayed pursuant to a licence or other approval granted by the local government prior to the approval of this Scheme,

hereinafter in this Part referred to as "existing signs", may, except as otherwise provided, continue to be displayed or be erected and displayed in accordance with the Licence or approval as appropriate.

4.12 CAR PARKING REQUIREMENTS

Car parking shall be in accordance with the local government's Local Planning Policy – Car Parking Requirements.

4.13 UNSTABLE SITES

For any land of an unstable nature, the local government shall require any application for Development approval to be accompanied by a geotechnical report demonstrating the stability of the land for any development.

4.14 HIGHWAY AND MAJOR ROAD RESERVES

AMD 60 GG 03/11/17

4.14.1 Where development is proposed adjacent to a local road, an existing or proposed highway or main road, the local government may seek to exercise its discretion to prevent or limit development on a site, following consideration of advice from the agency responsible for main roads, unless:

- a) access and egress is in accordance with State policy; and
- b) development on the site would not intensify traffic movements to a degree which would limit the ability of a highway or main road to operate for its purpose; and
- c) the type of vehicles accessing a highway or main road from the site would be consistent with the intended use of that highway or road.

4.14.2 Development is to be set back a suitable distance from the road to manage visual impact and amenity.

4.15 BASIC RAW MATERIALS

- (a) Extraction of essential materials for roads and construction are to be permitted in areas where they will not adversely affect living environments, the landscape quality or contribute to land degradation problems during and after operations;
- (b) Extraction of basic raw materials within the rural zones is to be managed in accordance with best industry practices including consideration of end use and rehabilitation at time of decommission;
- (c) Appropriate buffer areas are to be applied to protect both the extractive operations as well as the living or agricultural environment in nearby areas;
- (d) local government will not support development within those buffer areas, which may be detrimental to the efficiency of the industries. This is to protect the basic raw materials precincts from development that may compromise its operations.

4.16 BUSHFIRE HAZARD AREAS

AMD 41 GG 22/3/13

4.16.1 Bushfire Hazard Areas and development requirements are listed and mapped in Schedule 10 – Bushfire Hazard Areas. *AMD 62 GG 14/02/17*

4.16.2 Development approval is required for any habitable building within a Bushfire hazard Area.

4.16.3 If a bushfire hazard area has been determined under Schedule 10 of this scheme, when considering a development application the local government may impose conditions to reduce bush fire risk to people and/or property including –

AMD 62 GG 14/02/17

- a) The provision of a fire fighting water supply;
- b) The provision of fire services access;
- c) The preparation and implementation of a fire management plan in accordance with relevant local government and Western Australian Planning commission bushfire protection policies and guidelines; and
- d) The implementation of measures to ensure that landowners are aware of the relevant scheme provisions and fire management plan.

4.16.4 Where a Fire Management Plan has been endorsed by the local government and/or the Fire and Emergency Services Authority of Western Australia, the affected land owners will be responsible for the ongoing implementation of the 'land owners' responsibilities' as specified in that Fire Management Plan.

4.17 PARKING OF COMMERCIAL VEHICLES IN TOWNSITE, RESIDENTIAL, RURAL RESIDENTIAL AND RURAL CONSERVATION ZONES

AMD 49 GG 5/12/14

4.17.1 The parking of a commercial vehicle is not permitted in the Townsite, Residential, Rural Residential or Rural Conservation zone without the development approval of the local government except for the purpose of delivering or loading goods normally associated with residential uses.

4.17.2 The parking and repair of commercial vehicles on any Townsite, Residential, Rural Residential or Rural Conservation zoned lot shall be in accordance with the following requirements:

- a) the lot on which the vehicle is parked contains only a single house (including any associated outbuildings);
- b) the vehicle is used by an occupant that is lawfully occupying the dwelling on the lot;
- c) the vehicle is parked entirely on the subject lot within a garage or is located on a hard stand area, sited behind the building line of the dwelling and partially screened so as to reasonably minimise the visual effect as viewed from the road reserve or from a neighbouring property to the satisfaction of the local government;
- d) the vehicle does not exceed 3.6 metres in height (including any load), 2.5 metres in width and 8 metres in length;
- e) the vehicle is not started or manoeuvred on site between the hours of 10.00pm on any day and 7.00am on the following day, or, where the following day is a Sunday or a public holiday, 9.00am on that day.
- f) whilst on the lot, the vehicle's motor is not left running when the vehicle is unattended or in any event for any period in excess of five (5) minutes;
- g) the vehicle, whilst on the lot, is not loaded with goods or materials that may cause nuisance, risk or pollution to the detriment of the amenity of the area or nearby residents;
- h) the vehicle is not carrying a refrigeration unit which is operating on a continuous or intermittent basis;
- i) whilst on the lot, there is no transfer of goods or passengers from one vehicle to another vehicle, loading and unloading of the vehicle, or storage of goods associated with the use of the vehicle; and

- j) only minor servicing, including minor mechanical repairs and adjustments, and/or cleaning that generates easily contained liquid waste is carried out on the lot. All cleaning and servicing shall be screened from any nearby road reserve/s and the disposal of waste products shall be to the satisfaction of the local government.

4.17.3 The local government may, upon receipt of an application for development approval, approve a variation to the requirements of clause 4.17.2 (e) provided that it is satisfied that the variation will not adversely affect the amenity of the area or nearby residents.

4.17.4 Clause 4.17 does not apply where the proposed parking or garaging of a commercial vehicle:

- a) is for less than 2 hours in aggregate over any period of 24 hours;
- b) occurs during the period that the commercial vehicle is engaged in work on the lot on which it is parked or garaged;
- c) is solely for the purpose of visiting the subject lot for business purposes or the delivery or receiving of goods; and
- d) is ancillary to an approved land use on a site where the commercial vehicle is parked or garaged.

4.18 AREAS WITHIN WHICH DEVELOPMENT CONTRIBUTION PLANS APPLY

4.18.1 Interpretation

In clause 4.18, unless the context otherwise requires:

‘Administrative costs’ means such costs as are reasonably incurred for the preparation and (with respect to standard infrastructure items) implementation of the development contribution plan.

‘Administrative items’ means the administrative matters required to be carried out by or on behalf of the local government in order to prepare and (with respect to standard infrastructure items) implement the development contribution plan, including legal, accounting, planning engineering, and other professional advice.

‘Cost apportionment schedule’ means a schedule prepared and distributed in accordance with clause 4.18.10.

‘Cost contribution’ means the contribution to the cost of infrastructure and administrative costs.

‘Development contribution area’ means an area shown on the scheme map with a number and included in Schedule 9. *AMD 62 GG 14/02/17*

‘Development contribution plan’ means a development contribution plan prepared in accordance with the provisions of State Planning Policy 3.6 Development Contributions for Infrastructure and the provisions of this clause 4.18 of the scheme (as incorporated in Schedule 9 to this scheme). *AMD 62 GG 14/02/17*

‘Development contribution plan report’ means a report prepared and distributed in accordance with clause 4.18.10.

‘Infrastructure’ means the standard infrastructure items (services and facilities set out in appendix 1 of State Planning Policy 3.6 Development Contributions for Infrastructure) and community infrastructure, including recreational facilities; community centres; child care and after school centres; libraries and cultural facilities and such other services and facilities for which development contributions may reasonably be requested having regard to the objectives, scope and provisions of this policy.

'Infrastructure costs' means such costs as are reasonably incurred for the acquisition and construction of infrastructure.

'local government' means the local government or local governments in which the development contribution area is located or through which the services and facilities are provided.

'Owner' means an owner of land that is located within a development contribution area.

4.18.2 Purpose

The purpose of having development contribution areas is to:

- a) provide for the equitable sharing of the costs of infrastructure and administrative costs between owners;
- b) ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the development contribution area; and
- c) coordinate the timely provision of Infrastructure.

4.18.3 Development contribution plan required

A development contribution plan is required to be prepared for each development contribution area.

4.18.4 Development contribution plan part of scheme

The development contribution plan is incorporated in Schedule 9 as part of this scheme.

AMD 62 GG 14/02/17

4.18.5 Subdivision, strata subdivision and development

4.18.5.1 The local government shall not withhold its support for subdivision, strata subdivision or refuse to approve a development solely for the reason that a development contribution plan is not in effect, there is no approval to advertise a development contribution plan, or that there is no other arrangement with respect to an owner's contribution towards the provision of community infrastructure.

4.18.5.2 Where a development contribution plan is required but not yet in effect, the local government may recommend conditions of subdivision or strata subdivision approval or impose conditions of a development approval requiring the owner to make other interim arrangements, satisfactory to the local government, with respect to the owner's contribution toward the provision of infrastructure, land and administrative items and costs in a development contribution area.

4.18.6 Guiding principles for development contribution plans

The development contribution plan for any development contribution area is to be prepared in accordance with the following principles:

- a) Need and the nexus

The need for the infrastructure included in the plan must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).

b) Transparency

Both the method for calculating the development contribution and the manner in which it is applied should be clear, transparent and simple to understand and administer.

c) Equity

Development contributions should be levied from all developments within a development contribution area, based on their relative contribution to need.

d) Certainty

All development contributions should be clearly identified and methods of accounting for cost adjustments determined at the commencement of a development.

e) Efficiency

Development contributions should be justified on a whole of life capital cost basis consistent with maintaining financial discipline on service providers by precluding over recovery of costs.

f) Consistency

Development contributions should be applied uniformly across a development contribution area and the methodology for applying contributions should be consistent.

g) Right of consultation and review

Owners have the right to be consulted on the manner in which development contributions are determined. They also have the opportunity to seek a review by an independent third party if they believe the calculation of the costs of the contributions is not reasonable.

h) Accountable

There must be accountability in the manner in which development contributions are determined and expended.

4.18.7 Recommended content of development contribution plans

4.18.7.1 The development contribution plan is to specify:

- (a) the development contribution area to which the development contribution plan applies;
- (b) the infrastructure and administrative items to be funded through the development contribution plan;
- (c) the method of determining the cost contribution of each owner; and
- (d) the priority and timing for the provision of infrastructure.

4.18.8 Period of development contribution plan

A development contribution plan shall specify the period during which it is to operate.

4.18.9 Land excluded

In calculating both the area of an owner's land and the total area of land in a development contribution area, the area of land provided in that development contribution area for:

- a) roads designated under the Town Planning Scheme as primary regional roads and other regional roads;
- b) existing public open space;
- c) existing government primary and secondary schools; and
- d) such other land as is set out in the development contribution plan, is to be excluded.

4.18.10 Development contribution plan report and cost apportionment schedule

- 4.18.10.1 Within 90 days of the development contribution plan coming into effect, the local government is to adopt and make available a development contribution plan report and cost apportionment schedule to all owners in the development contribution area.
- 4.18.10.2 The development contribution plan report and the cost apportionment schedule shall set out in detail the calculation of the cost contribution for each owner in the development contribution area, based on the methodology provided in the development contribution plan, and shall take into account any proposed staging of the development.
- 4.18.10.3 The development contribution plan report and the cost apportionment schedule do not form part of the scheme, but once adopted by the local government they are subject to review as provided under clause 4.18.11.

4.18.11 Cost contributions based on estimates.

- 4.18.11.1 The determination of Infrastructure costs and administrative costs is to be based on amounts expended, but when expenditure has not occurred, it is to be based on the best and latest estimated costs available to the local government and adjusted accordingly, if necessary.
- 4.18.11.2 Where a cost apportionment schedule contains estimated costs, such estimated costs are to be reviewed at least annually by the local government:
 - (a) in the case of land to be acquired, in accordance with clause 4.18.12; and
 - (b) in all other cases, in accordance with the best and latest information available to the local government, until the expenditure on the relevant item of infrastructure or administrative costs has occurred.
- 4.18.11.3 The local government is to have such estimated costs independently certified by appropriate qualified persons and must provide such independent certification to an owner when requested to do so.
- 4.18.11.4 Where any cost contribution has been calculated on the basis of an estimated cost, the local government:
 - (a) is to adjust the cost contribution of any owner in accordance with the revised estimated costs; and

- (b) may accept a cost contribution, based upon estimated costs, as a final cost contribution and enter into an agreement with the owner accordingly.
- 4.18.11.5 Where an owner's cost contribution is adjusted under clause 4.18.11.4, the local government, on receiving a request in writing from an owner, is to provide the owner with a copy of estimated costs and the calculation of adjustments.
- 4.18.11.6 If an owner objects to the amount of a cost contribution, the owner may give notice to the local government requesting a review of the amount of the cost contribution by an appropriate qualified person ('independent expert') agreed by the local government and the owner at the owner's expense, within 28 days after being informed of the cost contribution.
- 4.18.11.7 If the independent expert does not change the cost contribution to a figure acceptable to the owner, the cost contribution is to be determined:
 - (a) by any method agreed between the local government and the owner; or
 - (b) if the local government and the owner cannot agree on a method pursuant to (a) or on an independent expert, by arbitration in accordance with the Commercial Arbitration Act 1985, with the costs to be shared equally between the local government and owner.

4.18.12 Valuation

- 4.18.12.1 Clause 4.18.12 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.
- 4.18.12.2 In clause 4.18.12 –

'Value' means the fair market value of land, at a specified date, which is defined as the capital sum that would be negotiated in an arm's length transaction in an open and unrestricted market assuming the highest and best use of the land with all its potential and limitations (other than the limitation arising from the transaction for which the land is being valued), wherein the parties act knowledgeably, prudently and without compulsion to buy or sell.

Valuation methodology will be defined for each particular arrangement by the applicable Development Contribution Plan Report.

'Valuer' means a licensed valuer agreed by the local government and the owner, or, where the local government and the owner are unable to reach agreement, by a valuer appointed by the President of the Western Australian Division of the Australian Property Institute.
- 4.18.12.3 If an owner objects to a valuation made by the valuer, the owner may give notice to the local government requesting a review of the amount of the value, at the owner's expense, within 28 days after being informed of the value.
- 4.18.12.4 If, following a review, the valuer's determination of the value of the land is still not a figure acceptable to the owner, the value is to be determined:
 - (a) by any method agreed between the local government and the owner; or

- (b) if the local government 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.

4.18.13 Liability for cost contributions

4.18.13.1 An owner must make a cost contribution in accordance with the applicable development contribution plan and the provisions of clause 4.18.

4.18.13.2 An owner's liability to pay the owner's cost contribution to the local government arises on the earlier of:

- (a) the Western Australian Planning Commission endorsing its approval on the deposited plan or survey strata plan of the subdivision of the owner's land within the development contribution area;
- (b) the commencement of any development on the owner's land within the development contribution area;
- (c) the approval of any strata plan by the local government or Western Australian Planning Commission on the owner's land within the development contribution area; or
- (d) the approval of a change or extension of use by the local government on the owner's land within the development contribution area.

The liability arises only once upon the earliest of the above listed events.

4.18.13.3 Notwithstanding clause 4.18.13.2, an owner's liability to pay the owner's cost contribution does not arise if the owner commences development of:

- (a) the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided or strata subdivided since the coming into effect of the development contribution plan;
- (b) a single dwelling on a single lot and associated outbuildings;
- (c) a change of use where no development is proposed;
- (d) a development which is defined as 'public works' under the Public Works Act 1902, but excluding Public Housing;
- (e) a fence;
- (f) a home business;
- (g) a home occupation;
- (h) a home office; or
- (i) any development which is permitted and excluded from the requirement for planning consent pursuant to clause 61 of the deemed provisions.

AMD 62 GG 14/02/17

- 4.18.13.4 Where a development contribution plan expires in accordance with clause 4.18.8, an owner's liability to pay the owner's cost contribution under that development contribution plan shall be deemed to continue in effect and be carried over into any subsequent development contribution plan which includes the owner's land, subject to such liability.

4.18.14 Payment of cost contribution

- 4.18.14.1 The owner, with the agreement of the local government, is to pay the owner's cost contribution by:
- (a) cheque or cash;
 - (b) transferring to the local government or a public authority land in satisfaction of the cost contribution;
 - (c) the provision of physical infrastructure;
 - (d) some other method acceptable to the local government; or
 - (e) any combination of these methods.
- 4.18.14.2 The owner, with the agreement of the local government, may pay the owner's cost contribution in a lump sum, by instalments or in such other manner acceptable to the local government.
- 4.18.14.3 Payment by an owner of the cost contribution, including a cost contribution based upon estimated costs in a manner acceptable to the local government, constitutes full and final discharge of the owner's liability under the development contribution plan and the local government shall provide certification in writing to the owner of such discharge if requested by the owner.

4.18.15 Charge on land

- 4.18.15.1 The amount of any cost contribution for which an owner is liable under clause 4.18.13, but has not paid, is a charge on the owner's land to which the cost contribution relates, and the local government may lodge a caveat, at the owner's expense, against the owner's certificate of title to that land.
- 4.18.15.2 The local government, at the owner's expense and subject to such other conditions as the local government thinks fit, can withdraw a caveat lodged under clause 4.18.15.1 to permit a dealing and may then re-lodge the caveat to prevent further dealings.
- 4.18.15.3 If the cost contribution is paid in full, the local government, if requested to do so by the owner and at the expense of the owner, is to withdraw any caveat lodged under clause 4.18.15.

4.18.16 Administration of funds

- 4.18.16.1 The local government is to establish and maintain a reserve account in accordance with the Local Government Act 1995 for each development contribution area into which cost contributions for that development contribution area will be credited and from which all payments for the infrastructure costs and administrative costs within that development contribution area will be paid. The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that development contribution area.

- 4.18.16.2 Interest earned on cost contributions credited to a reserve account in accordance with clause 4.18.16.1 is to be applied in the development contribution area to which the reserve account relates.
- 4.18.16.3 The local government is to publish an audited annual statement of accounts for that development contribution area as soon as practicable after the audited annual statement of accounts becomes available.

4.18.17 Shortfall or excess in cost contributions

- 4.18.17.1 If there is a shortfall in the total of cost contributions when all cost contributions have been made or accounted for in a particular development contribution area, the local government may:
- (a) make good the shortfall;
 - (b) enter into agreements with owners to fund the shortfall; or
 - (c) raise loans or borrow from a financial institution, but nothing in paragraph 4.18.17.1(a) restricts the right or power of the local government to impose a differential rate to a specified development contribution area in that regard.
- 4.18.17.2 If there is an excess in funds available to the development contribution area when all cost contributions have been made or accounted for in a particular development contribution area, the local government is to refund the excess funds to contributing owners for that development contribution area. 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 that development contribution area.

4.18.18 Powers of the local government

The local government in implementing the development contribution plan has the power to:

- a) acquire any land or buildings within the scheme area under the provisions of the Planning and Development Act 2005; and
- b) deal with or dispose of any land which it has acquired under the provisions of the Planning and Development Act 2005 in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

4.18.19 Arbitration

Subject to clauses 4.18.12.3 and 4.18.12.4, any dispute between an owner and the local government in connection with the cost contribution required to be made by an owner is to be resolved by arbitration in accordance with the *Commercial Arbitration Act 1985*.

4.19 DEVELOPMENT PROVISIONS – RESIDENTIAL ZONE

AMD 55 GG 18/03/16; AMD 69 GG 22/07/2022

- 4.19.1 A water management report, approved by the Western Australian Planning Commission and/or local government, and in consultation with the Department of Water and Environmental Regulation, may be required in the Residential zone to address any relevant water-related matters.

4.19.2 Development in the Residential zone is to be serviced by a reticulated potable water service (including water for firefighting purposes) by a licensed water provider. Where a water service is not available, an area of land is to be identified for water supply infrastructure and associated buffers.

4.19.3 The keeping of livestock is not permitted in the Residential zone.

4.19.4 The following applies to future subdivision and development within Lot 2 on Diagram 52612, Reserve Road:

(a) for proposed lots located within the eastern portion that adjoin rural residential land, habitable buildings are to be located outside a 27 metre building exclusion area (measured from the rear boundary);

(b) prior to subdivision of residential zoned land, the local government will recommend to the Western Australian Planning Commission that a notification be place on the certificate(s) of title of lot(s) as follows:

‘A reticulated sewerage system is not available to the lot(s). As such, an on-site secondary treatment and disposal system for sewage with nutrient removal will be required. Therefore, the developable area of the lot is reduced. There are ongoing landowner obligations to ensure that the treatment and disposal system is regularly maintained in accordance with relevant health regulations. Contact the local government for more information.’; and

(c) future subdivision design and layout is to retain identified black cockatoo habitat tree(s) that have a Diameter at Breast Height (DBH) >500mm (reference: Black Cockatoo Habitat Assessment, report 1032 AB, 360 Environmental, May 2015, or any update to this assessment) and are not dead, diseased or pose a danger to humans. A 10 metre habitat tree protection zone should be identified to ensure the protection of retained trees during subdivision and development.

4.20 AMENITY OF NON-RESIDENTIAL DEVELOPMENT

AMD 60 GG 03/11/17

The amenity of non-residential development shall be determined in the context of each proposed development and site conditions, but shall generally be in accordance with the following principles:

- (a) the form and scale of the development is to be compatible with surrounding land uses;
- (b) the impacts of the development are to be contained on site and/or suitably managed off-site;
- (c) the impact of the development on the road network and traffic management is to be consistent with the road function and hierarchy;
- (d) adequate provision is to be made for parking for staff and visitors, with separation between staff / visitor parking and service / haulage vehicles;
- (e) buildings are to have co-ordinated or complementary materials, colours and styles, including:
 - i. doors, windows and building materials that develop a coherent pattern, and are proportional to the building; and
 - ii. screening of services and areas for waste management and essential services (eg air conditioning units).
- (f) visual impacts to be minimised by the use of vegetation screening, tree retention and building orientation;

- (g) landscaping to be provided, to a minimum of 10 per cent of the site area, using plant species approved by the local government, including provision of shade trees at 1 per 4 car bays;
- (h) minimise the use of front fencing, and where required, fencing to be set back to the building line and behind the landscaped area where feasible, and coloured matt black or other dark tones;
- (i) external lighting designed to minimise light spill and glare on adjoining properties;
- (j) storage of plant and equipment to be screened or remote from public areas, particularly from the street, and provision made on site for a loading bay where the land use requires it;
- (k) use of 'on building' signage where the building addresses the street, and where 'freestanding' signage is necessary it should either be affixed to a front fence, or located adjacent to it at a height that is compatible with the setting.

4.21 DEVELOPMENT PROVISIONS – ENVIRONMENTAL CONSERVATION ZONE

AMD 61 GG 25/06/19

The following applies to subdivision and development in the Environmental Conservation zone:

- (a) Adjustments to Environmental Conservation zone boundaries may be considered as 'basic' scheme amendments, subject to environmental surveys and supported by the agency responsible for biodiversity and conservation.
- (b) Subdivision in the Environmental Conservation zone will not be supported.
- (c) Development within the Environmental Conservation zone is to be in accordance with the zone objectives and is not to disturb vegetation.
- (d) Where development is proposed that would affect Environmental Conservation zoned land, the proponent is to prepare an Environmental Management Plan at the time of structure planning, subdivision or development (as relevant), in consultation with the State government department responsible for biodiversity and conservation. The plan is to be approved by the local government with arrangements made for the implementation of the approved plan. The Environmental Management Plan is to address the requirements of clause 4.8.13.
- (e) The parking of a commercial vehicle is not permitted in an Environmental Conservation zone.
- (f) The keeping of livestock is not permitted within an Environmental Conservation zone.

PART 5 - SPECIAL CONTROL AREAS

5.1 OPERATION OF SPECIAL CONTROL AREAS

AMD 67 GG 07/10/22 AMD 67 GG 07/10/22

5.1.1 The following special control areas shown on the Scheme Maps.

- **Landscape Protection**
- **Water Prone**
- **Basic Raw Materials**
- **Military Considerations**
- **Land Refuse**
- **Muchea Industrial Park**

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

5.2 LANDSCAPE PROTECTION AREAS

5.2.1 The Landscape Protection Areas are delineated on the Scheme Map. Development approval is required for any development within the Special Control Area.

5.2.2 Purpose

- a) To secure the areas delineated on the Scheme Map from undue subdivision and development that would detract from the landscape value of the rural environment;
- b) to conserve and enhance the character of the significant landscape area; and
- c) to ensure land use and developments are compatible with the landscape values.

5.2.3 Landscape Areas

The Landscape Protection Areas are:

- a) the Chittering Valley Landform System: for the protection of the Brockman River Catchment its biodiversity and the drainage pattern and land degradation problems;
- b) the Gingin Scarp: for the protection of the landform against denudation, water quality (nutrient export) and erosion;
- c) the northern uplands: for the agricultural quality of the undulating landforms and rural production.

5.2.4 Planning Requirements

In dealing with an application for Development approval, the local government will not support:

- a) a dwelling or outbuilding on any ridgeline as may be prominently visible from any public road or which may adversely affect the aspects of neighbouring dwellings;
- b) land uses which are not related to the general objectives of the zone;
- c) the storage or keeping of non-agricultural vehicles or materials on the land as may be visible from any public road;
- d) the removal of any natural vegetation from any ridgeline;

- e) the removal or lopping of trees other than for-
 - i. fire fighting or fire protection purposes;
 - ii. the removal of dead or dying trees;
 - iii. clearance for power lines, emergency access, emergency works by a public authority, sight lines and traffic safety on roads;
 - iv. if the vegetation is posing a risk to public safety;
 - v. the vegetation is part of an area planted for fodder, timber plantation, or any other crop;
 - vi. in association with the establishment of a Building Envelope.

The local government may require, where appropriate, as a condition of any development approval, additional planting of vegetation to be undertaken to ensure no net loss of vegetation or to repair any degraded landscape.

5.2.5 Relevant Considerations

In considering an Application for Development approval, the local government shall have regard to:

- a) the statement and the nature of the key elements of the landscape and its character;
- b) the conservation and enhancement of the landscape values;
- c) the impact of any buildings and associated works on the landscape due to height, bulk, colour, general appearance and the need to remove vegetation;
- d) the requirement for all roofing of any building to be a of a non-reflective nature;
- e) a change of land use where in the opinion of the local government the proposed development may cause a deterioration of the landscape value and/or cause an adverse effect(s) on the environment.

5.2.6 Referrals for Development approval

The local government may refer any Application for Development approval or any amendment to vary a Special Control Area boundary to any relevant authority or community organisation.

5.3 WATER PRONE AREA – ELLEN BROOK PALUSPLAIN

AMD 73 GG 14/03/2023

5.3.1 Development approval is required for any development within the Special Control Area, excluding development of a class specified in Column 1 of an item in the following Table and if all of the conditions set out in Column 2 of the Table opposite that item are satisfied in relation to the development.

Table

	<u>Column 1</u> Development	<u>Column 2</u> Conditions
1.	i) Demolition of buildings and structures. m) Internal building work. n) Erection, installations, alterations, additions of or to pergolas, patios, garages, carports, decks,	<ul style="list-style-type: none"> • The development works are not located in a heritage-protected place. • The development works are not located within 30 metres of any natural water body. • The relevant requirements of the R-

	<p>verandahs, shade sails, swimming pools that forming part of, connected to or are detached from (but associated with) an existing dwelling on the lot.</p> <p>o) Outbuildings that are characterised as sheds, barns, workshops, lean-to's and similar buildings or structures that could be reasonably characterised as an outbuilding.</p> <p>p) Erection, installation, alterations, additions of or to boundary or retaining walls or fences and other means of boundary enclosures.</p> <p>q) Cubby houses.</p> <p>r) Solar panels.</p> <p>s) Flagpoles.</p> <p>t) The signage and advertisements contained in Schedule 6 of this Scheme.</p> <p>u) Maintenance and repair works.</p> <p>v) Works for public safety, the safety or security of plant or equipment, installation and maintenance of essential services or the protection of the environment.</p>	<p>Codes are satisfied.</p> <ul style="list-style-type: none"> • The relevant requirements of Local Planning Policy No. 18 – Setbacks are satisfied. • The outbuildings the subject of d) that are not subject to the requirements of the R-Codes are to be used for warehouse/storage purposes associated with an existing approved land use on the lot, and the requirements of Local Planning Policy No. 7 – Outbuildings are satisfied. • The development requirements of this Scheme for the underlying zone are satisfied. • The local government confirms that the Objectives of the Objectives of the underlying zone and the Purpose of any other Special Control Area applicable to the land are satisfied.
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The provisions of this clause prevail where a conflict arises with any other provision of this Scheme that requires development approval for development of a class specified in Column 1 of the Table.'

5.3.2 Purpose

- a) To manage development in areas where there is high risk of inundation so as to protect people and property from undue damage and where there is a potential risk to human health.
- b) To preclude development and the use of land which may increase the amount of nutrients from entering the surface and/or sub-surface water systems.
- c) To ensure that wetland environmental values and ecological integrity are preserved and mentioned.

5.3.3 Planning Requirements

The local government will impose conditions on any Development approval relating to-

- a) the construction and occupation of any dwelling or outbuilding;
- b) the type of effluent disposal system used in this area shall be high performance with bacterial and nutrient stripping capabilities to the specifications of local government and the Health Department and shall be located in a position determined by local government.;
- c) minimum floor levels for any building above the highest known water levels;
- d) any land use that may contribute to the degradation of the surface or sub-surface water quality.
- e) no development other than for conservation purposes will be permitted within 30 metres of any natural water body;

AMD 21 GG 3/4/09

- f) damming, draining or other developments which may alter the natural flow of surface water will not be permitted unless such works are part of an approved Catchment Management Plan.

5.3.4 Relevant Considerations

In considering applications for Development approval, the local government shall have regard to-

- a) the likely impact on the health and welfare of future occupants;
- b) the proposed activities for the land and their potential increase in the risk of causing an increase in nutrients entering the water regimes;
- c) any provision or recommendation from any Catchment Management Plan.
- d) the likely impact on any wetland;
- e) buffer distances from any wetland.

5.3.5 Referral of Applications for Development approval

The local government may refer any Application for Development approval or any amendment to vary a Special Control Area boundary to any relevant authority or community organisation.

5.4 BASIC RAW MATERIALS

5.4.1 Basic Raw Materials Areas are delineated on the Scheme Map.

5.4.2 Purpose

To secure known basic raw materials resources, and protect future resources.

5.4.3 Planning Requirements

Development approval is required to extend a dwelling or other building within the Buffer Area.

No new dwellings shall be approved within this buffer area.

5.4.4 Relevant Considerations

Whether development in the buffer area will affect future Extractive Industry operations.

5.4.5 Referral of Applications for Rezoning or Development approval

The local government may refer any Application for Development approval or any amendment to vary a Special Control Area boundary to any relevant authority or community organisation.

5.5 MILITARY CONSIDERATIONS (RAAF)

5.5.1 The Military Considerations Special Control Area (for RAAF Base Pearce, Gingin Airfield and Muchea Air Weapons Range flight paths) is delineated on the Scheme Map.

5.5.2 Purpose

5.5.2.1 To protect the integrity of the operations of the RAAF Base Pearce, RAAF Gingin Airfield and Muchea Air Weapons Range and associated flight paths by ensuring that development complies with the height limit requirements set out by the Department of Defence.

- 5.5.2.2 Ensure sensitive land uses within the designated flight paths are built to mitigate impacts associated with aircraft noise.

5.5.3 Planning Requirements

AMD 21 GG 3/4/09

- 5.5.3.1 In addition to development which otherwise requires approval under the Scheme, development approval is required for any development within this Special Control Area that meets one or more of the following:

- a) Is 15 metres or greater in height.
- b) Is a habitable building that is identified as being within an Australian Noise Exposure Forecast (ANEF) zone greater than 20 ANEF.

Note: The ANEF chart for the RAAF Base Pearce and RAAF Gingin Airfield Defence Aviation Area is available from the local government's website or on request from the Department of Defence.

- 5.5.3.2 Any new dwelling located within the 20 ANEF contour shall be constructed so as to comply with any noise attenuation measures required by Australian Standard AS 2021 Aircraft Noise Intrusion – Building Siting and Construction, or to achieve the following:

- a) An indoor design sound level of 50dB(A) or less for all sleeping areas and dedicated lounges;
- b) An indoor design sound level of 55dB(A) or less for all other habitable spaces; and
- c) An indoor design sound level of 60dB(A) or less for bathroom, toilets and laundries.

- 5.5.3.3 The roofing material of any building within the Special Control Area shall be non-reflective.

AMD 69 GG 22/7/22

5.5.4 Relevant Considerations

In considering any Application for Development approval the local government shall have regard to:

- a) whether the proposal is compatible with current and future Defence Force flying operations associated with RAAF Base Pearce, RAAF Gingin Airfield and Muchea Air Weapons Range;
- b) whether any buildings proposed for human occupation requires noise attenuation measures in accordance with Australian Standard 2021; and
- c) whether the proposal constitutes a hazard or interference to aircraft flying in the area including but not limited to: excess building height, extraneous outdoor lighting and increased risk of bird strike to aircraft.

AMD 69 GG 22/7/22

5.5.5 Referrals of Applications for Development approval

The local government may refer any Application for Development approval to the relevant authority responsible for defence aviation.

AMD 69 GG 22/7/22

5.6 LAND REFUSE

The Land Refuse Areas are shown on the Scheme Map.

5.6.1 Purpose

To establish buffer areas around established Land Refuse Centres, so that development does not encroach within the buffer area.

5.6.2 Planning Requirements

Development approval is required to extend a dwelling or other building within the Buffer.

No new dwellings shall be approved within the designated buffer area.

5.6.3 Referrals of Applications for Development approval

The local government may refer any Application for Development approval or any amendment to vary a Special Control Area boundary to any relevant authority or community organisation.

5.7 MUCHEA INDUSTRIAL PARK

AMD 52 GG 26/06/15; AMD 62 GG 14/02/17; AMD 60 GG 03/11/17; AMD 67 GG 07/10/22

The Muchea Industrial Park Special Control Area is shown on the Scheme Map. Development approval is required for any development within the Special Control Area.

5.7.1 Purpose

- a) to provide a basis for the zoning and development of the Muchea Industrial Park as an industrial estate in accordance with the Muchea Industrial Park Structure Plan;
- b) to accommodate impacts from industrial uses within the boundaries of the Muchea Industrial Park;
- c) to provide a basis for the co-ordination of future subdivision and development;
- d) to protect and manage the natural environment, landscape values and air and water quality, resulting in a high quality industrial estate that responds to its natural setting;
- e) to provide for essential services for a broad range of land uses; and
- f) limit the development of land uses that might compromise the intended purpose of the area as an industrial estate.

5.7.2 Planning Requirements

AMD 67 GG 07/10/22

5.7.2.1 Notwithstanding any other land use permissibility expressed in the Scheme, no residential land uses or caretakers dwellings will be approved in the Muchea Industrial Park Special Control Area. For the purpose of this clause, workforce accommodation is not regarded to be a residential land use.

5.7.2.2 In considering zoning proposals for 'Industrial Development', 'General Industry' and 'Light Industry' within the Muchea Industrial Park proposals are to address the objectives and requirements of the Muchea Industrial Park Structure Plan, including:

- a) details of how the proposal will manage stormwater run-off and wastewater disposal with specific reference to potential impacts on water quality and quantity and the nutrient load of the Ellen Brook which may include studies, commensurate with the scale of the proposal, in accordance with State Policy and the Better Urban Water Management Guidelines;
- b) details of potential impacts on flora and vegetation, fauna and habitat which may include the need for studies undertaken in accordance with Environmental Protection Authority guidance and consideration of matters of national environmental significance;

- c) details of potential impacts to, and proposed buffers from, waterways and wetlands which may include the need for studies in accordance with State Policy and technical guidance;
- d) a land capability assessment demonstrating that the site is capable of assimilating nutrients and disposing of wastewater without an adverse impact on ecosystem health;
- e) a desktop Aboriginal heritage assessment; and
- f) any other matters relevant to the site, such as access and egress and basic raw materials.

5.7.2.3 Zoning proposals are to be assessed for suitability on the basis of:

- a) their location relative to sensitive land uses;
- b) the environmental suitability of the site; and
- c) the potential impact of proposed drainage and wastewater treatment and disposal systems on the environment.

5.7.2.4 Structure planning is not required for lots 700, 701 and 352 (previously described as lots 100 and 101) and lots 102, M1606, 22, 30, 202, 3 and 201. Structure planning is required on other lots in the Special Control Area in the following circumstances:

- a) in precincts where orderly and proper planning is needed to achieve coordinated provision of services and infrastructure; or
- b) where land is zoned for Industrial Development.

5.7.2.5 Subdivision or development of land within the Muchea Industrial Park shall also be in accordance with the provisions and requirements of Schedule 11 as applicable.

5.7.2.6 Unless a planning proposal demonstrates otherwise, and is supported by relevant agencies and the local government, servicing within the SCA is to be as follows:

- a) reticulated water supplied by a licenced provider is to be provided at the first stage of any industrial subdivision;
- b) wastewater disposal is to be in accordance with Government policy and clauses 4.9(b) to (e);
- c) provision is to be made for essential service infrastructure, including drainage, wastewater disposal, water supply and roads.

5.7.2.7 Internal roads identified in Figure 8 of the Muchea Industrial Park Structure Plan (2011) are to be reserved at the first stage of industrial subdivision.

5.7.3 Relevant Considerations

5.7.3.1 In addition to the requirements of clause 4.20, in considering applications for Development Approval the local government shall have regard to:-

- a) The separation distances required for the proposed use and ability to ensure that impacts can be contained within the boundary of the Special Control Area;
- b) That the visual impact of the development is in keeping with the surrounding rural landscape, including:

- i. landscaping to protect views from roads adjoining the Muchea Industrial Park ;
 - ii. buildings to be designed and constructed to minimise visibility from outside the Muchea Industrial Park; and
 - iii. advertising signage to be designed and appropriately located.
- c) The protection of the environmental assets of the land including:
 - i. the need for appropriate setbacks and buffers;
 - ii. the maintenance of ecological linkages; and
 - iii. whether there is a need for the environment assets to be in public ownership to ensure ongoing protection and maintenance;
- d) The management of surface and groundwater to maintain the natural water balance within the Muchea Industrial Park area, within the provisions set out in the water management plans for the area; and
- e) Whether there are basic raw materials located on the lot, and whether the proposed development will impact upon their extraction.

5.7.4 Referrals

The Local Government may refer any application for development approval or other planning proposal to any relevant authority or community organisation.

SCHEDULES

SCHEDULE 1 - DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

GENERAL DEFINITIONS

AMD 62 GG 14/02/17

Absolute majority	shall have the same meaning as is given to the term in the Local Government Act 1995.
Building Clearing Area	means the area within a defined building envelope that may be cleared for the purposes of erecting a dwelling, outbuildings and management of vegetation for gardens, car parking, driveways and fire hazard reduction.
Building Envelope	means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained.
Building Exclusion Area	means the area of land within which buildings, effluent disposal facilities and any other works on a lot must not be located or carried out. <div>AMD 72 GG 5/5/2023</div>
Commercial Vehicle AMD 49 GG 5/12/14	means a vehicle, whether licensed or not, which has a tare weight of greater than 4.5 tonnes and includes the following vehicles above that weight: <div><p>(a) Any utility, van, truck, trailer or tractor or any attachment to any of them or any article designed to be an attachment to them; and</p><p>(b) Any omnibus and any earthmoving machine whether self-propelled or not.</p></div>
Concrete Batching Plant	means premises used for concrete batching, as defined in the Environmental Protection Regulations 1987. <div>AMD 67 GG 07/10/22</div>
Conservation	has the same meaning as in the <i>Heritage of Western Australia Act 1990</i> .
Development	shall have the same meaning as in the Planning and Development Act. <div>AMD 21 GG 3/4/09</div>
Floor Area	has the same meaning as in the <i>Building Code of Australia 1996</i> published by the Australian Building Codes Board.
Frontage	when used in relation to a building that is used for - <div><p>(a) residential purposes, has the same meaning as in Residential Design Codes; and <div>AMD 62 GG 14/02/17</div></p><p>(b) purposes other than residential purposes, means the road alignment at the front of the lot and, if a lot abuts two or more roads, the one to which the building or proposed building faces.</p></div>
Gazettal Date	in relation to a Scheme, means the date on which the Scheme is published in the <i>Gazette</i> under Section 87 of the Planning and Development Act. <div>AMD 21 GG 3/4/09</div>

Height	<p>when used in relation to a building that is used for-</p> <p>(a) residential purposes, has the same meaning as in the Residential Design Codes; or <i>AMD 62 GG 14/02/17</i></p> <p>(b) purposes other than residential purposes, means the maximum vertical distance between the ground level and the finished roof height directly above.</p>
Incidental Use	means a use of premises which is ancillary and subordinate to the predominant use.
Lot	has the same meaning as in the Planning and Development Act but does not include a strata or survey strata lot. <i>AMD 21 GG 3/4/09</i>
Minerals	has the same meaning as in the <i>Mining Act 1978</i> .
Net Lettable Area (nla)	<p>means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas:</p> <p>(a) all stairs, cleaners' cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;</p> <p>(b) lobbies between lifts facing other lifts serving the same floor;</p> <p>(c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;</p> <p>(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.</p>
Non - Conforming Use	has the same meaning as it has in Section 172 of the Planning and Development Act. <i>AMD 21 GG 3/4/09</i>
Planning and Development Act	means the Planning and Development Act 2005, as amended. <i>AMD 21 GG 3/4/09</i>
Plot Ratio	in the case of residential dwellings has the same meaning as in the Residential Design Codes. <i>AMD 62 GG 14/02/17</i>
Precinct	means a definable area where particular planning policies, guidelines or standards apply.
Predominant Use	means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary.
Retail	means the sale or hire of goods or services to the public.
Short-term Accommodation	means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period. <i>AMD 59 GG 01/08/17</i>
Wholesale	means the sale of goods or materials to be sold by others.
Workforce Accommodation	<p>means premises, which may include modular or relocatable buildings, used – <i>AMD 67 GG 07/10/22</i></p> <ul style="list-style-type: none"> Primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and For any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

LAND USE DEFINITIONS IN THE SCHEME

Abattoir	means premises used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.
Aged or Dependent Person	means a person who is aged 55 years or over or a person with a recognised form of handicap requiring special accommodation provisions for independent living or special care.
Agriculture - Extensive	means premises used for the raising of stock or crops but does not include agriculture intensive and animal husbandry-intensive.
Agriculture - Intensive	means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following- <ul style="list-style-type: none"> (a) the production of grapes, vegetables, flowers, exotic and native plants, or fruit and nuts; (b) the establishment and operation of plant or fruit nurseries; (c) the development of land for irrigated fodder production and irrigated pasture (including turf farms); (d) aqua culture.
Agro-Forestry	means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare.
Airfield	means premise used in connection with the operation of aircraft, including occasional and seasonal use of temporary facilities for the purposes associated with agriculture.
Amusement Facility	means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than five amusement machines operating within the premises.
Animal Establishment	means premises used for breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry - intensive or veterinary centre.
Animal Husbandry - Intensive	means premises used for keeping rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens. AMD 52 GG 26/06/15
Aquaculture	means any fish farming-operation for which a fish farm licence issued pursuant of the provisions of Part V of the Fisheries Act 1905 (as amended) and the <i>Fisheries Regulations 1938</i> (as amended) is required.
Arts and Crafts Centre	means premises used for the manufacture, display and selling of works of art or craft.
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 provisions of breakfast.
Betting Agency	means an office or totalisator agency established under the <i>Totalisator Agency Board Betting Act 1960</i> .
Brewery	means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the <i>Liquor Control Act 1988</i> . AMD 65 GG 18/04/19

Camping Area	means premises used for the lodging of persons in tents.
Caravan Park	has the same meaning as in the <i>Caravan Parks and Camping Grounds Act 1995</i> .
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.
Carpark	means premises used primarily for parking 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 premises in which cars are displayed for sale.
Cellar Door Sales	means premises used for wine tasting and wine sales.
Cemetery	has the same meaning as the <i>Cemeteries Act 1986</i> .
Child Care Premises	has the same meaning as in the <i>Community Services (Child Care) Regulations 1988</i> .
Cinema/Theatre	means premises where the public may view a motion picture or theatrical production.
Civic Use	means premises used by a government department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purposes.
Club Premises	means premises used by a legally constituted club or association or other body of persons united by a common interest.
Commercial Vehicle Parking	means premises used for parking of one or 2 commercial vehicles but does not include — <ul style="list-style-type: none"> (a) any part of a public road used for parking or for a taxi rank; or (b) parking of commercial vehicles incidental to the predominant use of the land. <p style="text-align: right;"><i>AMD 65 GG 18/04/19</i></p>
Community Purpose	means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.
Consulting Rooms	means premises used by no more than five health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care.
Convenience Store	means premises; <ul style="list-style-type: none"> (a) used for 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 area of which does not exceed 300 square metres net lettable area;
Corrective Institution	means premises used to hold and reform persons committed to it by a Court, such as a prison or other type of detention facility.
Educational Establishment	means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other education centre.

Exhibition Centre	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery.
Equestrian Centre	means a premises used for the showing, competition or training of horses and includes a riding school.
Factory Unit Building	means premises, or group of buildings or structures on one lot, in which two or more separate industries or storage areas are carried out.
Family Day Care	means premises used to provide family day care within the meaning of the <i>Community Services (Child Care) Regulations 1988</i> .
Farmstay	is <i>development</i> designed for short term detached tourism accommodation units, which may be fully self-contained or not, and which are generally of single storey or split level construction and have a character not dissimilar to farm dwellings or cabins and may be limited to 6 per lot.
Farm Supply Centre	means a premises used for the sale of farm supplies including vegetable seed, fertilisers, agricultural chemicals, stock foods, tractors, equipment, implements or components, or irrigation equipment.
Fast Food Outlet	means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar.
Fuel Depot	means premises used for the storage and sale in bulk of solid, or liquid or gaseous fuel, but does not include a service station, and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises.
Funeral Parlour	means premises used to prepare and store bodies for burial or cremation.
Garden Centre	means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens. <i>AMD 65 GG 18/04/19</i>
Holiday House	means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast. <i>AMD 61 GG 25/06/19</i>
Home Business	means a business, service or profession carried out in a dwelling or on land in the curtilage of a dwelling by an occupier of the dwelling which – <i>AMD 49 GG 5/12/14</i> <ul style="list-style-type: none"> (a) does not employ more than two persons full time, or a part time or mixed full time and part time equivalent of two full time employees over the year, in any case where such employees are not members of the occupier's household; (b) will not cause injury to or adversely affect the amenity of the neighbourhood; (c) does not occupy an area greater than 50m² unless in the Agricultural Resource zone or Rural Smallholdings zone where the local government may permit an area up to 200m²; (d) does not involve the retail sale, display or hire of goods of any nature; (e) does not involve the provision for refuelling, repair or maintenance of motor vehicles;

- (f) in relation to vehicles and parking, will not result in traffic difficulties as a result of inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight;
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone; and
- (h) does not involve the display of a sign of more than 1.0m².

Home Office

means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation —

- (a) is solely within the dwelling; and
- (b) does not entail clients or customers travelling to and from the dwelling; and
- (c) does not involve the display of a sign on the premises; and does not require any change to the external appearance of the dwelling.

AMD 65 GG 18/04/19

Home Store

means any shop with a net lettable area not exceeding 100m² attached to a dwelling and which is operated by a person resident in the dwelling.

Hospital

means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital.

Hotel

means premises providing accommodation the subject of a hotel licence under the *Liquor Licensing Act 1988* and may include a betting agency on those premises, but does not include a tavern or motel.

Industry - Cottage

means an activity producing goods which cannot be carried out under the provisions relating to a home business and which -

- (a) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) where operated in the Townsite zone, does not employ any person other than a member of the occupier's household;
- (c) is conducted in an out-building which is compatible with the principal uses to which the land in the zone in which it is located may be put;
- (d) does not occupy an area of more than 50m² ;
- (e) does not display a sign exceeding 0.2m² in area;

Industry - Extractive

means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry-mining.

Industry

means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes –

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail;
- (d) the provision of amenities for employees;
- (e) incidental purposes.

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Industry - Light	means an industry: <ul style="list-style-type: none"> (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises, do not cause any injury to or adversely affect the amenity of the locality and does not emit pollutants into the air or water; (b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;
Industry - Mining	means land used commercially to extract minerals from the land.
Industry - Rural	means- <ul style="list-style-type: none"> (a) an industry handling, treating, processing or packing rural products; or (b) a workshop servicing plant or equipment used for rural purposes;
Industry - Service	means - <ul style="list-style-type: none"> (a) an industry - light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or (b) premises having a shop front and used as a depot for receiving goods to be serviced.
Landscape Supplies	means premises used for the storage and sale of items such as wood chips, logs, rocks, sand, stone and other such materials.
Lodging House	shall have the same meaning as is given to the term in and for the purposes of the <i>Health Act 1911</i> .
Lunch Bar	means premises or part of premises used for the sale of take away food (in a form ready to be consumed without further preparation) within an industrial or commercial areas.
Market	means premises used for the display and sale of goods from stalls by independent vendors.
Medical Centre	means premises other than a hospital used by five or more 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 and counselling).
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 <i>Liquor Licensing Act 1988</i> .
Motor Vehicle, Boat or Caravan - Sales	means premises used to sell or hire motor vehicles, boats or caravans.
Motor Vehicle Repair	means premises used for or in connection with- <ul style="list-style-type: none"> (a) electrical and mechanical repairs, or overhauls to vehicles; (b) repairs to tyres, <p>but does not include premises for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping.</p>

Motor Vehicle Wash	means premises where the primary use is the washing of motor vehicles.
Motor Vehicle Wrecking	means premises used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts.
Multiple Occupancy	<p>means the use and occupation of a rural lot at a residential density higher than normally associated with traditional rural living and which may be characterised by the following:</p> <ul style="list-style-type: none"> (a) an approved agreement for management of and responsibility of the holding; (b) more than one separate dwelling unit for use by families; or (c) unrelated groups of persons occupied in the district as a temporary or seasonal workforce; (d) a defined area for separate occupation for residential and ancillary uses.
Nursing Home	means a hospital in which patients reside.
Office	means premises used for the administration, clerical, technical, professional or other like business activities.
Park Home	means a movable dwelling, not being a vehicle as defined under the <i>Road Traffic Act 1974</i> (as amended), but constructed and maintained on its own chassis and wheels and capable of mobility at all times although stabilised by jacks and provided with skirtings and being so designed and constructed as to permit independent occupancy for dwelling purposes.
Park Home Park	has the same meaning as in the <i>Caravan Parks and Camping Grounds Regulations 1997</i> .
Place of Worship	<p>means premises used for religious activities such as a chapel, church, mosque, synagogue or temple.</p> <p style="text-align: right;"><i>AMD 65 GG 18/04/19</i></p>
Potable Water	means water in which levels of physical, chemical and microbiological constituents do not exceed the guideline values set out in the <i>National Health and Medical Research local government publication Australian Drinking Water Guidelines 1996</i> .
Public Authority	shall have the same meaning given to it in and for the purpose of the Act.
Public Utility	means any work or undertaking constructed or maintained by a public authority, licensed service provider or the local government as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.
Reception Centre	means premises used for functions on formal or ceremonial occasions, but not for un-hosted use for general entertainment purposes.
Recreation - Private	means premises used for indoor and outdoor leisure, recreation and sport which are not usually open to the public without charge.
Residential Building	<p>has the same meaning as in the <i>Residential Design Codes</i>.</p> <p style="text-align: right;"><i>AMD 62 GG 14/02/17</i></p>
Resource Recovery Centre	<p>means premises other than a waste disposal facility used for the recovery of resources from waste.</p> <p style="text-align: right;"><i>AMD 65 GG 18/04/19</i></p>

Restaurant	means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the <i>Liquor Licensing Act 1988</i> .
Restricted Premises	means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of- <ul style="list-style-type: none"> (a) publications that are classified as restricted under the <i>Censorship Act 1996</i>; (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity.
Roadhouse	means premises used for the predominant purpose of a service station but incidentally may include a cafe, restaurant and/or shop.
Rural Pursuit/Hobby Farm	means any premises, other than premises used for agriculture - extensive or agriculture - intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household - <i>AMD 62 GG 14/02/17</i> <ul style="list-style-type: none"> (a) the rearing, agistment, stabling or training of animals; (b) the keeping of bees; (c) the sale of produce grown solely on the premises.
Salvage Yard	means premises used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, fire or flood damage to structures including buildings, machinery, vehicles and boats but does not include premises used for transport depot, panel beating, spray painting, major repairs or wrecking.
Shop	premises other than a bulky goods showroom, a liquor store – large or a liquor store – small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services. <i>AMD 65 GG 18/04/19</i>
Showroom	means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electric light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature.
Sign	means a notice, message or display by means of a freestanding or fixed sign or hoarding.
Stock Yards	means any premises primarily used for holding, sale, movement or treatment of stock animals.
Structure Plan	means a structure plan that has come into effect in accordance with the provisions of this scheme and includes any Outline Development Plan, Development Plan or Subdivision Guide Plan prepared and approved under a previous local planning scheme of the local government. <i>AMD 52 GG 26/06/15</i>
Tavern	means premises licensed as a tavern under the <i>Liquor Licensing Act 1988</i> and used to sell 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.
Tourist Development	means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide - <i>AMD 8 GG 30/1/09; AMD 59 GG 01/08/17; AMD 61 GG 25/06/19</i> (a) short-term accommodation for guests; and (b) onsite facilities for the use of guests; and (c) facilities for the management of the development.
Trade Display	means the use of land for the display, sale or hire of goods or equipment in the open air.
Transport Depot	means premises used primarily for the parking or garaging of 3 or more commercial vehicles including – (a) any ancillary maintenance or refueling of those vehicles; and (b) any ancillary storage of goods brought to the premises by those vehicles; and (c) the transfer of goods or persons from one vehicle to another. <i>AMD 49 GG 5/12/14; AMD 65 GG 18/04/19</i>
Turf Farm	means premises used for the commercial cultivation of grass, lawn or turf for removal and transplanting to another location.
Veterinary Centre	means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.
Warehouse/Storage	means premises including indoor or outdoor facilities used for - <i>AMD 62 GG 14/02/17</i> (a) the storage of goods, equipment, plant or materials; or (b) the display or sale by wholesale of goods;
Waste Disposal Facility	means premises used - (a) for the disposal of waste by landfill; or (b) the incineration of hazardous, clinical or biomedical waste <i>AMD 65 GG 18/04/19</i>
Waste Storage Facility	means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale. <i>AMD 65 GG 18/04/19</i>
Wayside Stall	means a place, stand, vehicle or other thing which offers for sale to the general public, produce or commodity which is grown or produced on the land or in the locality.
Winery	means premises used for the production of viticultural produce and associated sale of the produce. <i>AMD 65 GG 18/04/19</i>
Zoological Garden	means premises used for the keeping, breeding or display of animals and the term includes a Zoo, but does not include a dog kennel or a cattery or animal husbandry.

SCHEDULE 2 – ZONING TABLE

	USE CLASS	Townsite	Light Industrial	Agricultural Resource	Rural Residential	Rural Smallholdings	Rural Retreat	Rural Conservation AMD 8 GG 30/1/09	Residential AMD 40 GG 27/4/10; AMD 67 GG 22/7/22	Industrial Development Zone AMD 52 GG 26/06/15	General Industry AMD 52 GG 26/06/15 AMD 66 GG 5/10/18	Environmental Conservation AMD 61 GG 25/06/19
1	Abattoir	X	X	A	X	X	X	X		In accordance with Clause 3.4.3 AMD 52 GG 26/06/15; AMD 62 GG 14/02/17	A	X
2	Aged Persons Accommodation AMD 40 GG 27/4/10	P	X	X	X	X	X	X	A		X	X
3	Agriculture - Extensive	X	X	P	X	X	X	X			X	X
4	Agriculture - Intensive	X	X	P	X	A	A	X			X	X
5	Agro Forestry	X	X	P	X	X	X	X			X	X
6	Airfield AMD 21 GG 3/4/09	X	X	A	X	X	X	X			X	X
7	Amusement Facility	D	X	X	X	X	X	X			X	X
8	Ancillary Accommodation AMD 62 GG 14/02/17	P	X	D	D	D	D	X	P		X	X
9	Animal Establishment	X	A	A	X	A	A	X			X	X
10	Animal Husbandry/Intensive	X	X	A	X	X	X	X			A	X
11	Aquaculture	X	A	D	X	A	A	X			D	X
12	Arts & Crafts Centre	P	D	P	D	A	A	X			X	X
13	Bed and Breakfast AMD 40 GG 27/4/10	D	X	D	D	D	D	D	A		X	A
14	Brewery AMD 65 GG 18/04/19	A	D	D	X	X	X	X			D	X
15	Camping Area	D	X	D	X	X	X	X			X	X
16	Car Park	P	P	X	X	X	X	X			P	X
17	Caravan Park	D	X	A	X	X	X	X			X	X
18	Caretaker's Dwelling AMD 65 GG 18/04/19	D	A	X	X	X	X	X			X	X
19	Cemetery	X	X	P	X	X	X	X			X	X
20	Child Care Premises AMD 40 GG 27/4/10	D	X	A	A	X	X	X	A		X	X
21	Civic Use AMD 40 GG 27/4/10	P	P	P	D	D	D	X	D		X	X
22	Commercial Vehicle Parking AMD 65 GG 18/04/19	X	P	D	A	A	A	A	X		P	X
23	Concrete Batching Plant AMD 67 GG 07/10/22	X	D	X	X	X	X	X	X		D	X
24	Community Purpose AMD 40 GG 27/4/10	D	D	D	D	D	D	X	D		X	X
25	Consulting Rooms	P	X	X	X	X	X	X			X	X
26	Convenience Store	D	X	X	A	X	X	X			X	X
27	Educational Establishment	P	X	A	X	X	X	X			X	X

	USE CLASS	Townsite	Light Industrial	Agricultural Resource	Rural Residential	Rural Smallholdings	Rural Retreat	Rural Conservation AMD 8 GG 30/1/09	Residential AMD 40 GG 27/4/10; AMD 67 GG 22/7/22	Industrial Development Zone AMD 52 GG 26/06/15	General Industry AMD 52 GG 26/06/15 AMD 66 GG 5/10/18	Environmental Conservation AMD 61 GG 25/06/19
28	Equestrian Centre	X	X	D	X	X	X	X		In accordance with Clause 3.4.3 AMD 52 GG 26/06/15; AMD 62 GG 14/02/17	X	X
29	Exhibition Centre	P	D	D	X	X	X	X			X	X
30	Factory Unit Building	X	P	X	X	X	X	X			P	X
31	Family Daycare AMD 40 GG 27/4/10	P	X	P	D	D	D	X	A		X	X
32	Farmstay	X	X	D	X	A	D	X			X	X
33	Farm Supply Centre	D	P	A	X	X	X	X			P	X
34	Fast Food Outlet	A	X	X	X	X	X	X			X	X
35	Fuel Depot	X	D	X	X	X	X	X			P	X
36	Funeral Parlour AMD 65 GG 18/04/19	A	A	X	X	X	X	X			X	X
37	Garden Centre AMD 65 GG 18/04/19	D	D	D	X	X	X	X			X	X
38	Grouped Dwelling	P	X	X	X	X	X	X			X	X
39	Home Business AMD 40 GG 27/4/10	A	X	D	D	P	P	D	A		X	A
40	Home Store AMD 69 GG 22/7/22	A	X	X	X	X	X	X	A		X	X
41	Holiday House AMD 69 GG 22/7/22	A	X	D	D	D	D	D	A		X	D
42	Hotel/Motel	A	X	X	X	X	X	X			X	X
43	Industry - Cottage	A	X	D	A	D	D	X			X	X
44	Industry – Extractive AMD 65 GG 18/04/19	X	A	A	X	X	X	X			D	X
45	Industry AMD 52 GG 26/06/15; AMD 65 GG 18/04/19	X	D	X	X	X	X	X			D	X
46	Industry - Light	X	P	X	X	X	X	X			P	X
47	Industry - Mining	X	X	X	X	X	X	X			X	X
48	Industry – Rural AMD 65 GG 18/04/19	X	P	D	X	X	X	X			A	X
49	Industry - Service	A	P	X	X	X	X	X			P	X
50	Landscape Supplies	A	P	A	X	X	X	X			P	X
51	Lodging House	A	X	A	X	X	X	X			X	X
52	Lunch Bar	P	P	X	X	X	X	X			P	X
53	Market AMD 65 GG 18/04/19	P	A	A	X	X	X	X			X	X
54	Medical Centre	P	X	X	X	X	X	X			X	X
55	Motor Vehicle Repair	D	P	X	X	X	X	X			P	X
56	Motor Vehicle Wrecking	X	D	X	X	X	X	X			P	X
57	Motor Vehicle, Boat and Caravan - Sales	D	P	X	X	X	X	X			P	X

	USE CLASS	Townsite	Light Industrial	Agricultural Resource	Rural Residential	Rural Smallholdings	Rural Retreat	Rural Conservation AMD 8 GG 30/1/09	Residential AMD 40 GG 27/4/10; AMD 67 GG 22/7/22	Industrial Development Zone AMD 52 GG 26/06/15	General Industry AMD 52 GG 26/06/15 AMD 66 GG 5/10/18	Environmental Conservation AMD 61 GG 25/06/19
58	Nursing Home	D	X	X	X	X	X	X			X	X
59	Office AMD 40 GG 27/4/10; AMD 65 GG 18/04/19	P	I	X	X	X	X	X	D		I	X
60	Open Air Display	D	P	X	X	X	X	X			P	X
61	Park Home Park	A	X	X	X	X	X	X			X	X
62	Place of Worship AMD 65 GG 18/04/19	D	A	X	X	X	X	X			X	X
63	Public Utility	D	D	D	D	D	D	X			P	X
64	Reception Centre AMD 65 GG 18/04/19	D	I	A	X	A	A	I			X	X
65	Recreation – Private	D	D	A	X	X	X	X			X	X
66	Residential Building AMD 40 GG 27/4/10	A	X	A	A	D	D	X	A		X	X
67	Resort	A	X	X	X	X	X	X			X	X
68	Resource Recovery Facility AMD 65 GG 18/04/19	X	P	X	X	X	X	X	X		P	X
69	Restaurant	P	X	A	X	X	X	X			X	X
70	Restricted Premises	A	A	X	X	X	X	X			X	X
71	Roadhouse	A	D	A	X	X	X	X			P	X
72	Rural Pursuit/Hobby Farm AMD 62 GG 14/02/17; AMD 65 GG 18/04/19	X	X	D	D	D	D	X			X	X
73	Salvage Yard	X	D	X	X	X	X	X			P	X
74	Service Station	D	D	X	X	X	X	X			P	X
75	Shop	P	D	X	X	X	X	X			X	X
76	Showroom AMD 65 GG 18/04/19	P	P	X	X	X	X	X			I	X
77	Single House AMD 40 GG 27/4/10	P	X	P	P	P	P	P	P		X	D
78	Stock Yards AMD 60 GG 03/11/17; AMD 65 GG 18/04/19	X	A	A	X	X	X	X			A	X
79	Tavern	A	X	X	X	X	X	X			X	X
80	Telecommunications Infrastructure AMD 65 GG 18/04/19	A	P	A	A	A	A	A			P	X
81	Transport Depot AMD 65 GG 18/04/19	X	P	X	X	X	X	X			P	X
82	Turf Farm	X	X	A	X	X	X	X			X	X
83	Veterinary Centre	A	A	A	X	X	X	X			P	X
84	Warehouse/Storage AMD 40 GG 27/4/10; AMD 65 GG 18/04/19	X	P	X	X	X	X	X			P	X
85	Waste Disposal Facility AMD 65 GG 18/04/19	X	X	X	X	X	X	X	X		X	X

	USE CLASS	Townsite	Light Industrial	Agricultural Resource	Rural Residential	Rural Smallholdings	Rural Retreat	Rural Conservation AMD 8 GG 30/1/09	Residential AMD 40 GG 27/4/10; AMD 67 GG 22/7/22	Industrial Development Zone AMD 52 GG 26/06/15	General Industry AMD 52 GG 26/06/15 AMD 66 GG 5/10/18	Environmental Conservation AMD 61 GG 25/06/19
86	Waste Storage Facility AMD 65 GG 18/04/19	X	X	X	X	X	X	X	X		X	X
87	Wayside Stall AMD 65 GG 18/04/19	D	X	D	D	D	D	D			X	X
88	Winery AMD 65 GG 18/04/19	A	X	D	X	X	X	X			X	X
89	Workforce Accommodation AMD 67 GG 07/10/22	X	D	X	X	X	X	X	X		X	X
90	Zoological Gardens	X	X	A	X	X	X	X			X	X

SCHEDULE 3 - ADDITIONAL USES

No.	Description of Land	Additional Use	Conditions
A1	Lot 8 of Swan Loc 323 Gray Rd, Bindoon	Tea Rooms Caretakers Residence	
A2	Lot 101 Kay Rd, Bindoon	Tea Rooms Sale of Paintings	
A3	Lot 8 Great Northern Highway, Muchea	Light and Service Industry (Farm and Trade Fabrication) may be permitted subject to the following:	<p>(a) Buildings shall not exceed an overall area of 400m² and the overall site area for the special use shall not exceed 2,000m².</p> <p>(b) Activities which discharge liquid or any form of contaminated waste are not permitted.</p> <p>(c) The development envelope shall be landscaped to the satisfaction of the local government to preserve rural amenity.</p> <p>(d) Signage shall not exceed 1.5m².</p>
A4	Lot 48 Ridgetop Ramble, Bindoon	Restaurant Exhibition Gallery & Ancillary Uses Function Centre Private Recreation	
A5	Lot 5, Gt Northern Hwy Bindoon	<i>DELETED BY AMD 59 GG 01/08/17</i>	
A6	Lot 3, Cnr Gt Northern Hwy & Wandena Road, Lower Chittering	Service Station	
A7	Lot 2 Gt Northern Hwy & Muchea East Road, Muchea	Service Station	
A8	Lot 1 of Lot M1957, Great Northern Highway, Chittering	Service Station	
A9	Lot M1261 Brand Highway, Muchea	Mineral Sands Processing Plant	
A10	Location 325 Cook Road, Mooliabeenie	Short Term Entertainment Events	Subject to Development approval for each separate event.
A11	Lot M1986 Reserve Road, Muchea	<p>The following uses shall be permitted with the Planning Consent of local government.</p> <p>Residential Building – Respite Centre</p>	
A12	Lot 102 Gray Road, Bindoon <i>AMD 52 GG 26/06/15</i>	Intensive Agriculture	Subject to a Structure Plan being adopted by local government prior to consideration of Development approval.
A13	Lot 1 Clune Road, Bindoon <i>AMD 52 GG 26/06/15</i>	Intensive Agriculture – Orchard	Subject to a Structure Plan being adopted by local government prior to consideration of Development approval.

No.	Description of Land	Additional Use	Conditions
A14	<p>Lot 20 Gray Road, Bindoon</p> <p><i>AMD 8 GG 30/1/09; AMD 52 GG 26/06/15; AMD 62 GG 14/02/17</i></p>	<p>Agriculture/Tourism Landscape Units with the following uses that local government may approve at its discretion:</p> <ul style="list-style-type: none"> a. Agriculture Intensive; b. Bed and Breakfast; c. Farmstay; d. Lodging House; e. Reception Centre; f. Recreation Private; g. Restaurant; h. Tourist Accommodation; i. Winery/Brewery. 	<p>Development to be in general accordance with an approved Structure Plan.</p> <p>The Structure Plan is to include a landscaping plan, comprising of endemic vegetation, which integrates the development with the objectives of the zone.</p> <p>The Structure Plan is to be prepared and adopted in accordance with Part 4 of the deemed provisions.</p>
A15	<p>Lot 1 (RN 19) Spice Road, Bindoon</p> <p><i>AMD 42 GG 23/08/11</i></p>	Landscape Supplies Garden Centre	Subject to development approval.
A16	<p>Lot T526/3 (RN 126) Payne Street, Muchea</p> <p><i>AMD 47 GG 18/1/13</i></p>	Insectary	<ol style="list-style-type: none"> 1. Subject to development approval. 2. All proposed development within the Resource Enhancement Wetland will be referred to the Department of Environment and Conservation, prior to approval.
A17	<p>Lot 802 and Lot 803 Great Northern Highway, Muchea</p> <p><i>AMD 50 GG 15/11/13; AMD 60 GG 03/11/17</i></p>	Industry – General Warehouse / Storage	<ol style="list-style-type: none"> 1. Industry – General shall be limited to – <ul style="list-style-type: none"> • The manufacture of transportable buildings; • The assembly of transportable buildings; • The storage of transportable buildings; and • The transportation of transportable buildings. 2. All development, including a Single House, is subject to development approval. 3. A stormwater management plan prepared to the satisfaction of local government, in consultation with Department of Water, is required prior to development approval and is to be implemented as a condition of approval.

No.	Description of Land	Additional Use	Conditions
A18	Lot 6 Brand Highway, Muchea <i>AMD 65 GG 18/04/19</i>	Transport depot Warehouse/storage	1. The additional use on site is to be consistent with the approved development plan. 2. Extension or alteration to the additional use is subject to development approval.
A19	Lot 814 Brand Highway, Muchea <i>AMD 65 GG 18/04/19</i>	Transport Depot	1. The additional use on site is to be consistent with the approved development plan. 2. Extension or alteration to the additional use is subject to development approval.
A20	Lot 202 Great Northern Highway, Muchea <i>AMD 65 GG 18/04/19</i>	Transport Depot	1. The additional use on site is to be consistent with the approved development plan. 2. Extension or alteration to the additional use is subject to development approval.
A21	Lot 609 Great Northern Highway, Muchea <i>AMD 65 GG 18/04/19</i>	Transport depot Warehouse/storage	1. The additional use on site is to be consistent with the approved development plan. 2. Extension or alteration to the additional use is subject to development approval.
A22	Lot 3281 Great Northern Highway, Wannamal <i>AMD 65 GG 18/04/19</i>	Transport Depot	1. The additional use on site is to be consistent with the approved development plan. 2. Extension or alteration to the additional use is subject to development approval.
A23	Lot 700 Muchea East Road, Muchea <i>AMD 65 GG 18/04/19</i>	Transport Depot	1. The additional use on site is to be consistent with the approved development plan. 2. Extension or alteration to the additional use is subject to development approval.
A24	Lot 701 Muchea East Road, Muchea <i>AMD 65 GG 18/04/19</i>	Transport Depot	1. The additional use on site is to be consistent with the approved development plan. 2. Extension or alteration to the additional use is subject to development approval.
A25	Lots 3 and 600 Great Northern Highway, Muchea <i>AMD 65 GG 18/04/19</i>	Transport depot Warehouse/storage	1. The additional use on site is to be consistent with the approved development plan. 2. Extension or alteration to the additional use is subject to development approval.

No.	Description of Land	Additional Use	Conditions
A26	Lot 191 Wandena Road, Lower Chittering <i>AMD 65 GG 18/04/19</i>	Transport depot Warehouse/storage	1. The additional use on site is to be consistent with the approved development plan. 2. Extension or alteration to the additional use is subject to development approval.

SCHEDULE 4 - RESTRICTED USES

No.	Description of Land	Restricted Use	Conditions

SCHEDULE 5 - SPECIAL USE

No.	Description of Land	Special Use	Conditions
1	<p>Lot 9003 (Cnr Santa Gertrudis Drive & Muchea East Road, Chittering)</p> <p><i>AMD 16 GG 30/9/08</i></p>	<p>a. Arts and Crafts Centre, b. Bed and Breakfast, c. Caretaker's Dwelling, d. Child Care Premises, e. Civic Use, f. Community Purpose, g. Convenience Store, h. Lunch Bar, i. Place of Assembly, j. Public Utility, k. Restaurant, l. Shop, m. Telecommunications Infrastructure, n. Veterinary Centre</p>	<p>Subject to Development approval being granted by local government to any use (a-n)</p>
2	<p>Lot 88 Chittering Rd, Lower Chittering</p> <p><i>AMD 52 GG 26/06/15</i></p>	<p>a. Winery b. Restaurant c. Farmstay d. Shop – limited to products associated with the Winery e. Agriculture - Intensive f. Function Centre g. Cellar Door Sales</p>	<p>Subject to the adoption of a Structure Plan prior to the issuing of Development approval being granted by local government for any Special Use listed</p>
3	<p>Lot 16 Wandena Road</p> <p><i>AMD 39 GG 20/07/10</i></p>	<p>Land Refuse Site</p>	<p>Any further development requires approval of local government.</p>
4	<p>Lot 4 Great Northern Highway, Bindoon</p> <p><i>AMD 59 GG 01/08/17</i></p>	<p>Tourist Development</p>	<ol style="list-style-type: none"> 1. All development and use shall be subject to an application for development approval. 2. An application for development approval shall be accompanied by a Bushfire Management Plan endorsed by local government and the State authority for emergency services. 3. All development and use shall be in accordance with any plans, conditions and management requirements approved by the local government. 4. No alterations or extensions to the land use shall be undertaken without the approval of the local government.

No.	Description of Land	Special Use	Conditions
			5. Development on Lot 4 may include a maximum of six caravan bays in addition to the Tourist Development use.
5	<p>Portion of Lot 101 Teatree Road, Bindoon</p> <p>AMD 61 GG 25/06/19</p>	<p><u>Permitted (P)</u></p> <ul style="list-style-type: none"> Single House <p><u>Discretionary (D)</u></p> <ul style="list-style-type: none"> Home Business Bed and Breakfast Holiday House <p><u>Discretionary subject to advertising (A)</u></p> <ul style="list-style-type: none"> Tourist Development <p>All other land uses are prohibited (X).</p>	<p>Intent of the zone</p> <p>1. The intent of this zone is to facilitate an integrated tourist development consisting of:</p> <ul style="list-style-type: none"> a maximum of 50 residential resort lots, of which: <ul style="list-style-type: none"> a minimum of 50 per cent must be designated for short-term accommodation; and a maximum of 50% may be used for permanent residential occupation; short-term tourist villas; and associated shared facilities commensurate with a tourist development. <p>Structure Planning</p> <p>2. A structure plan is to be prepared and approved by the WAPC before any subdivision or development is undertaken.</p> <p>3. The structure plan should provide sufficient information to address the structure planning requirements of the Scheme, and should also include specific reference to the following:</p> <ol style="list-style-type: none"> the location of significant vegetation, flora and fauna and areas to be retained; the location of any proposed tourist development including associated facilities; the integration of any proposed residential component with any proposed tourist development; the provision of communal and private

No.	Description of Land	Special Use	Conditions
			<p>open spaces and landscaping on the site;</p> <p>(e) servicing matters including demonstration of a reticulated water supply by a licenced service provider and wastewater servicing to all lots, to the satisfaction of the local government, on the advice of the Departments for Water and Environmental Regulation, Health and the Water Corporation (as required/necessary); and</p> <p>(f) any other relevant matter, which the State or local government considers to be warranted to ensure orderly and proper planning of the site.</p> <p>4. Prior to the approval of a Structure Plan, a Local Water Management Strategy, informing the layout of the structure plan, is to be prepared and approved by the local government, on the advice of the Department of Water and Environmental Regulation.</p> <p>5. Prior to the approval of the Structure Plan, a Bushfire Management Plan and emergency evacuation plan shall be prepared and approved by the local government, on the advice of the Department of Fire and Emergency Services. The Plan shall be implemented as part of subdivision works and is to address:</p> <p>(a) the location of asset protection zones for the purpose of bushfire management;</p> <p>(b) the location of fire breaks;</p>

No.	Description of Land	Special Use	Conditions
			<p>(c) the provision of strategic water storage facilities for the sole purpose of bushfire management;</p> <p>(d) the provision of adequate hazard separation/ defensible space to ensure siting and design of development minimises the level of bushfire impact; and</p> <p>(e) the provision of vehicular access and egress that is available and safe at all times.</p> <p>Subdivision</p> <p>6. Subdivision of the land shall be limited to built strata, survey strata or community title subdivision, except for the initial subdivision to create the 'Special Use' lot and the balance 'Environmental Conservation' lot.</p> <p>7. In accordance with Section 5C of the Strata Titles Act 1985 (as amended) a condition of any future strata subdivision shall include the preparation and submission of a management statement for the local government's approval, that includes:</p> <p>(a) the establishment of a by-law that requires, as a minimum, a unit management agreement, lease or alternative arrangement between each owner of a strata unit and the common facility manager/operator to provide for common management of all such units for a minimum period of 25 years;</p> <p>(b) arrangements for site management including the letting</p>

No.	Description of Land	Special Use	Conditions
			<p>agent (manager), tourist development reception, access, security, maintenance, caretaking, waste management, refurbishment, marketing and other services reasonably required for the development to operate as a tourist development;</p> <p>(c) measures to ensure that all buildings (including those for permanent residential occupation) form an integrated component of the tourist development in terms of type, style, character materials and landscaping;</p> <p>(d) measures to ensure use of common property by residents on an integrated basis with the overall tourist development;</p> <p>(e) measures to control and manage access and detrimental offsite impacts (including measures to limit weed and dieback spread) to the neighbouring conservation lot; and</p> <p>(f) any other additions the local government considers appropriate to ensure the ongoing sustainability of the proposal for tourism purposes.</p> <p>Development</p> <p>8. Development of the tourist development (resort or other facilities) shall occur prior to, or at the same time, as any residential land uses proposed for permanent occupation.</p> <p>9. Prior to the commencement of any development on the land, a construction management</p>

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			<p>plan shall be prepared to the satisfaction of the Shire of Chittering, and the State government department responsible for biodiversity and conservation. The construction management plan shall address:</p> <ul style="list-style-type: none"> • the minimisation of clearing and vegetation disturbance; • the control and monitoring of construction impacts such as dust, drainage and erosion; • the prevention of weed spread and the spread of plant disease such as die back; and • the inclusion of environmental protection specifications in all construction-related contracts.

SCHEDULE 6 - EXEMPTED ADVERTISEMENTS

Land Use and/or Development	Exempted Sign	Maximum Size
Dwellings	One Professional Name Plate	0.2m ²
Home Business	One advertisement describing the nature of the home occupation.	1.0m ²
Places of Worships, meeting halls and places of public assembly	One advertisement detailing the function and/or the activities of the institution concerned.	2.0m ²
Shops, Showrooms and other uses appropriate to the Townsite area	All advertisements affixed to the building below the top of the awning, or in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building.	4.0m ²
Industrial	A maximum of 4 advertisements applied to or affixed to the wall of the building.	4.0m ²

SCHEDULE 7 - ENVIRONMENTAL CONDITIONS

Scheme or Amendment No.	Gazettal Date	Environmental Conditions

SCHEDULE 8 – RURAL CONSERVATION

No.	Description of land	Conditions
1.		DELETED BY AMD 61 GG 25/06/19
2.	<div>Lot 9001 Rosewood Drive, Chittering</div> <div>AMD 55 GG 18/03/16</div>	<div><div>1. One large lot of a minimum of 20 hectares is to be identified for conservation purposes (a conservation lot).</div><div>2. A conservation covenant, in perpetuity, is to be registered on the Certificate of Title of the conservation lot as a condition of subdivision approval.</div><div>3. An Environmental Management Plan shall be prepared and implemented, in accordance with Clause 5.8.14 of the scheme, for the conservation lot.</div><div>4. The permissibility of land uses within the Rural Conservation Zone are:<div>Bed and Breakfast (D)</div><div>Home Business (D)</div><div>Single House (P)</div><div>All other uses are not permitted.</div></div><div>5. All development in the Rural Conservation Zone, including buildings, water tanks and onsite waste disposal systems, must be located within an approved building envelope which shall not exceed 2,000m².</div><div>6. The following minimum setbacks shall apply:<div><div>Rural Conservation Zone: Conservation lot:</div><div><div>Front: 20 metres</div><div>Side: 10 metres</div><div>Rear: 10 metres</div></div><div><div>Front: 20 metres</div><div>Side: 15 metres</div><div>Rear: 20 metres</div></div></div></div><div>7. Vehicle access to each lot is to be located to reduce vegetation clearing.</div><div>8. A Fire Management Plan is to be prepared to the specifications and satisfaction of the local government and appropriate state government fire and emergency services department. The plan is to be implemented prior to subdivision.</div><div>9. All lots are to be serviced with reticulated potable water (including water for firefighting purposes) by a licensed service provider.</div><div>10. The keeping of livestock is not permitted.</div></div>

SCHEDULE 9 – DEVELOPMENT CONTRIBUTION AREAS

AMD 29 GG 20/05/11; AMD 52 GG 26/06/15

The first amendment for a development contribution plan will create a table that accords with State Planning Policy 3.6 – Development contributions for infrastructure.

SCHEDULE 10 – BUSHFIRE HAZARD AREAS

No.	Description of Land	Bushfire Classification	Conditions
1	Lot 103 Gray Road, Bindoon <i>AMD 41 GG 22/3/13</i>	Moderate	<ol style="list-style-type: none"> 1. Prior to the first stage of subdivision a Fire Management Plan must be prepared and implemented. The implementation shall include the construction of a secondary fire/emergency access way. 2. All dwellings must be constructed to Australian Standard 3959-2009 (or any updates). AS3959 allows for a permanent cleared vegetation buffer of 100 metres or increased building requirements.

SCHEDULE 11- MUCHEA EMPLOYMENT NODE SPECIAL CONTROL AREA

AMD 52 GG 26/06/15; AMD 67 GG 07/10/22

NO.	DESCRIPTION OF LAND	CONDITIONS
1.	<p>Referred to as Muchea Industrial Precinct 1 North A Part Lot M1313 Great Northern Highway</p> <p>AMD 62 GG 14/02/17</p>	<p>1. Hierarchy of Plans</p> <p>Subdivision and development within the subject area shall be subject to the provisions of clause 5.19 and 6.7 of the Scheme, including the preparation and approval of Structure Plan(s).</p> <p>2. Structure Plan</p> <p>2.1 Structure Plan Preparation</p> <p>A Structure Plan(s) shall be prepared in accordance with the provisions of Part 4 of the deemed provisions over the entire area, or over any portion of the area.</p> <p>An approved Structure Plan together with all approved amendments shall apply in relation to the land within the area of the Structure Plan. The zones designated in the Structure Plan and the permissibility of uses within those zones shall be given due regard when determining applications within the structure plan area.</p> <p>2.2 Environmental Management Plans</p> <p>The following Environmental Management Plans shall be prepared and used to inform the design and proposed subdivision and development within the Structure Plan area. They shall be submitted as an additional detail of a Structure Plan unless otherwise determined by the Western Australian Planning Commission.</p> <p>2.2.1 Local Water Management Strategy</p> <p>The developer shall submit to the Local Authority a Local Water Management Strategy (LWMS) for approval as an additional detail of a Structure Plan pursuant to clause 5.19 in order to ensure that surface and ground waters are managed with the aim of maintaining the natural water balance. The Local Authority must notify and consult with the authority responsible for water and the environment on the proposed strategy in advertising the Local Structure Plan(s) pursuant to Part 4 of the deemed provisions.</p> <p>The LWMS shall be prepared in accordance with Better Urban Water Management or its successor document.</p> <p>The Structure Plan design shall respond to the LWMS required by 2.2.1 and shall be implemented to the satisfaction of the Local Authority, having regard to any advice from the Department of Water.</p>

NO.	DESCRIPTION OF LAND	CONDITIONS
		<p>2.2.2 Environmental Assessment and Management Strategy <i>AMD 67 GG 07/10/22</i></p> <p>The developer shall submit to the Local Authority an Environmental Assessment and Management Strategy for approval as an additional detail of a Local Structure Plan pursuant to Part 4 of the deemed provisions in order to ensure the local structure plan provides a comprehensive and coordinated response to all environmental features within the Structure Plan area and in accordance with the Muchea Industrial Park Structure Plan.</p> <p>The Environmental Assessment and Management Strategy is to include the following:</p> <ul style="list-style-type: none"> – Identification of significant environmental features within the local structure plan area including flora, vegetation, fauna, wetlands and waterways; – Identification of appropriate management strategies, consistent with industry best practice, to ensure that the local structure plan responds appropriately to these environmental features. Appropriate management strategies might include identification of buffers / setbacks, potential areas of revegetation / rehabilitation, public open space and fauna relocation; and – Consideration of Acid Sulphate Soils (if present) and identification of the likely requirement for ASS management during future planning stages. – Identification of, and the means for retention and protection of, key cockatoo habitat trees / locations – Identification of measures to retain the rural character of views of the Structure Plan area from roads within, adjoining, or in the vicinity of the Structure Plan area, by providing details of vegetation screen planting, as well as the details for the siting and design of structure and major earthworks within the Structure Plan area. <p>The Local Authority must consult with the relevant environmental agencies regarding the proposed strategy in advertising the Local Structure Plan pursuant to clause 5.19.</p> <p>The Environmental Assessment and Management Strategy shall be consistent with the EPA's current Guidance Statement No.33 Environmental Guidance for Planning and Development, or any successor Guidance Statement.</p> <p>The Environmental Assessment and Management Strategy required by 2.2.2 shall be implemented to the satisfaction of the Local Authority on the advice of the applicable environmental agencies.</p>

NO.	DESCRIPTION OF LAND	CONDITIONS
		<p>2.2.3 Strategic Noise Assessment and Management Strategy</p> <p>The developer shall prepare and submit to the Local Authority a Strategic Noise Assessment and Management Strategy prepared in accordance with EPA guidelines for approval as an additional detail of a Local Structure Plan pursuant to Part 4 of the deemed provisions.</p> <p>The Strategic Noise Assessment and Management Strategy will identify noise mitigation strategies to be implemented at subdivision and development stages to ensure the impact of noise generated by future industrial land uses are contained within the boundaries of the Muchea Employment Node, as if a sensitive use was located on the boundary of the Node.</p> <p>The Local Authority must consult with the relevant environmental agencies regarding the proposed strategy in advertising the Local Structure Plan pursuant to clause 5.19.</p> <p>2.2.4 Strategic Odour Assessment and Management Strategy</p> <p>The developer shall prepare and submit to the Local Authority a Strategic Odour Assessment and Management Strategy prepared in accordance with EPA guidelines for approval as an additional detail of a Local Structure Plan pursuant to Part 4 of the deemed provisions.</p> <p>The Strategic Odour Assessment and Management Strategy will identify odour mitigation strategies to be implemented at subdivision and development stages to ensure the impact of odour generated by future industrial land uses are contained within the boundaries of the Muchea Employment Node, as if a sensitive use was located on the boundary of the Node.</p> <p>The Local Authority must consult with the relevant environmental agencies regarding the proposed strategy in advertising the Local Structure Plan pursuant to clause 5.19.</p> <p>2.3 Additional Reports / Strategies</p> <p>A Transport Assessment and Management Strategy may also be required as an additional detail of a structure plan, as determined by the Western Australian Planning Commission.</p> <p>3. Subdivision</p> <p>3.1 Management Plans</p> <p>3.1.1 Flora, Vegetation, Wetland and Waterway Management Plans</p> <p>Where a proposed subdivision includes significant vegetation, wetlands and / or waterways as identified in the Environmental Assessment and Management Strategy, the developer shall submit to the Local Authority Management Plan(s) for approval as a condition of subdivision approval in order for existing flora, vegetation, wetlands, waterways and their buffers to be implemented as part of development in accordance with the management strategies / plans.</p>

NO.	DESCRIPTION OF LAND	CONDITIONS
		<p>The Management Plan(s) shall be consistent with the EPA's current Guidance Statement No.33 Environmental Guidance for Planning and Development.</p> <p>The Management Plan(s) outlined above shall be implemented to the satisfaction of the Local Authority on advice from the appropriate environmental agencies.</p> <p>3.1.2 Acid Sulphate Soils (ASS) Site Assessment Management Plan</p> <p>The developer shall submit to the Local Authority an ASS Site Assessment and Management Plan for approval as condition of subdivision approval in accordance with the WAPC's Planning Bulletin No.64 or its successor.</p> <p>The ASS Site Assessment and Management Plan shall include, but is not limited to the following:</p> <ul style="list-style-type: none"> – Detailed field assessment of ASS in proposed disturbance areas; – The preparation of ASS management plans in accordance with the DEC's current guidelines, and; – Preparation of a monitoring program for groundwater discharge areas as part of the Urban Water Management Plan <p>The ASS Site Assessment and Management Plan shall be implemented to the satisfaction of the Local Authority on the advice of the appropriate environmental agencies.</p> <p>3.1.3 Urban Water Management Plan</p> <p>The developer shall submit to the Local Authority an Urban Water Management Plan (UWMP), which is consistent with the LWMS for approval as a condition of subdivision approval.</p> <p>The UWMP required by 3.1.3 shall be implemented to the satisfaction of the Local Authority, on advice from the Department of Water.</p> <p>3.2 Geotechnical Report</p> <p>The developer shall submit to the Local Authority, as a condition of subdivision approval, a Geotechnical Report, certifying that the land is capable of supporting the development proposed.</p> <p>3.3 Water Supply and Wastewater Disposal</p> <p>3.3.1 Water supply and wastewater systems shall be designed and implemented in accordance with environmental and water management strategies such that groundwater and environmental resources are maintained or improved.</p> <p>3.3.2 Reticulated Water supply and wastewater disposal systems will be required at the first stage of subdivision.</p>

NO.	DESCRIPTION OF LAND	CONDITIONS
		<p>3.3.3 Reticulated water and wastewater systems will be provided by licensed service providers.</p> <p>3.3.4 Provision of water and wastewater systems will be subject to a Development Contribution Plan, prepared in accordance with Clause 5.20.</p> <p>4. Development</p> <p>4.1 Development Application</p> <p>Development of land shall be generally in accordance with the provisions of the Scheme and approved Structure Plan.</p> <p>4.2 Land Use Separation Distances</p> <p>All land use separation distances, as defined in State Planning Policy and/or by the Environmental Protection Authority resulting from development proposed within the Special Control Area and determined as part of a development application, are to be contained within the boundary of the Special Control Area to the satisfaction of the Local Authority on advice from the appropriate environmental agencies.</p> <p>4.3 Management Plans</p> <p>Where it is deemed appropriate and necessary to protect the amenity of the broader Special Control Area and surrounds, the local government may require the proponent of a development application to provide additional technical information and/or management plans in support of a development application. These management plans may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> –Noise management plan –Construction management plan –Odour management plan –Waste management Plan <p>The management plans shall be prepared in a manner that is consistent with current government guidelines and / or best practice and are to be implemented as conditions of development approval.</p> <p>4.4 Water Supply and Wastewater Disposal</p> <p>4.4.1 Notwithstanding the provisions of Schedule 2 – Zoning Table, in the event that a licensed reticulated water scheme is not available and connected to the estate's reticulated system at the time of development, land uses shall be generally limited to the following:</p> <ul style="list-style-type: none"> – Transport Depot – Storage – Warehouse – Landscape Supplies

NO.	DESCRIPTION OF LAND	CONDITIONS
		Development applications are required to demonstrate that the proposed use / development has an adequate and sustainable water supply to service the day to day operational needs of the land use on an ongoing basis and the proposed use shall be consistent with the objectives of the zone, and any applicable structure plan.
2	<p>Precinct 3 (P3) of the Muchea Industrial Park – Lots 800-804, 192, 194 and 35 Great Northern Highway, Muchea Industrial Park Structure Plan 2022</p> <p>AMD 67 GG 07/10/22</p>	<p>General planning matters applicable to the Muchea Industrial Park are set out in clause 4.9, 4.20 and 5.7 of the Scheme. The purpose of this schedule is to identify more detailed planning matters relevant to this precinct.</p> <p>1. Structure Plan</p> <p>1.1 Prior to the subdivision and development of the land, a local structure plan is to be prepared and approved in accordance with Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and relevant Scheme requirements to the satisfaction of the Western Australian Planning Commission and other relevant agencies.</p> <p>1.2 Part 1 of the Local Structure Plan is to make provision for:</p> <ul style="list-style-type: none"> i. A functional road network and indicative lot layout that provides equitable and efficient access to Class 10 Restricted Access Vehicles (RAV10) to all lots over the precinct, including a centrally aligned loop road; ii. A road and lot layout which demonstrates that subdivision is able to occur on a staged basis on existing land ownership, including provision of suitable road and drainage infrastructure; iii. The central loop road to have a road reserve width of at least 40m to accommodate RAV10; iv. Other roads to have a width of at least 30m to accommodate RAV10; v. Staging details with triggers and responsibilities for road construction, to ensure construction of roads within the precinct, including temporary access arrangements; vi. Details are arrangements with Main Roads Western Australia and the local government on how the local road network and central loop road will connect to the broader RAV10 network, including Great Northern Highway, outlining associated road upgrades, intersection treatments, land requirements and cost responsibilities; vii. Identification of significant environmental features including those listed below, including management strategies to respond to these features to the satisfaction of the local government, and agencies responsible for environmental protection, wetlands, waterways and catchment management:- <ul style="list-style-type: none"> a. waterways and drainage lines, including setbacks and areas to be revegetated; b. vegetation to be retained as part of maintaining and improving ecological values; c. general areas to be revegetated (if proposed); and d. fauna and fauna habitat including tree hollows for endangered cockatoo species.

NO.	DESCRIPTION OF LAND	CONDITIONS
		<p>viii. A Landscape Master Plan shall be provided which ensures all plant species proposed on effluent irrigation areas are selected in accordance with Vegetation Guidelines for Stormwater Biofilters in the South-West of Western Australia.</p> <p>ix. Information on drainage and wastewater disposal arrangements, including the fill regime, drainage reserves and easements, compensating basins and indicative onsite basins and assumptions about run-off volumes and coordination of drainage. This shall:</p> <ul style="list-style-type: none"> a. include details of storm water and wastewater generated over the precinct, and include a stormwater management strategy that identifies sub catchments and land required for compensating basins; b. recommend means for securing key drainage lines; c. provide information on water monitoring and/or geotechnical conditions to ensure water entering the site is same or better when it leaves the site, including the surface water, groundwater, and natural or manmade drainage lines; d. provide information about pollutant and nutrient management, including impact on the Ellen Brook; e. demonstrate land capacity to handle wastewater loads and locations of onsite wastewater disposal in accordance with the Government Sewerage Policy including justification for any reduction proposed to separation distances to groundwater and drainage lines; f. make arrangements for road reserves and swales to be developed in accordance with the living stream concept. <p>x. A drainage reserve along the western boundary along Tonkin Highway which connects to the Ellen Brook foreshore.</p> <p>xi. Demonstration of the level of fill required for lots to be capable of development to accommodate the full range of uses permissible in the zone and set out how this could be implemented, and by whom; and</p> <p>xii. Requirements for ongoing water quality monitoring over the precinct and identify apparatus to be installed.</p> <p>2. Subdivision requirements and staging</p> <p>2.1 Plans and information, including but not limited to the following, are to accompany a subdivision application:</p> <ul style="list-style-type: none"> i. An Urban Water Management Plan which is consistent with the drainage approach set out in the structure plan to address potential impacts on the Ellen Brook, the Government Sewerage Policy, the impact of fill on adjoining land and environmental assets and addressing sedimentation, the risk of groundwater pollution and inundation. ii. A Site and Soil Evaluation demonstrating wastewater disposal in accordance with Government Sewage Policy; and

NO.	DESCRIPTION OF LAND	CONDITIONS
		<p>iii. A Bushfire Management Plan.</p> <p>2.2 Prior to, or at the time any lot in Precinct 3 is created, the following will be required:</p> <ul style="list-style-type: none"> i. The whole length of the drainage reserve along the western boundary of the precinct and associated Ellen Brook foreshore reserve in accordance with the approved structure plan, is to be ceded to the Crown free of cost and without any payment of compensation by the Crown, and care, control and management of the reserve given to the local government; ii. An environmental management plan is to be prepared for the Ellen Brook foreshore to the satisfaction of the Department of Biodiversity, Conservation and Attractions and the local government; and iii. Arrangements are to be in place for installation of water monitoring apparatus by the landowner and/or developer over the precinct to monitor water quality in and out of the site and ongoing groundwater monitoring in accordance with the approach set out in the structure plan. <p>2.3 The following shall be required at the time the first lot is created within a subdivision proposal:</p> <ul style="list-style-type: none"> i. A reticulated water and power supply to be provided to all lots by a licensed service provider; ii. Ceding of all land within the subdivision area for drainage and environmental purposes in accordance with the Urban Water Management Plan; iii. Ceding of any land necessary to establish suitable road access, including temporary arrangements, and land required for intersecting with the Great Northern Highway; and iv. Implementation of measures identified through the structure plan to manage environmental values and any threatened or endangered flora and fauna habitat, including the establishment of habitat tree protection zones around tree hollows for threatened cockatoo species. <p>2.4 Subdivision is to be in accordance with the following:</p> <ul style="list-style-type: none"> i. All siteworks, fill, treatments and easements required for the drainage network must be in place prior to lot creation of any lots in accordance with an approved Urban Water Management Plan; ii. Drainage runoff up to the 63% Annual Exceedance Probability (1 hour storm) is to be retained on each lot and drainage runoff up to 1% Annual Exceedance Probability (1 hour storm) is to be retained and infiltrated within each lot or released at a rate no greater than the pre-development rate; iii. No new lots are to have direct access to Great Northern Highway or within 130m from the Great Northern Highway/loop road intersection; and iv. Temporary turning circles may be required which will need to be remediated when no longer required.

NO.	DESCRIPTION OF LAND	CONDITIONS
		<p>3. Development</p> <p>3.1 Development shall be in accordance with any restrictions and notifications applicable to the lot.</p> <p>3.2 Development shall address pollutant, erosion control and ground stabilisation to the satisfaction of the responsible authority.</p> <p>3.3 Land application areas shall be filled in accordance with the site and soil evaluation.</p> <p>4. Other</p> <p>4.1 Where environmental or drainage reserves have been ceded, and may be subject to more detailed investigation, their boundaries may be adjusted by way of a 'basic' scheme amendment, provided the detailed studies are to the satisfaction of the relevant agency and local government.</p>

SCHEDULE 12 – RURAL RESIDENTIAL

No.	Description of Land	Conditions
1	<p>Lot 8 Buckhorn Drive, Lower Chittering</p> <p><i>AMD 58 GG 03/11/17</i></p>	<ol style="list-style-type: none"> 1. These conditions are to be read in conjunction with the Scheme requirements for the Rural Residential zone. Where conflicts exist, these conditions prevail. 2. The minimum lot size shall be 2 hectares. 3. The structure plan is to respond to the significant environmental features of the site and is to contain the following: <ol style="list-style-type: none"> a) the provision of a lot layout that minimises impact on areas of remnant vegetation in excellent and very good condition; b) the identification of building envelopes in locations that minimise the need for clearing of vegetation including for asset protection zones, access, firebreaks and fencing; c) the identification of measures for the protection and retention of existing and potential Black Cockatoo habitat trees and priority flora species; d) lot boundaries that do not dissect areas of remnant vegetation that are in excellent condition. 4. The structure plan is to provide for a road network that connects Buckthorn Drive and Navelina Drive. 5. The structure plan is to be supported by a Bushfire Management Plan prepared to the specifications and satisfaction of the local government and the Department of Fire and Emergency Services. 6. All lots are to be provided with a demonstrated sustainable fit-for-purpose water supply in accordance with Scheme requirements, including the provision of a 120,000L tank.

2	<p>Lot M1942 Morley Road, Lower Chittering</p> <p>AMD 72 GG 5/05/23</p>	<p>General</p> <p>1. These conditions shall apply in conjunction with the Scheme requirements for the Rural Residential zone, and/or as otherwise approved by the local government. Where conflicts exist, these conditions prevail.</p> <p>2. The minimum lot size shall be two (2) hectares.</p> <p>Structure Planning</p> <p>3. A Structure plan is not required to facilitate subdivision and development subject to the plan of subdivision and application meeting Conditions 4 to 5 below.</p> <p>Subdivision</p> <p>4. The plan of subdivision and application must –</p> <ul style="list-style-type: none"> a. Identify building enveloped/exclusion areas which respond to the significant environmental features of the site, including <ul style="list-style-type: none"> i. achieving suitable separation from water resources; and ii. minimising the clearing of vegetation including for asset protection zones, access, firebreaks, fencing and on-site effluent disposal systems; iii. The Fire Service Access Route (FSAR) being identified on the plan of subdivision for the purposes of emergency vehicle access and ceded free of cost; and iv. protecting and retaining habitat trees where possible. b. provide a logical road network designed to – <ul style="list-style-type: none"> i. link the subdivision area from its western boundary to Morley Road; ii. connect to Thornbill Place and Bronzewing Court; and iii. provide direct access to Lot 5 Morley Road. c. be supported by: <ul style="list-style-type: none"> i. an approved Local Water Management Strategy; ii. a site and soil evaluation conducted in accordance with AS/NZS 1547 On-site domestic wastewater management; and iii. a bushfire management plan; and iv. a revegetation and weed management plan to ensure the protection and management of water courses. <p>Local development plan</p> <p>5. A Local development plan is to be prepared and approved identifying building envelopes/exclusion areas consistent with Conditions 1 to 4 above.</p>
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		<p>Development and clearing of land</p> <p>6. Development shall be in accordance with the approved local development plan.</p> <p>7. Other than to provide for subdivision in accordance with the conditions above, no further areas of vegetation shall be cleared felled or removed unless –</p> <ul style="list-style-type: none"> a. the vegetation is dead, diseased or possess a danger to human or stock; or b. the clearing is necessary for any firebreak required by law; or c. the clearing is required to provide for access to an approved dwelling or outbuildings; or d. the clearing is consistent with the parameters of an established building envelop/exclusion area; or e. the clearing is necessary to comply with the required bushfire management plan.
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SCHEDULE 13 – ENVIRONMENTAL CONSERVATION REQUIREMENTS

AMD 61 GG 25/06/19

No.	Description of Land	Conditions
1	Portion of Lot 101 Teatree Road, Bindoon	<ol style="list-style-type: none">1. A conservation covenant in perpetuity shall be registered on the Certificate of Title of the land as a condition of subdivision approval when the 'Environmental Conservation' lot is created.2. An Environmental Management Plan is to be prepared for the land in accordance with clause 4.8.13 of the Scheme as a condition of subdivision approval when the 'Environmental Conservation' lot is created.

SCHEDULE A – SUPPLEMENTAL PROVISIONS

AMD 62 GG 14/02/17

Clause 61 (1)

- (k) the signage and advertisements contained in Schedule 6 of this scheme, except in respect of a place included on the Heritage List, or which in the opinion of the local government will affect such a place.
- (l) the erection or extension of a single house on a lot if a single house is a permitted (“P”) use in the zone (where the R Codes do not apply) in which that lot is located, and where the development standards set out in the scheme (including the schedules) for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
 - (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29; or
 - (vi) the proposal requires access from an unconstructed road; or
 - (vii) the proposal is located within a designated bushfire hazard area, as identified in Schedule 10 - Bushfire Hazard Areas of the Scheme.
- (m) the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted (“P”) use in the zone (where the R Codes do not apply) and where the development standards set out in the scheme (including the schedules) for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
 - (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29; or
 - (vi) in a vegetation protection area, identified in an approved environmental management plan or structure plan; or
 - (vii) the proposal requires access from an unconstructed road; or
 - (viii) the proposal is located with a designated bushfire hazard area, as identified in Schedule 10 - Bushfire Hazard Areas of the Scheme.
- (n) the demolition of any building or structure except where the building or structure is:
 - (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on the Heritage List prepared in accordance with the Scheme; or
 - (iv) located in a heritage area designated under the Scheme.

- (o) the erection, construction, maintenance, improvement or alteration of a rural boundary fence or wall, or other means of boundary enclosure.
- (p) the erection of windmills, the sinking of bores and wells and associated water tanks in Agricultural Resource zone.
- (q) the installation of service ducts, cables, pipes or conduits, for domestic or rural purposes.

ADOPTION

Adopted by resolution of the local government of the SHIRE OF CHITTERING at the meeting of the local government held on the 20 December 2001 and the Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

PRESIDENT: _____

CHIEF EXECUTIVE OFFICER: _____

FINAL APPROVAL

Adopted by resolution of the local government of the SHIRE OF CHITTERING at the meeting of the local government held on the 5 September 2002 and the Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

PRESIDENT: _____

DATE: _____

CHIEF EXECUTIVE OFFICER: _____

DATE: _____

Recommended for Approval

DELEGATED UNDER S.20 OF THE WAPC ACT 1985

SIGNED: _____

DATE: _____

FINAL APPROVAL

_____ A MacTiernan, Minister for Planning & Infrastructure

DATE: _____