



Shire of

Bridgetown-Greenbushes

The heart and soul of the South West

MINUTES

Special Council Meeting

Wednesday, 3 September 2025

Date: Wednesday, 3 September 2025

Time: 5:30 PM

Location: Council Chambers

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SHIRE OF BRIDGETOWN GREENBUSHES

The Special Council Meeting Minutes of Meeting held on 3rd September 2025 commencing at 5:30 PM.

ITEM 1 OPENING OF MEETING

The Presiding Member opened the meeting at 5.30 pm.

ITEM 2 ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the cultural custodians of the land, the Kaneang, Pibelmen and Wadandi people. We acknowledge and support their continuing connection to the land, waterways and community. We pay our respects to members of the Aboriginal communities and their culture; and to Elders past and present, their descendants still with us today, and those who will follow in their footsteps.

ITEM 3 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Councillors

Councillor T Lansdell Shire President
Councillor J Boyle
Councillor M Christensen
Councillor M Fletcher
Councillor L Pearce
Councillor T Pratico
Councillor R Redman

Council Officers

Chief Executive Officer, G Adams
Director, Development and Regulatory Services, L Guthridge
Director Projects & Environment, M Gillham
Manager, Executive Services Unit, M Morrell
Executive Assistant, K Durbin
Director Corporate, Economic and Community Development, C Radford

Observers/Visitor

Bob Wallin (Consultant Town Planner)

Apologies

Councillor S Mahoney Deputy President

Leave of Absence Previously Granted

Nil

ITEM 4 ATTENDANCE OF GALLERY

Bruce Bebbington

Debbie Bond

ITEM 5 PUBLIC QUESTION TIME**1 QUESTION – B.Bebbington**

If the council adopts the scheme tonight as per the recommendation, that is with modifications but no advertising, what is the process after this with WAPC and the Minister for planning?

Officer Response:

The process is we send the package documentation that is being presented tonight to the Western Australian Planning Commission. My understanding is what happens then is staff at DLH will prepare a report for the Western Australian Planning Commission for consideration where the options I believe are that they accept them all in full and send them to the Minister for them to be endorsed and a subsequent presentation or I believe if they require further modifications they send it back to the Local Government to effect those modifications.

2 QUESTION – B.BEBBINGTON

And if Council adopts the scheme with modifications and with advertising what is the process after tonight?

Officer Response:

The process would be for then the Local Government to advertise whatever they want to advertise. That might be the package as you see it with the modifications in there or some other form of advertising the Local Planning Scheme.

3 QUESTION – B.Bebbington

At this stage could Council determine to refer the scheme back to WAPC for review? For example adopt subject to re-referral to the EPA and WAPC due to the 22 pages of deletions and the inclusion of over 100 amendments.

Officer Response:

I'm not sure if that is within the parameters of the process to ask the WAPC to re-refer to the EPA. We could ask to do it but whether that is something that can be done I am not sure.

4 QUESTION – B.Bebbington

In regards to the answer the first question when you said that the Planning Commission may have the option to bring the document back to the shire for adoption of further modifications. I spoke with the Department of Planning a number of times today and asked the about what can and can't happen. They said that from tonight if you adopt it with modifications or without but with no advertising it immediately goes to the commision and the Shire has no further input full stop which differs from that answer but that came from the Department this morning. In other words there would be no ability for it to come back to the Shire. So I just want to confirm that the departments position is different from the answer from the Officer, and that the Planning Commission gives the referral to the Minister and the only person who makes any decision after tonight is the Minister?

Officer Response: There is legislation and then there is practice. So the legislation as what you're saying is that the Minister makes the final decision. But the process of getting it to the Minister is that it goes through the Department of Planning and they will make a recommendation. And when they make a recommendation they will talk back and if they have questions they will talk back to the Shire staff and ask for advice. It doesn't just go straight to the Minister for decision, there will be a whole lot of negotiation if needed to clarify some of the points in the Council resolution.

5 QUESTION – B.Bebbington

If the WAPC comes back to the Shire to seek clarification on things, does the Council have any opportunity to pass a resolution and modify anything or as DPLH said today only the Minister can modify anything from here, but the Minister can come back to the Shire and ask to review things without doing a final termination.

Officer Response:

There is always the negotiation side of things so that's the practice that happens throughout. In terms of the resolution the one that Council may make tonight, that is a recommendation and that is all it is going to be. The Minister makes the decision at the end of the day.

6 QUESTION – B.Bebbington

On page 8 of the report it says given the minor technical nature, not significant, of modifications proposed it is not considered necessary to consider a further advertising process. The modification introduces significant planning application requirements on a large number of land holders, about a 20% area of the Shire, effected by but not made aware of the water catchment areas. If that's not significant, what would you consider significant?

Officer Response:

I think something you would consider to be significant is if you had tracks of land that were going to be rezoned to something higher level. So if it was perhaps a precinct that was 20km out of town

and was regional was then proposed to be rezoned as something like Industrial, that's something I would personally see as a significant change as apposed to what Mr Bebbington has said.

7 QUESTION – B.Bebbington

On page 7 of the officer report it says the Schemes submissions contains a complete cut and paste of each submission, so the eligability of the submissions raised, may in some circumstances be given a berief. Are there any issues with eledgabilty of any of the submissions, or are they all accepted or not?

Officer Response:

What we did due to the volume of information that came through during this period, we cut and pasted those submissions into the schedule so it's all now electronic. We put in a full copy of submissions at the back so people could read easier and get the full context.

8 QUESTION – B.Bebbington

At the Electors meeting there was a motion moved in May that has not yet been presented to Council. Is there any reason why that motion hasn't been presented? The motion was that Council would readvertise draft local planning scheme 6 clearly advising the community of the extent of the changes and impact on the planning on the community.

Officer Response:

So Mr Bebbington I will have to check on that. My understanding was that all of the motions passed at the Electors meeting went to a following Ordinary Council Meeting but we will have to check. They are required to go to Council for consideration at Orindary Council meeting.

B.Bebbington:

Are we able to check the minutes for that meeting now please?

Note: Searched through the minutes but were unable to find the motion passed at the Elector Meeting.

9 QUESTION - B.Bebbington

In the Q+A document that was used during consultation it refers to all 25 structures plans proposed to be allowed to lapse and normalised. And yet in another document tonight refers to a different figure of 4 retained, 12 done to a special use and 12 lapsed. So what is the correct figure and how many should we have in the document?

Officer Response:

We will take the question on notice.

MOTION**RESOLUTION: SCM 065-25/26**

Moved: Councillor T Lansdell

Seconded: Councillor J Boyle

That as the 15 minutes of Public Question time has been used, Council move the motion to extend Public Question time by an additional 5 minutes.

CARRIED 7/0

10 QUESTION - B.Bebbington

So can we now clarify that the Local Government act has not been applied in relation to the Electors meeting and specifically which impacts on the motion that the community called for advertising the Scheme has not been considered and that we are rushing through the scheme tonight?

Officer Response:

When you pass motions at the Electors Meeting they are required to go to Council for considerations, the way that normally happens is that they are tabled at a Council meeting in a report, Council don't vote on those motions past the Electors meeting, they are just required to consider them. I am not sure we can make the assumption that Council would have voted what is in the motions. So I am not sure if that has any impact in what you are referring to.

11 QUESTION - B.Bebbington

Yesterday in the meeting we had between the CEO and Mr Guthridge you sought clarification on one of the points I raised and you checked whether the planning amendments there is a process which involves the direct notification to the land holders affected in advertising. And the answer from the Shire was that in the two instances I raised the Shire was not going to do that process. Is there any particular reason the Shire is not prepared to comply with the provisions of the town planning and development?

Officer Response:

My understanding is that what you referred to was included in the scheme and we have complied with the legislative process with this scheme. One of the amendments you referred to was

referred directly to the land holders. The advertising that we undertook for the draft is compliant with what is required under the regulations.

12 QUESTION - B.Bebbington

In relation to amendment 73 equivalent which was in the scheme which was in the advertising in the first round, but specifically the significant changes that effect hundreds of land holders in relation to the Donnolly water modifications which are in tonight's which have never been advertised and those people have never been told.

Officer Response:

I believe that may have been in relation to those special control areas two and three that were shown on advertised maps. There were some maps that were shown in the advertised scheme that shows some of the special control areas of the water. What's happened since advertising and in discussion with the Department of Planning officers is that they have reformatted that into a special control area rather than provisions so clause 30.13 has been taken out and reformatted in the special control areas so the same area and same controls just different format. So it has been advertised it just looks a little different from that.

13 QUESTION - B.Bebbington

The Department rang me this afternoon in relation to that water conservation area and he said that it had changed because previously the only people impacted is if they were going to extractive industry. He referred to the fact that it is only if it's an intense activity that the wording refers to it. However the wording that is in the amendment tonight stipulates that every landholder is required to do planning approval and every application for development is required to be referred to DWER regardless of the size of the development. Is that true?

Officer Response:

My understanding is that's not the case. Low impact type of development which is houses, sheds etc is something a DA would not be required, however things like abattoirs or things of the like would require a referral with DWER and to put it into context that would be what would happen anyway in an operational sense.

ITEM 6 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

ITEM 7 COMMENTS ON AGENDA ITEMS BY PARTIES WITH AN INTEREST**COMMENT - Bruce Bebbington**

In relation to item 11.1. The Council resolution for Local planning 6 was, and its in the FAQ a no change approach and a like for like transition. No amendments, no amendments to the scheme, no significant changes, just trying to tidy up and incorporate the model text in one document instead of having two and an outdated document. The Donnolly water catchment development application required for every development, if they knew what was in the text the wording is quite specific and considering the department themselves confirmed the status that everyone would have to apply today it includes a house, a shed, a garage, a pagola and a fence. Every single application in the wording you have tonight. Now we do not have a complete document as they have not presented a scheme with all of the proposed amendments. None of you have had the opportunity to actually read the whole document to be able to cross check how the document reads. Maybe that's why the staff aren't aware of what's in their own document. Shire says they're required to notify for those sorts of changes but they're not going to do it. The removal of environmental safeguards along the blackwood river. EPA referal in Blackwood Valley Zone 3 is currently in our scheme. It has been removed. Between 1985 and 2025 in the world we have better environmental concerns and restrictions, but not in the Shire of Bridgetown-Greenbushes. Workers Accomodation. Dongas are now permitted across the Shire when previously they were not permitted. That was not included in the previous consultation FAQ's. The report says the removal of 25 subdivisions but reatining three despite them having specific conditions including that all buildings need an engineering report because of the terrain and therefore need planning approval. The new scheme says that despite them needing an engineering report in the subdivision the subdivision approval disappears so therefore the safety concept, the safety protection, disappears. But also futhermore under the modifications those properties that have to have an engineering report currently and in a bushfire prone area. So they clearly need under this because they are taking the bushfire prone restriction out of the policy and putting it into this means in a bushfire prone area, bushfire and engineering report those people will not have to put in planning approval. Current version, and it will change if you accept every single amendment tonight, says that currently to build a house in a bushfire prone area and a flood prone area and over a water course and you do not need planning approval, you're exempt from it. To build a fence you need planning approval and you're building within a 100 meters of a water course or a flood prone area but you don't if you're building a house. 22 subdivisions removed from the scheme without referal to Council. 23 pages removed from the scheme without referal to Council because apparently there were no changes whatsoever. Some land owners who currently keep animals will not be able to keep animals but haven't been told. People who currently can not be built out, will be. Land owners required to be individually notified of this proposal to remove that protection of subdivision have not been told. We're talking about 300 land holders and they've not been told.

ITEM 8 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Nil

ITEM 9 NOTIFICATION OF DISCLOSURE OF INTEREST

Part 5, Division 6 of the Local Government Act 1995 requires a member who has an interest in any matter to be discussed at the meeting to disclose the interest and the nature of the interest in writing before the meeting, or immediately before the matter is discussed.

ITEM 10 QUESTIONS ON AGENDA ITEMS BY ELECTED MEMBERS**1 QUESTION**

Cr Rebecca Redman: Regarding the properties that fall within that Donnolly Catchment area what is the potential impact of the additional requirements of the TPS and the requirement for applicants to have that engagement with DWER and have a plan or approvals in place in relation to the water catchment area. What are the real world implications of what that is going to mean please?

Officer LG Response:

What that would mean is that any higher impact land uses, what that would require is the application would come in ordinarily and then we would refer it to the agency DWER and seek their comments and then that feedback comes in to feed into potential development approval.

2 QUESTION

Cr Rebecca Redman: I understand that the maps showed those areas when the TPS was put out for submissions. It effects quite a large number of properties and I'm concerned that people who are going to be impacted may have plans about their properties based on the current situation, might be caught out by the changes if they haven't been directly advised. Could you provide some context please?

Officer LG Response: There is definitely some truth in that. I think Bob eluded to the controls within the scheme were contained in another section rather than put into the schedule. So there were some controls within that. But remember if Council have any concerns about the proposed modification, and at the moment we are recommending to support it, it can simply remove them from the schedule of modifications. We can do that tonight. Which means we would be saying that how it was formatted before advertising it would be returned back to the WAPC as how it was presented before.

3 QUESTION

Cr Rebecca Redman: So TPS 6 is designed to bring together TPS 3 and 4 to streamline things so we can look at our strategy and decide if there are going to be any strategic changes made and indeed over the past few months there have been some conversations about potential future changes and we have been advised that its best to wait and look at the strategy. Its been advertised as a consolidation and no big changes and with knowledge that there may be land owners out there whose future activities could be effected by TPS 6. I think that not highlighting those changes

during the advertising could have been a flaw and that I don't think that it would be reasonable to expect any normal rate payer to navigate such a difficult document. My question is, do you think that given the nature of the advertisement that it would be reasonable to expect that any average ratepayer that is going to be effected would have come across that information and if they wished would have put a submission in?

Bob Wallin Response: So there's two grants. For a little bit of context around water resources and public drinking water. These reflect state planning policies. These state level policies are incorporated into scheme 6. To answer your question regarding would the average person know these things were happening, possibly not. But the state government framework normally just gets incorporated as a matter of course.

4 QUESTION

Cr Michael Fletcher: Tonight we have listened to a lot of concerns in relation to TPS 6. My question being if we approve this tonight without modification does that leave our Shire A) liable and B) with an influx of people who are going to be effected by this and find out post tonight. What's going to be the impact to staff in addressing the concerns of our rate payers?

Officer LG Response: If the decision is not to pass it tonight then we operate business as normal as the Shire has done for the last 20 or 30 years. I think I made some comment in the report about the risk of not progressing our planning reform. From an on the ground day to day position we will manage but we are advocating to progress this so we can contemporise how we do this. So there are consequences either way. If we accept the scheme as is without modifications that can be done however the process is intended to draw out any issues that need resolution and to improve the scheme. Or we can remove some of the modifications if Council deem them not to be appropriate.

5 QUESTION

Cr Lyndon Pearce: There is a map there with the area up near the rubbish tip that potentially might be used for an SES facility that has currently been changed to light industrial. I know we have changed land uses before but is that something we should address now?

Officer LG Response: Some of the reserves and things that have had modifications done to them it has been via the mapping team reflecting the correct reservation purpose. There were quite a few reserves and Crown land that were incorrectly labelled. Looking at the map that area is reflecting a zoning of Light Industry. I don't know the reason why that has been captured in that zoning, I'll have to take that on notice.

Bob Wallin answered question after Question 6: If it's a government utility going in there it would fall under Civic use and that is something that can be considered in that zone.

6 QUESTION

Cr Lyndon Pearce: Donnolly River area we spoke about the way you operationally apply the scheme when you're looking at housing and fencing was that it wouldn't be something that the development application, but does the actual document itself say that those types of buildings are?

Officer LG Response: So the determination of how we manage the approvals is done at the officer level so with that whole thing you might see that DWER referred to the water protection note 25, and that is the site guideline on what they determine on what would need the referral. It's that document in conjunction with the scheme that would determine if something needed a DA or referral.

Cr Lyndon Pearce: Operationally if you were to take an application at the moment and they were looking to build a house in that area, currently you're saying it wouldn't need the application. If someone else came along in the future could they interpret that differently?

Officer LG Response: There is always going to be some ways that different officers will approach different applications. That's why we have policy and statements within law and other documents that need to be as clear as possible.

7 QUESTION

Cr Mike Christensen: I just want to refer to something that Mr Bebbington referred to. He states that the current version that is now being put in says there is an exemption from planning approval now when you're building close to a water course for example, flood prone areas. I didn't pick that up. Could you give me some context around that, what he's referring to?

Officer LG Response:

So what this scheme does is that you read the scheme alongside the Deemed provisions. They are a regulation. In terms of building houses in a bushfire prone area you are required to obtain a DA. Anything less than that is deemed exempt from a DA. In terms of the flood prone area, that would be the same principal.

8 QUESTION

Cr Michael Fletcher: My question is also regarding these concerns that Mr Bebbington brought in tonight. What is the process if we look at this motion now and then we say can we modify it by addressing these concerns. What's the process?

CEO Garry Adams: My understanding is that the issues Mr Bebbington raised had already been included in the submissions and had already been considered in the concept of the scheme. The other thing is that some of the things raised are not factually correct because as Mr Guthridge has pointed out the scheme needs to be read in conjunction with Dean of Provisions and State planning so I think we need to be careful in saying we need to amend what you're doing tonight to take into account some of these concerns. The one about the water catchment areas, my understanding is that as a state planning policy around that and we would have to consider if somebody was building in that area.

Officer LG Response: If an application came in and it was in the control area, we would then check policies and with agencies to see what the correct procedure is to approve. DEWA requested that those provisions be included in the schedule of the scheme.

CEO Garry Adams: If we were to take that out of our scheme then there is the likelihood that WAPC would put it back in.

Bob Wallin Response: That's correct. Also for the elected members, the Dean of Regulations says all the things the Shire is required to take into account when making a planning decision. Right up front you have to have regard to state planning policies. It's a requirement for the Council or the Shire to take that into account.

9 QUESTION

Cr Michael Fletcher: I want to clarify what was the process for addressing some of these issues tonight?

Officer LG Response: That is up to council to work out, I have not seen these issues and so I haven't had the time to understand the context.

Cr Tracy Lansdell: As the CEO has mentioned a lot of these have already been addressed.

REPORTS OF OFFICERS

Reports of Officers have been divided into Departments as follows:

- CEO's Office

- Corporate Services
- Development, Community and Infrastructure

TEM 11 DEVELOPMENT AND REGULATORY SERVICES

11.1 Support Draft Local Planning Scheme No 6 for Final Approval

| | |
|-------------------------------|---|
| File Ref | 770.8 |
| Responsible Officer | Leigh Guthridge, Director of Development and Regulatory Services |
| Reporting Officer | Leigh Guthridge, Director of Development and Regulatory Services |
| Attachments | <ol style="list-style-type: none"> 1. Draft LPS 6 - Text 2. Draft LPS 6 - Maps 3. Schedule of Submissions - Part 1 4. Schedule of Submissions - Part 2 5. Schedule of Submissions - Part 3 6. Schedule of Modifications 7. Local Planning Strategy - Investigation Areas 8. Copy of Submissions |
| Voting Requirements | Simple Majority |
| Disclosure of Interest | Reporting Officer: Nil Responsible Officer: Nil |

RESOLUTION: SCM 066-25/26

Moved: Councillor M Christensen

Seconded: Councillor T Pratico

That Council:

1. Receives the Schedule of Submissions (**Attachment 3, 4 and 5**);
2. Determines the submissions by resolving to adopt the recommendations in the Schedule of Submissions (**Attachment 3, 4 and 5**);
3. Supports the proposed Local Planning Scheme No 6, in accordance with clause 25(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, incorporating proposed modifications to address issues raised in the submissions as detailed in the Schedule of Modifications (**Attachment 6**);
4. Resolves that no further advertising of modifications proposed is required;
5. Forwards all relevant documents inclusive of modified Scheme Text and Scheme Maps to the Western Australian Planning Commission in accordance with Clause 28 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requesting final approval of the Local Planning Scheme No 6 from the Minister for Planning and Lands, Housing and Works and Health Infrastructure;
6. Authorises the CEO to undertake any necessary minor editorial, grammatical and other modifications to the Scheme documents that do not change the effect of the Scheme as adopted or as required by the Western Australian Planning Commission; and

7. Resolves to include consideration of matters identified in **Attachment 7** as part of preparing a future Local Planning Strategy.

LOST 7/0

FORSHADOWED MOTION

Moved: Councillor M Fletcher

Seconded: Councillor R Redman

Cr M Fletcher foreshadowed that should the motion be lost, they would move:

That Council

1. Receives the Schedule of Submissions (**Attachment 3, 4 and 5**);
2. Determines the submissions by resolving to adopt the recommendations in the Schedule of Submissions (**Attachment 3, 4 and 5**) to inform the Schedule of Modifications (**Attachment 6**)
3. Advertise the proposed modifications as per the schedule of modifications (**Attachment 6**) in accordance with Regulation 26 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
4. The modifications to be advertised in the form that the modifications are incorporated into the draft Scheme Text and Maps highlighting all modifications.

CARRIED 7/0

MATTER FOR CONSIDERATION

To resolve to support draft Local Planning Scheme No.6 (LPS6) following consideration of submissions as required under Part 4, Clause 25 (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015 - Preparation or adoption of local planning scheme (The Regulations)*. Clause 25(3) of the Regulations provides the local government with the following options following advertising of the Scheme:

- (a) To support the proposed LPS6 without modification; or
- (b) To support the proposed LPS6 with modifications to address issues raised in the submissions; or
- (c) Not to support the proposed LPS6.

BACKGROUND

Council at its meeting on the 9th March 2023 resolved the following:

1. *In accordance with section 72 of the Planning and Development Act 2005 and regulation 21 of the Planning and Development (Local Planning Schemes) regulations 2015, adopt for the purposes of public advertising, the draft Shire of Bridgetown-Greenbushes Local Planning Scheme No.6 consisting of the Scheme text and Scheme maps as shown in Attachments 1 and 2*
2. *Forward copies of the draft Scheme documents to:*
 - i. *The Environmental Protection Authority for consideration pursuant to section 81 of the Planning and Development Act 2005.*
 - ii. *The Western Australian Planning Commission for consideration and advice to the local government, pursuant to regulation 21 of the Planning and Development (Local Planning Schemes) Regulations 2015*
3. *Subject to receipt of advice from the Environmental Protection Authority and the Western Australian Planning Commission, advertise the draft Scheme in accordance with the requirements of regulations 22 and 76A of the Planning and Development (Local Planning Schemes) Regulations 2015 for a period of 90 days by undertaking the following actions:*
 - i. *Advertise a notice regarding the draft scheme, prepared under provisions of regulation 22(1), on the Shire's website for the whole duration of the public advertising period, and in a local newspaper under the provisions of regulation 76A(4) for three consecutive weeks commencing in the first week of the public advertising period.*
 - ii. *Making the scheme documents (scheme text and maps) available for viewing on the Shire's website for the whole duration of the public advertising period in accordance with regulations 22(2) and 76A(3), with the ability for the documents to be downloaded and printed if a person wishes to do this.*
 - iii. *Providing hard copies of the scheme text and maps for public inspection at the Shire Administration office for the whole duration of the public advertising period in accordance with regulation 76A(3)(b).*
 - iv. *Provide a plain language overview of the planning scheme review and preparation process and a list of Frequently Asked Questions (FAQ's) on the Shire's website and make the overview and FAQ's available as a printed information pack which is available at the Administration Building or sent to residents/property owners on request.*
 - v. *Provide a dedicated email address to which questions on the draft scheme may be submitted during the first 60 days of the advertising period, with a commitment that a written response will be provided within 21 days of receipt and, if the question is likely to be of general interest and does not disclose information about a specific person or property, the question and response (or a redacted version) will be added to the FAQ's on the Shire website*
4. *After the end of the public advertising period, a further report be presented for Council's consideration providing details of all submissions received and recommended responses to address issues raised in submissions, in accordance with Regulation 25 of the Planning and Development (Local Planning Schemes) Regulations 2015.*

The purpose of the draft LPS6 process is to undertake a review and consolidation of Town Planning Schemes No.3 and No.4 and to update mapping and text to reflect *Model Provisions* consistent with the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations).

This review is Stage 1 of the greater 'local planning' body of work that the Shire has resolved to embark on. Stage 2 will follow being the development and endorsement of a Local Planning Strategy

and finally Stage 3 being the implementation of the strategic outcomes from the Local Planning Strategy into the Local Planning Scheme No 6 by amendment.

COMMENT

A copy of the Draft LPS6 text and maps (as advertised) are as per **Attachments 1 and 2** to this report.

The Western Australian Planning Commission (WAPC) granted consent to advertise the Draft LPS6 on 20 December 2023.

The Shire subsequently advertised LPS6, which included:

- A statutory advertising period of 90 days (4th September 2024 - 6th December 2024);
- Making the draft scheme available at the Shire office by providing hard copies of the scheme text and maps;
- The draft Scheme being digitally available on the Shire's website;
- Advertising the publication of the draft Scheme on the Shire's facebook page, Bridgetown – Manjimup Times, The Mailbag and the Greenbushes Balingup Newsletter;
- Providing a plain language overview of the scheme and a list of frequently asked questions; and
- Providing a dedicated email address for stakeholders to submit submissions to the Shire.

A total of 19 submissions were received during the advertising period consisting of 8 from Government Agencies and 11 from the general public. One submission was submitted in 10 parts and this has been treated as one submission.

The Schedule of Submissions as per **Attachments 3, 4 and 5** includes officer comments and recommended modifications to the draft LPS6 where appropriate. All the recommended modifications to the draft LPS6 are presented in the Schedule of Modifications as per **Attachment 6**.

The Schedule of Submissions contain a complete 'cut and paste' of each submission so the eligibility of the submission raised may in some circumstances be difficult to read. Therefore, this report contains a full copy of all the submissions as a separate **Attachment 8** to enable readers of this report to cross reference if required.

General Findings

Scheme Text Modifications

The majority of text modifications are the result of updating the text to reflect the latest version of the 'Model Provisions' that form part of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

Further text modifications have been identified following officer level consultation with staff from the Department of Planning, Lands and Heritage (DPLH). All changes to the text do not result in any material change in purpose and intent of the draft LPS6.

As is captured in the officer comments in the Schedule of Submissions, there are several instances where land use categories and other text is used within the draft text that is outside the 'Model Provisions'. Advice from officers at the DPLH confirms that the additional content can be used (that may have been from an internal DPLH Drafting Instruction or other State planning instrument) and

previously been approved by the Minister in other local government local planning Schemes where the Minister can use discretion under s.257A(3) of the Act.

One submitter (who put an enormous amount of effort in preparing their submission) appears to have unfortunately undertaken assessment of the draft LPS6 against an incorrect version of the 'Model Scheme Text Template'. This subsequently resulted in their submission being large in volume and requiring significant officer time to evaluate the issues raised.

Scheme Map Modifications

The recommended mapping changes that have been identified were largely to correct landownership/management arrangements relating to State owned freehold or reserved land and zoning for same, incorrect cadastral data (given the age of the mapping of TPS 3 and 4) and to address minor drafting errors.

Strategic Changes

Several submissions suggested wider changes to settlement pattern and subdivision opportunities, including residential expansion of townsites and industrial areas. It is recommended that these issues be evaluated through the preparation of the Local Planning Strategy. This process will enable the wider strategic vision for the townsites and immediate surrounds to be investigated in detail to address servicing, bushfire risk, environmental considerations and other land use planning issues that will inform further investigation at a strategic level. **Attachment 7** identifies these sites that can be considered at this future stage.

Given the minor technical nature (not significant) of modifications proposed, it is not considered necessary to consider a further advertising process. This position is reflected in the recommendation to this report in line with regulation 26 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

The review of the draft LPS6 followed the process as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015*. This ensured the development of the LPS6 aligns with the State Planning Framework and Model Provisions, statutory advertising requirements, referral to stakeholders, formal consideration of submissions and final approval of the Local Planning Scheme.

Environmental Protection Act 1986

The Environmental Protection Authority has assessed the draft LPS6 and confirmed on 31 October 2023 this it would not require the draft LPS6 to be formally assessed under Part IV Division 3 of the *EP Act 1986*.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN**7 Responsible and attractive growth and development.****CORPORATE BUSINESS PLAN**

Objective 7.1: Plan for a diverse range of land, housing and development opportunities to meet current and future needs.

Actions 7.1.3: Provide a consolidated Town Planning Scheme.

LONG TERM FINANCIAL PLAN

Nil

ASSET MANAGEMENT PLANS

Nil

WORKFORCE PLAN

Nil

RISK MANAGEMENT

The Shire has not reviewed its Town Planning Scheme(s) since the 1980's with both schemes having in excess of 70 amendments. The Planning and Development (*Local Planning Schemes*) Regulations 2015 require that a local government reviews its **Local Planning Scheme** every 5 years. If this does not occur, several significant **risks** can arise, affecting the environment, missed opportunities, managing development pressures, infrastructure misalignment, community wellbeing, economic development, and legal compliance.

| Measures of Likelihood | | | |
|------------------------|---|----------------------------|-------------------------------|
| Rating | Description | Frequency | Probability |
| Almost Certain | The event is expected to occur in most circumstances | More than once per year | > 90% chance of occurring |
| Likely | The event will probably occur in most circumstances | At least once per year | 60% - 90% chance of occurring |
| Possible | The event should occur at some time | At least once in 3 years | 40% - 60% chance of occurring |
| Unlikely | The event could occur at some time | At least once in 10 years | 10% - 40% chance of occurring |
| Rare | The event may only occur in exceptional circumstances | Less than once in 15 years | < 10% chance of occurring |

| Risk Matrix | | | | | |
|------------------------|-----------------|----------|------------|----------|----------------|
| Consequence Likelihood | 1 Insignificant | 2 Minor | 3 Moderate | 4 Major | 5 Catastrophic |
| Almost Certain | Moderate | High | High | Extreme | Extreme |
| Likely | Low | Moderate | High | High | Extreme |
| Possible | Low | Moderate | Moderate | High | High |
| Unlikely | Low | Low | Moderate | Moderate | High |
| Rare | Low | Low | Low | Low | Moderate |

UNCONFIRMED

SHIRE OF BRIDGETOWN-GREENBUSHES

LOCAL PLANNING SCHEME NO. 6

***DRAFT FOR PUBLIC
COMMENT***

SEPTEMBER – DECEMBER 2024

The Shire of Bridgetown-Greenbushes under the powers conferred by the *Planning and Development Act 2005* makes the following *draft* Local Planning Scheme.

SHIRE OF BRIDGETOWN-GREENBUSHES

**LOCAL PLANNING SCHEME No. 6
AMENDMENTS**

| AMD NO | GAZETTAL DATE | UPDATED | | DETAILS |
|--------|---------------|---------|----|---------|
| | | WHEN | BY | |
| | | | | |
| | | | | |
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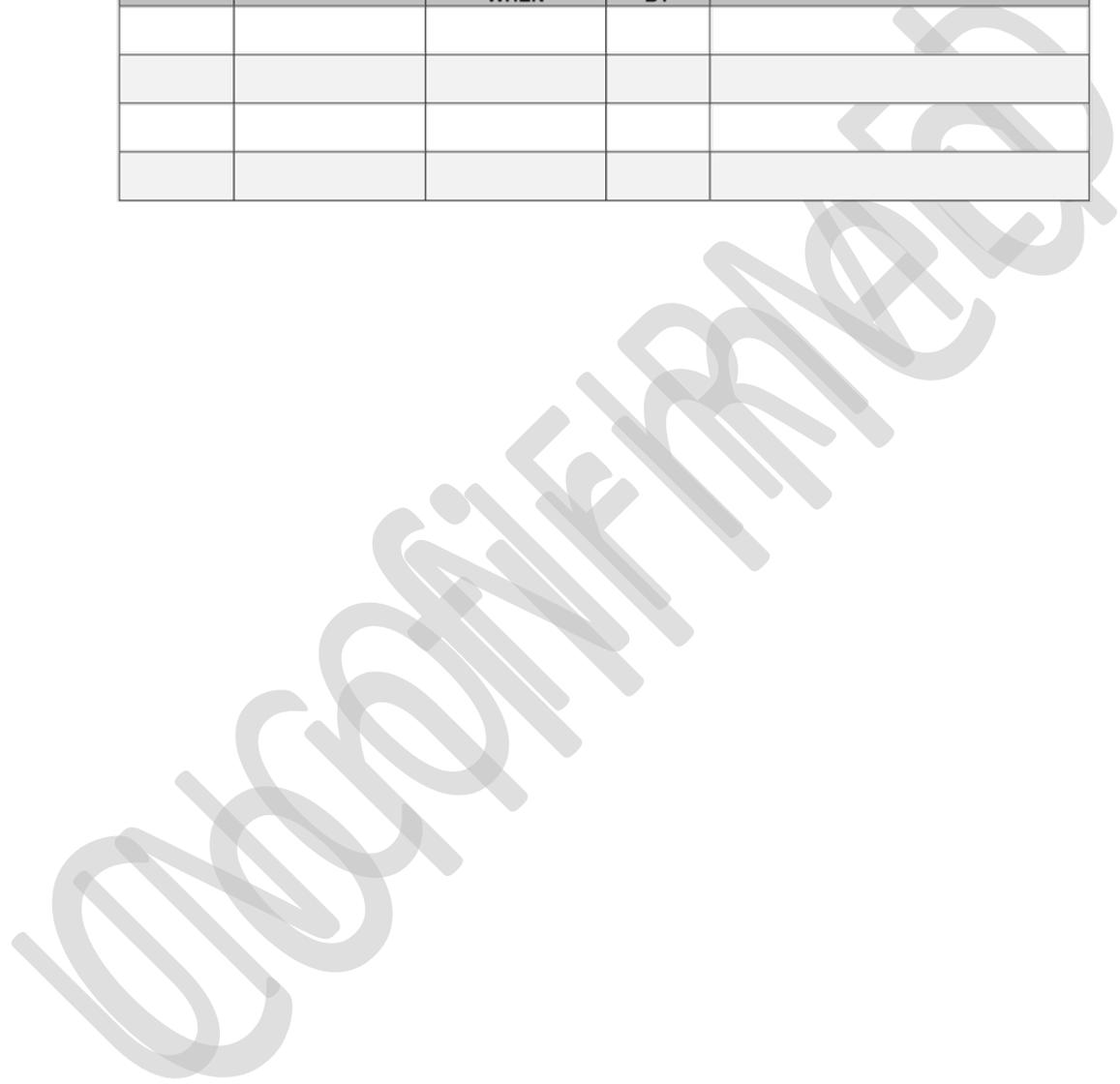


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PART 1 - PRELIMINARY

1. Citation

This local planning scheme is the Shire of Bridgetown-Greenbushes Local Planning Scheme No.6.

2. Commencement

Under section 87(4) of the Act, this local planning scheme comes into operation on the day on which it is published in the *Gazette*.

3. Schemes revoked

The following town planning schemes are revoked -

- (a) Shire of Bridgetown-Greenbushes Town Planning Scheme No.3 (Bridgetown Town site Area) - Gazettal Date 18 March 1983.
- (b) Shire of Bridgetown-Greenbushes Town Planning Scheme No.4 - Gazettal Date 18 September 1987.

4. Notes do not form part of Scheme

Notes, and instructions printed in italics, do not form part of this Scheme.

Note: The *Interpretation Act 1984* section 32 makes provision in relation to whether headings form part of the written law.

5. Responsibility for Scheme

The Shire of Bridgetown-Greenbushes is the local government responsible for the enforcement and implementation of this Scheme and the execution of any works required to be executed under this Scheme.

6. Scheme area

This Scheme applies to the area shown on the Scheme Map.

7. Contents of Scheme

- (1) In addition to the provisions set out in this document (the scheme text), this Scheme includes the following -
 - (a) the deemed provisions (set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2;
 - (b) the supplemental provisions to the deemed provisions contained in Schedule A; and
 - (c) the Scheme Map (sheets 1 - 9).
- (2) This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

8. Purposes of Scheme

The purposes of this Scheme are to -

- (a) set out the local government's planning aims and intentions for the Scheme area;

- (b) set aside land as local reserves for public purposes;
- (c) zone land within the Scheme area for the purposes defined in this Scheme;
- (d) control and guide development including processes for the preparation of structure plans and local development plans;
- (e) set out procedures for the assessment and determination of development applications;
- (f) set out procedures for contributions to be made for the costs of providing infrastructure in connection with development through development contribution plans;
- (g) make provision for the administration and enforcement of this Scheme; and
- (h) address other matters referred to in Schedule 7 of the Act.

9. Aims of Scheme

The aims of this Scheme are to -

- (a) retain and enhance the commercial and cultural functions of existing centres in the Shire;
- (b) provide for the recognition and conservation of areas and places of cultural and heritage significance, including the Bridgetown Special Design Heritage Precinct as a Special Control Area;
- (c) provide for a mix of residential land uses and housing options;
- (d) promote sustainable development that integrates economic, environmental and social factors;
- (e) protect and diversify the Shire's economic base by providing for an overall pattern of land use and development that supports existing businesses and encourages appropriate new businesses and industry;
- (f) protect and sustain rural land for primary production, environmental and cultural values and landscape;
- (g) provide for non-rural uses on rural land where it is compatible with the aims for rural land, and is of benefit to the community and/or economy;
- (h) to assist in the management of natural hazards such as flooding, bushfire and other risks;
- (i) improve the means of access into and around the Scheme area to ensure the safe and convenient movement of people, including pedestrians, cyclists, and motorists;
- (j) implement State and regional strategies, plans and policies; and
- (k) provide a basis for a suite of local planning policies, as may be required, to achieve the stated aims, purposes and objectives of this Scheme.

10. Relationship with local laws

Where a provision of this Scheme is inconsistent with a local law, the provision of this Scheme prevails to the extent of the inconsistency.

11. Relationship with other local planning schemes

There are no other local planning schemes of the Shire of Bridgetown-Greenbushes, which apply to the Scheme area.

12. Relationship with region planning scheme

There are no region planning schemes which apply to the Scheme area.

PART 2 - RESERVES

13. Regional reserves

There are no regional reserves in the Scheme area.

14. Local reserves

(1) In this clause -

Main Roads Western Australia means the department principally assisting in the administration of the *Main Roads Act 1930*;

Western Australian Road Hierarchy means the document of that name available on the website maintained by the Department of Main Roads.

(2) Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.

(3) The objectives of each local reserve are as follows -

| Reserve name | Objectives |
|----------------------------|--|
| Public Open Space | <ul style="list-style-type: none"> • To set aside areas of public open space, particularly those established under the <i>Planning and Development Act 2005 s.152</i>. • To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage. |
| State Forest | <ul style="list-style-type: none"> • To identify areas of State Forest. |
| Environmental Conservation | <ul style="list-style-type: none"> • To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision. • To identify and protect areas of diversity conservation significance within National Parks and State and other conservation reserves. |
| Civic and Community | <ul style="list-style-type: none"> • To provide for a range of community facilities which are compatible with surrounding development. • To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged and other services by organisations involved in activities for community benefit. |
| Public Purposes | <ul style="list-style-type: none"> • To provide for a range of essential physical and community infrastructure. |
| Recreational | <ul style="list-style-type: none"> • Public Purposes which specifically provide for a range of public recreational facilities. |
| Education | <ul style="list-style-type: none"> • Public Purposes which specifically provide for a range of essential education facilities. |
| Emergency Services | <ul style="list-style-type: none"> • Public Purposes which specifically provide for a range of emergency services. |

| Reserve name | Objectives |
|---------------------------|---|
| Government Services | <ul style="list-style-type: none"> Public Purposes which specifically provide for a range of government services. |
| Infrastructure Services | <ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential infrastructure services. |
| Medical Services | <ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential medical services. |
| Cemetery | <ul style="list-style-type: none"> To set aside land required for a cemetery. |
| Drainage / Waterway | <ul style="list-style-type: none"> To set aside land for significant waterways and drainage. |
| Railways | <ul style="list-style-type: none"> To set aside land required for passenger rail and rail freight services. |
| Primary Distributor Road | <ul style="list-style-type: none"> To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy. |
| District Distributor Road | <ul style="list-style-type: none"> To set aside land required for a district distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy. |
| Local Distributor Road | <ul style="list-style-type: none"> To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy. |
| Local Road | <ul style="list-style-type: none"> To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy. |
| Special Purpose Reserve | <ul style="list-style-type: none"> To set aside land for a special purpose. Purposes that do not comfortably fit in any other reserve classification. |

15. Additional uses for local reserves

There are no additional uses for land in local reserves that apply to this Scheme.

PART 3 - ZONES AND USE OF LAND

16. Zones

Zones are shown on the Scheme Map according to the legend on the Scheme Map.

16.1 Residential zone

- (1) The objectives of the Residential zone are -
 - (a) to provide for a range of housing and a choice of residential densities to meet the needs of the community.
 - (b) to facilitate and encourage high quality design, built form and streetscapes throughout residential areas.
 - (c) to provide for a range of non-residential uses, which are compatible with and complementary to residential development.
- (2) Notwithstanding the R-Code prescribed to land in the Residential zone, a permissible density of R60 may apply for the development of land for aged or dependent persons' dwellings, independent living complex or for a residential aged care facility provided:
 - (a) the land is not subject to a Special Control Area; and
 - (b) the development is connected to a reticulated sewerage system provided by a licensed service provider.
- (3) For land zoned Residential with a R2, R2.5 or R5 density coding, fencing is to be a rural style construction comprising an open style such as timber and wire fencing whether it is a boundary fence or an internal fence.
- (4) The table below sets out the setbacks, site coverage and landscaping requirements for development in the Residential zone -

| Zone | Minimum Setbacks(m) | | | Maximum Site Coverage | Minimum Landscaping |
|-------------|---|------|------|-----------------------|---------------------|
| | Front | Side | Rear | | |
| Residential | As per R-Codes for residential uses, all other uses at the discretion of local government | | | | |

16.2 Rural Residential zone

- (1) The objectives of the Rural Residential zone are -
 - (a) To provide for lot sizes in the range of 1ha to 4ha.
 - (b) To provide opportunities for a range of limited rural and related ancillary pursuits on rural residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.
 - (c) To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
- (2) A structure plan may be required prior to subdivision in the Rural Residential zone where considered necessary to provide for the orderly planning of:
 - (a) drainage and water management;
 - (b) bushfire hazard;
 - (c) access;
 - (d) environmental protection;
 - (e) flooding management; and
 - (f) public river-foreshore access.

- (3) A dwelling on a lot less than 2ha in area in the Rural Residential zone shall be connected to a reticulated potable water supply unless it is demonstrated that a reticulated supply is not available or cannot be reasonably provided to the lot/dwelling.
- (4) Lot sizes in the Rural Residential zone shall comply with the following standards for land as prescribed on the Scheme Map -

| Scheme Map Code | Minimum lot size |
|---------------------|------------------|
| No code | 1 – 4 ha |
| Rural Residential 2 | 2ha |
| Rural Residential 3 | 3ha |

- (5) Where not prescribed on the Scheme Map in accordance with subclause (4), the minimum lot size shall be determined in accordance with the Rural Residential zone objectives, any structure plan, prevailing lot size, and relevant planning policies.
- (6) In considering a subdivision proposal in the Rural Residential zone, the local government will give due regard to ensuring that:
 - (a) clearing of native vegetation to enable more intensified development is avoided;
 - (b) native vegetation and watercourse areas are protected by fencing where required; and
 - (c) revegetation or tree planting conditions are applied where there is a demonstrated need and in consideration of potential increases in Bushfire Attack Level (BAL) for surrounding dwelling development.
- (7) The table below sets out the setbacks, site coverage and landscaping requirements for development in the Rural Residential zone –

| Zone | Minimum Setbacks(m) | | | Maximum Site Coverage | Minimum Landscaping |
|--|---------------------|-------------------|-------------------|-----------------------|---------------------|
| | Front | Side | Rear | | |
| Rural Residential (no code), 2 and 3 from: <ul style="list-style-type: none"> • Highway (Primary Distributor) • Major Road (District Distributor) • Other Local Roads | 30m 25m 20m | 20m 20m 20m | 20m 20m 20m | N/A | N/A |

16.3 Rural Smallholdings zone

- (1) The objectives of the Rural Smallholdings zone are -
 - (a) to provide for lot sizes in the range of 4ha to 40ha.
 - (b) to provide for a limited range of rural land uses where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.
 - (c) to set aside areas for the retention of vegetation and landform or other features which distinguish the land.
- (2) The table below sets out the setbacks, site coverage and landscaping requirements for development in the Rural Smallholdings zone -

| Zone | Minimum Setbacks(m) | | | Maximum Site Coverage | Minimum Landscaping |
|---------------------|---------------------|------|------|-----------------------|---------------------|
| | Front | Side | Rear | | |
| Rural Smallholdings | 20m | 20m | 20m | N/A | N/A |

16.4 Rural zone

- (1) The objectives of the Rural zone are -
 - (a) To provide for the maintenance or enhancement of specific local rural character.
 - (b) To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.
 - (c) To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.
 - (d) To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.
 - (e) To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.
- (2) Tourist development is to be incidental to the rural use of the land in the Rural zone.
- (3) The existence of a second dwelling or multiple tenure arrangements on a rural lot is not justification for subdivision in the Rural zone.
- (4) The table below sets out the setbacks, site coverage and landscaping requirements for development in the Rural zone -

| Zone | Minimum Setbacks(m) | | | Maximum Site Coverage | Minimum Landscaping |
|-------------------------------------|---------------------|------|------|-----------------------|---------------------|
| | Front | Side | Rear | | |
| Rural from: | | | | | |
| • Highway (Primary Distributor) | 50m | 20m | 20m | N/A | N/A |
| • Major Road (District Distributor) | 30m | 20m | 20m | | |
| • Other Local Roads | 20m | 20m | 20m | | |

16.5 Commercial zone

- (1) The objectives of the Commercial zone are -
 - (a) To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres.
 - (b) To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.
 - (c) To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.
- (2) Unless otherwise determined by the local government, where a development in the Commercial zone is comprised of both residential and commercial land uses, the residential component shall be confined to an upper story of that development.
- (3) Any residential development in the Commercial zone shall satisfy the R-Codes at a maximum density coding of R10 unless the land is or proposed to be connected to a reticulated sewerage system provided by a licensed service provider.
- (4) Notwithstanding subclause (3), the local government may permit development for residential use which complies with the provisions of the R-Codes, as they apply to areas coded R35, where:
 - (a) the development will be connected to a licenced reticulated sewerage system;
 - (b) in the case of a development located on or adjoining a heritage protected place,

it is satisfied that the development enables that place to be protected.

- (5) The table below sets out the setbacks, site coverage and landscaping requirements for development in the Commercial zone:

| Zone | Minimum Setbacks(m) | | | Maximum Site Coverage | Minimum Landscaping |
|------------|---------------------|------|------|-----------------------|--------------------------------|
| | Front | Side | Rear | | |
| Commercial | Nil | Nil | 6.0m | 75% | 50% of all front setback areas |

16.6 Light Industry zone

- (1) The objectives of the Light Industry zone are -
 - 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 not to detract from the residential amenity.
- (2) Development of land in the Light Industry zone shall comply with the standards and requirements under clause 16.7 sub clauses (2) to (6) for the General Industry zone.
- (3) The table below sets out the setbacks, site coverage and landscaping requirements for development in the Light Industry zone -

| Zone | Minimum Setbacks(m) | | | Maximum Site Coverage | Minimum Landscaping |
|----------------|---------------------|------|------|-----------------------|--|
| | Front | Side | Rear | | |
| Light Industry | 7.5m | Nil | 6.0m | 75% | 5% of site area - landscaping required along road frontage |

16.7 General Industry zone

- (1) The objectives of the General Industry zone are -
 - a. to provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses.
 - b. to accommodate industry that would not otherwise comply with the performance standards of light industry.
 - c. seek to manage impacts such as noise, dust and odour within the zone.
- (2) In the General Industry zone, land between the building setback line and a road reserve shall not, without the approval of the local government, be used for a purpose other than for site fencing, landscaping, services, for the parking of vehicles and/or as a means of access.
- (3) Screening by retention of existing trees and vegetation, and/or by additional tree and vegetation planting is required in the General Industry zone within road reserve frontages.
- (4) In the General Industry zone, access to roads shall be appropriately located and designed for safe and efficient use by vehicular traffic to the satisfaction of the local government.
- (5) Development that is not or cannot be connected to a reticulated sewerage system in the General Industry zone is restricted to 'dry industry' type, being industries predicted to generate waste water for disposal on-site of a daily rate of less than 540 litres per 1000m² of site area.
- (6) All buildings in the General Industry zone shall be located, designed and constructed

so that the external appearance arising from building height, bulk, colour, texture, materials used and method of construction, is appropriate for the land, locality and zone.

- (7) The table below sets out the setbacks, site coverage and landscaping requirements for development in the General Industry zone:

| Zone | Minimum Setbacks(m) | | | Maximum Site Coverage | Minimum Landscaping |
|------------------|---------------------|------|------|-----------------------|--|
| | Front | Side | Rear | | |
| General Industry | 10m | Nil | 6.0m | 75% | 5% of site area - landscaping required along road frontage |

16.8 Private Community Purpose zone

- (1) The objectives of the Private Community Purpose zone are -
 - (a) To provide sites for privately owned and operated education, recreation, institutions and places of worship.
 - (b) To integrate private recreation areas with public recreation areas wherever possible.
 - (c) To separate potentially noisy engine sports from incompatible uses.
 - (d) To provide for a range of privately owned community facilities, and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development.
 - (e) To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the locality.
- (2) The local government shall determine the site and development requirements for the Private Community Purpose zone at the development application stage in conjunction with the applicant.
- (3) The requirements for the Private Community Purpose zone shall be limited to those matters relevant to satisfying the Objectives.

16.9 Special Use zone

- (1) The objectives of the Special Use zone are -
 - (a) To facilitate special categories of land uses which do not sit comfortably within any other zone.
 - (b) To enable the local government to impose specific conditions associated with the special use.

Note: see Clause 21 for Special Use zone requirements.

17. Zoning table

The zoning table for this Scheme is as follows -

Table 2 - Zoning Table

| USE AND DEVELOPMENT CLASS | ZONES | | | | | | | |
|-------------------------------------|-------------|-------------------|----------------------|-------|------------|----------------|------------------|---------------------------|
| | RESIDENTIAL | RURAL RESIDENTIAL | RURAL SMALL HOLDINGS | RURAL | COMMERCIAL | LIGHT INDUSTRY | GENERAL INDUSTRY | PRIVATE COMMUNITY PURPOSE |
| Abattoir | X | X | X | D | X | X | X | X |
| Aged or dependent persons' dwelling | A | X | X | X | A | X | X | X |
| Agriculture - extensive | X | D | P | P | X | X | X | X |
| Agriculture - intensive | X | A | D | D | X | X | X | X |
| Ancillary dwelling | P | D | D | D | X | X | X | X |
| Amusement parlour | X | X | X | X | A | X | X | X |
| Animal establishment | X | A | D | D | X | D | X | X |
| Animal husbandry - intensive | X | X | A | D | X | X | X | X |
| Art gallery | X | D | D | D | D | X | X | D |
| Bed and breakfast | A | A | D | D | X | X | X | X |
| Betting agency | X | X | X | X | P | X | X | X |
| Brewery | X | D | D | D | A | D | D | X |
| Bulky goods showroom | X | X | X | X | D | D | D | X |
| Caravan park | X | X | A | A | X | X | X | X |
| Caretaker's dwelling | X | D | D | D | D | D | D | X |
| Car park | A | X | X | X | D | D | D | X |
| Child care premises | A | X | X | X | P | X | X | D |
| Cinema/theatre | X | X | X | X | D | X | X | X |
| Civic use | D | D | D | D | D | D | X | P |
| Club premises | X | A | A | A | D | D | X | P |
| Commercial vehicle parking | A | A | A | A | P | P | P | X |
| Community purpose | A | X | X | P | P | X | X | P |
| Consulting rooms | A | X | X | X | P | X | X | X |
| Convenience store | X | X | X | X | P | X | X | X |
| Corrective institution | X | X | X | A | X | X | X | X |
| Educational establishment | A | A | A | A | D | X | X | P |
| Exhibition centre | X | A | A | A | P | X | X | P |
| Family day care | A | A | A | X | A | X | X | X |
| Fast food outlet | X | X | X | X | P | D | D | X |

| USE AND DEVELOPMENT CLASS | ZONES | | | | | | | |
|--------------------------------------|-------------|-------------------|---------------------|-------|------------|----------------|------------------|---------------------------|
| | RESIDENTIAL | RURAL RESIDENTIAL | RURAL SMALLHOLDINGS | RURAL | COMMERCIAL | LIGHT INDUSTRY | GENERAL INDUSTRY | PRIVATE COMMUNITY PURPOSE |
| Fuel depot | X | X | X | D | D | D | P | X |
| Funeral parlour | X | X | X | X | D | D | D | X |
| Garden centre | X | D | D | D | D | D | D | X |
| Grouped dwelling | D | X | X | X | D | X | X | X |
| Holiday accommodation | D | D | D | D | D | X | X | X |
| Holiday house | P | P | P | P | P | X | X | X |
| Home business | D | P | P | P | P | X | X | X |
| Home occupation | P | P | P | P | P | X | X | X |
| Home office | P | P | P | P | P | X | X | X |
| Home store | A | A | A | A | D | X | X | X |
| Hospital | X | X | X | X | A | X | X | X |
| Hotel | A | X | X | A | P | X | X | X |
| Independent living complex | A | X | X | X | A | X | X | X |
| Industry | X | X | X | X | X | D | P | X |
| Industry - extractive | X | X | X | D | X | X | X | X |
| Industry - light | X | X | X | D | D | P | P | X |
| Industry - rural | X | X | D | P | X | D | D | X |
| Liquor store - large | X | X | X | X | D | D | X | X |
| Liquor store - small | X | X | X | X | D | D | X | X |
| Lunch bar | X | X | X | X | D | D | X | X |
| Market | X | A | A | A | D | X | X | D |
| Medical centre | A | X | X | X | A | X | X | X |
| Mining operations | X | X | X | D | X | X | X | X |
| Motel | X | X | X | A | D | X | X | X |
| Motor vehicle, boat or caravan sales | X | X | X | X | D | D | X | X |
| Motor vehicle repair | X | X | X | X | D | P | P | X |
| Motor vehicle wash | X | X | X | X | D | P | P | X |
| Multiple dwelling | A | X | X | X | D | X | X | X |
| Nature based park | X | X | X | D | X | X | X | X |
| Nightclub | X | X | X | X | D | X | X | X |
| Office | X | X | X | X | P | X | X | X |
| Park home park | A | X | X | D | X | X | X | X |
| Place of worship | A | A | A | A | D | X | X | P |

| USE AND DEVELOPMENT CLASS | ZONES | | | | | | | |
|--------------------------------------|-------------|-------------------|---------------------|-------|------------|----------------|------------------|---------------------------|
| | RESIDENTIAL | RURAL RESIDENTIAL | RURAL SMALLHOLDINGS | RURAL | COMMERCIAL | LIGHT INDUSTRY | GENERAL INDUSTRY | PRIVATE COMMUNITY PURPOSE |
| Reception centre | X | A | A | A | D | X | X | P |
| Recreation - private | X | A | A | A | D | X | X | D |
| Renewable energy facility | X | X | X | A | X | X | X | X |
| Repurposed dwelling | D | D | D | D | X | X | X | X |
| Residential aged care facility | A | X | X | X | A | X | X | X |
| Residential building | D | D | D | D | D | X | X | X |
| Resource recovery centre | X | X | X | D | X | X | X | X |
| Restaurant/café | D | A | A | A | P | X | X | X |
| Restricted premises | X | X | X | X | A | A | A | A |
| Roadhouse | X | X | X | A | X | X | X | X |
| Rural home business/Industry cottage | D | D | D | D | D | X | X | X |
| Rural pursuit/hobby farm | D | P | P | P | X | X | X | X |
| Second hand dwelling | D | D | D | D | X | X | X | X |
| Serviced apartment | A | X | X | X | A | X | X | X |
| Service station | X | X | X | X | D | P | D | X |
| Shop | X | X | X | X | D | X | X | X |
| Single house | P | P | P | P | D | X | X | X |
| Small bar | X | X | X | X | D | X | X | X |
| Tavern | X | X | X | A | D | X | X | X |
| Telecommunications infrastructure | D | D | D | D | D | D | D | A |
| Tourist development | X | A | A | A | A | X | X | X |
| Trade display | X | X | A | D | D | D | D | X |
| Trade supplies | X | X | A | D | D | D | D | X |
| Transport depot | X | X | A | D | X | D | D | X |
| Tree farm | X | X | A | D | X | X | X | X |
| Veterinary centre | X | A | A | D | D | D | X | X |
| Warehouse/storage | X | X | A | D | D | P | P | X |
| Waste disposal facility | X | X | X | D | X | A | D | X |
| Waste storage facility | X | X | X | D | X | A | D | X |
| Winery | X | A | A | A | A | X | X | X |
| Workforce accommodation | A | X | X | A | A | A | A | X |

18. Interpreting zoning table

- (1) The permissibility of uses of land in the various zones in the Scheme area 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.
- (2) The symbols used in the zoning table have the following meanings -
 - P means that the use is permitted if it complies with all relevant development standards and requirements of this Scheme as it relates to the use of the land.
 - I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with all relevant development standards and requirements of this 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 advertising the application in accordance with clause 64 of the deemed provisions.
 - X means that the use is not permitted by this Scheme.

Notes for this clause:

1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land.
 2. Under clause 61 of the deemed provisions and Schedule A, certain works and uses are exempt from the requirement for development approval.
 3. Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a non-conforming use.
- (3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.
 - (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table –
 - (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
 - (b) determine that the use may be consistent with the objectives of a particular zone and advertise under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
 - (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.
 - (5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.
 - (6) 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 the objectives of the zone and any of the following plans that apply to the land -
 - (a) a structure plan;
 - (b) a local development plan.

19. Additional uses

- (1) Schedule 1 sets out -
 - (a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
 - (b) the requirements that apply to that additional use.
- (2) Despite anything contained in the Zoning table, land that is specified in Schedule 1 at subclause (1) may be used for the additional class of use set out in respect of that land subject to the requirements that apply to that use.

20. Restricted uses

There are no restricted uses which apply to this Scheme.

21. Special use zones

- (1) Schedule 2 sets out -
 - (a) special use zones for specified land that are in addition to the zones in the zoning table;
 - (b) the classes of special use that are permissible in that zone; and
 - (c) the standards, requirements and conditions that apply in respect of the special uses.
- (2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the standards, requirements and conditions that apply to that use.

Note for this clause:

- (1) *Special use zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme.*

22. Non-conforming uses

- (1) Unless specifically provided, this Scheme does not prevent -
 - (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
 - (b) the carrying out of development on land if -
 - (i) before the commencement of this Scheme, the development was lawfully approved; and
 - (ii) the approval has not expired or been cancelled.
- (2) Subclause (1) does not apply if -
 - (a) the non-conforming use of the land is discontinued; and
 - (b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.
- (3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government -
 - (a) purchases the land; or
 - (b) pays compensation to the owner of the land in relation to the non-conforming use.

23. Changes to non-conforming use

- (1) A person must not, without development approval -
 - (a) alter or extend a non-conforming use of land; or
 - (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
 - (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
 - (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.
- (2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.
- (3) A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use:
 - (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
 - (b) is closer to the intended objectives of the zone in which the land is situated.

24. Register of non-conforming uses

- (1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- (2) A register prepared by the local government must set out the following -
 - (a) a description of each area of land that is being used for a non-conforming use;
 - (b) a description of any building on the land;
 - (c) a description of the non-conforming use; and
 - (d) the date on which any discontinuance of the non-conforming use is noted.
- (3) If the local government prepares a register under subclause (1) the local government
 - (a) must ensure that the register is kept up-to-date; and
 - (b) must ensure that an up-to-date copy of the register is published in accordance with clause 87 of the deemed provisions.
- (4) Subclause (3)(b) is an ongoing publishing requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- (5) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

PART 4 - GENERAL DEVELOPMENT STANDARDS AND REQUIREMENTS

25. Residential Design Codes (R-Codes)

- (1) The R-Codes, and as modified in clause 26, are to be read as part of this Scheme.
- (2) The local government must ensure that the R-Codes are published in accordance with clause 87 of the deemed provisions.
- (2A) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- (3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (4) The R-Codes apply to an area if -
 - (a) the area has a coding number superimposed on it in accordance with subclause (3); or
 - (b) a provision of this Scheme provides that the R-Codes apply to the area.
- (5) The R-Codes can be applied in full or in part, in a provision of the Scheme.
- (6) Where there is a dual-density coding number shown on the Scheme Map, the lower number shall apply to that area unless the land is or will be connected to a reticulated sewerage system, provided by a licensed service provider, in which case that area may be subdivided and developed up to the higher coding number.

26. Modification of R-Codes

- (1) The minimum front and side setbacks for R2.5 coded land, shall be -
 - (a) 7.5 metres from the front boundary; and
 - (b) 4 metres from a side boundary.
- (2) The minimum rear and side setbacks for R5 coded land, shall be -
 - (a) 12 metres from the rear boundary; and
 - (b) 4 metres from a side boundary.
- (3) The Deemed-to-comply requirements in Clause 5.2.4 C4.1 and C4.2 (front fences) of Volume 1 of the R-Codes do not apply to development on R2, R2.5 or R5 coded land.

27. Other planning codes to be read as part of Scheme

- (1) The planning codes set out in the Table, modified as set out in clause 28, are to be read as part of this scheme.

Table – other planning codes to be read as part of scheme

| |
|--|
| There are no other planning codes that are to be read as part of the scheme. |
|--|

- (2) The local government must ensure that each planning code set out in the Table to subclause (1) is published in accordance with clause 87 of the deemed provisions.
- (3) Subclause (2) is an ongoing publication requirement for the purpose of clause 87(5)(a) of the deemed provisions.

28. Modification of planning codes

There are no modifications to a planning code that, under clause 27, is to be read as part of the scheme.

29. Environmental conditions

There are no environmental conditions imposed under the *Environmental Protection Act 1986* that apply to this Scheme.

30. General development standards and requirements

- (1) This Scheme sets out standards and requirements relating to land use and development that are additional to those set out in the R-Codes, structure plans, local development plans or State or local planning policies as follows -
 - (a) the zone related site and development requirements in Part 3; and
 - (b) the general site and development requirements the subject of this clause.
- (2) To the extent that a standard or requirement referred to in subclause (1) is inconsistent with a standard or requirement in the R-Codes, a structure plan, a local development plan or a State or local planning policy, the standard or requirement referred to in subclause (1) prevails.

30.1 Ancillary dwelling

- (1) In zones where the R-codes do not apply, an ancillary dwelling shall satisfy the following requirements:
 - (a) comply with the definition in Appendix 1 of Volume 1 of the Residential Design Codes;
 - (b) not exceed a maximum floor area of 120m² measured from the external face of walls; and
 - (c) is sited and designed as guided by any local planning policy;
- (2) The existence of an ancillary dwelling does not constitute justification for the subdivision of the land.
- (3) In zones where the R-codes do not apply, the development of an ancillary dwelling is not permitted unless the local government has exercised its discretion by granting development approval.

30.2 Building envelopes

- (1) Where building envelopes have been identified in a structure plan, subdivision or local development plan, all buildings and structures shall be contained within the approved building envelope unless otherwise determined by the local government.
- (2) The local government may approve a variation to a building envelope provided the environment, landscape character and the amenity of the land and locality are not adversely impacted, as guided by any local planning policy.

30.3 Car parking

- (1) Car parking for land use is to be provided in accordance with the requirements below.

| Use type | Minimum car parking spaces to be provided |
|----------------------|---|
| Commercial zone uses | 1 per 15m ² net lettable area (new buildings only). |
| Industry | 1 per 15m ² gross floor area (new buildings only). |
| Light Industry | 1 parking space for each person normally employed per use activity plus 1 visitor parking space per use activity. |
| Recreation - private | At the discretion of the local government. |
| Other uses | Per the R-Codes for residential land use, otherwise at the discretion of the local government. |

- (2) Where a calculation made under subclause 1 results in a number which is not a whole number, the number of car parking spaces required shall be the next highest whole number.
- (3) On-site car parking shall be constructed and paved to the satisfaction of the local government and in accordance with the following standards unless determined otherwise by the local government.

| Parking angle | Width (m) | Length (m) | Separation/ Aisle (m) |
|---------------|-----------|------------|-----------------------|
| 45 degrees | 3.5 | 5.2 | 3.7 |
| 60 degrees | 2.8 | 5.6 | 5 |
| 90 degrees | 2.5 | 5.5 | 6.5 |

- (4) Landscaping shall be undertaken at a minimum rate of 1 tree per every 10 car parking spaces.
- (5) Where car parking requirements are to be determined by the local government, the number of car parking spaces required is to be determined by giving due regard to the -
 - (a) nature of the proposed development;
 - (b) number of employees or others likely to be employed or engaged in the use(s) on the land;
 - (c) anticipated demand for visitor car parking; and
 - (d) orderly, proper and sustainable planning of the locality.
- (6) If there are multiple land uses on any lot that operate at different times to each other, and the operating times will be permanent, the local government may approve a reduced number of car parking spaces to that specified in subclause (1) or otherwise agreed, on a reciprocal use basis.
- (7) Where the minimum on-site car parking requirements cannot be met on-site or reasonably be provided, and the lower number of car parking spaces would be adequate for the demands of the development, the local government may accept cash payments in lieu of the provision of car parking spaces, subject to the following requirements -
 - (a) the cash-in-lieu payment shall not be less than the estimated cost to the land owner or developer of providing and constructing the car parking spaces, associated accessways and landscaping, required by this Scheme, plus the value, as estimated by the local government of that area of land, which would have been occupied by the car parking spaces, accessways and landscaping; and
 - (b) any cash-in-lieu monies required to be paid to the local government shall be paid into a reserve account established under the *Local Government Act 1995* section 6.11 and are to be used for the provision of public car parking facilities anywhere within reasonable proximity to the subject land in respect of which a cash-in-lieu arrangement is made.
- (8) Where a land use or development involves the delivery or dispatch of goods of any kind, a loading and unloading area shall be provided, clear of the road or right-of-way as appropriate and the area shall be designed so that vehicles using this area can enter and leave in a forward direction unless otherwise approved by the local government.

30.4 Dams

- (1) Dams and associated works shall be compatible with zone objectives and the works maintained by the landowner.
- (2) When considering a development application for a dam, the local government shall give due regard to:
 - a. matters relating to dam design and construction;
 - b. potential impacts on landscape and amenity and/or neighbouring properties; and
 - c. any advice received from agencies with responsibility for environmental matters relating to dam construction, operation and potential impacts on water resources.

Note:

1. Permits or licenses may be required from the agency responsible for administering the Rights in Water and Irrigation Act 1914 to take water from a watercourse and/or to interfere with or obstruct the bed or banks of a surface water feature.
2. Development approval is required to carry out dam works on land in addition to any approval granted for the use of land.

30.5 Development of land abutting an unconstructed road reserve

- (1) All development shall be provided with access to a constructed road.
- (2) The local government may waive the requirement of subclause 1 where -
 - (a) the landowner or applicant is prepared to contribute to the full or partial cost of road construction as determined by the local government; or
 - (b) as otherwise agreed with the local government, except where the proposed development requires a higher level of legal and construction access for land uses that attract a higher level of public traffic use.

30.6 Development of land to contain emissions

- (1) For land in the Rural, Rural Residential and Rural Smallholdings zones, in addition to the relevant matters prescribed by clause 67(2) of the deemed provisions, the following development assessment matters shall apply -
 - (a) the relationship and compatibility of the development with existing or proposed land use or development in the locality and any buffer separation required as a result of emission impacts associated with the development; and
 - (b) the ability to contain any emissions associated with the development within the subject lot.

30.7 Development of land affected by natural hazards

- (1) Where a development is proposed on land, that in the opinion of local government may be impacted by flooding and/or inundation, the application for development approval shall include technical advice from an appropriately qualified practitioner to demonstrate that the development will not be adversely impacted by floodwaters and/or inundation, or impact the free flow of floodwaters or inundation.
- (2) Where a development is proposed on land, that is unstable, or has steep slopes, the application for development approval shall include a geo-technical and structural engineer's report to determine building construction requirements, and further assessment will be guided by any local planning policy.

30.8 Keeping of Livestock

- (1) In considering a development application for the keeping of livestock for a rural pursuit/hobby farm purpose, the local government shall give due regard to the stocking rates as recommended by the relevant authority.

- (2) The local government may serve notice on the landowner and/or occupier of land where necessary to reduce or eliminate adverse impacts on the amenity or environment caused by a rural pursuit/hobby farm activity.
- (3) Any costs incurred by the local government in taking action under subclause (2), may be subject to cost recovery from the land owner by the local government.
- (4) To prevent degradation by livestock, the local government may require areas of native vegetation to be suitably fenced to restrict access by rural pursuit/hobby farm livestock.

Note: Clause 61 also sets out exemptions for small scale keeping of livestock in accordance with Council local laws and amenity.

30.9 Repurposed dwellings and second hand dwellings

- (1) A repurposed or second hand dwelling shall satisfy the following requirements -
 - (a) be transported, designed, sited and connected to suitable services as guided by any local planning policy; and
 - (b) any internal or external material containing asbestos containing material (ACM) must be removed prior to the dwelling or building being transported within or into the Scheme area.

30.10 Servicing requirements (reticulated sewerage and on-site effluent disposal)

- (1) Any development that is required to dispose of liquid domestic effluent shall be connected to the reticulated sewerage system, or where not available, is to be provided with a Department of Health (DoH) approved onsite effluent disposal system, in accordance with the Government Sewerage Policy. No dwelling shall be occupied without the prior approval and installation of such a disposal system.
- (2) The Local Government may require the use of secondary treatment systems in the following situations:
 - (a) where soil conditions are not conducive to the retention of nutrients;
 - (b) low lying areas or areas where there is a known high groundwater level; or
 - (c) in accordance with the Government Sewerage Policy.

30.11 Trees and vegetation establishment

- (1) The local government may impose a condition on development approval requiring, the planting of vegetation of a species, extent and in locations determined by the local government on a lot in the following circumstances -
 - (a) to replace trees and vegetation to be removed as a result of approved development works; and
 - (b) in order to screen approved development from surrounding properties.
- (2) The local government may impose a condition on development approval requiring that the applicant maintain revegetation areas for a period of at least 3 years.
- (3) In relation to land for which a revegetation area is identified on a structure plan or development plan identifying tree and vegetation planting and/or preservation, the local government may require implementation and management of planting in accordance with the provisions of the plan or an approved local planning policy.

30.12 Native vegetation preservation

- (1) Unless otherwise required by the Scheme, development approval for clearing of native vegetation is not required except where:
 - (a) the clearing is exempt from the requirement to obtain a clearing permit in accordance with the *Environmental Protection Act 1986* and the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*; and
 - (b) the clearing is necessary for the construction of a building, or other structure, for which development approval is required under this Scheme.
- (2) In considering a subdivision or development proposal, the local government shall have due regard to:
 - (a) the conservation, protection and management of native vegetation to enhance soil and land quality, water quality, biodiversity, fauna habitat, landscape, amenity values and ecosystem function; and
 - (b) opportunities, where suitable alternatives exist, to locate development outside of areas which would require the removal of vegetation.
- (3) In considering a development application, the local government may liaise with other agencies with responsibility for environmental matters and have due regard to any advice in relation to:
 - (a) the requirement for a flora and fauna study to determine locations on the site where development could occur with the least impact; and
 - (c) any re-vegetation or measures to conserve and manage other comparable native vegetation on the same land.

Note:

Native vegetation clearing must be authorised under the *Environmental Protection Act 1986*. Under section 51C of the *Environmental Protection Act 1986*, clearing of native vegetation is an offence unless it is done under the authority of - a clearing permit; a clearing referral has been submitted and a permit is not required; or it is subject to an exemption under the Act or the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

30.13 Water resource management and protection

- (1) Development proposals that have potential for adverse impacts on water resources may be referred to the relevant agencies for comment. Where relevant, the local government may require the applicant to undertake pre-development and post development monitoring. Based on monitoring results, measures may be required to manage the impacts of the development on the water resource.
- (2) In considering a subdivision or development proposal which may have an adverse impact on water resources such as rivers, creeks, drainage lines, swamps, wetlands, groundwater, or significant water-dependant ecosystems, the local government shall have due regard to –
 - (a) setbacks to riparian areas to avoid nutrient and chemical spray contamination;
 - (b) protection of vegetation corridors and mitigation of erosion;
 - (c) managing water balance, water conservation and water sensitive design; and
 - (d) maintaining and enhancing water related environmental, recreational and cultural values.
- (3) The local government may require the applicant to -
 - (a) prepare and implement a foreshore management plan, drainage and nutrient management plan, strategy or other document to manage impacts of proposed subdivision and development; and
 - (b) incorporate the requirements of bushfire management plans into the above management plans.

30.14 Public drinking water source protection and potable water supply

- (1) Where land use or development is proposed within a prescribed or proposed Public Drinking Water Source Area, the local government shall refer the proposal to the relevant State agencies and/or water service provider for advice, and have due regard to advice received prior to making a determination.
- (2) Any proposal in a Public Drinking Water Source Area shall demonstrate that it appropriately responds to -
 - (a) State Planning Policy 2.9 Planning for Water (and associated guidelines); and
 - (b) Water Quality Protection Note 25: Land Use Compatibility Tables for Public Drinking Water Source Areas (DWER 2016 as amended).
- (3) Where a licenced potable water supply is unavailable, and a sustainable alternative supply is demonstrated, development shall be connected to a fit-for-purpose water supply in accordance with the Rural Planning Guidelines.
- (4) Provision is also to be made for water for firefighting purposes, set out in a Bushfire Management Plan or by the local government in accordance with State policy

30.15 Mining Operations

- (1) Whilst mining operations are exempt from the need for development approval under the *Mining Act 1978*, the local government may exercise its discretion to inform the Minister for Mines and Petroleum and the Minister for Planning in writing that the granting of a mining lease or general purpose lease is contrary to the provisions of the Scheme and the Local Planning Strategy. In providing advice to the Minister for Mines and Petroleum on the suitability of mining operations, the local government will be guided by the permissibility of this use in the zoning table.

31. Additional site specific development standards and requirements

- (1) The Table in Schedule 3 sets out requirements relating to development that are additional to those set out in the R-Codes, structure plans, local development plans or State or local planning policies.
- (2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, a structure plan, a local development plan or a State or local planning policy, the requirement referred to in subclause (1) prevails.

32. Variations to general development standards and requirements

- (1) In this clause –
general development standards and requirements refers to any site or development requirement contained in the scheme unless the scheme otherwise provides that a certain development requirement cannot be varied but this clause is not to apply to variations to land use permissibility's contained in the zoning table and does not apply with respect to development which the R-Codes apply or clause 33.
- (2) The local government may approve an application for a development approval that does not comply with the general development standards and requirements.
- (3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.
- (4) If the local government is of the opinion that the non-compliance with a general development standard and requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must -
 - (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause

- 64(4) of the deemed provisions; and
 - (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.
- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that -
- (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67(2) of the deemed provisions; and
 - (b) the non-compliance with the general development standard and requirement will not have a significant adverse effect on the occupiers or users of the development the inhabitants of the locality or the likely future development of the locality.

33. Restrictive covenants

- (1) A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.
- (2) If subclause (1) operates to extinguish or vary a restrictive covenant -
 - (a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and
 - (b) the local government must not grant development approval for the construction of the residential dwelling unless it advertises the application for development approval in accordance with clause 64 of the deemed provision.

PART 5 - SPECIAL CONTROL AREAS

34. Special control areas

- (1) Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The purpose, objectives and additional provisions that apply to each special control area is set out in Table 3. The provisions contained in a Special Control Area apply in addition to the provisions that apply to the underlying zone or reserve.

Note for this clause:

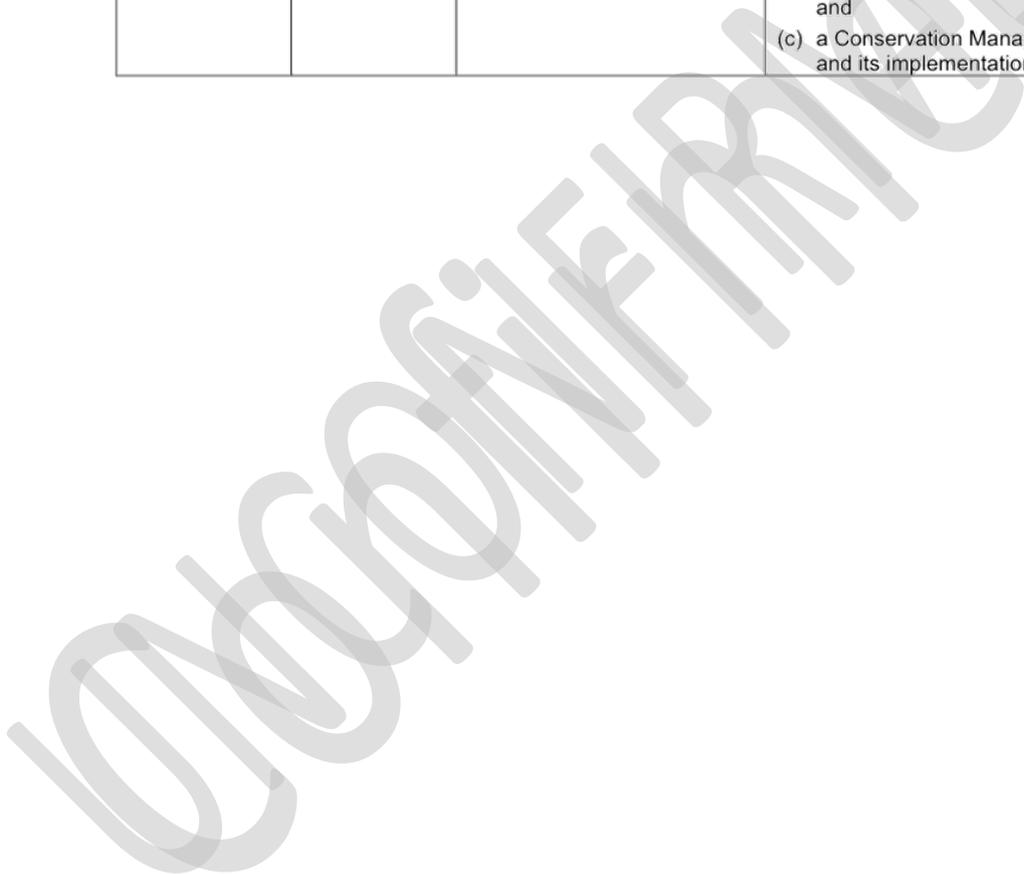
1. Identifies areas which are significant and where special provisions apply in addition to the provisions of the underlying zones and reserves.

Table 3 - Special Control Areas in Scheme Area

| Name of area | Purpose | Objectives | Additional provisions |
|--|--|--|---|
| Special Control Area 1 - Bridgetown Special Design Heritage Precinct | To provide specific guidance on land use planning matters in the Bridgetown Special Design Heritage Precinct | <ol style="list-style-type: none"> a) To recognise the precinct's historic, aesthetic, cultural and townscape significance and contribution to the tourist importance of the Bridgetown townsite. b) To ensure the retention and conservation of buildings that are of historic and cultural heritage value and significance and/or buildings that form part of or contribute to the Bridgetown townscape character. c) To protect and to reinforce the significance of the place and precinct. d) To ensure that any new buildings are compatible with, and complementary to, the traditional built environment. e) To encourage development that achieves design excellence, is directed towards achieving townscape objectives and contributes positively toward the improvement of the streetscape. | <ol style="list-style-type: none"> 1) <u>Application requirements</u> Despite any other provision of this Scheme, development approval is required for the use and development of land, including a single house, unless an approved local planning policy provides that development approval is not required for specified development works and/or use and where any conditions are satisfied. 2) <u>Referral of applications</u> The local government shall in considering an application for development approval advertise the development application in accordance with clause 64 of the deemed provisions, and when, in the opinion of the local government, an application for development approval may affect any other relevant statutory, public or planning authority and/or service provider, provide a copy of the application to the authority and/or service provider for objections and recommendations. 3) <u>Relevant considerations</u> In considering an application for development approval the local government shall have due regard to – <ol style="list-style-type: none"> (a) public submissions; (b) the objections and recommendations of consulted authorities and/or service providers; (c) those matters relevant to the land use or development as prescribed by clause 67(2) of the deemed provisions; (d) the objectives for the Special control area; (e) State Planning Policy 3.5 Historic Heritage Conservation or equivalent |

| Name of area | Purpose | Objectives | Additional provisions |
|--------------|---------|------------|--|
| | | | <p>State planning policy;</p> <ul style="list-style-type: none"> (f) local planning policies and development guidelines or similar instruments approved by the local government relating to places of cultural heritage significance and/or to assist in the retention of the established character and to guide the future built character of the precinct; (g) the Development requirements; (h) whether the proposed land use or development is suitable and compatible in respect of its location, density, architectural design and style, appearance, scale, form, height, bulk, orientation, building materials, setbacks, car parking and access, signage, landscaping and screening; (i) whether the proposed land use or development provides for appropriate street activation; (j) whether the proposed land use or development provides for appropriate mixed use including tourism uses, offerings and product; and (k) where applicable, any report and/or a Conservation Management Plan that demonstrates that the historic and cultural heritage character and significance of the site, street and locality will not be adversely affected by the proposed land use or development. <p>4) <u>Development requirements</u> (unless determined otherwise by the local government to implement the SCA objectives)</p> <ul style="list-style-type: none"> (a) All development shall be designed and constructed using materials that complement the existing or desired future character and amenity of the Bridgetown townsite as determined by the local government or in accordance with the provisions of an approved local planning policy. (b) Land use and development shall provide for site, street and locality responsive design; a high quality built form; appropriate setbacks to street boundaries and to adjoining residential development and/or residential lots; suitable landscaping; sufficient effective and efficient access and parking; provide |

| Name of area | Purpose | Objectives | Additional provisions |
|--------------|---------|------------|--|
| | | | <p>for safe covered pedestrian spaces; and contemporary building facades consistent with the planned future streetscape character.</p> <p>5) <u>Development approval conditions</u> The local government may impose development approval conditions to ensure compliance with the objectives including but not limited to –</p> <ul style="list-style-type: none"> (a) a temporary or time limited basis; (b) constraining or directing the location, density, architectural design, style, appearance, scale, form, height, bulk, orientation, building materials, setbacks, car parking and access, landscaping and screening of the development; and (c) a Conservation Management Plan and its implementation. |



PART 6 - TERMS REFERRED TO IN SCHEME

35. General definitions of terms used

- (1) If a word or expression used in this Scheme is listed in this clause, its meaning is as follows –

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| building envelope | means the area of land within which all buildings and effluent disposal facilities on a lot must be contained. |
| cabin | means a dwelling forming part of a tourist development or caravan park that is - (a) an individual unit other than a chalet; and (b) designed to provide short-term accommodation for guests. |
| chalet | means a dwelling forming part of a tourist development or caravan park that is - (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and (b) designed to provide short-term accommodation for guests. |
| commercial vehicle | means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including - (c) a utility, van, truck, tractor, bus or earthmoving equipment; and (d) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a). |
| dam | shall have the same meaning as prescribed in State Planning Policy 2.9 Planning for Water |
| floor area | has meaning given in the Building Code. |
| minerals | has the meaning given in the <i>Mining Act 1978</i> section 8(1). |
| plot ratio | means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located. |
| 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 incidental. |
| retail | means the sale or hire of goods or services to the public. |
| scheme commencement date | means the day on which this Scheme comes into effect under section 87(4) of the Act. |
| 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. |
| wholesale | means the sale of goods or materials to be sold by others. |

- (3) A word or expression that is not defined in this Scheme -
- (a) has the meaning it has in the *Planning and Development Act 2005*; or
 - (b) if it is not defined in that Act - has the same meaning as it has in the R-Codes.

36. Land use terms used in Scheme

- (1) If this Scheme refers to a category of land use that is listed in this provision, the meaning of that land use is as follows -

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| abattoir | means premises used commercially for the slaughtering of animals for the purposes of consumption as food products. |
| aged or dependent persons' dwelling | means a special purpose dwelling as defined by the Residential Design Codes Volume 1 (R-Codes Volume 1). |
| agriculture - extensive | means premises used for the raising of stock or crops including outbuildings and earthworks, but does not include agriculture - intensive or animal husbandry - intensive. |
| agriculture - intensive | means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following - <ul style="list-style-type: none"> (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts; (b) the establishment and operation of plant or fruit nurseries; (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); (d) aquaculture. |
| amusement parlour | means premises - <ul style="list-style-type: none"> (a) that are open to the public; and (b) that are used predominantly for amusement by means of amusement machines including computers; and (c) where there are 2 or more amusement machines. |
| animal establishment | means premises used for the 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 alpacas, beef and dairy cattle, goats, pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production), sheep or other livestock in feedlots, sheds or rotational pens but excludes agriculture - extensive. |
| art gallery | means premises that are open to the public and where artworks are displayed for viewing or sale. |
| bed and breakfast | means a dwelling - <ul style="list-style-type: none"> (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and (b) containing not more than 2 guest bedrooms. |

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| betting agency | means an office or totalisator agency established under the <i>Racing and Wagering Western Australia Act 2003</i> . |
| brewery | means premises the subject of a producer's licence authorising the production of beer, cider or spirits under the <i>Liquor Control Act 1988</i> . |
| bulky goods showroom | means premises (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes - (i) automotive parts and accessories; (ii) camping, outdoor and recreation goods; (iii) electric light fittings; (iv) animal supplies including equestrian and pet goods; (v) floor and window coverings; (vi) furniture, beddings, furnishings, fabrics, manchester and homewares; (vii) household appliances, electrical goods and home entertainment goods; (viii) party supplies; (ix) office equipment and supplies; (x) babies' and children's goods, including play equipment and accessories; (xi) sporting, cycling, leisure, fitness goods and accessories; (xii) swimming pools. or (b) used to sell goods and accessories by retail if (i) a large area is required for the handling, display or storage of the goods; or (ii) vehicular access is required to the premises for the purpose of collection of purchased goods. |
| caravan park | means premises that are a caravan park as defined in the <i>Caravan Parks and Camping Grounds Act 1995</i> section 5(1). |
| caretaker's dwelling | means a dwelling on the same site as a building, operation or plant used for industry and occupied by a supervisor of that building, operation or plant. |
| car park | means premises used primarily for parking vehicles whether open to the public or not but does not include - (a) any part of a public road used for parking or for a taxi rank; or (b) any premises in which cars are displayed for sale. |
| child care premises | means premises where - (a) an education and care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> section 5(1), other than a family day care service as defined in that section is provided; or (b) a child care service as defined in the <i>Child Care Services Act 2007</i> section 4 is provided. |
| cinema/theatre | means premises where the public may view a motion picture or theatrical production. |

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| civic use | means premises used by a government department, an instrumentality of the State 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 two commercial vehicles but does not include - (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. |
| community purpose | means 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 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care. |
| convenience store | means premises - (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and (b) operated during hours which include, but may extend beyond, normal trading hours; and (c) the floor area of which does not exceed 300m ² 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 providing education including premises used for a school, higher education institution, business college, academy or other educational institution. |
| exhibition centre | means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum. |
| family day care | means premises where a family day care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> is provided. |
| fast food outlet | means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten - (a) without further preparation; and (b) primarily off the premises. |
| fuel depot | means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used - (a) as a service station; or (b) for the sale of fuel by retail into a vehicle for use by the vehicle. |

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| funeral parlour | means premises used to prepare and store bodies for burial or cremation or to conduct funeral services. |
| 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. |
| holiday accommodation | means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot. |
| holiday house | means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast. |
| home business | means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession - <ul style="list-style-type: none"> (a) does not involve employing more than 2 people who are not members of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 50m²; and (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and (f) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located. |

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| home occupation | means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that - (a) does not involve employing a person who is not a member of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 20m ² ; and (d) does not involve the display on the premises of a sign with an area exceeding 0.2m ² ; and (e) does not involve the retail sale, display or hire of any goods; unless the sale, display or hire is done only by means of the Internet; and (f) does not - (i) require a greater number of parking spaces than normally required for a single dwelling; or (ii) result in an increase in traffic volume in the neighbourhood; and (g) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located. |
| 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 (d) does not require any change to the external appearance of the dwelling. |
| home store | means a shop attached to a dwelling that - (a) has a net lettable area not exceeding 100m ² ; and (b) is operated by a person residing in the dwelling. |
| hospital | means premises used as a hospital as defined in the <i>Health Services Act 2016</i> section 8(4). |
| hotel | means premises the subject of a hotel licence other than a small bar or tavern licence granted under the <i>Liquor Control Act 1988</i> , including any betting agency on the premises. |
| independent living complex | means a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, but does not include a development which includes these features as a component of a residential aged care facility. |

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| 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. |
| industry - extractive | means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes - (a) the processing of raw materials including crushing, screening, washing, blending or grading; (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration. |
| industry - light | means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed. |
| industry - rural | means premises used for an industry that - (a) supports and/or is associated with primary production; or (b) services plant or equipment used in primary production. |
| liquor store-large | means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of more than 300m ² . |
| liquor store - small | means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of not more than 300m ² . |
| lunch bar | means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within 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 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care. |
| mining operations | means premises where mining operations, as that term is defined in the <i>Mining Act 1978</i> section 8(1) is carried out. |
| motel | means premises, which may be licenced under the <i>Liquor Control Act 1988</i> – (a) used to accommodate guests in a manner similar to a hotel; and (b) with specific provision for the accommodation of guests with motor vehicles. |

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| 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 - (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or (b) repairs to tyres other than recapping or re-treading of tyres. |
| motor vehicle wash | means premises primarily used to wash motor vehicles. |
| nature based park | means premises used for a nature based park as defined in the <i>Caravan Parks and Camping Grounds Regulations 1997</i> |
| Night club | means premises the subject of a nightclub licence granted under the <i>Liquor Control Act 1988</i> |
| office | means premises used for administration, clerical, technical, professional or similar business activities. |
| park home park | means premises used as a park home park as defined in the <i>Caravan Parks and Camping Grounds Regulations 1997</i> . |
| place of worship | means premises used for religious activities such as a chapel, church, mosque, synagogue or temple. |
| reception centre | means premises used for hosted functions on formal or ceremonial occasions. |
| recreation - private | means premises that are - (a) used for indoor or outdoor leisure, recreation or sport; and (b) not usually open to the public without charge. |
| renewable energy facility | means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or relating to, the generation of energy by a renewable resource. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business premises and any on selling to the grid is secondary. |
| repurposed dwelling | means a building or structure not previously used as a single house which has been repurposed for use as a dwelling. |
| residential aged care facility | means a residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation, includes; (a) appropriate staffing to meet the nursing and personal care needs of residents; (b) meals and cleaning services; (c) furnishings, furniture and equipment. This may consist of multiple components that include communal amenities and land uses for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short term) care and an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility. |

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| residential building | means a building as defined by the Residential Design Codes Volume 1 (R-Codes Volume 1). |
| resource recovery centre | means premises other than a waste disposal facility used for the recovery of resources from waste. |
| restaurant/cafe | means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the <i>Liquor Control 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 - (a) publications that are classified as restricted under the <i>Classification (Publications, Films and Computer Games) Act 1995</i> (Commonwealth); or (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or (c) smoking-related implements. |
| road house | means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services - (a) a full range of automotive repair services; (b) wrecking, panel beating and spray painting services; (c) transport depot facilities; (d) short-term accommodation for guests; (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies; and (f) dump points for the disposal of black and/or grey water from recreational vehicles. |
| rural home business / industry - cottage | means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation - (a) does not involve employing more than 2 people who are not members of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 200m ² ; and (d) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and (e) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle more than 30 tonnes gross weight. |

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| 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 - (a) the rearing, agistment, stabling or training of animals; (b) the keeping of bees; (c) the sale of produce grown solely on the premises. |
| second hand dwelling | means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular home or transportable dwelling. |
| serviced apartment | means a group of units or apartments providing - (a) self-contained short stay accommodation for guests; and (b) any associated reception or recreational facilities. |
| service station | means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for - (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; and/or (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles. |
| shop | means 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. |
| small bar | means premises the subject of a small bar licence granted under the <i>Liquor Control Act 1988</i> |
| tavern | means premises the subject of a tavern licence granted under the <i>Liquor Control Act 1988</i> |
| telecommunications infrastructure | means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the 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 - (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 premises used for the display of trade goods and equipment for the purpose of advertisement. |

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| trade supplies | means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises - (a) automotive repairs and servicing; (b) building including repair and maintenance; (c) industry; (d) landscape gardening; (e) provision of medical services; (f) primary production; (g) use by government departments or agencies, including local government. |
| transport depot | means premises used primarily for the parking or garaging of 3 or more commercial vehicles including - (a) any ancillary maintenance or refuelling 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. |
| tree farm | means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the <i>Carbon Rights Act 2003</i> section 5. |
| 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 - (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. |
| 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. |
| winery | means premises used for the production of viticultural produce and associated sale of the produce. |
| workforce accommodation | means premises, which may include modular and relocated buildings used - (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors. |

UNCONFIRMED

37. Deemed provisions for local planning schemes

Please see the Planning and Development (Local Planning Schemes) Regulations 2015, which covers Clauses 1 to 93. Clause 61 of the Deemed Provisions provides a number of standard exemptions for seeking works and/or development approval. These standard exemptions have also been extended by the Shire of Bridgetown-Greenbushes, and are set out in Schedule A of this Scheme.

UNOFFICIAL

SCHEDULE A - SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS

These provisions are to be read in conjunction with the deemed provisions Schedule 2 clause 61 contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Note: Numbering follows the final clause (61(8)) of this part of the Deemed Provisions.

61 (9) Development for which Development Approval Not Required

- (1) Development approval is not required for works if –
 - (a) the works are of a class specified in Column 1 of an item in Table 4; and
 - (b) if conditions are set out in Column 2 of Table 4 opposite that item - all of those conditions are satisfied in relation to the works.

| Table 4 - Supplemental provisions relating to works | | |
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| | Column 1 Works | Column 2 Conditions |
| 22 | The erection, installation, or demolition of a sign or advertisement of a class specified in Schedule 4. | <ul style="list-style-type: none"> (a) The sign or advertisement complies with the applicable provisions of Schedule 4. (b) The sign or advertisement is not erected or installed within 1.5m of any part of a crossover or street truncation. (c) The works are not located in a heritage-protected place. |
| 23 | The erection of or installation of, or alterations to or additions to, any of the following on a lot in the Rural, Rural Small Holding or Rural Residential zone - <ul style="list-style-type: none"> (a) a windmill; (b) a bore; (c) a well; (d) a water tank (e) a dam (g) a boundary wall or fence. | <ul style="list-style-type: none"> (a) In respect of a water tank the conditions of clause 61(1) of the deemed provisions for the installation of a water tank are satisfied, except where, the volume of the water tank may exceed 5,000 litres. (b) The water tank is not visible from the lot road frontage or if visible it is to be treated to be compatible in its setting to the satisfaction of the local government. (c) Where a building envelope applies, the water tank is located entirely within the building envelope. (d) The dam is incidental to a permitted or approved rural land use and the external foot of the dam wall, and any other part of the dam including the stored water is further than 20 metres from boundaries of the subject lot. (e) The works are not located in a heritage-protected place. (f) The works comply with the development provisions of this Scheme. (g) The boundary wall or fence is of rural construction comprising stock proof wire or ring-lock fencing with timber posts to a maximum |

| Table 4 - Supplemental provisions relating to works | | |
|---|---|--|
| | Column 1 Works | Column 2 Conditions |
| | | height of 1.2m above the natural ground level. |
| 24 | The installation maintenance or repair works for and of any of the following for domestic or rural purposes - (a) service ducts; (b) cables; (c) pipes; (d) conduits. | (a) The works are not located in a heritage-protected place. |
| 25 | The erection of, or alterations or additions to, a single house on a lot. | (a) The single house is a permitted P use on the lot in the zone where the R-Codes do not apply. (b) The works comply with the development provisions of this Scheme for that zone (including, where applicable, any site and development requirements specified in Schedule 3). (c) The works are not located in a heritage-protected place. (d) The works do not include the clearing of native vegetation (excluding isolated trees or revegetation for a non-conservation purpose as defined in the <i>Environmental Protection Act 1986 & Environmental Protection (Clearing of native vegetation) Regulations 2004</i>). (e) The works do not require access from an unconstructed road. (f) In the case of erection of a single house in the Rural Residential zone, the house is not constructed of materials that are wholly or predominantly second hand, re-used, damaged or corrugated iron. |
| 26 | The erection of, or installation of, or alterations to, or additions to, any of the following, on the same lot as a single house - (a) an outbuilding; (b) an external fixture; (c) a boundary wall or fence; (d) a patio; (e) a pergola; (f) a verandah; (g) a deck; (h) a garage; (i) a carport; (j) a swimming pool; (k) shade sails. | (a) The single house is a permitted 'P' use in the zone where the R-Codes do not apply. (b) The works comply with the development provisions of this Scheme for that zone (including, where applicable, any site and development requirements specified in Schedule 3). (c) The works are not located in a heritage-protected place. (d) The works do not include the clearing of native vegetation (excluding isolated trees or revegetation for a non-conservation purpose as defined in the <i>Environmental Protection Act 1986 & Environmental Protection (Clearing of native vegetation) Regulations 2004</i>). (e) The works are not within 100m of a watercourse. |

| Table 4 - Supplemental provisions relating to works | | |
|---|---|---|
| | Column 1 Works | Column 2 Conditions |
| | | <p>(f) The works are not within land prone to flooding.</p> <p>(g) The works do not require access from an unconstructed road or that is not a gazetted road reserve. <i>(cont.)</i></p> <p>(h) In the case of an outbuilding, the development is of a size that is equal to or less than:</p> <ul style="list-style-type: none"> • 120m² in floor area; • wall height of 3.0m; and • roof apex height of 4.0m. |
| 27 | Alterations or additions to approved, existing caravan park accommodation units on a lot. | <p>(a) The works comply with the development provisions of this Scheme for the zone applicable to the caravan park lot.</p> <p>(b) The works are not located in a heritage-protected place.</p> <p>(c) The works do not result in a material change in the nature of the accommodation unit use.</p> <p>(d) There is no increase in the number of available accommodation units.</p> |
| 28 | Domestic animal enclosures | (a) The enclosures occupy no more than 5% or 50m ² of the lot area, whichever is the lesser |
| 29 | The erection of, or installation of, or alterations to, or additions to, any of the following, on the same lot as a single house in the Residential zone where the density coding is R2, R2.5 or R5 – (a) a boundary fence | (a) The boundary fence is of rural style construction comprising stock proof wire or ring-lock fencing with timber posts to a maximum height of 1.2m above the natural ground level. |

- (2) Development approval is not required for the following uses if –
- a. the use is of a class specified in Column 1 of an item in Table 5;
 - b. if conditions are set out in Column 2 of Table 5 opposite that item - all of those conditions are satisfied in relation to the use.

| Table 5 - Supplemental provisions relating to use | | |
|---|---|--|
| | Column 1 - Use | Column 2 - Conditions |
| 10 | A use that is wholly located on land identified as a local reserve under this Scheme. | <p>(a) The land is owned or vested in the local government or a public authority.</p> <p>(b) For a purpose for which the land is reserved under this Scheme.</p> <p>(c) For any purpose for which the land may be lawfully used by the local government or public authority.</p> |
| 11 | Rural Pursuit / Hobby farm. | <p>(a) The land is in the Residential zone.</p> <p>(b) Where the keeping of livestock is for small scale domestic purposes, such as vegetation maintenance, egg production, aviaries, etc; and</p> <p>(c) The use is consistent with the Shire's Health</p> |

| Table 5 - Supplemental provisions relating to use | |
|--|------------------------------|
| Column 1 - Use | Column 2 - Conditions |
| | Local Law 2001. |

UNOFFICIAL

SCHEDULE 1 – SPECIFIED ADDITIONAL USES FOR ZONED LAND IN SCHEME AREA

| No. | Description of land | Additional use | Requirements |
|-----|---|---|---|
| A1 | Lot 43 Moriarty Street, Bridgetown | Industry-light | <ol style="list-style-type: none"> 1. Development approval is required. 2. The Industry-light land use is restricted to a maximum floor area of 175m². 3. Any emissions from the Industry-light land use shall not adversely impact the amenity of the locality. |
| A2 | Lot 4 of Nelson Locations 746, 747, 17688 and Portion of Locations 1191 and 1246 Maranup Ford Road, Greenbushes | Amusement parlour, Grouped dwelling, Shop (incidental to the predominant approved Tourist development, Recreation-private use of the land) | <ol style="list-style-type: none"> 1. Development approval is required. 2. An LDP may be required by the local government prior to development approval, based on the type and scale of the proposed land use that addresses and provides for the following - <ol style="list-style-type: none"> (a) the preservation of the rural landscape and amenity; (b) the use of the land including building location, size and design, accommodation requirements, type and frequency of function events, hours of operation, maximum number of people on site, car parking on site, bus services, upgrading of roads servicing the land; (c) location and maximum floor space for any shop use (not to exceed 200m² net lettable area); (d) screening and landscaping; and (e) fire protection in accordance with an approved Bushfire Management Plan. 3. If required by State policy a Bushfire Management Plan is to be prepared and approved to address fire protection, water supply and access. 4. A maximum of three dwellings are permitted on the land. |
| A3 | Lot 7 on Plan 19633 of Nelson Location 612 Rokewood Heights, Kangaroo Gully | Recreation – private, as limited to the following activities: amphitheatre (open air venue used for recreation, entertainment, performances and sport events) and associated uses | <ol style="list-style-type: none"> 1. Development approval is required. 2. An LDP may be required by the local government prior to development approval, based on the type and scale of the proposed land use that addresses and provides for the following - <ol style="list-style-type: none"> (a) the use of the land including building location, size and design, accommodation requirements; (b) type and frequency of function events, hours of operation, maximum number of people on site, (c) sufficient car parking on site; (d) screening and landscaping; and (e) fire protection in accordance with an |

| No. | Description of land | Additional use | Requirements |
|-----|---|----------------|---|
| | | | approved Bushfire Management Plan. 3. If required by State policy a Bushfire Management Plan is to be prepared and approved to address fire protection, water supply and access. |
| A4 | Lot 2 of Nelson Location 9949 South Western Highway | Industry | 1. Development approval is required. 2. Any emissions from the Industry land use shall not adversely impact the amenity of the locality. 3. All vehicles entering and exiting the land are to utilise the existing vehicular access onto South Western Highway which is to be to the satisfaction of local government on the advice of Main Roads WA. 4. Other than exempted signage under the deemed provisions and Schedule A, all other signage requires development approval of the local government on the advice of Main Roads WA. |

DRAFT

SCHEDULE 2 - SPECIAL USE ZONES IN SCHEME AREA

| No. | Description of land | Special use | Requirements |
|-----|--|--|---|
| SU1 | Lot 4 Brockman Highway, Bridgetown | Camping ground Holiday accommodation Home business Home occupation Rural home business/Industry-cottage Restaurant/café Tourist development | <ol style="list-style-type: none"> 1. Development approval is required. 2. An LDP may be required by the local government prior to development approval, based on the type and scale of the proposed land use. |
| SU2 | Lot 5 Brockman Highway, Bridgetown | Agricultural-extensive Agricultural-intensive Bed and breakfast Caretaker's dwelling Education establishment (limited to a cooking school) Holiday accommodation (maximum of 2 dwellings) Home business Home occupation Rural home business/Industry-cottage Rural pursuit/hobby farm Shop (limited to beauty therapy) Single house Winery | <ol style="list-style-type: none"> 1. Development approval is required. 2. An application for development is to be advertised in accordance with clause 64 of the deemed provisions. 3. An LDP may be required by the local government prior to development approval, based on the type and scale of the proposed land use that addresses and provides for the following: <ol style="list-style-type: none"> a) a Bushfire Management Plan where the land is within a designated bushfire prone area. Construction of dwellings is to be in accordance with AS 3959 (Construction in Bush Fire Prone Areas). b) a Landscape Master Plan. c) a Foreshore Management Plan. d) access to and from Brookman Highway shall be to the requirements of Mains Roads WA. e) education establishment is to have a maximum of eight clients at any one time. f) shop is to be conducted only within the restored dairy or adjacent building. |
| SU3 | Lot 77 South Western Highway, Bridgetown | Club premises | <ol style="list-style-type: none"> 1. Development approval is required. |
| SU4 | Lots 78, 878, 890, South Western Highway, Bridgetown | Camping ground Caravan park | <ol style="list-style-type: none"> 1. Development approval is required. 2. An LDP may be required by the local government prior to development approval, based on the type and scale of the proposed land use. |
| SU5 | Lots 1,2,3 and 4 Gifford Road, Bridgetown | Art gallery Caretaker's dwelling Exhibition centre Rural home business/Industry-cottage Industry-light (limited to the processing of fermented and unfermented beverages) Restaurant/café | <ol style="list-style-type: none"> 1. Development approval is required. 2. An LDP may be required by the local government prior to development approval, based on the type and scale of the proposed land use. |
| SU6 | Lot 201 Kangaroo Gully Road, | Bed and breakfast Rural home business/Industry-cottage | <ol style="list-style-type: none"> 1. Development approval is required. 2. An application for development is to be |

| No. | Description of land | Special use | Requirements |
|-----|--|--|---|
| | Bridgetown | Home business Home occupation Reception centre Recreation-private Restaurant/café Rural pursuit/hobby farm Single house Shop (limited to the sale of locally manufactured goods and food stuffs, convenience goods and the serving of light refreshments) | <p>advertised in accordance with clause 64 of the deemed provisions.</p> <ol style="list-style-type: none"> 3. In considering a development proposal, the local government shall have due regard to requirements 4 to 11 below. 4. Bushfire management planning where the land is within a designated bushfire prone area. Construction of dwellings is to be in accordance with AS 3959 (Construction in Bush Fire Prone Areas). 5. Building envelopes plan. 6. Building design guidelines. 7. A landscape management plan. 8. A management statement for the land. 9. Development applications for Rural pursuit/hobby farm shall include the following information: <ol style="list-style-type: none"> (a) an analysis of potential land use conflict between the proposed use and nearby residential uses and other approved uses for the common land; (b) land capability assessment; (c) water availability; (d) access proposals; (e) transport implications associated with transport of the product off the site; and (f) any other matter considered relevant by the local government. 10. Common property is to be managed as a form of rural pursuit/hobby farm. 11. Minimal use of fertilisers and chemicals with a preference to organic farming methods. |
| SU7 | Portion Lots 71 & 82 Walter Road and portion road reserve | Art gallery Exhibition centre Fast food outlet/lunch bar Rural home business/Industry-cottage Restaurant/café Shop Other permissible land uses for land that is zoned Residential | <ol style="list-style-type: none"> 1. Development approval is required. 2. An LDP may be required by the local government prior to development approval, based on the type and scale of the proposed land use. 3. The shop shall have a maximum 100m² net lettable area. |
| SU8 | Lot 1 Nelson Street, Bridgetown | Bed and breakfast Rural home business/Industry-cottage Holiday accommodation (maximum of 6 dwellings) Home occupation Restaurant/café Reception centre Single house | <ol style="list-style-type: none"> 1. Development approval is required. 2. An LDP may be required by the local government prior to development approval, based on the type and scale of the proposed land use. 3. Access to the service corridor is restricted to State agency vehicles only. 4. Planting of trees and vegetation in and along the service corridor if required by the local government. |

| No. | Description of land | Special use | Requirements |
|------|--|---|--|
| SU9 | Lot 9008 fronting Lakeview Crescent and Gleneagles Drive, Bridgetown | Amusement parlour Art gallery Brewery Car park Caretaker's dwelling Community purpose Rural home business/Industry-cottage Exhibition centre Holiday accommodation Office Reception centre Recreation-private Restaurant/café Shop Single house | <ol style="list-style-type: none"> 1. Development approval is required. 2. An application for development is to be advertised in accordance with clause 64 of the deemed provisions. 3. An LDP may be required by the local government prior to development approval, based on the type and scale of the proposed land use. 4. Approved Bushfire Management Plan. 5. Approved Landscape Master Plan. 6. Development approval shall not be granted if the local government holds the view that the adjoining nature reserve will be adversely impacted by the proposed development and that the impact(s) cannot be appropriately avoided, mitigated or managed. 7. Shop shall be limited to a maximum 100m² net lettable area. 8. A stock proof fence shall be constructed along the common boundary with the adjoining nature reserve. The construction of the fence is to be to a standard that will prevent domestic animals accessing the reserve to the satisfaction of the local government on the advice of the relevant State agency. 9. A trafficable fire break shall be provided along the western boundary of the land from the dam wall connecting to an internal constructed road to the satisfaction of the local government. In addition, gates shall be provided along the required fire break where it passes through lot boundaries and/or fence lines. The fire break shall be maintained by the land owners to the satisfaction of the local government. 10. Subdivision proposals are to have due regard to the history of the site and the planning context of the area. |
| SU10 | Lot 887, South Western Highway, Bridgetown | Rural home business/Industry-cottage Home business Home occupation Restaurant/café Single house | <ol style="list-style-type: none"> 1. Development approval is required. 2. An application for development is to be advertised in accordance with clause 64 of the deemed provisions. |
| SU11 | Lot 600 Hampton Street, Bridgetown | Cinema/theatre. | <ol style="list-style-type: none"> 1. Development approval is required. |
| SU12 | Lot 9371 Williams Street, Bridgetown | Bulky goods showroom Community purpose Rural home business/Industry-cottage Industry-rural Recreation-private | <ol style="list-style-type: none"> 1. Development approval is required. 2. An application for development is to be advertised in accordance with clause 64 of the deemed provisions. 3. An LDP may be required by the local government prior to development approval. |

| No. | Description of land | Special use | Requirements |
|-----|---------------------|--|---|
| | | Restaurant/café Shop Warehouse/storage Winery | based on the type and scale of the proposed land. 4. Shop is to be incidental to the predominant use of the land. 5. Development shall have a tourism focus. 6. Siting, construction materials and colours of proposed buildings shall be appropriate for the land and locality as determined by the local government. 7. Development shall be connected to a reticulated sewerage system provided by a licensed service provider. 8. All stormwater is to be retained on-site. 9. The existing decommissioned effluent disposal lagoon area is to be drained and filled to the satisfaction of the local government. Prior to the commencement of the above mentioned works a site contamination investigation is to be undertaken. If the area is found to be contaminated, then a Site Remediation Validation Report shall be prepared to the satisfaction of the local government on the advice of the relevant State agency. 10. No development is permitted on the remediated effluent disposal lagoon area unless a geo-technical report demonstrates the capability and suitability of the area for the proposed development to the satisfaction of the local government. 11. Subdivision proposals are to have due regard to the history of the site and the planning context of the area. |

SCHEDULE 3 – AREAS SUBJECT TO SITE SPECIFIC DEVELOPMENT STANDARDS AND REQUIREMENTS

| No. | Description of Land | Requirement |
|------|---|---|
| ASR1 | Lots 2 and 71 Poly Dakin Dr, 4 and 5 Stella Lane and 82 Hornby St and portions of road reserves, Bridgetown. (Education endowment land) | 1. Subdivision and development is to be generally in accordance with a structure plan approved by the WAPC. 2. If the matters listed in requirement 3 are addressed to the satisfaction of the Shire and WAPC, a structure plan may not be required. 3. Subdivision or development design is to be informed by the following studies: |
| ASR2 | Lot 7 Taylors Road, and 662 and 2 Coverley Road, Bridgetown. | (a) fauna and flora surveys of native vegetation areas; (b) native vegetation management plan addressing the protection of native vegetation habitat and foraging values; (c) POS/conservation areas as applicable; (d) bushfire management planning; (e) site and soil evaluation to demonstrate a suitable approach to wastewater disposal; |
| ASR3 | Lots 1 Smith Street and 2 Old Mill Road, North Greenbushes. | (f) local water management strategy or urban water management planning; (g) access arrangements; (h) buffers to waste disposal site (in relation to ASR2); and (i) electricity and water supply. 4. At the time of subdivision, the local government may recommend that the WAPC impose subdivision conditions as applicable, to address these and other matters, to achieve the orderly and proper planning of the site. |

SCHEDULE 4 – SIGNS/ADVERTISEMENTS FOR WHICH DEVELOPMENT APPROVAL NOT REQUIRED

| LAND USE AND/OR DEVELOPMENT | SIGNS/ADVERTISEMENTS [subject to Schedule A clause 61(9)(1) item 21.(1)] Applies to non-illuminated signs unless otherwise stated | MAXIMUM SIZE/AREA |
|--|---|---|
| dwelling | One professional name-plate. | 0.2m ² |
| home business | One advertisement sign describing the nature of the home business. | 1.0m ² |
| place of worship, club premises, community purpose, civic use | One advertisement sign detailing the function, and/or the activities of the institution concerned. | 2.0m ² |
| cinema, theatre | A maximum of two advertisement signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the advertisement signs are displayed. | Each advertisement sign shall not exceed 5m ² |
| shop, bulky goods showroom and other uses appropriate to a shopping area | All advertisement signs affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5m from the ground floor level of the building, subject to compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws. | No maximum size/area |
| industrial, warehouse/storage | A maximum of four advertisement signs applied to or affixed to the walls of the building but not projecting above the eaves or the ridge of the roof of the building. A maximum of two free-standing advertisement signs not exceeding 5m in height above ground floor level. | Total area of any such advertisement signs, shall not exceed 15m ² Total area of the advertisement signs shall not exceed 10m ² and individual advertisement sign shall not exceed 6m ² |
| recreation-private | All advertisement signs provided that, in each case, the advertisement sign is not visible from outside the complex or facility either from other private and/or from public places and streets. | No maximum size/area |
| public places and reserves | (a) Advertisement signs (illuminated and non-illuminated) relating to the functions of Government department, a public authority or local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body. (b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, public walkway or thoroughfare, railway or waterway or other public infrastructure where such advertisement has been constructed or exhibited by or at the direction of a Government department, a public authority or the local government. (c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any act, statute, regulation or similar instrument provided that any such advertisement sign is constructed and/or | (a) No maximum size/area (b) No maximum size/area (c) No maximum size/area |

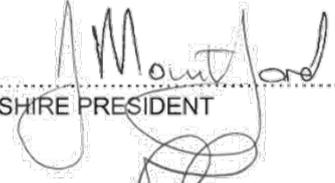
| LAND USE AND/OR DEVELOPMENT | SIGNS/ADVERTISEMENTS [subject to Schedule A clause 61(9)(1) item 21.(1)] Applies to non-illuminated signs unless otherwise stated | MAXIMUM SIZE/AREA |
|---|---|--|
| | exhibited strictly in accordance with the requirements, if any specified in the applicable act, statute, regulation or instrument. | |
| railway property and reserves | Advertisement signs exhibited on such land provided that the advertisement sign relates to the railway functions of the property or reserve. | No advertisement sign shall exceed 2m ² in area |
| advertisements within buildings | All advertisement signs placed or displayed within a building and not visible to a person outside of the building. | No maximum size/area |
| all classes of buildings other than those specifically referenced in this Schedule | One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof. | 0.2m ² |
| <u>building construction sites</u> advertisement signs displayed only for the duration of construction as follows – a) dwellings b) shops, commercial and industrial properties c) large development or redevelopment projects involving shopping centres, offices or other buildings exceeding 3 storey's in height | One advertisement sign per street frontage containing details of the project and the contractors undertaking the construction work. (a) One advertisement sign. (b) One advertisement sign. (c) One additional advertisement sign showing the name of the project builder. | (a) 2m ² (b) 5m ² (c) 10m ² |
| <u>property transactions</u> advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows - a) dwellings b) shops, commercial and industrial properties c) large development or redevelopment projects involving shopping centres, offices or other buildings exceeding 3 storey's in height and rural properties in excess of 5ha | (a) One advertisement sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the advertisement sign is, or the advertisement signs are displayed. (b) One advertisement sign as for a) above. (c) One advertisement sign as for a) above. | (a) Each advertisement sign shall not exceed an area of 2m ² (b) Each advertisement sign shall not exceed an area of 5m ² (c) Each advertisement sign shall not exceed an area of 10m ² |
| <u>display homes</u> advertisement signs displayed for the period over which homes are on display for public inspection | (a) One advertisement sign for each dwelling on display. (b) In addition to a) above one advertisement sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display. | (a) 2m ² (b) 5m ² |
| sale of goods or livestock | One advertisement sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any and/or within any building upon | 2m ² |

| LAND USE AND/OR DEVELOPMENT | SIGNS/ADVERTISEMENTS [subject to Schedule A clause 61(9)(1) item 21.(1)] Applies to non-illuminated signs unless otherwise stated | MAXIMUM SIZE/AREA |
|-----------------------------|--|--------------------------|
| | which the advertisement sign is exhibited provided that the use of the land for that purpose is permitted or approved under the Scheme. | |

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COUNCIL ADOPTION FOR ADVERTISING

Adopted for advertising by resolution of the Council of the Shire of Bridgetown-Greenbushes at the Special Meeting of the Council held on the 9th day of March 2023.


.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

COUNCIL ADOPTION FOR APPROVAL

Adopted for submission to the Minister for Planning for approval by resolution of the Council of the Shire of Bridgetown-Greenbushes at the Ordinary Meeting of the Council held on the(insert date) and the Common Seal of the Shire of Bridgetown-Greenbushes was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER



Shire Seal

WAPC RECOMMENDATION / FINAL APPROVAL

.....
DELEGATED UNDER S.16 OF THE *PLANNING AND DEVELOPMENT ACT 2005*

DATE.....

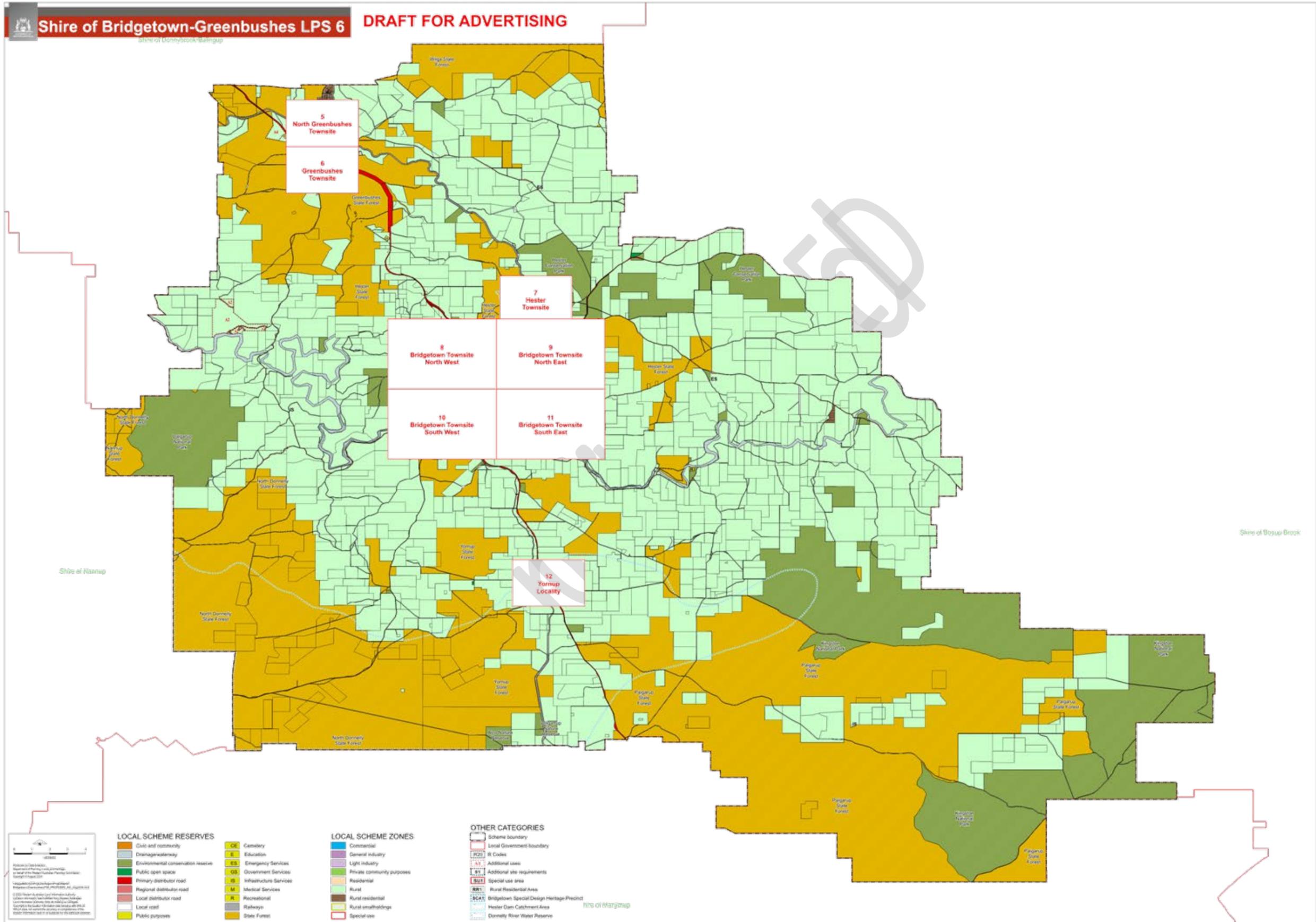


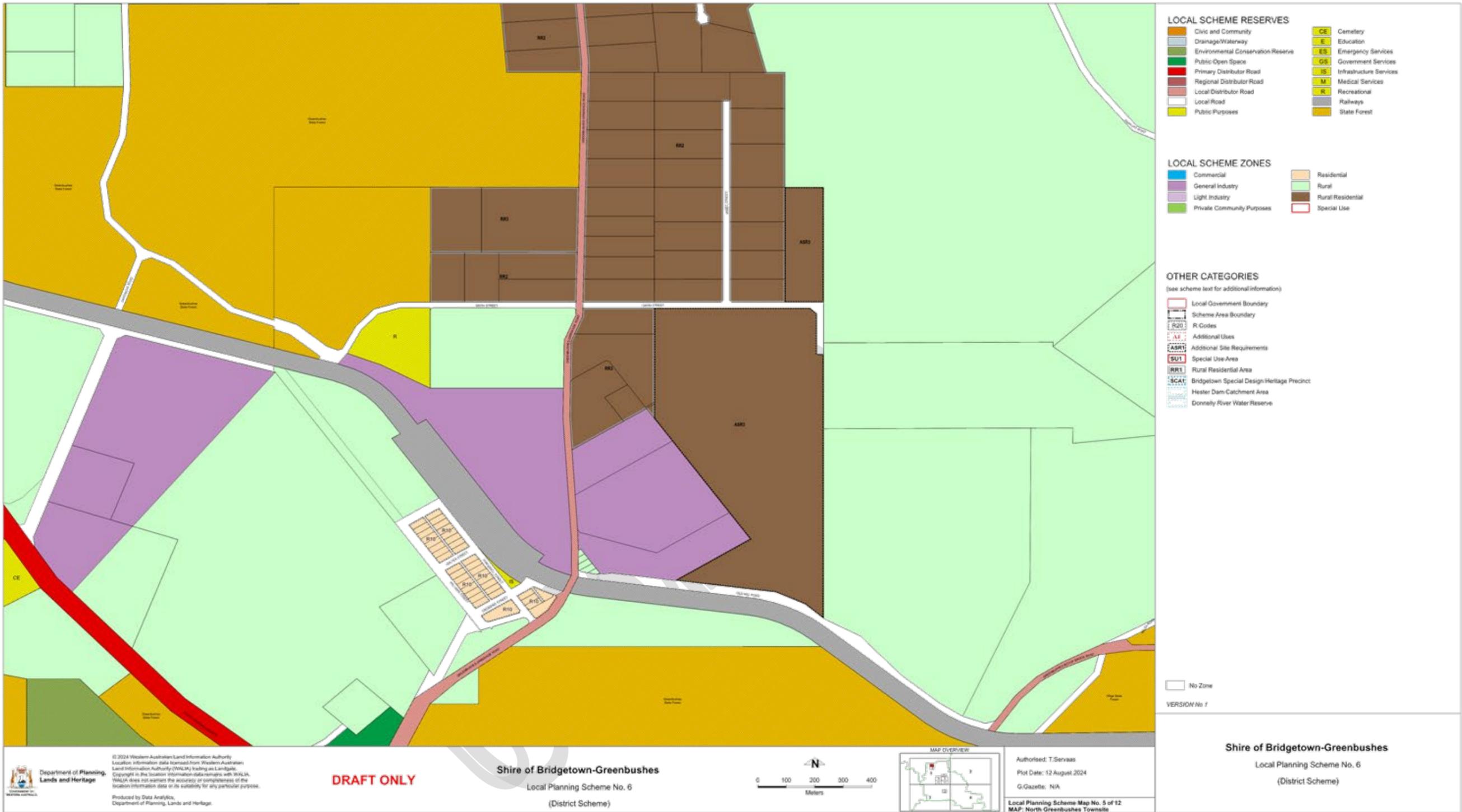
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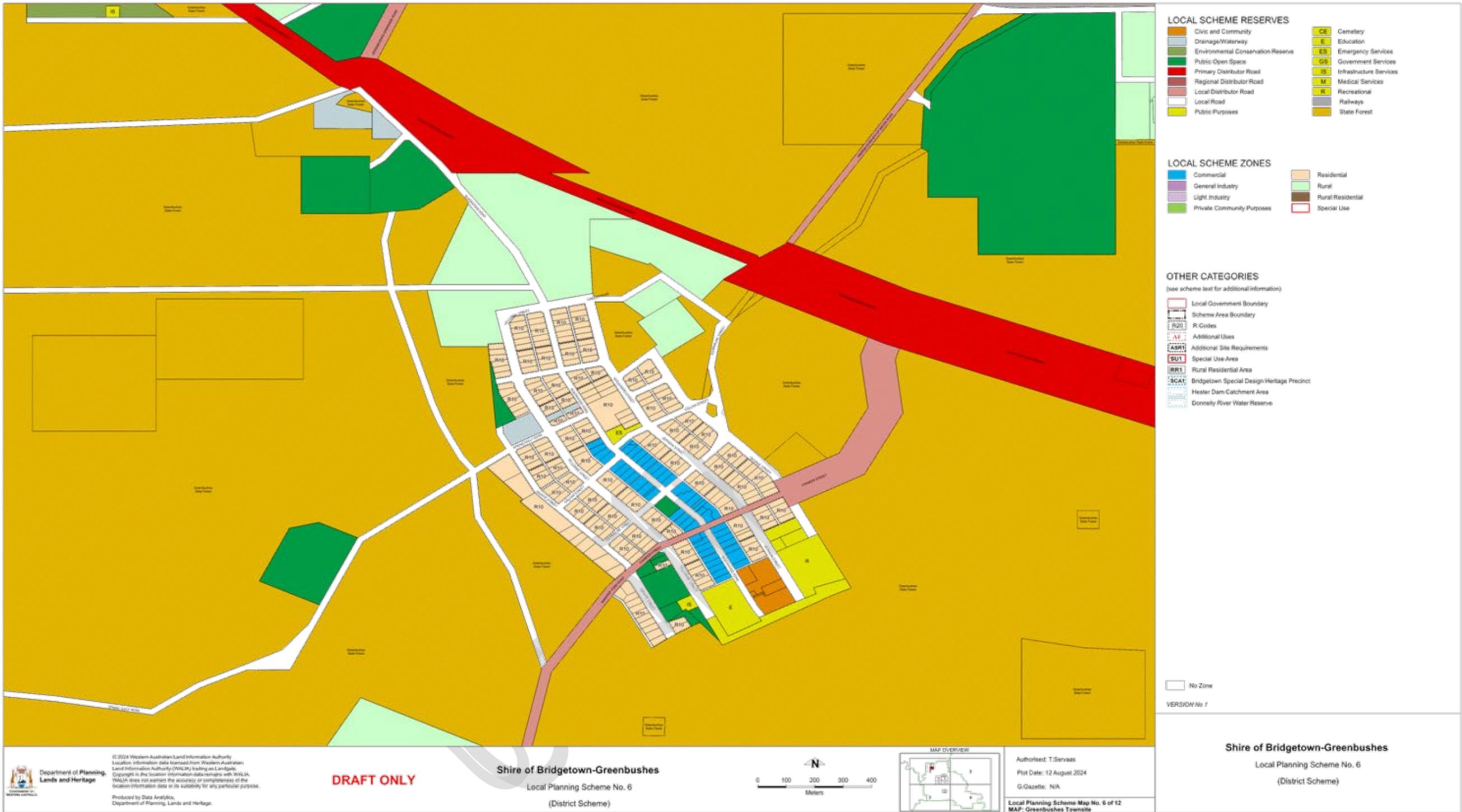
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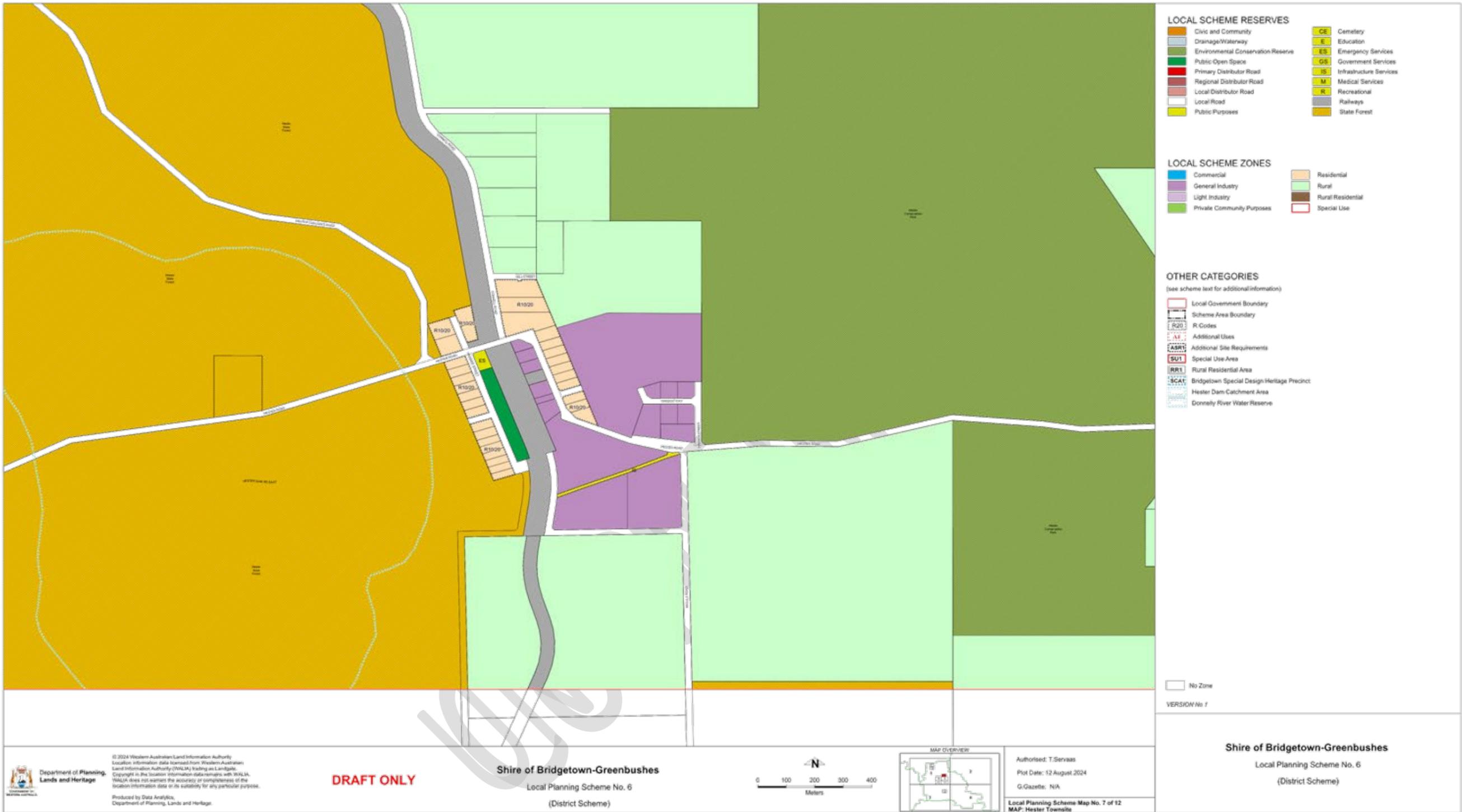
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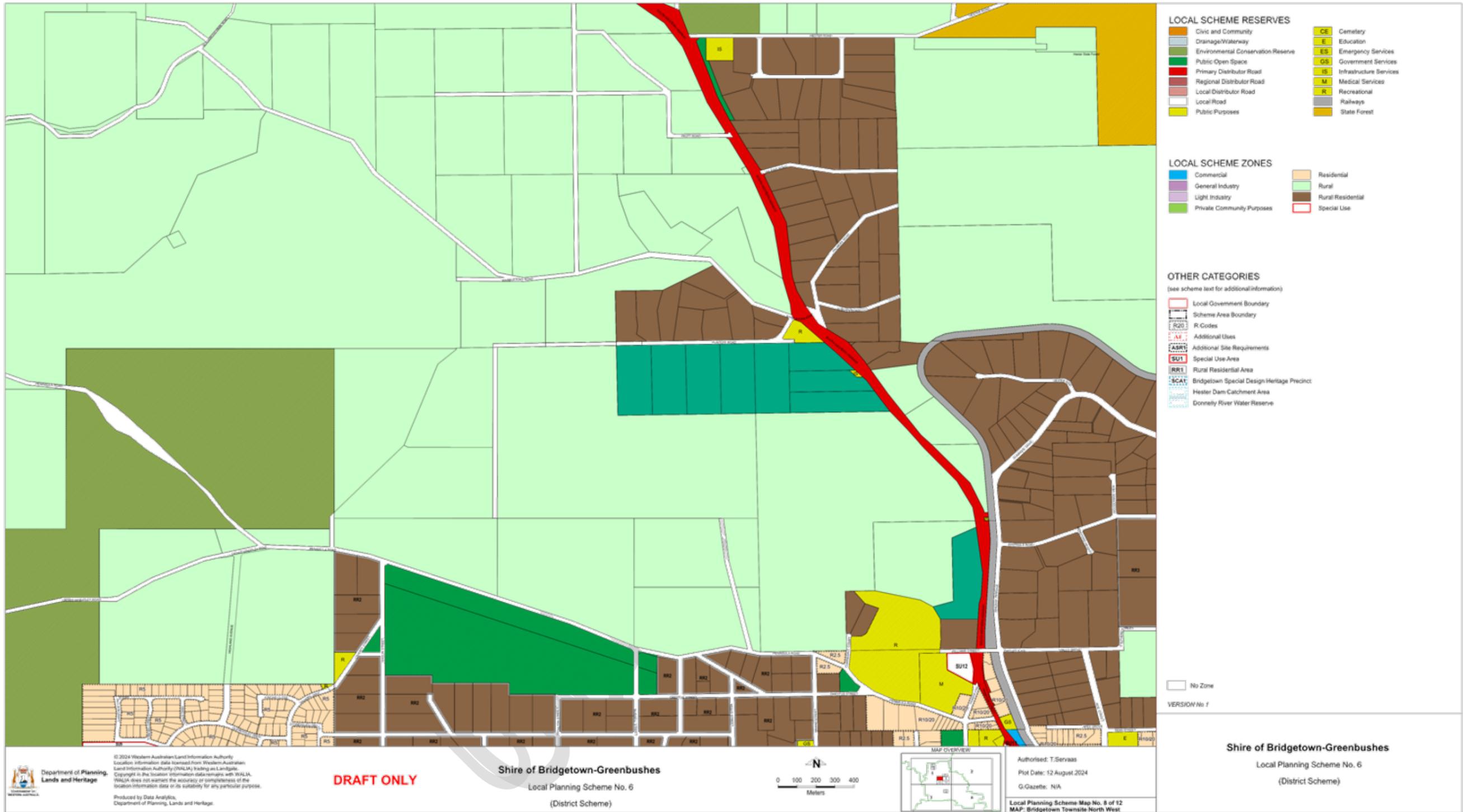
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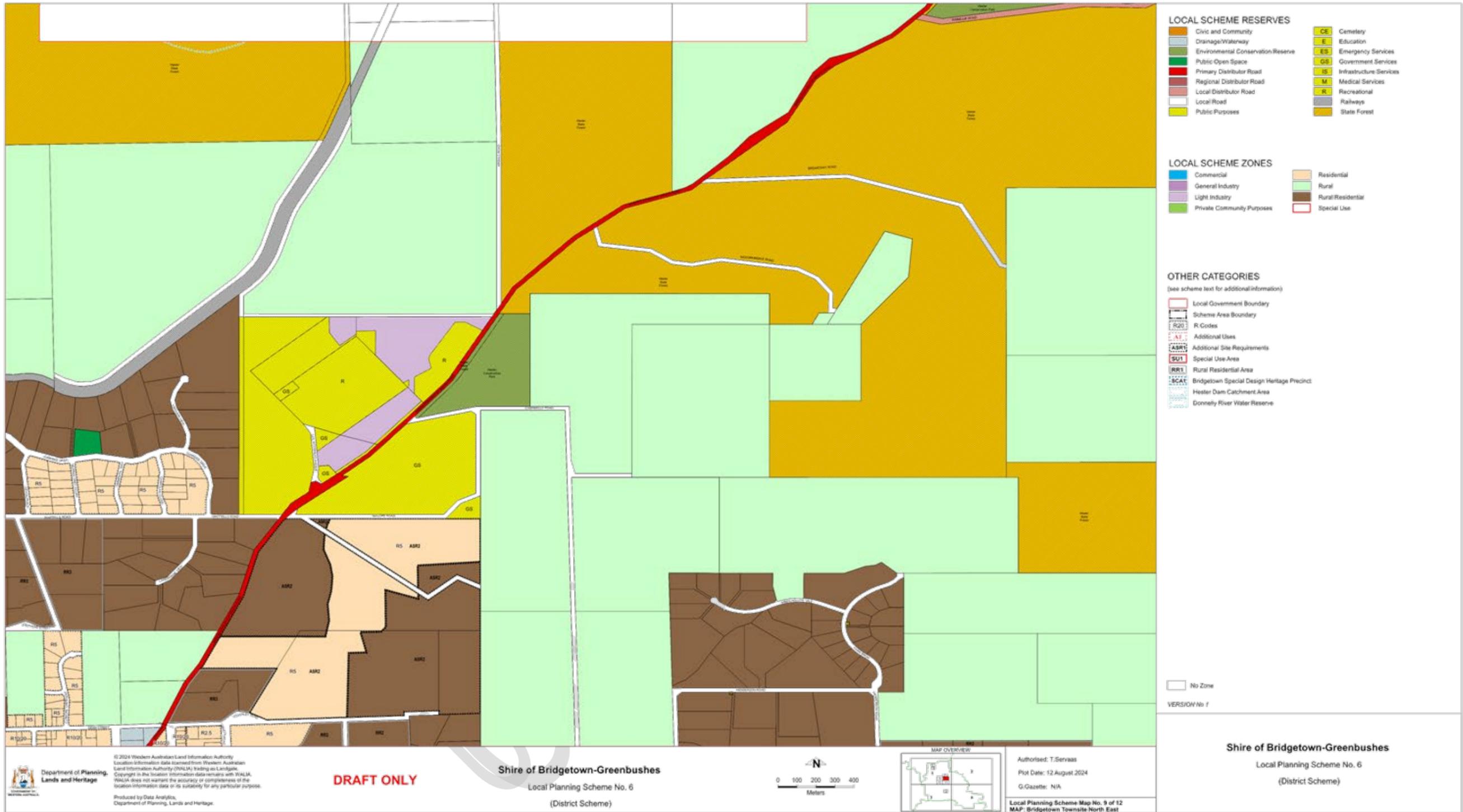


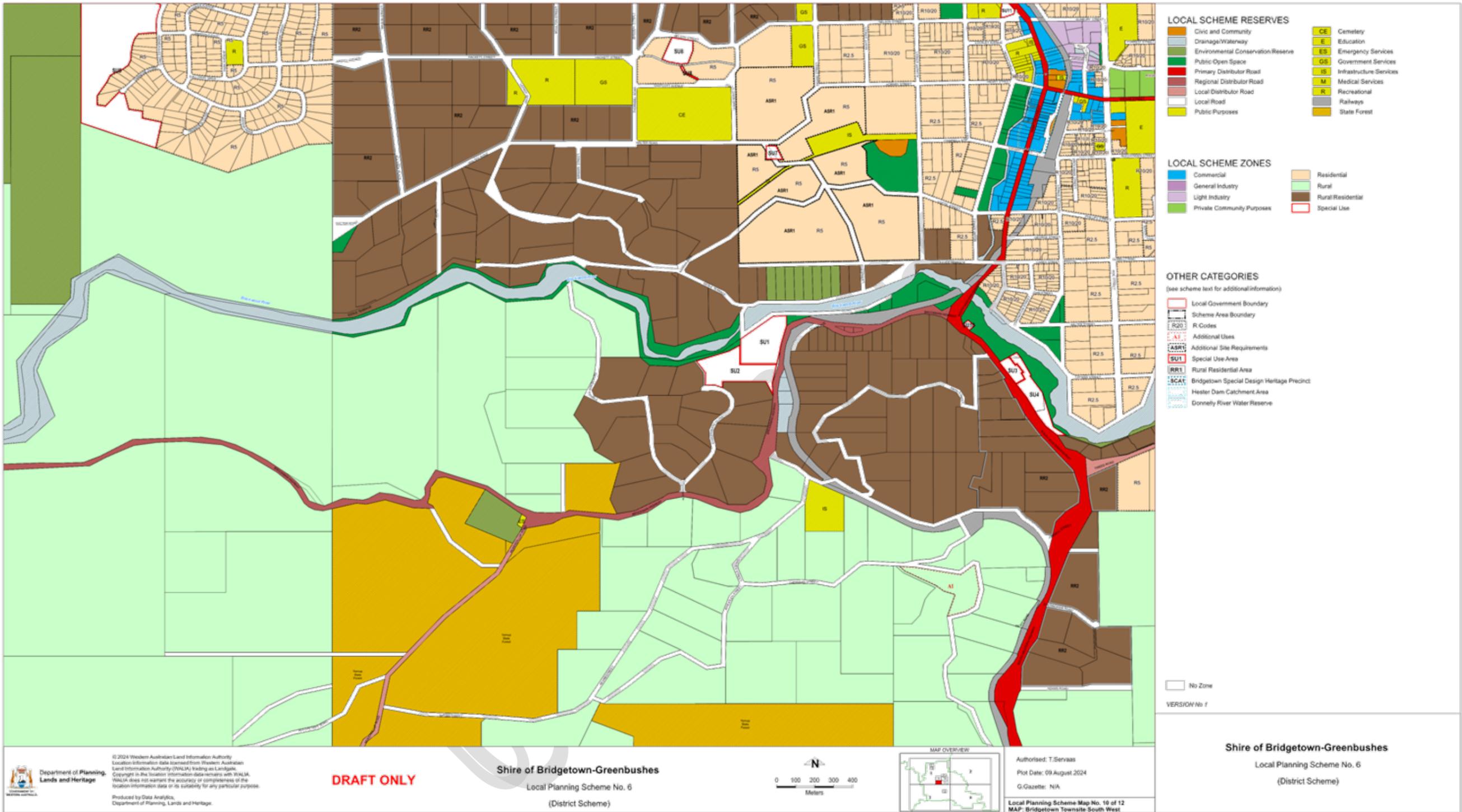


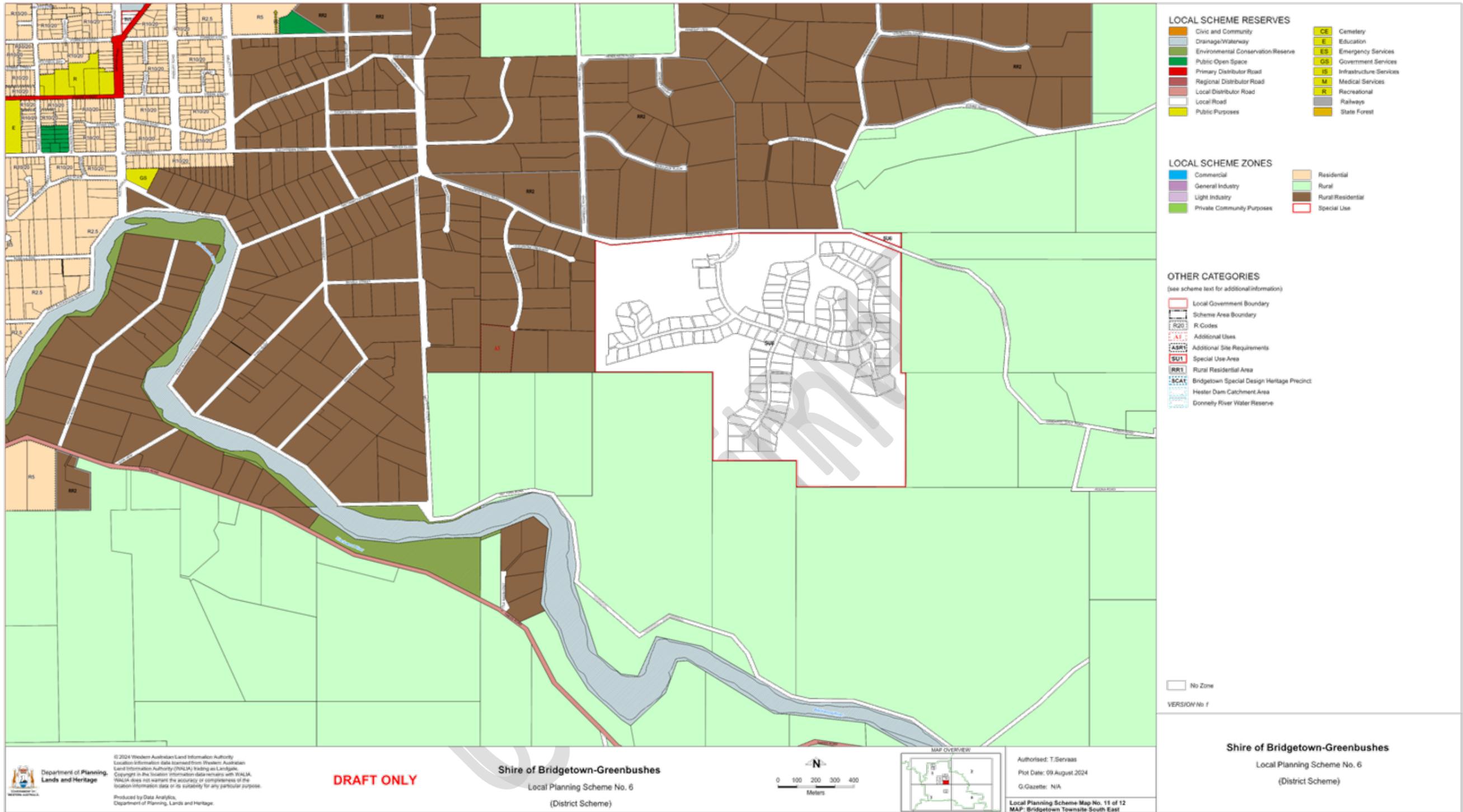


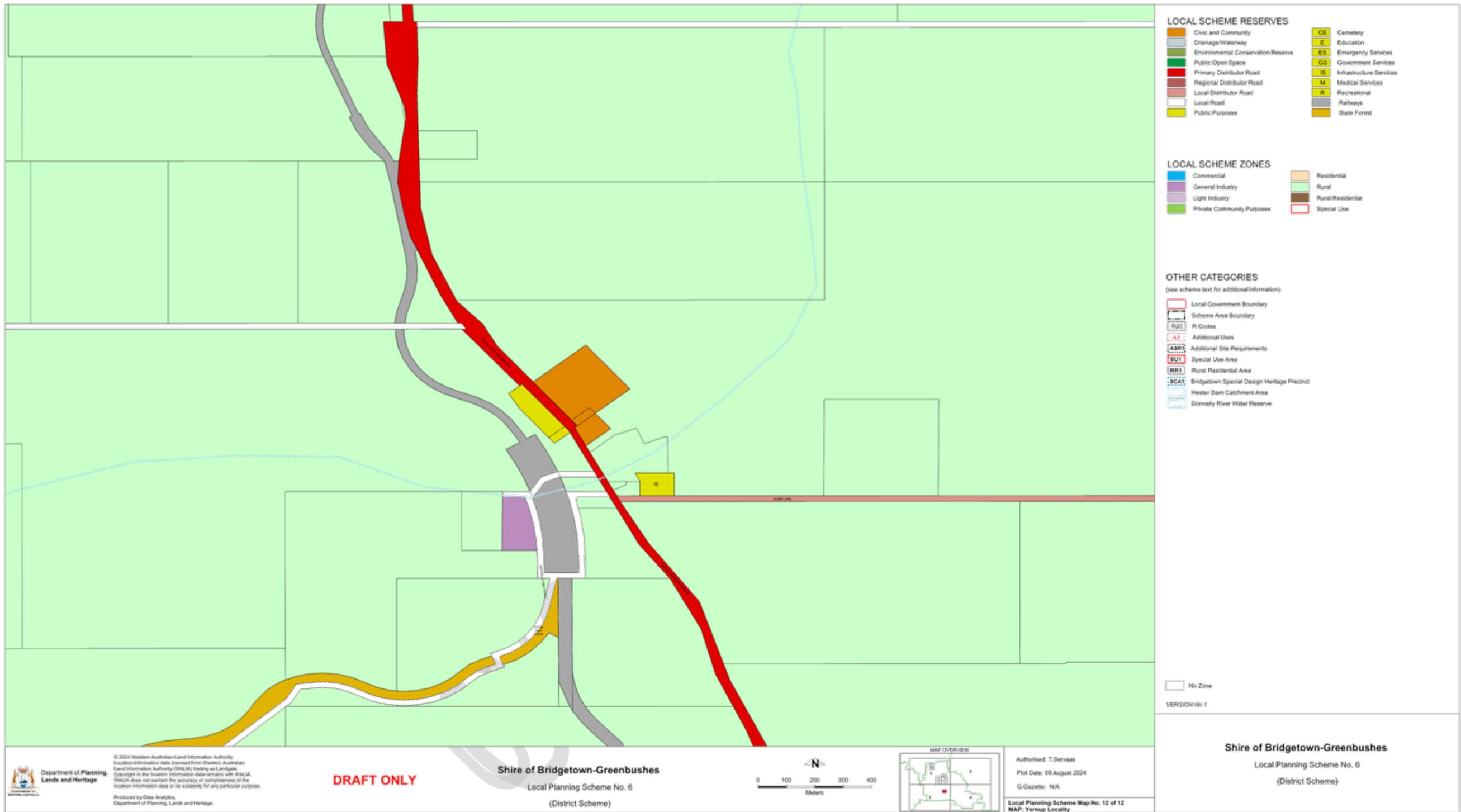












| Submission Number | Summary of key issues | Comments |
|---|--|---|
| <p>1</p> <p>Public Transport Authority</p> |  <p>November 5th, 2024</p> <p>Mr Leigh Guthridge Shire of Bridgetown-Greenbushes PO Box 271 1 Steere Street, Bridgetown WA 6255</p> <p>Email: L.Guthridge@bridgetown.wa.gov.au</p> <p>Dear Mr Guthridge</p> <p>Re: Shire of Bridgetown-Greenbushes - Draft Local Planning Scheme No. 6</p> <p>Thank you for providing the Public Transport Authority (PTA) with the opportunity to review and provide comments on the proposed Local Planning Scheme No. 6 (LPS6). The PTA has considered the LPS6 based upon the following key issues:</p> <ul style="list-style-type: none"> The changes to the Yornup locality The changes to the Hester Townsite <p>The PTA appreciates the Shire's intention for the LPS6 to manage and support the vision of the Shire of Bridgetown-Greenbushes. The reasons for the PTA's objection to the LPS6 are as follows:</p> <ol style="list-style-type: none"> The Hester townsite shows a change of land uses from what was formerly Railway (figure 1) to Public Open Space and Emergency Services (figure 2) from Local Planning Scheme 4 (LPS4) to LPS6. The PTA has no evidence of this proposed land use change in our records and are unsure where this came from. Rail corridors, even dormant, are still considered active unless changed by an act of parliament, thus any alterations to this land use need to be communicated with the PTA. Furthermore, two parcels of land appear to have been removed to the north along Connell Road and one of the light industry sites. These have not been cleared by the PTA. The Yornup locality has also shown an alteration of land uses across the rail corridor. The special use zone from the LPS4 seen in figure 3 differs from that of LPS6 in figure 4. Similar to objection 1, the PTA has not seen this amended change nor has had any communication regarding the alteration of the rail corridor. The rail corridor is still considered active and as a result, any alterations must be approved by the PTA.  | <p>Officer Comment: <u>Hester Townsite</u> The request to maintain existing railway reservations in Hester Townsite over reserves that the Shire has management orders on for other purposes (Parkland and Fire Station) is not supported.</p> <p>Officer Recommendation: No modification required</p> <p>Officer Comment: <u>Yornup Locality</u> The PTA are referring to road reserves crossing the rail corridor that are proposed to come out of rail reserve albeit the submission incorrectly refers to a special use zone. The request to maintain the existing railway reservations over the road reserve is supported.</p> <p>Officer Recommendation: Support the modification as requested.</p> |



Figure 3: Site of Bridgetown-Greenbushes Local Planning Scheme No. 4 - Healer Township

Figure 4: Site of Bridgetown-Greenbushes Local Planning Scheme No. 4 - Healer Township

Figure 3: Site of Bridgetown-Greenbushes Local Planning Scheme No. 4 - Harrop locality

Figure 4: Site of Bridgetown-Greenbushes Local Planning Scheme No. 4 - Harrop locality

To date, no formal plans or designs have been developed for the cessation of the railway corridor. In order to achieve these ambitions, amendments need to be submitted and reviewed by the PTA.

Should the Town have any queries in respect to the above comments, in the first instance please feel free to contact Daniel Pinfold, Transport and Land Use Planner, on 08 9326 2943 or WAPreferrals@tda.wa.gov.au. The PTA requests a copy of the final determination on this proposal sent to WAPreferrals@tda.wa.gov.au.

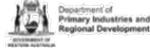
Yours sincerely



Simon Lenton
PRINCIPAL PLANNING AND DEVELOPMENT COORDINATOR

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Dept of
Primary
Industries and
Regional
Development



Your reference: O-EM/202445623
Our reference: LUP/1998
Enquiries: Leon van Wyk

Leigh Guthridge
Executive Manager, Development and Planning
Shire of Bridgetown-Greenbushes
PO Box 271
Bridgetown WA 6255
BTNShrs@bridgetown.wa.gov.au

18 November 2024

Dear Leigh

COMMENT: Draft Local Planning Scheme No.6

Thank you for the opportunity to comment on the Draft Local Planning Scheme No. 6 (LPS6) of the Shire of Bridgetown-Greenbushes.

The Department of Primary Industries and Regional Development (DPIRD) agrees with the proposed amalgamation of the Shire of Bridgetown-Greenbushes Town Planning Schemes No. 3 (TPS3) and No. 4 (TPS4) into LPS6. This provides the opportunity to incorporate the latest regulatory requirements to align with the State's planning framework and remove the fragmented approach of having two schemes operating in the Shire.

Specific comments are provided in Attachment 1.

If you have any queries regarding the comments, please contact Leon van Wyk at (08) 9780 6171 or leon.vanwyk@dprd.wa.gov.au.

Yours sincerely

Timothy Overheze
Acting Director
Agriculture Resource Management and Assessment
Sustainability and Biosecurity

444 Albany Hwy, Albany, WA 6170
Telephone +61 (0)8 9852 8444 landuse.planning@dprd.wa.gov.au
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4000 13 610 363 363

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| | <p>Attachment 1 – Comments: Shire of Bridgetown-Greenbushes Draft Local Planning Scheme No 6</p> <p>9. Aims of Scheme (p6)</p> <p><i>‘protect and sustain rural land for primary production, environmental and cultural values and landscape.’</i></p> <p>DPIRD agrees that it is important to protect agricultural land for primary production.</p> <p><i>‘provide for non-rural uses on rural land where it is compatible with the aims for rural land, and is of benefit to the community and/or economy.’</i></p> <p>It is important that any non-rural uses are ancillary to primary production and do not negatively impact it.</p> <p>16. Zones (p9 - 13)</p> <p>Rural</p> <p><i>‘To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.’</i></p> <p>DPIRD agrees with this objective as it is important to ensure future agricultural production.</p> <p><i>‘To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.’</i></p> <p>DPIRD agrees that it is important to protect environmental assets.</p> <p><i>‘To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.’</i></p> <p>This is important as conflicting sensitive land uses has the potential to severely limit the agricultural potential of the land.</p> <p><i>‘To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.’</i></p> <p>It is important that these non-rural uses do not have any negative impact on the surrounding rural land uses.</p> | <p>Officer Comment: Noted</p> |
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| | <p><u>17. Zoning table (p14 - 16)</u></p> <p><u>Holiday accommodation</u></p> <p>DPIRD recommends changing this use from a 'D' use to an 'A' use in the Rural Small Holdings and Rural zoning.</p> <p><u>Hotel</u></p> <p>DPIRD recommends changing this use from an 'A' use to a 'X' use in the Rural zoning.</p> <p><u>Motel</u></p> <p>DPIRD recommends changing this use from an 'A' use to a 'X' use in the Rural zoning.</p> <p><u>Park home park</u></p> <p>DPIRD recommends changing this use from a 'D' use to an 'A' use in the Rural zoning.</p> <p><u>Tree farm</u></p> <p>DPIRD recommends changing this use from a 'D' use to an 'A' use in the Rural zoning.</p> <p><u>Waste disposal facility</u></p> <p>DPIRD recommends changing this use from a 'D' use to an 'A' use in the Rural zoning.</p> <p><u>Waste storage facility</u></p> <p>DPIRD recommends changing this use from a 'D' use to an 'A' use in the Rural zoning.</p> <p><u>30.8 Keeping of Livestock (p23 - 24)</u></p> <p><small>In considering a development application for the keeping of livestock for a rural pursuit/hobby farm purpose, the local government shall give due regard to the stocking rates as recommended by the relevant authority.</small></p> <p>DPIRD recommends changing this statement to read as follows:</p> <p><small>In considering a development application for the keeping of livestock on land zoned Rural Small Holdings or Rural Residential, the local government shall give due regard to the stocking rates recommended by the relevant authority.</small></p> | <p>Officer Comment:</p> <p>Non-rural activities within the Rural zone are controlled through Table 2 – Zoning Table.</p> <p>The proposed changes are considered reasonable with the exception of the following:</p> <p><u>Hotel</u> – The proposed change from A to X (not permitted) is too restrictive. The A designation will enable consultation to occur to assist in the assessment process of such proposals and to gauge potential impacts and any land use conflicts.</p> <p><u>Tree farm</u> - The proposed changes from D to A will add unnecessary administrative costs to require advertising every time a tree farm (of all forms) is lodged with the local government. This is not supported. The <i>State Planning Policy 2.5 – Rural Planning</i> advocates that Tree Farms should generally be a permitted use on non-priority agricultural land. Staff will however have the option to advertise where appropriate depending on scale, setting, greenfield etc as is the protocol now.</p> <p><u>Holiday Accommodation and Motel</u> – These definitions are proposed to be removed from the scheme text and replaced with Tourist and visitor accommodation. It is recommended to include this use class with an A permissibility.</p> <p><u>Keeping of Livestock</u> - The proposed change to text results in improved clarity and intent.</p> |
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| | | <p>Officer Recommendation: Change the following land use designations:</p> <ul style="list-style-type: none">• Park home park• Tourist and Visitor Accommodation• Waste Disposal Facility• Waste Storage Facility <p>from "D" to "A" for the Rural zone.</p> <p>Amend clause 30.8 Keeping of Livestock to state the following:</p> <p>"In considering a development application for the keeping of livestock on land zoned Rural Smallholdings or Rural Residential, the local government shall give due regard to the stocking rates recommended by the relevant authority. "</p> |
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| <p>3</p> <p>Dept of Biodiversity Conservation and Attractions</p> |  <p>Your ref: -04582084002 Our ref: 19303081 193030106 Enquiries: Matthew Wansborough Phone: 08 9520 4300 Email: matthew.wansborough@dcba.wa.gov.au</p> <p>Chief Executive Officer, Shire of Bridgetown-Greenbushes PO Box 271, Bridgetown WA 6255</p> <p>ATTENTION: Leigh Guthridge</p> <p>SHIRE OF BRIDGETOWN-GREENBUSHES - DRAFT LOCAL PLANNING SCHEME NO 6</p> <p>Thank you for your email of 5th September 2024 requesting comments from the Department of Biodiversity, Conservation and Attractions on the draft Local Planning Scheme No.6.</p> <p>Based on the information provided, the Department of Biodiversity Conservation and Attractions Parks and Wildlife Service South West Region has no comments on the above proposal.</p> <p>It is considered that the proposal and any potential environmental impacts will be appropriately addressed through the existing planning framework.</p> <p>Thank you for the opportunity to comment on this scheme. Please contact Matthew Wansborough at the Parks and Wildlife Service's South West Region office on 9725 4300 if you have any queries regarding this advice.</p>  <p>For Aminya Ennis Regional Manager 29 November 2024</p> <p><small>Regional and Fire Management Services Division South West Region PO Box 1883, Bunbury, Western Australia 6230 dcba.wa.gov.au</small></p> | <p>Officer Comment: Office Comment:</p> <p>Officer Recommendation: No modification proposed</p> |
| <p>4</p> <p>Dept Fire and Emergency Services</p> | <p>DFES Ref: D36601</p> <p>Dear Sir/Madam,</p> <p>I refer to your email dated 5 September 2024 in relation to the referral of Draft Local Planning Scheme No 6 for the Shire of Bridgetown-Greenbushes.</p> | <p>Officer Comment: The draft LPS6 review is a consolidation of two existing schemes. There will be an opportunity to review impacts on SPP 3.7 during the preparation of a Local Planning Strategy, which will enable a comprehensive analysis of any settlement pattern or land use changes to address bushfire risk considerations.</p> |

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| <p>It is unclear from the documentation provided if the Shire has applied <i>State Planning Policy 3.7 – Bushfire</i> (SPP 3.7) to this proposal.</p> <p>Exemptions from the requirements of SPP 3.7 should be applied pragmatically by the decision maker and are identified in the <i>Planning for Bushfire Guidelines</i> (section 1.2.1).</p> <p>Should you apply SPP 3.7 then, we request the relevant information pursuant to this policy be forwarded to DFES to allow us to review and provide comment prior to the Shires endorsement of the new Local Planning Scheme.</p> <p>I Officer Comment:that following a brief review of the document, there do not appear to be any comments that conflict with the application of SPP 3.7 and the Guidelines, however please contact DFES if any specific comments are required. DFES Officer Comment:that any requirements for additional water supply (for firefighting purposes) as part of the Scheme are considered to be in addition to the requirements of SPP 3.7 and the associated Planning for Bushfire Guidelines. If this is not the case, please contact DFES to discuss these specific requirements to ensure that there are no conflicts.</p> <p>If there is some other reason which has given you cause to consider a referral to DFES, could you please provide detail on the attached 'Referral to DFES Checklist'.</p> <p>Kind regards</p> <p>Michael Ball Senior Land Use Planning Officer</p> <p>20 Stockton Bend, Cockburn Central, Perth WA 6164 T: 08 9395 9819 E: advice@dfes.wa.gov.au W: dfes.wa.gov.au</p>  | <p>The Shire adopted the Bushfire Management Plan (Strategic Bushfire Hazard Level Assessment) in 2020 to inform the Local Planning Strategy (LPS) as required by the <i>SPP 3.7 Planning in Bushfire Prone Areas</i> when the LPS is developed</p> <p>Officer Recommendation: No modification proposed</p> |
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| <p>5</p> <p>Department of Education</p> | <p>Hello Leigh,</p> <p>Thank you for providing the opportunity to the Department of Education (Department) to comment on the draft Local Planning Scheme No. 6 (LPS 6).</p> <p>The Department has no objections to the draft LPS 6 given that it has no impact on the existing or future public school sites, having regard to the following aspects:</p> <ul style="list-style-type: none"> • boundaries and size/extent of local reservation for public school sites have not changed; • no new introduction of any non-residential land use in close proximity to the school sites to minimise risk of incompatible land uses operating close to school sites; and • introduction of residential zoned land is not considered to have a significant impact on the student enrolment demand of the locality at this stage. <p>Kind regards,</p> <p>Sharnie Stuart Senior Consultant – Land Planning Infrastructure Strategy and Planning</p> <p>Department of Education 151 Royal Street, East Perth WA 6004 T +61 (08) 9264 4046 E sharnie.stuart@education.wa.edu.au education.wa.edu.au</p> | <p>Officer Comment: Office Comment:</p> <p>Officer Recommendation: No modification proposed</p> |
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| <p>6</p> <p>Water Corporation</p> |  <p>Development Services 120 Franklin Street PO Box 205 9420 BRIDGETOWN WA (08) 9420 3165 Fax (08) 9420 3166 www.watercorporation.com.au</p> <p>Your Ref: 02ML20244623 Our Ref: 18202423 (119541426) Enquiries: Brett Coombes Direct Tel: 9420 3165 Email: land_planning@watercorporation.com.au</p> <p>05 December 2024</p> <p>Chief Executive Officer Shire Of Bridgetown: Greenbushes P.O. BOX 271 BRIDGETOWN WA 6256</p> <p><u>Attention:</u> Leigh Guthridge – Executive Manager Development and Planning</p> <p>Shire of Bridgetown-Greenbushes Local Planning Scheme No. 6</p> <p>Thank you for your correspondence of 5 September 2024 regarding the Shire's draft Local Planning Scheme No.6.</p> <p>Noting that the Scheme is primarily a consolidation of the Shire's two existing schemes and includes text and map changes to ensure compliance with legislation and the Model Scheme Text, the Water Corporation has no concerns or detailed comments to make at this stage.</p> <p>The Corporation welcomes further engagement with the Shire about the proposed Local Planning Strategy, in particular regarding any new townsite expansion areas that would trigger the need for infrastructure planning to be undertaken for future water and sewer servicing needs.</p> <p>If you have any queries or require further clarification on any of the above issues, please contact me on Tel: 9420-3165.</p> <p>Brett Coombes Senior Planner Development Services</p> | <p>Officer Comment: Note</p> <p>Officer Recommendation: No modification proposed</p> |
| <p>7</p> <p>Main Roads Western Australia</p> | <p>From: Aaron Milne <aaron.milne@mainroads.wa.gov.au> Sent: Wednesday, 29 January 2025 10:51 AM To: Leigh Guthridge <LGuthridge@bridgetown.wa.gov.au> Cc: Daniel Naude <Daniel.Naude@mainroads.wa.gov.au>; South West Region Planning Services <swrplanning@mainroads.wa.gov.au> Subject: FW: Amended DRAFT REPLY Proposed Local Planning Scheme 6 (LPS6) - Shire of Bridgetown Greenbushes - consolidate TPS 3 & 4 into LPS6</p> | |

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| | <p>Hi Leigh</p> <p>I refer to your email below and advise that Main Roads has no objection to the proposed new scheme subject to the following comments and requirements.</p> <p>It is requested that the modifications as outlined below be included in the proposed new scheme.</p> <p>It is Noted that in Schedule 4 of the proposed new Town Planning Scheme No 6 – Additional Use area A4 for Lot 2 of Nelson Location 9949 South Western Highway, provision requires:</p> <p>“ii) requires all vehicles entering and exiting the property to utilise the existing access to the South Western Highway which is to be to the satisfaction of local government on the advice of Main Roads.</p> <p>In the current Town Planning Scheme No 4 the subject lot is included as Additional Use area “A4”, which includes a provision that the crossover to South Western Highway be upgraded to the satisfaction of Main Roads, however, the crossover has not been upgraded at this stage. The existing property driveway/ crossover is only a general rural gravel standard and is not considered suitable for industrial traffic. Also, the general alignment of the existing driveway within the highway road verge is not considered suitable. If the property is to be used for industrial purposes the driveway/ crossover to South Western Highway will need to be upgraded, located, designed and constructed to the specifications and satisfaction of Main Roads. A traffic impact assessment would generally be required at the development approval</p> | <p>Officer Comment: The requirements for Specified Additional Uses in the draft LPS6 for Lot 2 Nelson Location 9949 South Western Highway reflects the existing use conditions referenced in Schedule 4, A6 of Town Planning Scheme 4. It is unreasonable to request any change to this existing controls given the nature of the LPS6 review. Access construction can be addressed separately through compliance actions as is necessary.</p> <p>In relation to comments relating to Special Use zones abutting Brockman and South Western Highway (proposed SU2 and SU12), it is Noted that these properties will require a local development plan to be prepared. This process will enable MRWA requirements to be addressed prior to any development occurring through the normal referral process.</p> <p>Access arrangements associated with future structure planning associated with industrial, residential and rural residential land abutting highways will be addressed through separate structure planning processes where MRWA will be provided opportunity to provide guidance on suitable access through the normal referral process.</p> <p>Officer Recommendation: No modification proposed</p> |
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| <p>stage to determine requirements for upgrading the intersection including any requirements for turning treatments if necessary.</p> <p>Notwithstanding the above, Main Roads does not generally support industrial uses with access to the highway as such uses could generate significant traffic demands and detract from the function and safety of the highway. The property has been zoned for the additional use for a number of years in the current Town Planning Scheme No 4 and has not been developed. The property is a separate lot on the highway which could be considered an ad hoc industrial use, creating potential for increased traffic conflicts.</p> <p>To clarify the need to upgrade the existing access it is recommended that proposed Additional Use A4, provision ii) be modified to add the requirement for the driveway/ crossover to South Western Highway to be upgraded, located, designed and constructed to the specifications and satisfaction of Main Roads.</p> <p>Also, it is Noted that proposed Schedule 2 Special Use zones includes a number of Special use zones adjacent to main roads including Brockman Highway and South Western Highway.</p> <ul style="list-style-type: none">• SU2 - Lot 5 Brockman Highway includes a requirement d) that access to Brockman Highway be to the requirements of Main Roads, however, this section of Brockman Highway is under jurisdiction of the Local Authority. On this basis, the requirement d) can be deleted from the special use provisions.• SU12 - Lot 9371 has frontage to South Western Highway and Williams Street. The special use zone includes possible uses, including goods of a bulky nature, which could generate significant traffic demands and | |
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| <p>increase the potential for vehicle conflict on the highway. To avoid potential conflict with the highway, it is recommended that access be obtained from Williams Street and not the highway. It is requested that an additional requirement '12.' be included in the special use provisions that sole access should be obtained from Williams Street with no access to South Western Highway. Depending on the proposed development and anticipated traffic demands, the intersection of Williams Street and the highway may warrant upgrading and possible turning treatments. A Traffic Impact Assessment should be required at the Development Approval Stage to determine requirements for upgrading the intersection.</p> <p>Further, the proposed scheme includes some larger areas zoned 'Industrial', 'Residential' and/or 'Rural Residential' adjacent to main roads/the highway which have not been subdivided or developed at this stage. It is anticipated that these undeveloped areas will require detailed Structure Planning to be undertaken to guide future subdivision and/or development.</p> <p>Structure Plans will need to address access requirements to the adjacent main roads/ highways. Main Roads principle concern is to reduce access to the main roads/highway which could increase the potential for traffic conflicts and detract from the function and safety of the highway. It is considered that following areas /lots should be included within Structure Plan areas under the scheme to address planning requirements and guide future subdivision and development.</p> <p>1) Light Industry part zoned Lots 900, 13098, 13003 and 926 adjacent or near Les Woodhead Avenue/ Bridgetown - Boyup Brook Road</p> | |
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- 2) Residential and Rural Residential zoned Lots 2, 7, 8 662 and 785 lots between Taylors Road and Coverly Road/ Bridgetown - Boyup Brook Road.
- 3) General Industry part zoned Lots 10441, 12956 and 13186 Daronchs Road/ South Western Highway.

If you have any queries please contact myself or Daniel Naude on 9724 5724.

Regards

Aaron Milne
Asset Manager Planning
South West Region
Regional Operations
Tel: +61 8 9724 5662 Mob: +61 466 636 196



Main Roads acknowledges the traditional custodians throughout Western Australia and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their cultures, and to Elders both past and present.

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| <p style="text-align: center;">8</p> <p>Dept of Water and Environmental Regulation</p> | <p>16.2 Rural Residential zone</p> <p>(1) The objectives of the Rural Residential zone are -</p> <ul style="list-style-type: none"> (a) To provide for lot sizes in the range of 1ha to 4ha (b) To provide opportunities for a range of limited rural and related ancillary pursuits on rural residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. (c) To set aside areas for the retention of vegetation and landform or other features which distinguish the land. <p>(2) A structure plan may be required prior to subdivision in the Rural Residential zone where considered necessary to provide for the orderly planning of:</p> <ul style="list-style-type: none"> (a) drainage and water management; (b) bushfire hazard; (c) access; (d) environmental protection; (e) flooding management; and (f) public river-foreshore access. <p style="text-align: right;">Page 9 of 58</p> <p>Shire of Bridgetown - Greenbushes LPS 6</p> <p>(6) In considering a subdivision proposal in the Rural Residential zone, the local government will give due regard to ensuring that:</p> <ul style="list-style-type: none"> (a) clearing of native vegetation to enable more intensified development is avoided; (b) native vegetation and watercourse areas are protected by fencing where required; and (c) revegetation or tree planting conditions are applied where there is a demonstrated need and in consideration of potential increases in Bushfire Attack Level (BAL) for surrounding dwelling development. | <p>Officer Comment: The suggested change provides clarity on considering watercourses and associated buffers when considering subdivisions in the Rural Residential zone. This is reasonable and will ensure watercourses and buffers are appropriately considered as part of the planning assessment.</p> <p>Officer Recommendation: Amend clause 16.2(6)(b) to delete the words "watercourses" and replace with "watercourse and their buffers"</p> |
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| <p>P11, Section 16.4 (1)(c)</p> | <p>Part 3 - Zones and Use of Land</p> | <p>Water resources</p> | <p>Insert the text in red:</p> <ul style="list-style-type: none"> • "To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies (including groundwater), and their buffers, to protect sensitive areas especially the natural valley and watercourse systems from damage." <p>The above suggested change is to ensure complete coverage for the protection of water resources. In covering situations where there are watercourses, drainage systems, creek lines, waterways (including groundwater), it is useful that the words "and their buffers" be included. This allows council to consider specific provisions for water resource protection and the retention and protection of riparian vegetation and when necessary, revegetation.</p> | <p>Officer Comment: The suggested change provides clarity to ensure coverage to protect water resources, including watercourse, drainage systems, creek lines, waterways (including groundwater).</p> <p>Officer Recommendation: Officer Comment: Amend clause 16.4(1)(c) by inserting the words "(including groundwater), and their buffers," after the words "soils and water bodies".</p> |
| <p>P23-24, Section 30.8</p> | <p>Part 4 - General Development Standards and Requirements</p> | <p>Water resources</p> | <p>Waterways may also require fencing to restrict stock access. Waterways, including those that are degraded can serve as a conduit for livestock contaminants to enter the receiving environment.</p> <p>Insert the text in red:</p> <ul style="list-style-type: none"> • "(4) To prevent degradation by livestock, the local government may require areas of native vegetation and waterways and their buffers to be suitably fenced to restrict access by rural pursuit/hobby farm livestock" <div data-bbox="837 805 1167 1029" style="border: 1px solid black; padding: 5px;"> <p>30.8 Keeping of Livestock</p> <p>(1) In exercising its development application for the keeping of livestock for a rural pursuit/hobby farm purpose, the local government shall give due regard to the following table as recommended by the relevant authority.</p> <p>(2) The local government may have notice on the landowner and/or occupier of land where necessary to reduce or eliminate adverse impacts on the amenity or environment caused by a rural pursuit/hobby farm activity.</p> <p>(3) Any costs incurred by the local government in taking action under subsection (2) may be subject to cost recovery from the land owner by the local government.</p> <p>(4) To prevent degradation by livestock, the local government may require areas of native vegetation to be suitably fenced to restrict access by rural pursuit/hobby farm livestock.</p> </div> | |

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| | <p>P24 Section 30.10 Part 4 - General Development Standards and Requirements</p> | <p>Sewage disposal</p> | <p>DWER supports the Shire's recommendation of secondary treatment systems, in particular due to a significant portion of the Shire being unsewered. This would help mitigate the cumulative impacts of unsewered development to the receiving environment. No changes recommended.</p> <p>30.10 Servicing requirements (reticulated sewerage and on-site effluent disposal)</p> <p>(1) Any development that is required to dispose of liquid domestic effluent shall be connected to the reticulated sewerage system, or where not available, is to be provided with a Department of Health (DHR) approved on-site effluent disposal system, in accordance with the Government Sewerage Policy. No dwelling shall be occupied without the prior approval and installation of such a disposal system.</p> <p>(2) The Local Government may require the use of secondary treatment systems in the following situations:</p> <p>(a) where soil conditions are not conducive to the retention of nitrate;</p> <p>(b) for high risk areas or areas where there is a known high groundwater level; or</p> <p>(c) in accordance with the Government Sewerage Policy.</p> | <p>Officer Comment: Noted</p> <p>Officer Recommendation: No modification proposed</p> |
| | <p>P25 Section 30.13 (2)(a) Part 4 - General Development Standards and Requirements</p> | <p>Waterway foreshore buffers</p> | <p>Insert the text in red:</p> <ul style="list-style-type: none"> "(a) setbacks to riparian areas and their buffers to avoid nutrient and chemical spray contamination" <p>The above recommendation is justified on the basis of DWER's Operational policy 4.3: Identifying and establishing waterways foreshore areas (Sept 2012), which states:</p> <ul style="list-style-type: none"> "Where potentially polluting land uses or activities are proposed near a waterway, the foreshore area may not provide a sufficient separation distance, so a foreshore buffer is required. A foreshore buffer is the additional distance required between a foreshore area and any proposed development to help protect the water quality and manage the condition of the waterway (Environmental Protection Authority 2006). Foreshore buffers provide an additional barrier to slow down or limit the passage of contaminants from normal operations or as a result of chemical or wastewater spills via surface runoff or groundwater." <p>30.13 Water resource management and protection</p> <p>(1) Development proposals that have potential for adverse impacts on water resources may be subject to the relevant system for controls. Other relevant development proposals include the State of Western Australia (2016) Development and Planning (2016) and the State of Western Australia (2016) Development and Planning (2016). Further information may be required to manage the impacts of the development on the water resource.</p> <p>(2) In considering a submission or development proposal which may have an adverse impact on water resources such as dams, tanks, storage tanks, weirs, weirs, ponds, pipelines, or significant water dependent ecosystems, the local government shall:</p> <p>(a) assess the potential for adverse impacts on water resources;</p> <p>(b) assess the potential for adverse impacts on water resources;</p> <p>(c) assess the potential for adverse impacts on water resources;</p> <p>(d) assess the potential for adverse impacts on water resources;</p> <p>(e) assess the potential for adverse impacts on water resources;</p> <p>(f) assess the potential for adverse impacts on water resources;</p> <p>(g) assess the potential for adverse impacts on water resources;</p> <p>(h) assess the potential for adverse impacts on water resources;</p> <p>(i) assess the potential for adverse impacts on water resources;</p> <p>(j) assess the potential for adverse impacts on water resources;</p> <p>(k) assess the potential for adverse impacts on water resources;</p> <p>(l) assess the potential for adverse impacts on water resources;</p> <p>(m) assess the potential for adverse impacts on water resources;</p> <p>(n) assess the potential for adverse impacts on water resources;</p> <p>(o) assess the potential for adverse impacts on water resources;</p> <p>(p) assess the potential for adverse impacts on water resources;</p> <p>(q) assess the potential for adverse impacts on water resources;</p> <p>(r) assess the potential for adverse impacts on water resources;</p> <p>(s) assess the potential for adverse impacts on water resources;</p> <p>(t) assess the potential for adverse impacts on water resources;</p> <p>(u) assess the potential for adverse impacts on water resources;</p> <p>(v) assess the potential for adverse impacts on water resources;</p> <p>(w) assess the potential for adverse impacts on water resources;</p> <p>(x) assess the potential for adverse impacts on water resources;</p> <p>(y) assess the potential for adverse impacts on water resources;</p> <p>(z) assess the potential for adverse impacts on water resources;</p> | <p>Officer Comment: The suggested change is to ensure buffers associated with riparian areas are considered. This is reasonable.</p> <p>Officer Recommendation: Amend Clause 30.13(2)(a) by inserting the words "and their buffers" after the words "setbacks to riparian areas"</p> |

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| P26, Section 30.14 (2)(b) | Part 4 - General Development Standards and Requirements | Public Drinking Water Source Areas | <p>Amend the document date to 2021, which is the current edition date.</p> <ul style="list-style-type: none"> “(b) Water Quality Protection Note 25: Land Use Compatibility Tables for Public Drinking Water Source Areas (DWER 2021 as amended)” | <p>Officer Comment: The suggested change is to reference most recent document – <i>Water Quality Protection Officer Comment:25: Land Use Compatibility Tables for Public Drinking Water Source Areas</i></p> |
| P28-30, Section 34, Table 3 | Part 8 - Special Control Areas | SCA: Public Drinking Water Source Areas | <p>Table 3 of LPS 6 should include information regarding Special Control Areas for the Donnelly River Water Reserve and Hester Dam Catchment Area. Please refer to Table 2 - Suggested text for Special Control Areas (Table 3 of LPS 6) to include Public Drinking Water Source Areas on suggested text.</p> | <p>Officer Recommendation: Amend clause 30.14(2)(b) by deleting the words “2016” and replacing with “2021”</p> <p>Officer Comment: To include references to Special Control Areas for the Donnelly River Water Reserve and Hester Dam Catchment in Table 3.</p> |
| P49 | Schedule 1 - Specified Additional Uses For | A4 | <p>Add to the text in red:</p> <p>“Any emissions from the Industry land use shall not adversely impact the amenity of the locality or impact the watercourse” - see Screenshot 1 in this document.</p> | <p>Officer Recommendation: Include references in Table 3.</p> <p>Officer Comment: The request to include reference to emissions from industry land use on watercourses represents a reasonable addition to considerations.</p> |
| P50 | Schedule 2 - Special Use Zones In Scheme Area | SU1 | <p>Consideration should be given to development and the floodplain particularly for Lot 4 (shown as the bright light blue line) - see Screenshot 2</p> | <p>Officer Recommendation: Amend Specified Additional uses A4 requirement 2. in Schedule 1 by inserting the words “or impact on watercourse” after the words “of the locality”.</p> <p>Officer Comment: The request to consider additional controls for SU1 to consider floodplain impacts is reasonable and will ensure future development appropriately addresses this site constraint.</p> |

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| PS0-51 | Schedule 2 - Special Use Zones in Scheme Area | SU6 | Due to the scale of development, and watercourses draining into on-stream dams on neighbouring properties, the land capability assessment needs to consider how sewage disposal risks can be appropriately mitigated, such as, but not limited to ensuring appropriate buffers to the watercourse as per the Government Sewerage Policy 2019 - see Screenshot 3 | <p>Officer Recommendation: Amend Schedule 2 Special Use SU1 by amending clause 2 by inserting the words “and environmental factors including impacts on the flood plain” after the words “proposed land use”</p> <p>Officer Comment: This request for addressing sewage disposal is reasonable given the scale of development and proximity to water courses</p> <p>Officer Recommendation: Amend Schedule 2 Special Use SU6 by: a) inserting an additional clause 12 as follows: “12. A land capability assessment for suitability of on-site effluent disposal to ensure appropriate buffers to water courses.” b) Amending clause 3 by deleting “11” and replacing with “12”</p> <p>Officer Comment: The proposal to amend SU9 is considered reasonable to ensure impacts on the water environment are considered.</p> <p>Officer Recommendation: Amend Schedule 2 Special Use SU9 by inserting an additional clause 11 as follows:</p> |
| PS2 | Schedule 2 - Special Use Zones in Scheme Area | SU9 | <p>A ‘site and soil evaluation’ is recommended to ensure an appropriate setback of the sewage disposal points to the waterbody (in addition to other water quality mitigation measures), consistent with the principles of the Government Sewerage Policy 2019.</p> <p>This is to ensure the land is capable of attenuating nutrients/contaminants in order to mitigate against emissions (from stormwater runoff and/or groundwater transmission) into the waterbody. Protecting the water quality of this waterbody is important based on a public health perspective, and to avoid nuisance situations associated with nutrient enrichment (eutrophication) such as algal blooms/odours - see Screenshot 4</p> | |

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| | <table border="1"> <tr> <td data-bbox="622 517 696 571">PS2</td> <td data-bbox="696 517 770 571">Schedule 2 - Special Use Zones in Scheme Area</td> <td data-bbox="770 517 844 571">SU12</td> <td data-bbox="844 517 1350 571">DWER supports the statement "Development shall be connected to a reticulated sewerage system provided by a licensed service provider" - noting that reticulated sewerage is available in the area. No changes recommended. - see Screenshot 5</td> </tr> <tr> <td data-bbox="622 703 696 834">PS4</td> <td data-bbox="696 703 770 834">Schedule 3 - Areas Subject to Site Specific Development Standards and Requirements</td> <td data-bbox="770 703 844 834">ASR1</td> <td data-bbox="844 703 1350 834"> DWER supports the requirements for a site and soil evaluation (e) and a local water management strategy or urban water management plan (f) on the basis: <ul style="list-style-type: none"> • much of the Shire is unsewered and this requirement reduces the cumulative impact of development to the receiving environment • of the size of the development • stormwater management and a 'fit for purpose' water supply requires consideration See Screenshots 6-8 No changes recommended. </td> </tr> </table> | PS2 | Schedule 2 - Special Use Zones in Scheme Area | SU12 | DWER supports the statement "Development shall be connected to a reticulated sewerage system provided by a licensed service provider" - noting that reticulated sewerage is available in the area. No changes recommended. - see Screenshot 5 | PS4 | Schedule 3 - Areas Subject to Site Specific Development Standards and Requirements | ASR1 | DWER supports the requirements for a site and soil evaluation (e) and a local water management strategy or urban water management plan (f) on the basis: <ul style="list-style-type: none"> • much of the Shire is unsewered and this requirement reduces the cumulative impact of development to the receiving environment • of the size of the development • stormwater management and a 'fit for purpose' water supply requires consideration See Screenshots 6-8 No changes recommended. | <p>"11. A site and soil evaluation being undertaken to ensure appropriate setbacks of sewage disposal areas to the water body in addition to other water quality mitigation measures, consistent with the principles of the Government Sewerage Policy 2019."</p> <p>Officer Comment: Noted</p> <p>Officer Recommendation: No modification proposed</p> <p>Officer Comment: Noted</p> <p>Officer Recommendation: No modification proposed</p> |
| PS2 | Schedule 2 - Special Use Zones in Scheme Area | SU12 | DWER supports the statement "Development shall be connected to a reticulated sewerage system provided by a licensed service provider" - noting that reticulated sewerage is available in the area. No changes recommended. - see Screenshot 5 | | | | | | | |
| PS4 | Schedule 3 - Areas Subject to Site Specific Development Standards and Requirements | ASR1 | DWER supports the requirements for a site and soil evaluation (e) and a local water management strategy or urban water management plan (f) on the basis: <ul style="list-style-type: none"> • much of the Shire is unsewered and this requirement reduces the cumulative impact of development to the receiving environment • of the size of the development • stormwater management and a 'fit for purpose' water supply requires consideration See Screenshots 6-8 No changes recommended. | | | | | | | |

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| Table 2 - Suggested text for Special Control Areas (Table 3 of LPS 6) to include Public Drinking Water Source Areas | | | |
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| Name of area | Purpose | Objectives | Additional provisions |
| Special Control Area - Hester Dam Catchment and Donnelly River Water Reserve | To identify and protect public drinking water source areas. | a. Provide a basis for the protection of public drinking water resources through the control of land use or development, which has the potential to affect the quality of drinking water supplies for public use. b. Identify land that has been designated as a public drinking water source area. c. Implement additional planning provisions that are designed to address water quality and public health risks in a public drinking water source area. | a. All development in the special control area requiring planning approval shall be subject to the Local Government's discretion, notwithstanding that the use may be permitted elsewhere in the Scheme. b. The Local Government shall refer all applications for planning approval to the Department of Water and Environmental Regulation for comment where that application is for a use which is identified as 'compatible with conditions' or 'incompatible' in the relevant priority classification in the Department of Water and Environmental Regulation's Water Quality Protection Note 25: Land Use Compatibility in Public Drinking Water Source Areas. c. Notwithstanding the land use permissibility set out in Table One - Zoning Table, a use which is identified as incompatible within the relevant priority area on the Land Use Compatibility Table in the Department of Water and Environmental Regulation's Water Quality Protection Note 25: Land Use Compatibility in Public Drinking Water Source Areas shall not be approved, unless exceptional circumstances apply. d. In determining or making recommendation on an application for planning approval or making recommendation on an application for subdivision in the special control area, the Local Government shall have due regard to: <ul style="list-style-type: none"> i. State Planning Policy 2.9: Planning for Water and associated guidelines. ii. Advice received from the Department of Water and Environmental Regulation. iii. Compliance with the Department of Water and Environmental Regulation's Water Quality Protection Note 25: Land Use Compatibility in Public Drinking Water Source Areas. iv. Recommendations of the relevant drinking water source protection report or land use and water management strategy. v. The potential risk of contamination to the public drinking water source area resulting from a proposed land use and/or development. |

Officer Comment:
 Following discussion with DPLH officers, it is reasonable to include additional special control areas with provisions.

Officer Recommendation:
 Amend Table 3 to include additional special control areas for Hester Dam Catchment and Donnelly River Water Reserve with the recommended 'objectives and additional provisions'.

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| | | | | <p>vi. The retention of native vegetation and protection of wetlands and waterways.</p> <p>vii. The drainage characteristics of the land, including surface and groundwater flow, and the adequacy of proposed measures to meet water quality targets and manage run-off and drainage.</p> |
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Screenshot 1: A4

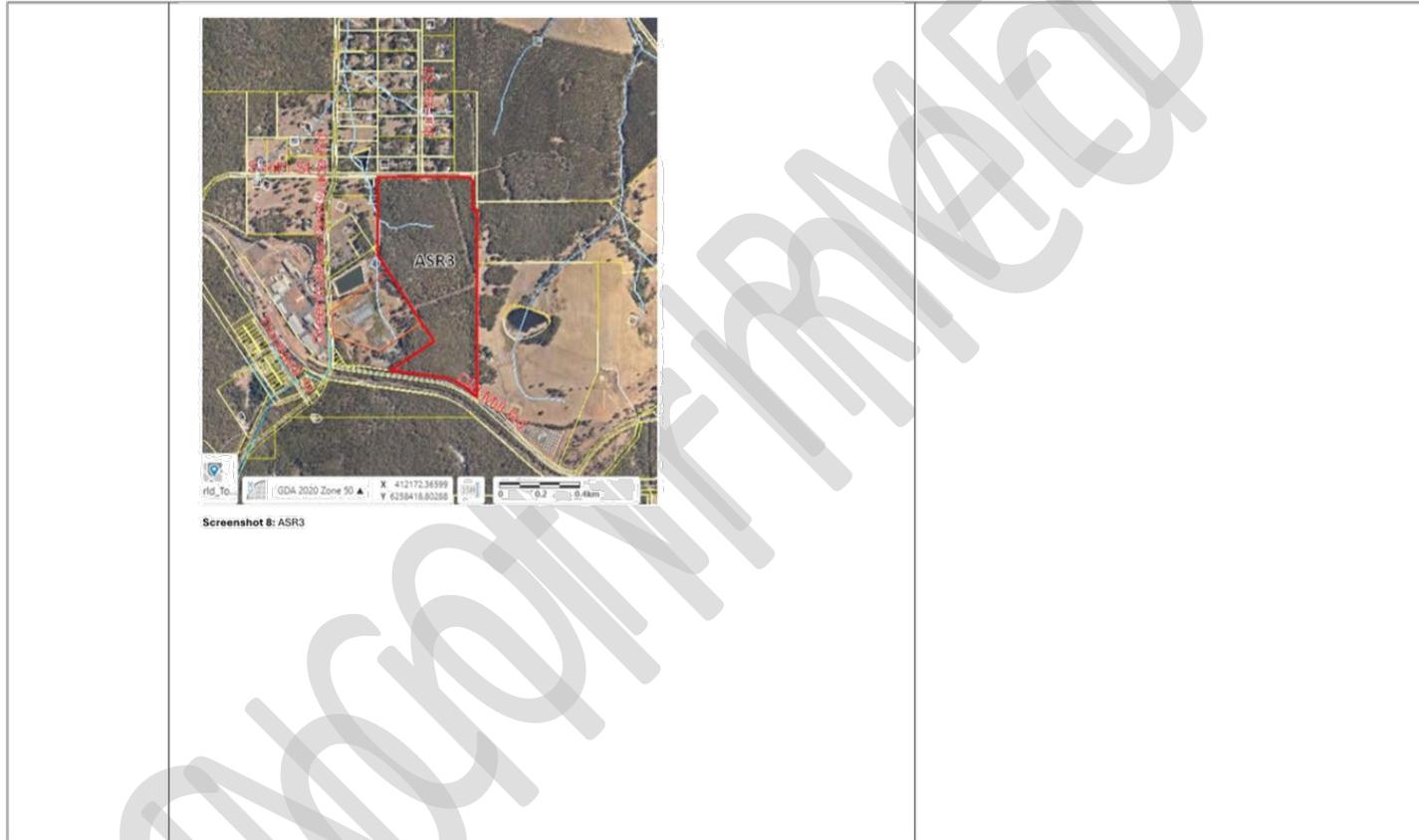
The screenshot displays a software interface with a map titled 'Down-Greenbushes'. On the left side, there is a table with columns for 'No.', 'Description of land', 'Classification or', and 'Assessment'. The table contains several rows of data, including a row with '24' in the 'No.' column and 'Down-Greenbushes' in the 'Description of land' column. The map area shows a landscape with various colored overlays in yellow, green, and blue, representing different land use or environmental zones. A legend or list of conditions is visible on the left side of the map window, detailing specific requirements or standards for the land.











| Public Submissions | | |
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| <p>9</p> <p>Ian O'Brien Functions Council of Owners. Bridgetown Gardens Estate</p> | <p>From: Ian O'Brien <sokido8@icloud.com> Sent: Monday, 18 November 2024 9:18 AM To: BTNSHIRE <BTNSHIRE@bridgetown.wa.gov.au> Subject: IPC242210 - Submission regarding review of the LPS</p> <p>Good morning,</p> <p>I would like my below submission regarding the Bridgetown Greenbushes Shires' review of their LPS to be thoughtfully considered at the time of your review.</p> <p>I am requesting that the Bridgetown Greenbushes Shire to include the requirement for all owners and residents of the Bridgetown Gardens Estate to seek the Bridgetown Gardens Estate COO approval for all building and development applications prior to lodging with the shire.</p> <p>My reasoning for this is to ensure all applications approved by the Bridgetown Greenbushes Shire have taken into consideration the requirements of the Bridgetown Gardens Estate to ensure the building and developments on the estate adhere to (as much as possible) and comply with the strata law.</p> <p>By doing this, it will enhance the appeal not only to the Bridgetown Gardens Estate but for the Bridgetown Greenbushes Shire as a whole.</p> <p>Thank you for considering my submission.</p> <p>Kind regards, Ian O'Brien Functions Co-Ordinator, Council of Owners. Bridgetown Gardens Estate. Ph: 0472 513 120</p> | <p>Officer Comment: No material change is proposed to the provisions associated with this Special Use zone (formally SU1 in TPS4).</p> <p>Matters associated with strata management are addressed and controlled in separate legislation and proposed LPS6 cannot include reference to requiring separate approvals through the Council of Owners as this is not planning matter rather a function of process.</p> <p>Officer Recommendation: No modification proposed</p> |

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| <p>10</p> <p>Hesketh Quarry's Pty Ltd</p> |  <p>ABN: 42 604 810 917 P.O. Box 28 GREENBUSHES WA 6254 (08) 9764 3526 0427 445 5396</p> <p>11 October 2024</p> <p>ATT: Leigh Guthridge Shire of Bridgetown-Greenbushes 1 Steere Street BRIDGETOWN WA 6255</p> <p>Dear Leigh</p> <p>RE: 33 DARONCHS ROAD NORTH GREENBUSHES</p> <p>As per our meeting on Tuesday the 8 October, we are writing today to seek approval to change the zoning on block 33 Daronchs Road NORTH GREENBUSHES.</p> <p>At present the block is zoned rural and we would be seeking to change this zoning to industrial to allow my business to conduct work under Hesketh Quarry's Pty Ltd. The work we would be wanting to conduct includes block making, sand washing, and crushing and screening of waste concrete products to be reused.</p> <p>Hesketh Quarry's Pty Ltd operates currently on 28 Daronchs Road, which is zoned industrial. The re-zoning of 33 Daronch Road would allow our business to operate more efficiently and employ more people.</p> <p>Thank you for your time and consideration and I look forward to your reply.</p> <p>Kind regards</p> <p>ANDREW HESKETH HEKETH QUARRY'S PTY LTD</p> | <p>Officer Comment: The owner of this land operates a business on the adjoining land (see extract of aerial map and proposed scheme map below).</p> <p>The proposal to rezone the land "Industrial" can be considered as part of the review of the local planning strategy. The land uses proposed in the submission is a discretionary use (D) and can be considered under the rural zone from land use definition Extractive Industry.</p> <p>Officer Recommendation No modification proposed.</p> |
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| <p>11</p> <p>Mr Chad Ramsey 8 Spyglass Cove</p> | <p>Email address: crdesignsolutionswa@outlook.com</p> <hr/> <p>Q4 Owner/Live elsewhere: I am a</p> <hr/> <p>Q5 Please provide your submission on the Draft Local Planning Scheme No 6 (LPS6) below: Hello, I own a property at LOT43 South Western Hwy, just opposite the caravan park. The draft plan proposes that my lot will change from Rural to Rural residential. At the moment I have a 15m boundary offset, with no requirement for a building envelope. Under the proposed zone change to rural residential, will it be a requirement for my lot to have a nominated building envelope, or will this lot be exempt from this requirement due to the existing lot not having the necessity of a building envelope?</p> | <p>Officer Comment: Proposed clause 16.2 Rural Residential zone does not specify a need for a building envelope. It is Noted that any new development will require setbacks to comply with the table forming part of clause 16.2 (7)</p> <p>Clause 30.2 Building Envelopes specifies when a building envelope applies, which is when identified in a structure plan, subdivision or local development plan.</p> <p>Officer Recommendation: No modification proposed.</p> |
| <p>12</p> <p>Mr Jason Heath 178 Strathmore Road, Winnejuj</p> | <p>Q5 Please provide your submission on the Draft Local Planning Scheme No 6 (LPS6) below: I agree with the approach to rezone areas to allow higher density residential developments within the town center. I also think it is a benefit to Bridgetown if a lot of the derelict and unused commercial/industrial land can be repurposed or developed. For example if the light industrial development class could allow consulting rooms and offices I think that would be a positive change to try and develop this land to the benefit of the community.</p> | <p>Officer Comment Note the support for higher density developments within the town centre.</p> <p>In respect to the proposal to introduce “consulting rooms” and “offices” within the “Light Industry” zone this, is not supported as it will introduce potential for sensitive uses within an area specifically set aside outside town for “Light Industrial” activity. These uses are more desirable and better suited to areas in the “Commercial” zone that forms part of the main street.</p> <p>Officer Recommendation No modification proposed.</p> |

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| <p>13</p> <p>Mr Maurice Battilana 6 Jacaranda Place, Kangaroo Gully</p> | <p>Q5</p> <p>Please provide your submission on the Draft Local Planning Scheme No 6 (LPS6) below:</p> <p>Please ensure the new LPS includes reference to ensure all Building Permits and Development Application relevant to Bridgetown Gardens Estate, Kangaroo Gully to obtain prior approval from the Council of Owners for the Strata Group administering this Strata arear (SUG).</p> <p>The Bridgetown Gardens Estate has stipulated the types of building structures and conditions associated with all development in the Estate area.</p> <p>There has been several examples of the Shire issuing permits and development approvals without first consulting with the Strata Corporate Body's Council of Owners, resulting in structures not meeting the minimum Estate conditions (e.g. roof pitch, colours to match main building, shed and outbuilding being approved to be located forward of the main residential building).</p> <p>Bridgetown Gardens Estate if listed as Special Use Area 6 under the current (and proposed) Local Planning Strategy.</p> | <p>Officer Comment:</p> <p>No material change is proposed to the provisions associated with this Special Use zone (formally SU1 in TPS4).</p> <p>Matters associated with strata management are addressed and controlled in separate legislation and proposed LPS6 cannot reasonably include reference to requiring separate approvals through the Council of Owners as described above.</p> <p>Officer Recommendation:</p> <p>No modification proposed.</p> |
| <p>14</p> <p>Mr Lars Johannesson 40 Robinia Way, Kangaroo Gully</p> | <p>Q5</p> <p>Please provide your submission on the Draft Local Planning Scheme No 6 (LPS6) below:</p> <p>I request that the LPS includes the requirement for applicants who own or reside within the Bridgetown Gardens Estate in Kangaroo Gully, to seek approval from the Council of Owners of the Bridgetown Gardens Estate for all Building and Development Applications prior to lodging applications with the Shire. This would ensure that applicants have taken into full consideration the requirements of the Strata By-laws and guidelines when making building and developments applications. Thanks.</p> | <p>Officer Comment:</p> <p>Matters associated with strata management are addressed and controlled in separate legislation and proposed LPS6 cannot reasonably include reference to requiring separate approvals through the Council of Owners as described above.</p> <p>Officer Recommendation</p> <p>No modification proposed.</p> |

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| <p>15</p> <p>Teigan Hamlen and Philip Scovell</p> | <p>Shire of Bridgetown - Greenbushes Local Planning Scheme No. 6 Public comment Submission - Teigan Hamlen and Philip Scovell Lot 13523 (120) Blackwood Road Greenbushes and Lot 13320 (10) Lindsay Road Greenbushes 01.11.2024</p> <p>Summary / Purpose</p> <p>Shire of Bridgetown - Greenbushes are in the process of drafting local planning scheme no. 6 (LPS6). This submission is to highlight and explain certain aspects of the land reserved 'state forest' when considering the reserved land at the north end of Greenbushes town specifically in regards to Lot 13523 (120) Blackwood Road Greenbushes WA 6254 and Lot 13320 (10) Lindsay Road Greenbushes WA 6254. There is an opportunity for future subdivision potential that could be beneficial to the social and economic needs of Greenbushes and the Shire.</p> <p>Current zoning Lot 13523 (120) Blackwood Road Greenbushes</p> <p>The property is currently reserved 'state forest' under Town Planning Scheme No. 4 (TPS4). This reservation has been in place since gazettal of LPS4 in 1987, carried forward from the previous town planning scheme.</p> <p>120 Blackwood Road has an approximate land area of 10.423 hectares (refer to Attachments 1 and 2 and 3). The property presently has a single house and an outbuilding on the lot. There is an orchard and dam and a small stand of bush on the property.</p> <p>The reservation applicable to the land is a zoning anomaly and there is potential to zone to low density subdivision. This approach to rezone to low density subdivision has been noted in previous council minutes relevant to the subject property. The land is privately owned and not vested in parks and wildlife and hence consultation with DPWW is not required for Council to consider proposals.</p> <p>Attachment 1: Site Plan - Lot 13523 (120) Blackwood Road Greenbushes WA 6254</p>  | <p>Officer Comment: LPS6 proposes to remove the "State Forest" reservation and replace with "Rural" for the properties of Lot 13523 Blackwood Road and Lot 13320 Lindsay Road, Greenbushes.</p> <p>The proposal to accommodate expansion of the Greenbushes townsite would be better considered as part of the Shire's strategic planning process, associated with preparing a local planning strategy. This process would enable a holistic analysis of the townsite, considering servicing and land capability and a range of other planning considerations to be taken into account.</p> <p>Officer Recommendation Rectify the incorrect state forest reservation already identified with this LPS 6 review. No other modification proposed.</p> <p>Recommend that a future Local Planning Strategy consider the suitability of 13523 Blackwood Road and Lot 13320 Lindsay Road, Greenbushes for urban expansion as part of a strategic analysis of the future of the Greenbushes townsite.</p> |
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Shire of Bridgetown – Greenbushes Local Planning Scheme No. 6 Public comment Submission –
Talgan Hamden and Philip Scovell Lot 13523 (120) Blackwood Road Greenbushes and Lot 13320 (10)
Lindsay Road Greenbushes 01.12.2024

Attachment 2: Resealed State Forest under Shire of Bridgetown – Greenbushes Town Planning Scheme No. 6 –
Lot 13523 (120) Blackwood Road Greenbushes WA 6234



Attachment 3: Site photo of Lot 13523 (120) Blackwood Road Greenbushes WA 6234



Proposed zoning Lot 13523 (120) Blackwood Road Greenbushes

The key aspects of the draft LPS6 were presented at the Shire of Bridgetown – Greenbushes Special Council meeting held 9 March 2023, it was evident that the proposed working copy of the scheme

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| | <p>Shire of Bridgetown – Greenbushes Local Planning Scheme No. 6 Public comment Submission – Tegan Hamlin and Philip Scott/Lot 13523 (120) Blackwood Road Greenbushes and Lot 13320 (10) Lindsay Road Greenbushes 01.12.2024</p> <p>map for Greenbushes has changed the previously reserved state forest lots and rezoned 'Rural' as shown in attachment 4.</p> <p><u>Attachment 4: Working copy of scheme map proposed for local planning scheme no. 6 – specifically Lot 13523 (120) Blackwood Road Greenbushes zoned 'Rural'</u></p>  <p>As outlined in the special council meeting 9 March 2023, the draft LPS6 text and map proposes some key changes including: "Land zoned Special Residential under LPS3 and 4 will become zoned Residential with a density coding of R2.5 or R5. The R-Coding (and consequently the minimum lot size specified for each of these density coding in the R-Codes, i.e. 4,000 sq m for R2.5 and 2,000 sq m for R5) will be based on the existing prevailing lot sizes in the area."</p> <p>It is acknowledged that the map is a working copy and as landowners of the property, we wish to amend a portion of Lot 13523 (120) Blackwood Road Greenbushes to Rezoned as per the draft local planning scheme No. 6 with a density coding of R 5; therefore, proposed lot sizes of 2000sqm.</p> <p>It is noted that no key changes were mentioned in this meeting highlighting the change of state forest reserves to rural zones in the planning report, however the working copy map depicts the subject properties to be changed from state forest reserve to the 'rural zone'</p> <p><u>Subdivision potential – Lot 13523 (120) Blackwood Road Greenbushes</u></p> <p>After reviewing the potential zones that could be facilitated at 120 Blackwood Road Greenbushes, it would be pertinent with further discussion and input that a structure plan or a similar planning document be required to create a mix of zones that would best facilitate the needs of the local community including a variety of residential, commercial, mixed use and rural enterprise zoning as discussed below.</p> | |
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| | <p>Shire of Bridgetown - Greenbushes Local Planning Scheme No. 6 Public Comment Submission - Teigan Hamlen and Philip Scovell Lot 13523 (20) Blackwood Road Greenbushes and Lot 13520 (10) Lindsay Road Greenbushes 01.12.2024</p> <p>Residential Zone</p> <p>Firstly, analysing the residential objectives in the draft LPS6, the subject property complies. The property is adjacent to existing residential lots with predominant lot sizes of 812.5 (refer to attachment 5), thus the proposed zone for the property is in keeping with the prevailing lot sizes in the area. The subject property has an existing reticulated water supply connection running past the property on both Blackwood Road and Lindsay Road (attachment 6) and as seen in the site plan there are multiple public sealed road frontages and connection to electricity. The development site received a RAJ - 12.5 rating as per the attached RAJ certificate (attachment 7). The amendment would be in keeping with the landscape and amenity of the area. The site has flat - lying topography and allows for adequate drainage.</p> <p>Attachment 5. Subject property is adjacent to lots zoned Residential R 12.5.</p>  | |
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Shire of Bridgetown - Greenbushes Local Planning Scheme No. 6 Public comment Submission -
Teigan Hamlen and Philip Scovell Lot 13523 (120) Blackwood Road Greenbushes and Lot 13120 (10)
Lindsay Road Greenbushes 01.12.2024

Attachment 6: Water cooperation - connections along Blackwood Road and Lindsay Road for future
subdivision connections.



Water connections 11 July 2024
water@lmp.wa.gov.au

The majority of the 'state forest' area within the northern part of Greenbushes is cleared land with existing residential homes built on the properties. It is evident by the documented bushfire report created by an accredited bushfire practitioner - Lush Fire and Planning and endorsed by the Shire of Bridgetown - Greenbushes that the subject property can achieve a low BAC rating. Further clearing of trees on the property has and can occur if required.

The proposed zoning would help with the Shire of Bridgetown Greenbushes strategies to create and expand the community of Greenbushes. It is acknowledged that Greenbushes mine is part of Greenbushes identity and is personally our source of employment. However, this proposal has the potential to create long term housing which could be beneficial to the mine as well as the community ensuring the town does not become a slave in drive out mine town with the newly created water (along on Maranus Ford Road). It would help to enhance and promote people to 'rebuild' at Greenbushes and help to increase the housing supply / tourism potential in the South west, with well-built high quality designed homes. The proposed zoning would be keeping in character with the area as the property backs onto existing residential properties.

Shire of Bridgetown – Greenbushes Local Planning Scheme No. 6 Public comment Submission –
Teigan Hamlen and Philip Scovell Lot 13523 (120) Blackwood Road Greenbushes and Lot 13320 (10)
Limbury Road Greenbushes 01.12.2024

Attachment 7: Bushfire rating: 12.5 achieved for the subject property.



By examining the key aspects of the draft LPS6 text and maps by way of explanation of how the approach has been applied in drafting the scheme documents, there is potential for the state forest lots to be zoned residential as follows:

Page 6 of 19 of the Special Council – Agenda 9 March 2023 states:

- Land zoned Special Rural under existing schemes will become Rural Residential zone with a prescribed minimum lot size of 1, 2 or 3 hectares. This will be dictated on the scheme map by an 'R' coding, e.g. R63 = minimum lot size of 3ha. These minimum lot sizes will be consistent with the prescribed lot sizes in the current schemes, or where 1P3 or 4 do not prescribe a minimum lot size for a particular area, the lot sizes will be based on any previously approved subdivision guide plans

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| | <p>Shire of Bridgetown – Greenbushes Local Planning Scheme No. 6 Public comment Submission – Talgan Hamlen and Philip Scovell Lot 13523 (120) Blackwood Road Greenbushes and Lot 13320 (10) Lindsay Road Greenbushes 01.12.2024</p> <p><i>For the area, if there is a case where neither of these circumstances apply, then the new minimum lot size coding will be based on the existing prevailing lot sizes in the area.</i></p> <p>The surrounding lot sizes within the vicinity of Lot 13523 Blackwood Road are Residential -12.5. Due to the historical zoning anomaly, there is scope for future subdivision potential of 120 Blackwood Road Greenbushes and through amending the draft LPS6, this would help facilitate this potential.</p> <p>Potential Commercial / Mixed Use zoning:</p> <p>Additionally, the landowners wish to propose Council's consideration for a portion of the lot to be zoned to commercial or a mixed use zone with a variety of residential and commercial uses to help facilitate a vibrant Greenbushes town centre. There is an opportunity to connect the northern section of Greenbushes to the existing commercial zones, which could help with Greenbushes mix of uses, encouraging a walkable neighbourhood linking the Greenbushes sportground to the town and opening up further opportunities such as food trucks within this area. Also helping to increase the adaptability and sustainability of Greenbushes now and into the future by encouraging a mix of businesses within the area. 120 Blackwood Road Greenbushes is less than 500 metres from the existing commercial zone, thus an accessible walkable distance for its residents and visitors. This could help enhance the identity of Greenbushes and help with economic objectives of the Shire for future generations.</p> <p>An example of the objectives and permissibility envisaged within this property have been included below. We have incorporated desirable neighbourhood principles and adapted objectives and permissibility found within other structure plans within the region.</p> <p>The objectives of this zoning are to: (a) To provide for a range of shops, offices, restaurants and other commercial outlets in defined activity centres offering facilities of local and regional value; (b) To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, material, street alignment and design of facades; (c) To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality by providing a range of dwelling types and densities accommodating a diverse residential community; (d) Provide an open air 'Main Street' that creates the framework for mixed use, day and night activity, fostering a contemporary community with boutique retail outlets maintaining Greenbushes unique identity and history; (e) Encourage tourism, 'niche' retail and entertainment uses; (f) Provide for a transition of land use over time, including robust and durable building design to accommodate change in future use; (g) Carefully locate streets, development sites to maximal sites to the north and beyond; (h) Improve linkages with the site and adjacent existing development for maximum integration; (i) Provide a highly interconnected street system and pathways network, enabling residents and visitors the real choice of being able to walk and cycle to facilities and services; (j) Encourage authentic and practical sustainable development initiatives; (k) Provide for the sensitive incorporation of cultural heritage elements.</p> <p>Some of the uses that could potentially be permitted include:</p> | |
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|----------------------------|--|------------------|-----------|-------------------------|---|-------------|---|-----------------|---|------------------------|---|---------------|---|----------------------------|---|------|---|------------------|------------|-------------------------|---|--------|---|---------------|---|----------------------------|---|-----------------|---|--|
| | <p>Shire of Bridgetown – Greenbushes Local Planning Scheme No. 6 Public comment Submission – Talgan Hamlen and Philip Scovell Lot 13523 (120) Blackwood Road Greenbushes and Lot 13320 (10) Lindsay Road Greenbushes 01.12.2024</p> <table border="1"> <tr> <td>Zone Use Classes</td> <td>Mixed Use</td> </tr> <tr> <td>Ancillary Accommodation</td> <td>D</td> </tr> <tr> <td>Art Gallery</td> <td>F</td> </tr> <tr> <td>Commerce Street</td> <td>F</td> </tr> <tr> <td>City Centre (Premises)</td> <td>D</td> </tr> <tr> <td>Home Services</td> <td>D</td> </tr> <tr> <td>Public Exhibition Facility</td> <td>F</td> </tr> <tr> <td>Shop</td> <td>F</td> </tr> </table> <table border="1"> <tr> <td>Zone Use Classes</td> <td>Commercial</td> </tr> <tr> <td>Ancillary Accommodation</td> <td>D</td> </tr> <tr> <td>Bakery</td> <td>F</td> </tr> <tr> <td>Home Services</td> <td>D</td> </tr> <tr> <td>Public Exhibition Facility</td> <td>F</td> </tr> <tr> <td>Market (Retail)</td> <td>F</td> </tr> </table> <p>Rural Enterprise Zone</p> <p>Also it is worthwhile mentioning that we are open to the possibility of a portion of the property incorporating a rural enterprise zone/area (see section 5.5 (and definitions) of State Planning Policy 2.5 - Rural Planning - December 2016 (www.wa.gov.au))</p> <p>Section 5.5(6) objectives help to support small rural communities by providing for rural enterprise zones which combine light industry and housing, provided they are carefully planned, in general proximity to urban areas, serviced, and have design features that address buffers and amenity.</p> <p>Rural enterprise zone: A predominantly light industrial zone, generally suitable in rural areas, that provides for light industrial land uses and an ancillary residential dwelling on one lot, with lot sizes in the order of one to four hectares. May also be known as rural industry or composite zones.</p> <p>In creation of a structure plan or similar incorporating a "Rural Enterprise Zone", there is an opportunity to address the shortage of commercial/light industry zoned lots in the townsite and locality.</p> <p>Greenbushes Sportsground Precinct Redevelopment Project</p> <p>The proposed rezoning of 120 Blackwood Road could complement other redevelopment within the area, specifically the Greenbushes Sportsground Precinct redevelopment. This property is in close vicinity to the Greenbushes Sportsground (approximately 200m north, west of the subject property). The Shire plans to upgrade the Greenbushes Sportsground precinct. Upgrading the Precinct will transform it into a district-level sporting facility, improving the facilities for sporting events. The proposal also includes an upgrade to the travel carparking area, to attract more tourists to the region to boost regional tourism and the local economy and also supports greater participation in sporting events, such as the Pink Fun Run, and local festivals such as the Blues Festival, which attracts visitors from far afield.</p> | Zone Use Classes | Mixed Use | Ancillary Accommodation | D | Art Gallery | F | Commerce Street | F | City Centre (Premises) | D | Home Services | D | Public Exhibition Facility | F | Shop | F | Zone Use Classes | Commercial | Ancillary Accommodation | D | Bakery | F | Home Services | D | Public Exhibition Facility | F | Market (Retail) | F | |
| Zone Use Classes | Mixed Use | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ancillary Accommodation | D | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Art Gallery | F | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Commerce Street | F | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| City Centre (Premises) | D | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Home Services | D | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Public Exhibition Facility | F | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Shop | F | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Zone Use Classes | Commercial | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ancillary Accommodation | D | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bakery | F | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Home Services | D | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Public Exhibition Facility | F | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Market (Retail) | F | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Shire of Bridgetown – Greenbushes Local Planning Scheme No. 6 Public comment Submission –
Talgan Hamlen and Philip Scovell Lot 13323 (120) Blackwood Road Greenbushes and Lot 13320 (10)
Lindsay Road Greenbushes 01.12.2024

It is proposed that one of the dams be used for active recreational pursuits such as swimming,
kayaking and fishing.

Careful planning of 120 Blackwood Road could help support the Greenbushes Sportground Precinct
and service the needs of the tourists and local community alike.

[Attachment 8: The Greenbushes Sportground Precinct](#)



[Shire of Bridgetown- Greenbushes website - Greenbushes Sportground redevelopment]

Current zoning Lot 13320 (10) Lindsay Road Greenbushes

In addition to the above proposal, the owners of Lot 13323 (120) Blackwood Road Greenbushes also
Lot the landowners of 13320 (10) Lindsay Road Greenbushes and have identified further opportunity
for rezoning of this property as well:

10 Lindsay Road Greenbushes is currently reserved 'state forest' under Town Planning Scheme No 4
(TPS4). This reservation has been in place since gazettal of TPS4 in 1987, carried forward from the
previous town planning scheme.

10 Lindsay Road has an approximate land area of 2.63 acres (refer to Attachments 9 and 10 and 11,
12). The property presently has a single house on the property.

The land is privately owned and not vested in parks and wildlife and hence consultation with OPAW
is not required for Council to consider proposal.

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Shire of Bridgetown - Greenbushes Local Planning Scheme No. 6 Public Comment Submission -
Teigan Hamlen and Philip Scovell Lot 13523 (120) Blackwood Road Greenbushes and Lot 13320 (10)
Lindsay Road Greenbushes
01.12.2024

Attachment 9: Site Plan - 10 Lindsay Road Greenbushes WA 6215.



Attachment 10: 10 Lindsay Road Greenbushes was previously zoned 'State Forest'.

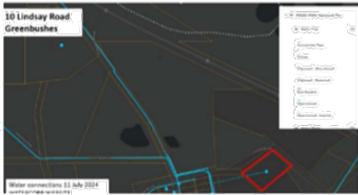


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| | <p>Shire of Bridgetown – Greenbushes Local Planning Scheme No. 6 Public comment Submission – Teigan Hamlen and Phillip Scovell Lot 13523 (120) Blackwood Road Greenbushes and Lot 13520 (10) Lindsay Road Greenbushes 05.12.2024</p> <p>Attachment 11. Site photos of 10 Lindsay Road Greenbushes WA 6254</p>  <p>11</p> | |
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Shire of Bridgetown – Greenbushes Local Planning Scheme No. 6 Public comment Submission –
Tegan Hamlen and Philip Scovell Lot 13523 (120) Blackwood Road Greenbushes and Lot 13320 (10)
Lindsay Road Greenbushes: 01.12.2024

Attachment 12: Water connection – connections along Blackwood Road and Lindsay Road for future
subdivision connections.



There is prospect for further residential zoning and a mix of commercial, mixed use and rural
enterprise zones, for other lots in the northern part of Greenbushes to meet the objectives of the
LPS6 such as 10 Lindsay Road Greenbushes.

Conclusion

Historically there is a zoning anomaly, for Lot 13523 (120) Blackwood Road Greenbushes and was
reserved state forest. The landowners request the Draft LPS6 map be amended to rezone to
Residential R 3 and a portion of the lot to be zoned Commercial / Mixed Use or Rural Enterprise for
120 Blackwood Road Greenbushes and a structure plan be put in place to purposefully plan for these
zones. There is an opportunity here and it is clear from the above report that there is a prospect
for residential zoning and a mix of commercial, mixed use and rural enterprise zones. Not only for the
subject lot but potentially the surrounding state forest lots in the northern part of Greenbushes to
meet the objectives of the LPS6. Thus, the landowners also request a review of the zoning of Lot
13320 (10) Lindsay Road Greenbushes to residential / commercial Rural enterprise zoning.
Purposeful long term visionary planning through the creation of a structure plan and amendment of
the Local Planning Scheme No. 6 would enable this opportunity.

120 Blackwood Road Greenbushes is located on a main public road into Greenbushes - Blackwood
Road and is located between the Greenbushes sportsground redevelopment precinct (north east of
the property) and about residential zoned housing with a density of R 12.5. Additionally, the
properties are within a walkable distance approximately 500m south to the existing commercial

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| | <p>Shire of Bridgetown - Greenbushes Local Planning Scheme No. 6 Public comment Submission - Tegan Hamlen and Philip Scovell Lot 13573 (120) Blackwood Road Greenbushes and Lot 13320 (10) Lindsay Road Greenbushes 01.12.2024</p> <p>(zone, however the shortage of commercial zoned land is a risk to the community and the future growth of the area. The subject properties meet all subdivisional requirements for residential development and the development would be in keeping with the character and amenity of the area. This change would make optimum use of the zone's environmental character and landscape and provides for the most economic utilisation of services by re-subdivision of the existing lot (s) into a structure more appropriate to sustainable landuse planning, serviced by roath, water supply and drainage, and with regard to the topography and the environment.</p> | |
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| <p style="text-align: center;">16</p> <p>RFF Australia</p> | <div style="text-align: right; font-size: small;"> RFF Australia Pty Ltd 210 Blue Hill Avenue, WA 6174 info@rffaustralia.com </div> <p>Nicole Gibbs Shire of Bridgetown-Greenbushes 1 Seares Street Bridgetown WA 6255 Email: n.gibbs@bridgetown-gs.wa.gov.au</p> <p>6 December 2024</p> <p>Dear Nicole</p> <p>RE SUBMISSION TO SHIRE OF BRIDGETOWN-GREENBUSHES DRAFT LOCAL PLANNING SCHEME NO. 6</p> <p>We appreciate the opportunity to provide comment on the Draft Local Planning Scheme No. 6 (the Scheme). While the Scheme reflects a comprehensive vision for land use and development within the Shire, we write to raise concerns regarding the lack of alignment between the Scheme and current mining operations by Talison at the Greenbushes Lithium Mine.</p> <p>Recognition of Current Mining Operations</p> <p>Talison is actively and openly acquiring land in the area to facilitate an expansion to its Greenbushes Lithium Mine. The mine is a significant operation with local, state, and global importance. The Scheme currently designates much of this area as within the State Forest reserve, which does not accurately reflect the reality of existing and expanding mining activities. This misrepresentation may create uncertainty and undermine land use planning outcomes.</p> <p>Land use planning under the Planning and Development Act 2005 provides an essential mechanism to ensure orderly and proper planning, balancing economic development with community and environmental wellbeing.</p> <p>To reflect these principles, the draft Scheme should be amended to:</p> <ul style="list-style-type: none"> • Acknowledge the mining operations by Talison as a significant existing land use. • Update zoning maps to reflect the current and anticipated footprint of the mining activities. <p>Protection Against Land Use Conflicts</p> <p>The omission of mining activities in the Scheme risks exposing neighbours and sensitive land uses to conflicts with industrial operations. There is a pressing need for proactive planning measures to mitigate these conflicts and preserve community wellbeing.</p> <p>To address this, it is recommended that the draft Scheme is modified to:</p> <ul style="list-style-type: none"> • Include specific provisions to safeguard nearby sensitive land uses (e.g. residential) and environmental from adverse impacts such as noise, dust, and traffic. <p style="font-size: x-small;">ABN 77 952 449 833 RFFAUSTRALIA.COM</p> | <p>Officer Comment: Mining activity within mining leases falls outside the town planning legislation and that State Forest designation is considered an appropriate reflection of the existing State land management framework.</p> <p>It is noted that there is opportunity to investigate strategic impacts for future expansion of any mining activity as part of the local planning strategy preparation.</p> <p>Officer Recommendation: No modification proposed. Recommend this matter be explored with relevant parties as part of the local planning strategy preparation process.</p> |
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| | <p>RTF Australia</p> <p></p> <p>Introduce buffer zones between mining and other land uses to minimise conflicts and ensure orderly development.</p> <p>Prevention of Unplanned Industrial Encroachment</p> <p>The incremental expansion of mining activities into sensitive areas must be managed carefully. A clear strategy should be outlined in the draft Scheme to limit industrial encroachment and ensure the long-term viability of established rural (agricultural, recreational), and residential areas.</p> <p>Conclusion</p> <p>Updating the draft Scheme to acknowledge Tolmie's mining activities and proactively addressing potential conflicts will not only ensure alignment with current realities but also safeguard the interests of all stakeholders. While it is acknowledged that the mine is established under, and subject to, the provisions of the Mining Act 1976, it is paramount that the extent under the Planning and Environment Act 2009 be utilised to balance economic development with the community's wellbeing and amenity.</p> <p>Thank you for the opportunity to comment on the draft Scheme. Please don't hesitate to contact the undersigned on 0473 057 905 or madison@rtfaustralia.com should you wish to discuss.</p> <p>Regards</p> <p></p> <p>Madison Mackenzie Regional Planner</p> | |
| <p>17</p> <p>Rachel and Toby Bridges 20 Stephens Street, Bridgetown</p> | <p>Q5</p> <p>Please provide your submission on the Draft Local Planning Scheme No 6 (LPS6) below:</p> <p>Our property is zoned for Rural purposes under the existing Scheme and is identified for RR3 under the draft Scheme 6. This change is welcomed as the rural zoning is no longer appropriate for the land or the adjoining identified rural residential precinct. Identifying land within the Stephens Street rural residential precinct for RR3 instead of rural residential purposes with no coding or Residential R5 limits the potential of this area. It is recommended the proposed zoning of our land is reviewed given where the site is located and the surrounding existing development and development potential of the precinct and given our existing development approval for holiday accommodation (PO34/2023). Stephen Street precinct is in close proximity to the townsite, including the local school, power connections have initially been made on most the properties and WP upgrades can be achieved; there is the option to obtain a sustainable water supply through rainwater tanks; environmental qualities of the land could be managed and protected; and good safe access can be achieved, noting the Shire have indicated previously that Stephen Street is scheduled to be upgraded in the future. This area adjoins Residential R5 density coded development (Whittells Road area), which is further away from the townsite, which makes no sense why the precinct is not identified for similar development potential as well. The land is highly suitable for this form of development and if a structure plan controls how the land is developed all of the other considerations under the Scheme can be dealt with. We request our land be zoned Residential R5 or Rural Residential no coding. Please contact us if you would like to discuss further.</p> | <p>Officer Comment: This LPS6 review is to consolidate two existing schemes. Any proposal to consider wider strategic opportunities for town site expansion or increasing densities can be considered when preparing the Shire's Local Planning Strategy.</p> <p>The Local Planning Strategy will enable a strategic assessment of settlement growth, density changes etc, taking into account a wider range of considerations such as landscape, servicing, land capacity, fire risk, treatments etc.</p> <p>Officer Recommendation: Identify this locality for investigation when preparing the local planning strategy.</p> |

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| <p style="text-align: center;">18</p> <p>Dennis Campbell 197 Roe Street, Bridgetown</p> | <p style="text-align: right;">P.O. Box 528 197 Roe Street Bridgetown 6255 11th October 2024</p> <p>Mr. David Stapleton Senior Planning Officer Dear Sir,</p> <p style="text-align: center;">COMMENT ON DRAFT LOCAL PLANNING SCHEME No. 6 Property: Lot 631 (No.197) Roe Street Bridgetown and surrounding properties Owner: Dennis Malcolm Campbell</p> <p>In 1999 I subdivided my then property cnr. Roe St. and Walter Street, towards the South end of Roe Street, into 2 lots, as the zoning there was, and still is R2.5. With the proceeds in 2000 I purchased the above property where I now reside.</p> <p>I confess that I made a fundamental error in that I made a false assumption that because 197 Roe Street was and still is so much closer to the centre of town and just 150 metres from the primary school playground that the zoning would be, or very minimum, R2.5 as well. As it turns out I was sadly mistaken as the property I was purchasing was, and still is, zoned Rural. I put my hand up for making that error and bearing in mind I'm a professional and have been trading as a consultant survey draughtsman and engineering surveyor since 1973 and as such have been designing subdivisions for clients since then, I have no excuse for making that false assumption.</p> <p>All that said I'm now grateful to have the opportunity to comment on and make a submission recommendations regarding re-zoning of both my property and surrounding properties.</p> <p>I acknowledge that W.A.P.C. via Draft Local Planning Scheme No. 6 is proposing to re-zone 197 Roe Street and surrounding properties to "Rural Residential". Council officer Debbie has informed me today the development potential of 197 Roe Street and surrounding properties would pretty much remain the same were it to be re-zoned as proposed. An academic exercise only, I would suggest.</p> <p>A broader view of the surrounding property zonings reveals that there is a large subdivision as much as 1.5 kilometres to the SSE (i.e. that much further out of town) is zoned SRns.1 (lot sizes: 2,000 to 10,000) with the majority of lots a tad over 4,000m². What's more, 4 kilometres due West of the centre of town there is even a much larger subdivision zoned SRns.2 (lot sizes 2,000 to 10,000) with majority of lot sizes just a tad over 2,000m². Whereas 197 and surrounding properties are so close to town type services such as hospitals, schools and shopping centres and it is proposed to be "rural residential" with maximum lot size of 11ha!</p> <p>197 Roe Street and neighbouring properties are serviced by good quality bitumen roads even with kerb and gutter in some instances. Overhead power lines which appeared to me to be updated just the other day. 197 Roe Street has a power dome which can service as many 4 houses which is located in the S-E corner. It is not being used at all at present as I have a complete off-grid system which serves my needs. There is a water main and telecommunications cable in place as well.</p> <p>If indeed the zoning of 197 Roe Street and surrounding properties were to be set to R2.5 it would be an easy task to design and install a gravity sewer to the existing sewer which services the primary school. Soon after I purchased the property I did a survey to determine a draft design and cost to extend the sewer to my property and have that plan in my plan filing cabinet. However, I'm not recommending such a sewer which would require such a sewer extension. Alternatively, I provide a "site and soil evaluation" (SSE) prepared by Witenoom Consulting Engineers which states lot 197 is suitable for the installation of standard septic tanks and leach drains. I include the "conclusions</p> | <p>Officer Comment: 197 Roe Street is proposed to change from "Rural" to "Rural Residential" (see extract from Map 8 below).</p> <p>The "Rural Residential" zone reflects the existing subdivision character of the immediate locality, with lot sizes and the road network lending itself to that of a rural residential estate.</p> <p>A "residential" zoning in this immediate locality, at this stage, without addressing servicing, coordinating design and staging and as such, rezoning to Residential would be contrary to the principles of orderly and proper planning.</p> <p>The Shire will embark on preparing a Local Planning Strategy (Stage 2) which will provide the appropriate vehicle to consider future settlement patterns, address opportunities for future expansion of the townsite and provide details for matters to be addressed. The Local Planning Strategy would enable townsite expansion areas to be identified in "Urban Development" zones that list matters to be addressed as part of a structure planning process to resolve servicing, staging and design issues.</p> |
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and recommendations" of that report in the submission. I would suggest that the surrounding properties would have a very similar soil type and structure.

Sale figures show a sharp increase in demand for housing type properties in Bridgetown since about October 2021 (median \$780K) to the present day (\$568K), a 47% increase in just 3 years. These figures make it abundantly clear that there needs to be an increase in supply by upgrading the zoning densities in and adjacent to Bridgetown's residential areas.

There are 13 properties fronting both sides of Apex Grove and fronting Railway Terrace, all zoned "Rural" and proposed "Rural Residential" which range in area from 1,319m² to 5,890m² all setting precedents regarding the minimum lot size of 1116. Using the smallest lot as a bench mark and the R zoning method of number of lots per hectare, 1,319m² = R6.6 in theory. And using the smallest lot North side of Apex Grove being 2,172m² = R4.7 in theory.

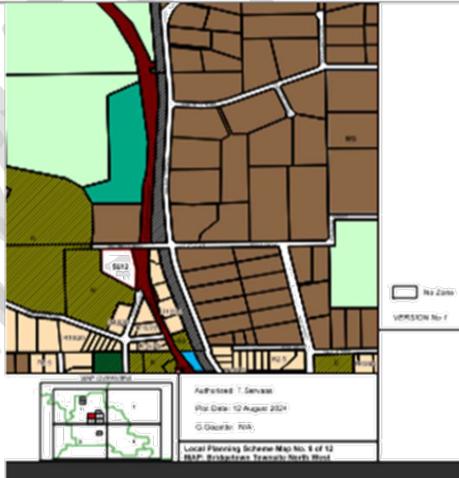
RECOMMENDATIONS

To bring the existing lot sizes into line with R-Code zoning: Rezone all lots South side fronting Apex Grove and 2 lots facing Railway Terrace to R12.5/20 which is the existing zone of the neighbouring properties to the South in any case. Rezone all properties North side fronting Apex Grove and the one lot West end of Apex Grove and facing Railway Terrace, to R10.

Rezone the 10 properties, outlined in pink on the enclosed map, including my property 197 Row Street, to R2.5. this would enable the density to double in all cases.

Yours faithfully

Dennis Campbell
M 0488 152866
197 Row Street Bridgetown 6255
P.O. Box 528 Bridgetown 6255
drc@den@bigpond.net.au



Officer Recommendation:
No Modification proposed. To consider future settlement patters and urban townsite expansion as part of the Local Planning Strategy process.

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| | <p> Lot 631 Roe St, Bridgetown: Site and Soil Evaluation</p> <p>4.0 WASTEWATER MANAGEMENT SYSTEM TYPE AND DESIGN</p> <p>The objective of this evaluation is to assess suitability of the lots for onsite wastewater disposal and to recommend the type and parameters of onsite wastewater system for each of the proposed lots. The final layout to be accepted by the Local Government would be determined at the time of house design and defined in the Application to Construct or Install an Apparatus for the Treatment of Sewage, which is to be lodged at the time of the Application.</p> <p>4.1 General assessment SSE - Selection and design of the system</p> <p>From the preceding sections it is apparent that there is no advantage in or requirement for advanced treatment of domestic wastewater on these two sites. A standard septic tank and leach drain combination provides adequate treatment and effluent disposal while allowing flexibility of layout to avoid rock outcrops.</p> <p>Selection and basic design of on-site wastewater systems requires consideration of the treatment system; treatment quality or level of treatment of effluent, and land application area and system, all of which must be within the capability of the land on which the system will be sited.</p> <p>4.2 General assessment SSE - Siting and Configuration of Land Application Area</p> <p>The area available for the LAA on each future lot is generous. The size of LAA required by AS/NZS 4600:2018 for 6 persons in a 6 bedroom house is 425 m². The areas identified as suitable for an LAA with ground slopes suitable for semi-inverted leach drains is 2700m² for Lot 1 and 2250m² for Lot 2.</p> <p>The field investigations, sampling and analysis of site and soil conditions, which confirm the presence of a suitable deep and permeable soil stratum across the area, show that the proposed treatment and land application area can be accommodated within the site.</p> <p>Table 4 has shown that the risks of the site are in all cases LOW. The proposed system is compatible with the assessment.</p> <p>4.3 General assessment SSE - Site suitability and factors considered</p> <p>Lot 631 is fortunate in that the western half where houses are most likely to be sited lies about a ridge with side slopes of about 12% or less, in which semi-inverted leach drains can easily be constructed. Bearing in mind that much of Bridgetown is on hills with slopes of 16% being normal the use of semi-inverted leach drains and house landscaping to incorporate stormwater runoff does not present difficulties. For these reasons no reduction in DIR is considered necessary.</p> <p>The loam subgrade in the LAA has about 14% clay and would have a Phosphorus Sorption Uptake of around 200 mg/kg (ref. Appendix 3 in the SSE Template) and thus would contribute to phosphorus retention from effluent. The LAAs are 210m on plan from the Geogeeup Brook, down a well timbered slope, and 330m from a tributary channel of Somme Creek, in this case through pasture. For this reason it is not considered likely that phosphorus in the effluent would effect the two waterways.</p> <p>Because of the slope of the LAA away from the ridge line and the likelihood of stormwater treatment in domestic landscaping it was felt that a water balance for the site would not provide significant information. Similarly the successful use of leach drains in similar soils throughout Bridgetown suggested that chemical analysis of the soils was not necessary.</p> <p>4.3 Specific assessment SSE - Siting for treatment system</p> <p>The following design is based on the use of locally available concrete leach drain segments from Meringup Concrete Products. These are approved for use with an effective infiltration area of 0.172 m² per metre length and a segment length of 1.2m.</p> <p>Table 5 below has been calculated based on the "Conservative" value for Design Loading Rate (DLR) of 16 m³/day for moderately structured Loams set out in Table L1 of AS/NZS 1547. A fair use of the</p> | |
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Lot 631 Roe St, Bridgetown: Site and Soil Evaluation

"Maximum" DLR of 25 produced leach drain lengths well below the requirements of the GSP documents and is not recommended. DLR values used to derive the lengths of "Approved Leach Drains (ALA)" in the table are derived from the Supplement to Regulation 29 and Schedule 9 of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.

Table 5: Leach Drain Design to AS/NZS 1547 and Regulation 29

| Bedrooms | Volume Litres | AS/NZS 1547 for DLR 15 min/day | Approved Leach Drains (ALA) | | |
|------------|---------------|--------------------------------|-----------------------------|---------------|---------------------|
| Schedule 9 | Length m | Configuration | Length m | Configuration | |
| 2 or less | 594 | 21.9 | 2x10.9 (3x1.2) | 19.27 | 2x8.4 (7x1.2) |
| 3 | 761 | 29.5 | 2x19.9 (3x1.2) | 29.19 | 2x12.6 (13x1.2) |
| 4-6 | 929 | 32.13 | 2x19.9 (4x1.2) | 24.12 | 2 x 14.4 (12 x 1.2) |

The two alternative leach drains are to be served by a diverter.
 Septic tank configuration may be the generally required pair of one x 1500 diam and 1 x 1100 diam concrete tank in series. Alternatively a single baffled PVC tank such as the Neptune 4000 litre unit may be used.

5. MONITORING, OPERATION AND MAINTENANCE
 Management strategy is straightforward, involving pump out of sludge build up as required.
 The store would not normally be involved on an ongoing basis unless a complaint was received.
 No formal monitoring program would be required.

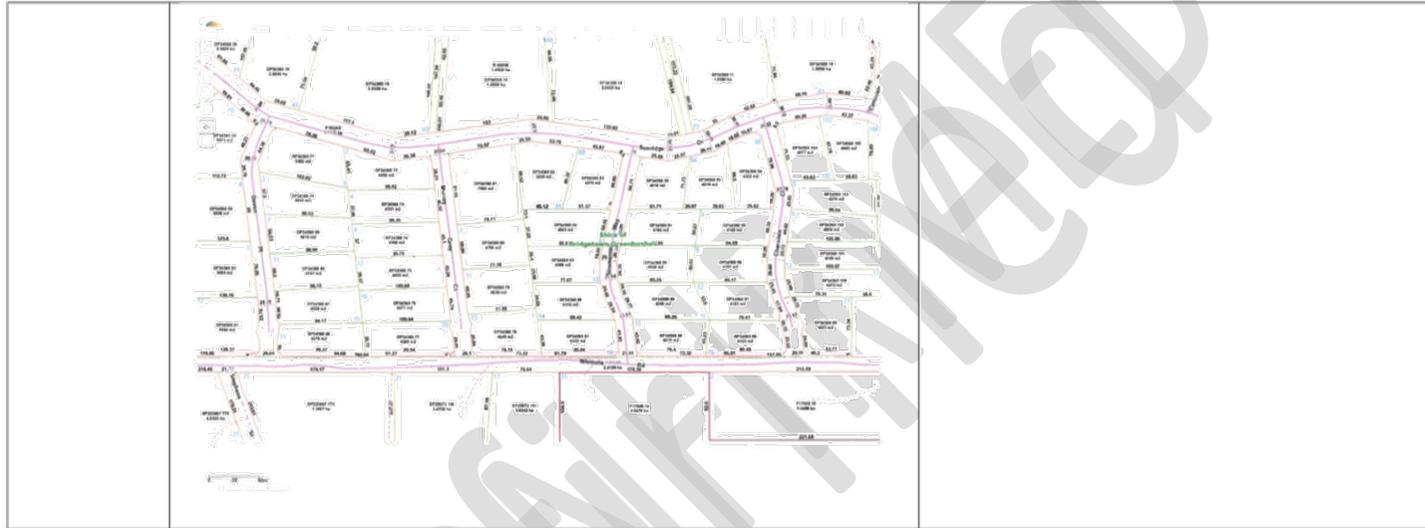
6. CONCLUSIONS AND RECOMMENDATIONS

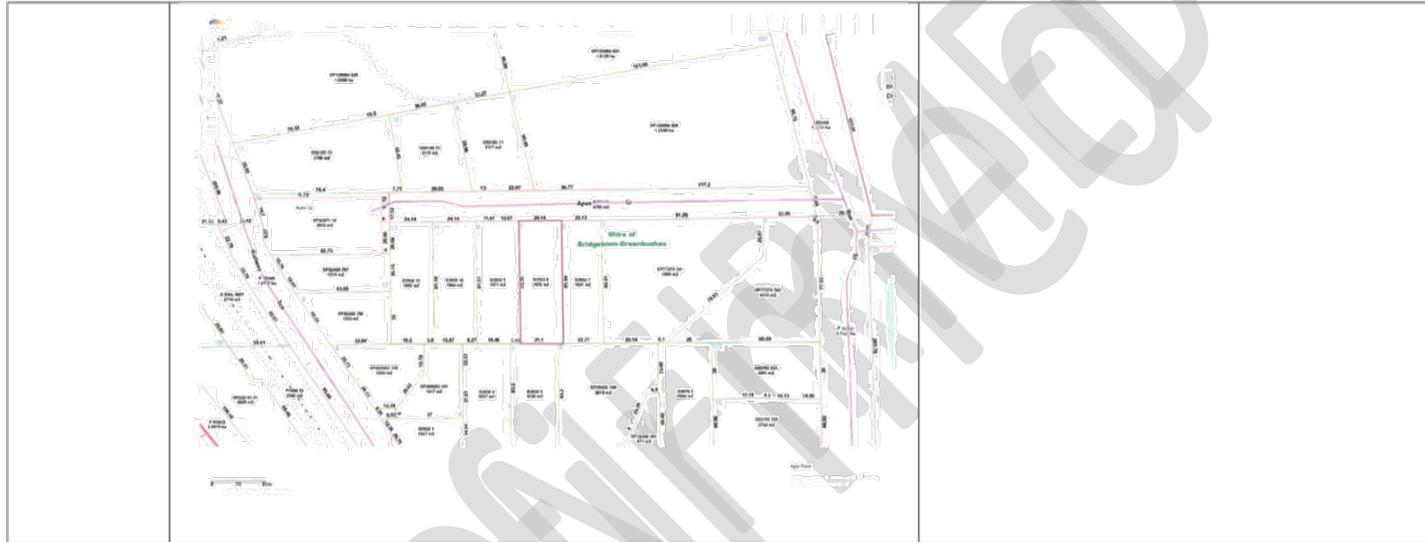
6.1 Wastewater
 The proposed system complies with the GSP, the relevant AS/NZS 1547 Standard On-site domestic wastewater management and State Legislation requirements.
 The recommended solution clearly matches the requirements of this assessment.
 There are few limiting factors on the lot, perhaps the most significant being the presence of the rock outcrops in part of the proposed LAA. However there is adequate area to enable leach drains to be located in a parallel or end-for-end configuration as necessary at the time of application for a Septic Tank Licence.
 In summary, the treatment system, the level of treatment of effluent and the land application area and system are within the capability of the land in which the systems will be sited. This SSE confirms that the proposed treatment and land application area can be accommodated in Lot 631.

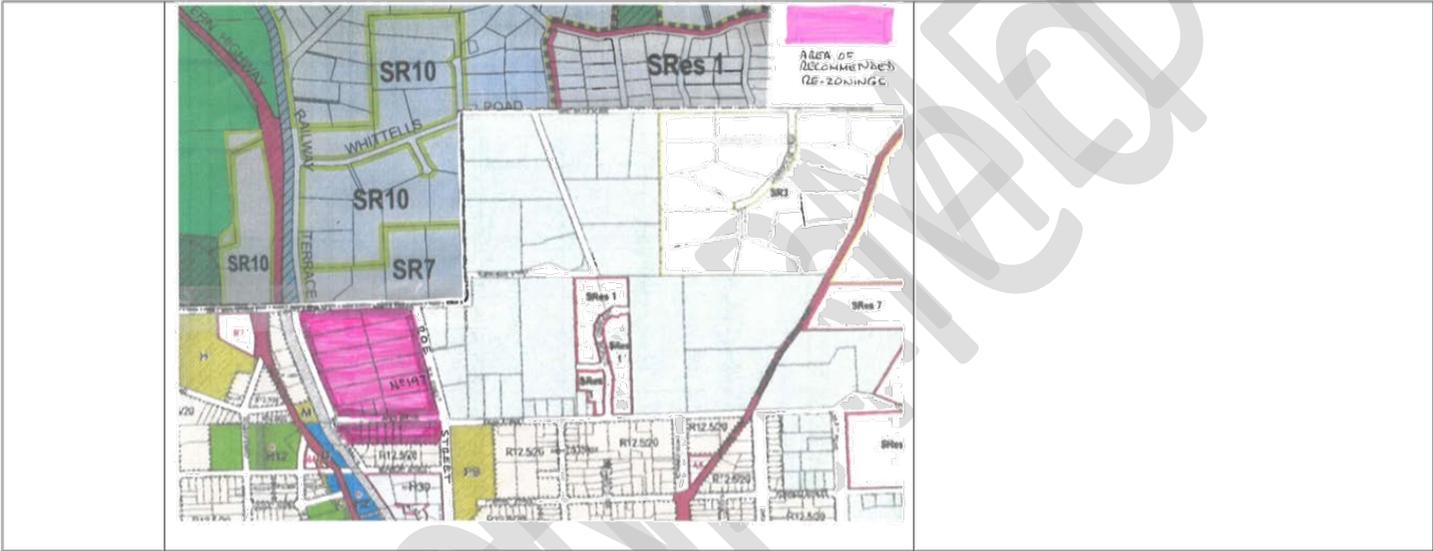
6.2 Site Classification to AS2870
 The results of the soil testing showing a consistent sandy loam subsoil means that the site is classified as "B" to AS2870. Residential slabs and footings.

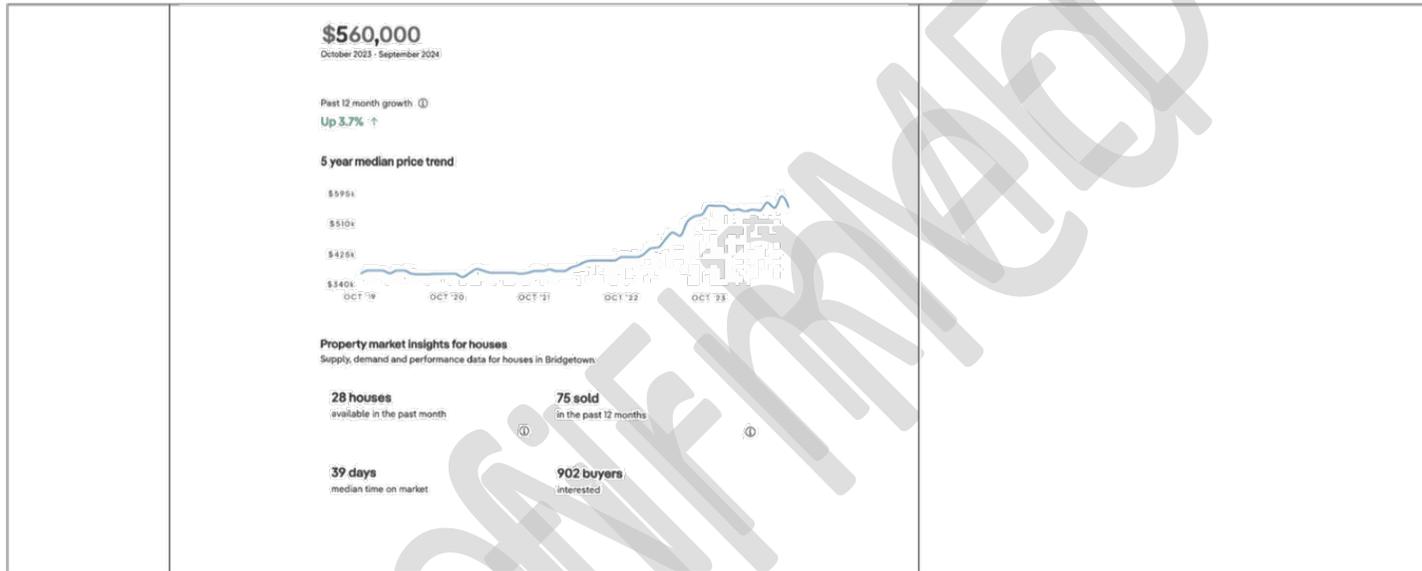


Peter Butler - Level 2
 Reg No. 1. Contractor: BSC2018
 Practitioner BSP149









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| <p>19</p> <p>Bruce and Margaret Bebbington</p> | <p>From: Bruce & Margaret Bebbington <bebbington@westnet.com.au> Sent: Wednesday, 4 December 2024 11:04 AM To: Mal Osborne <mosborne@bridgetown.wa.gov.au> Cc: Leigh Guthridge <LGuthridge@bridgetown.wa.gov.au> Subject: Draft LPS6 Government services and Infrastructure services</p> <p>Hi Mal,</p> <p>On page 8 of the draft LPS, Tab 1-Reserve objectives there are definitions for Government services and Infrastructure services.</p> <p>Government services- Public purposes which specifically provide for a range of government services,</p> <p>Infrastructure services- Public purposes which specifically provide for a range of essential infrastructure services.</p> <p>Can you clarify what would be GS and what would be IS?</p> <p>Some water corp appears to be listed as GS and some as IS on the maps.</p> <p>Does this change whether it is crown land, shire land or freehold? For example the Western Power depots, if it is freehold land would it be a reserve or simply marked as commercial or industrial?</p> <p>Is there a hierarchy of reserves, or can two reserves exist on the same land? For example on SW highway, does this reserve override a water corporation reserve?</p> <p>Here are some of the departments/services that I can think of.</p> <p>Water Corporation Pumping stations, major pipelines, sewerage treatment,</p> | <p>Officer Comment: The reserve titles and objectives reflect the Model Scheme Provisions of the Planning Regulations.</p> <p>One reserve relates specifically to infrastructure (ie: sewer treatment plant) and one relates to a service provided by a government agency (ie: DFES administrative office). In terms of implications, the intent of the reserve is similar and most development or use occurring within the reserves is likely to be exempt from development approval as it would likely fall under the definition of Public Works.</p> <p>Generally, crown land managed by a government agency is reserved under the Local Planning Scheme to reflect the intent of the function that the land has been set aside for. It is Noted that sometimes the land may be owned (freehold) by a government agency. In this instance, it may be zoned or reserved, with the most important consideration being to ensure that the zoning or reserve designation matches the intended purpose of the land.</p> <p>Officer Recommendation No modification proposed.</p> |
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| | <p>Western Power Substations</p> <p>Telecommunications NBN being a government business, versus Telstra/Optus/Vodafone being listed businesses Suttons Lookout, phone exchanges, St John comms tower, shire tower (for fire brigades).</p> <p>Regards Bruce Bebbington 9761753</p> | |
| | <p>Summary of issues are provided below. A copy of the original submission is attached.</p> | <p>Note</p> |
| | <p>Part 1</p> | |
| | <p>Provided copy of frequently asked questions prepared by Shire</p> | <p>Note</p> |
| | <p>Provided copy of 26 questions asked regarding LPS6 and answers provided by the Shire.</p> | <p>Note</p> |
| | <p>Part 2</p> | |
| | <p>Outlined over 100 differences between the model text templates and the draft LPS6</p> | <p>Noted. This is addressed separately below.</p> |
| | <p>The changes in draft LPS6 are different from those which were outlined in the officer report presented at the February 2023 Council meeting, contrary to the July 2022 resolution</p> | <p>Noted</p> |
| | <p>New changes that were not in the 2022 or 2023 council report and resolutions appeared.</p> | <p>Note</p> |
| | <p>As is consistent with the shire, there are a large number of errors in the wording, layout and with the use of incorrect clauses in the LPS itself and in reference to the deemed provisions.</p> | <p>Note</p> |
| | <p>Pages 1-35 provide examples of inconsistencies</p> | <p>Note Please see individual responses to each item raised.</p> |

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| | <p>PAGE 3 OF 58 PART 4- General Development Standards and Requirements. Compared with the model text template, which on page 5, provides guidance on the structure of the scheme, states “Part 4 General development requirements- sets out the general planning requirements which apply to land use and development within the Scheme area”</p> | <p>Officer Comment: The proposed change is reasonable and aligns with the Model Provisions in the Planning Regulations.</p> <p>Officer Recommendation: Amend the title of Part 4 to state: “Part 4 – General development requirements”</p> |
| | <p>PAGE 4 OF 58 TABLE OF CONTENTS- OMITTED CLAUSES The table of contents is different from the model text template, due to the draft not including the following 27 State planning policy 3.6 to be read as part of the scheme. 28 Modification of state planning policy 3.6.</p> | <p>Officer Comment: The suggested clauses have been removed from the Model Provisions in the Planning Regulations (March 2024)</p> <p>Officer Recommendation: No modification proposed</p> |
| | <p>PAGE 4 OF 58 TABLE OF CONTENTS – 27 OTHER PLANNING CODES TO BE READ AS PART OF THE SCHEME The table of contents is different from the <i>model text template</i>, firstly in that it is number 27 due to the two omitted clauses, but the model text wording is “29 Other state planning policies to be read as part of the scheme.” The difference is the draft LPS refers to planning codes whereas the model text refers to state planning policies. In the model text clause 29 follows on from the inclusion of state planning policy 3.6.</p> | <p>Officer Comment: The existing text aligns with the updated version of the Model Provisions in the Planning Regulations.</p> <p>Officer Recommendation: No modification proposed</p> <p><i>Throughout this submission, reference is made by the submitter to the “model text template” and it appears the submitter has not used the ‘most up to date’ version based on the differences between the issues raised and the ‘Model Provisions’ within the Planning and Development (Local Planning Schemes) Regulations 2015</i></p> |

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| <p>PAGE 4 OF 58 TABLE OF CONTENTS- 30 GENERAL DEVELOPMENT STANDARDS AND REQUIREMENTS</p> <p>The clause is given the same name as the Part, being Part 4- General development standards and requirements which is not consistent with the model text wording, and contains 15 sub clauses, that are not in the model text. This is likely to cause confusion using the same term twice, with different contexts. Clause 30 is a completely new inclusion compared to the model text template.</p> | <p>Officer Comment: The proposed change to the table of contents heading is reasonable as it aligns with the Model Provisions in the Planning Regulations.</p> <p>The 15 subheadings are locally relevant planning considerations that provide appropriate guidance for specific matters ranging from treatment of ancillary dwellings to carparking and native vegetation protection. These requirements are reasonable to ensure the orderly and proper development within the Shire.</p> <p>Officer Recommendation: Recommended to amend Part 4 title in contents page and text by deleting the words “standards and”</p> |
| <p>PAGE 4 OF 58 TABLE OF CONTENTS- 31 ADDITIONAL SITE-SPECIFIC DEVELOPMENT STANDARDS AND REQUIREMENTS</p> <p>Due to the inclusion of new clause 30 by the shire and omission of clauses 27 and 28 from the template, this is clause 31, compared to clause 32 in the template, entitled “32 Additional site and development requirements” The draft includes the word specific. The draft also includes the term “development standards” not just requirements.</p> | <p>Officer Comment: This matter has already been addressed above in relation to the contents page.</p> |
| <p>PAGE 4 OF 58 TABLE OF CONTENTS – OMMISION OF ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS FOR AREAS COVERED BY A STRUCTURE PLAN, ACTIVITY CENTRE PLAN OR LOCAL DEVELOPMENT PLAN.</p> <p>Clause 31 of the model text template includes this; however, this is not included in the draft LPS6.</p> | <p>Officer Comment: Discussion with DPLH officers confirms that model provisions 32 and 33 of the Planning Regulations may be modified as per draft clauses 30 & 31 which capture the same intent of each model clause. In addition, the majority of the existing structure plan requirements have been normalised into generic provisions & built out already.</p> <p>Officer Recommendation: No modification proposed</p> |

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| | <p>PAGE 4 OF 58 TABLE OF CONTENTS 32 VARIATIONS TO GENERAL DEVELOPMENT STANDARDS AND REQUIREMENTS</p> <p>The Draft LPS6 uses the title for this clause of “Variations to general development standards and requirements”, however the model template states, “Variations to site and development requirements”.</p> <p>In 32 (1) the shire draft also defines the term “general development standards and requirements” and refers to clause 33, which is restrictive covenants.</p> <p>In Clause 34, of the model text, the definition refers to “additional site and development requirements “as meaning “requirements set out in clause 32 and 33”.</p> <p>The model text template refers to the clause 32 and 33, being additional site and development requirements and those in areas covered by a structure plan, activity plan or local development plan.</p> <p>Clause 34 in the model text, unlike the Draft LPS, does not apply to restrictive covenants.</p> <p>The shire draft numbers the clause as 32 due to the omitted clauses, rather than being clause 34.</p> | <p>Officer Comment: The suggested changes to the title of clause 32 to “Variations to site and development requirements” aligns with the Model Provisions of the Planning Regulations.</p> <p>Officer Recommendation: Reword the title of clause 32 to state: “Variations to site and development requirements”</p> |
| | <p>PAGE 4 OF 58 TABLE OF CONTENTS 33 RESTRICTIVE CONVENANTS</p> <p>The clause in the draft is numbered 33 compared to clause 35 in the model text template due to the omitted clauses.</p> | <p>Officer Comment: No change to clause numbers is required as the previously suggested clauses have been removed from the Model Provisions of the Planning Regulations.</p> <p>Officer Recommendation: No modification proposed</p> |

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| | <p>PAGE 4 OF 58 TABLE OF CONTENTS 34 SPECIAL CONTROL AREAS The draft LPS6 uses is clause 34, whilst the model text is clause 36 due to omitted clauses.</p> | <p>Officer Comment: No modification proposed</p> <p>Officer Recommendation: No modification proposed</p> |
| | <p>PAGE 4 OF 58 TABLE OF CONTENTS – PART 6 TERMS REFERRED TO IN SCHEME The draft LPS6 has not text under the heading for Part 6, before listing clause 35. The model text template has the heading “Division 1 – General definitions used in the scheme”.</p> | <p>Officer Comment: The suggested comments align with the Model Provisions of the Planning Regulations.</p> <p>Officer Recommendation: Include the words: “Division 1 – General definitions used in the Scheme” after Part 6 – Terms referred to in Scheme. And include changes within the scheme text.</p> |
| | <p>PAGE 4 OF 58 TABLE OF CONTENTS 35 GENERAL DEFINITIONS OF TERMS USED. The draft LPS6 numbers this as clause 35, compared to clause 37 in the template. The draft uses the clause title “General definitions of terms used”. The template uses the clause title “37 Terms used”</p> | <p>Officer Comment: No modification proposed</p> <p>Officer Recommendation: No modification proposed</p> |
| | <p>PAGE 4 OF 58 TABLE OF CONTENTS- 36 LAND USE TERMS USED IN SCHEME The templates separate clause 37 and 38, by the heading “Division 2 – Land use terms used in scheme”. The template uses the clause title of “38 Land use terms used”. The clauses have different numbers because of the omitted clauses in the draft LPS6 and use different wording.</p> | <p>Officer Comment: The suggested comments align with the Model Provisions of the Planning Regulations.</p> <p>Officer Recommendation: Include the words: “Division 2 – Land use terms used in Scheme” Before the words “36. Land use terms...” And include changes in the scheme text</p> |

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| <p>PAGE 4 OF 58 TABLE OF CONTENTS- 37 DEEMED PROVISIONS FOR LOCAL PLANNING SCHEMES The draft LPS6 contains a clause 37 Deemed provisions for local planning schemes, however there is no clause text. The model text template has no clause that refers to Deemed provisions.</p> | <p>Officer Comment: The text is provided for information purposes only and has no material impact on the operation of the Scheme.</p> <p>Officer Recommendation: No modification proposed</p> |
| <p>PAGE 5 OF 58 8 PURPOSE OF SCHEME The draft LPS6 differs from the wording of the model text template. In the template, each of the eight purposes, are followed by the word “and”. By removing the word “and” seven times, this changes the purpose of the scheme, from being all eight connected purposes rather than eight individual purposes. The use of the term “and” means that all purposes apply in all cases.</p> | <p>Officer Comment: The suggested changes are consistent with the Model Provisions of the Planning Regulations.</p> <p>Officer Recommendation: Replacing wording of clause 8 with the Model Provisions in the Planning Regulations.</p> |
| <p>PAGE 5 OF 58 8 PURPOSE OF SCHEME (d) control and guide development including processes for the preparation of structure plans and local development plans. The wording in the draft LPS6 is different from the model text template, as the model text template includes the words “...and activity centre plans”.</p> | <p>Officer Comment: See above</p> <p>Officer Recommendation: Replacing wording of clause 8 with the Model Provisions in the Planning Regulations.</p> |
| <p>PAGE 7 OF 58 14 Local Reserves Main Roads Western Australia is not a department. Subclause (1) of the draft LPS6, states “Main Roads Western Australia means the department principally assisting in the administration of the Main Roads Act 1930” The model text template states “Department of Main Roads means the department principally assisting in the administration of the Main Roads Act 1930”</p> | <p>Officer Comment: There is an inconsistency with the Model Provisions in the Planning Regulations.</p> <p>Officer Recommendation: Replace clause 14 of LPS6 with clause 14 (1) of the Model Provisions of the Planning Regulations.</p> |

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| | <p>In this instance part of the wording used by the shire in the Draft LPS6 is correct and the wording in the model text template is incorrect.</p> <p>This applies to the use of the wording “Main Roads Western Australia” as it is the correct name for the statutory authority with the direct administration of the Main Road Act 1930.</p> <p>However, it is incorrect in both the Draft LPS6 and the model text, to state that Main Roads WA or the Department of Main Roads, is the department principally assisting in the administration of the Main Roads Act 1930.</p> <p>It would be correct to state “Main Roads Western Australia is the statutory authority principally assisting in the administration of the Main Roads Act 1930”, or “Main Roads Western Australia, as a statutory authority, within the Department of Transport, is responsible for the administration of the Main Road Act 1930”</p> | |
| | <p>Page 7 of 58 14 Local Reserves- Western Australian Road Hierarchy.</p> <p>The draft LPS6 states under 14(1) “Western Australian Road Hierarchy means the document of that name available on the website maintained by the Department of Main Roads”</p> <p>The model text template also states under 14(1) “Western Australian Road Hierarchy means the document of that name available on the website maintained by the Department of Main Roads”</p> <p>Both documents are incorrect, as there is no Department of Main Roads. There is a Department of Transport.</p> <p>Main Roads is a statutory authority that which reports directly to the Minister for Transport (refer Main Roads WA Annual report November 2024).</p> <p>The Main Roads website states the website is maintained by Main Roads WA.</p> | <p>Officer Comment: Please see comments immediately above which addresses this point.</p> <p>Officer Recommendation: Replace clause 14 of LPS6 with clause 14 (1) of the Model Provisions of the Planning Regulations.</p> |

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| | <p>PAGE 7 OF 58 14 (3) TABLE 1 – Reserve Objectives</p> <p>The model text template states- <i>(Select the reserves and the objectives for those reserves that are contained in the Scheme from the table in the model provisions, Schedule 1, Planning and Development (Local Planning Schemes) Regulations 2015.)</i></p> <p>The draft LPS6 has a table with 19 reserve categories listed, taken from Schedule 1, Planning and Development (Local Planning Schemes) Regulations 2015.</p> <p>Environmental Conservation In the Draft LPS6 under the reserve name of Environmental Conservation- the shire has the objectives of-</p> <ul style="list-style-type: none"> - To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision. - To identify and protect areas of diversity conservation significance with National Parks and State and other conservation reserves. <p>Schedule 1 of the Regulations states</p> <ul style="list-style-type: none"> - To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision. - To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves <p>The shire uses the word “diversity” rather than the word “biodiversity”.</p> | <p>Officer Comment: Noted</p> <p>Officer Recommendation: Amend the text in Table 1 – Reserve Objectives for Environmental Conservation to replace diversity with biodiversity.</p> |
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| <p>PAGE 13 OF 58 ZONES PRIVATE COMMUNITY PURPOSE ZONE The Draft LPS6 lists a zone of Private Community Purpose. The model text template states, that for zones- <i>Select the zones and the objectives for those zones that are contained in the Scheme from the table in Clause 16 of the model provisions.</i></p> <p>Private community purpose is not one of the listed zones. The table lists “private clubs, institutions and places of worship.”</p> | <p>Officer Comment: Notwithstanding that Private community purpose is not in the model provisions, DPLH staff advise that the proposed Private Community Purpose zone is approved by the Minister for use by local governments in local planning schemes using discretion under s.257A(3) of the Act.</p> <p>Officer Recommendation: No modification proposed</p> |
| <p>PAGE 13 OF 58 PRIVATE COMMUNITY PURPOSE ZONE 16.8 (1)(a) of the draft LPS6 states “to provide sites for privately owned and operated education, recreation, institutions and places of worship” The table in Clause 16 of the model provisions states “to provide sites for privately owned and operated recreation, institutions and places of worship”.</p> <p>The shire has used a different description of the objectives, to those in the table. It has introduced privately owned and operated education, to the objectives.</p> | <p>Officer Comment: Noted. See above.</p> |
| <p>PAGE 14 OF 58 17 ZONING TABLE</p> <p>The model text template states-</p> <p><i>Part 6 of the model provisions provides definitions for different land uses. These land uses should be included within the zoning table, where applicable to the local government, and permissibility's assigned.</i></p> <p>The Draft LPS6 is not consistent with the definitions for different land uses in Part 6 of the model provisions.</p> | <p>Officer Comment: The definitions provided reflect that of the existing schemes. This includes definitions of uses not included in the Model Provisions. However, it is noted that all definitions that are included in the Model Provisions should be updated to ensure consistency. The WAPC supported the additional definitions included prior to commencement of advertising.</p> <p>Officer Comment: No modification proposed</p> |

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| | <p>PAGE 14 OF 58 17 ZONING TABLE The model text template states- <i>Any land use included in the zoning table must be defined in Part 6 of the final scheme also. Uses defined by other state planning policy, such as the Residential Design Codes, do not have to be defined in Part 6 however local governments can elect to do so.</i></p> <p>There are land uses in the zoning table which are not defined in Part 6 of the draft LPS6.</p> | <p>Officer Comment: The submission does not confirm the land uses that are not defined so no comment can be offered.</p> <p>Land uses relating to residential type of development including single house, grouped dwelling and multiple dwelling are defined in the R-Codes and it is not necessary or desirable to duplicate in LPS6.</p> <p>Officer Comment: No modification proposed</p> |
| | <p>PAGE 17 OF 58 18 interpreting zoning table The draft LPS6 stipulates the symbols used in the zoning table have the following meanings: P means that the use is permitted if it complies with all relevant development standards and requirements of this Scheme as it relates to the use of the land.</p> <p>The model text template states- P means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme</p> <p>The shire has modified the wording of the model text template.</p> <p>The shire has added the wording “as it relates to the use of the land” This term is not used for any of the other definitions of permissibility.</p> | <p>Officer Comment: Noted</p> <p>Officer Recommendation: Replace clause with Model Provision wording from the Planning Regulations.</p> |

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| | <p>PAGE 17 OF 58</p> <p>18 Interpreting zoning table</p> <p>The draft LPS6 stipulates the symbols used in the zoning table have the following meanings-</p> <p>I mean that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with all relevant development standards and requirements of this Scheme.</p> <p>The model text template uses different wording</p> <p>I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme.</p> | <p>Officer Comment: See above.</p> <p>Officer Recommendation: Replace clause with Model Provision wording from the Planning Regulations.</p> |
| | <p>PAGE 17 OF 58</p> <p>18 Interpreting zoning table</p> <p>The draft LPS6 stipulates the symbols used in the zoning table have the following meanings-</p> <p>A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64 of the deemed provisions.</p> <p>The model template text uses different wording-</p> <p>A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions.</p> | <p>Officer Comment: See above.</p> <p>Officer Recommendation: Replace clause with Model Provision wording from the Planning Regulations.</p> |

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| | <p>PAGE 17 OF 58</p> <p>18 Interpreting zoning table</p> <p>Notes</p> <p>The draft LPS6 uses a different terminology for the notes</p> <p>The draft uses “Notes for this clause”</p> <p>The model text template uses the word “Notes”.</p> <p>The notes in the model text template do not stipulate that the notes only apply to the interpretation of the zoning table, and the explanation in the model text confirms this.</p> | <p>Officer Comment: Note. The notes provide guidance only, however, it is recommended to replace all notes (1 to 3 inclusive) with the Model Provision wording.</p> <p>Officer Recommendation: Replace clause with Model Provision wording from the Planning Regulations.</p> |
| | <p>PAGE 17 OF 58</p> <p>Interpreting zoning table</p> <p>Note 1 The draft LPS6 states under “Notes for this clause”-</p> <p>1 The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of land.</p> <p>The model text template states-</p> <p>1 The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of the land. In normal circumstances one application is made for both the carrying out of works on, and the use of land. For development on land that does not require development approval see clause 61 of the deemed provisions”</p> | <p>Officer Comment: Note. The notes provide guidance only, however, it is recommended to replace all notes (1 to 3 inclusive) with the Model Provision wording.</p> <p>Officer Recommendation: Replace clause with Model Provision wording from the Planning Regulations.</p> |

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| | <p>PAGE 17 OF 58</p> <p>Interpreting zoning table</p> <p>Note 2</p> <p>The draft LPS6 states –</p> <p>2 Under clause 61 of the deemed provisions and Schedule A, certain works and uses are exempt from the requirement for development approval.</p> <p>The model text, as highlighted above, has similar wording to note 1 –</p> <p>1 The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of the land. In normal circumstances one application is made for both the carrying out of works on, and the use of land. For development on land that does not require development approval see clause 61 of the deemed provisions”</p> <p>The shire has made significant changes the wording of the model text template.</p> <p>Clause 7 of the draft LPS6 and of the model text template already incorporate Schedule A.</p> <p>This would explain why the model text template, prepared by the Department and the State Government Law Office does not repeat the reference to Schedule A.</p> | <p>Officer Comment: Note. The notes provide guidance only, however, it is recommended to replace all notes (1 to 3 inclusive) with the Model Provision wording.</p> <p>Officer Recommendation: Replace clause with Model Provision wording from the Planning Regulations.</p> |
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| | <p>PAGE 17 OF 58</p> <p>Interpreting zoning table</p> <p>Note 3 Clause 67.</p> <p>The draft LPS6 creates Note 3, which does not exist in the model text template,</p> <p>“Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a con-conforming use”. The model text template, has the following =</p> <p>“2 In considering an application for development approval, the local government will have regard to clause 67 of the deemed provisions”.</p> <p>Clause 67 is extremely clear, there is only one condition pertaining to class X use where non-conforming use applies.</p> | <p>Officer Comment: Note. The notes provide guidance only, however, it is recommended to replace all notes (1 to 3 inclusive) with the Model Provision wording.</p> <p>Officer Recommendation: Replace clause with Model Provision wording from the Planning Regulations.</p> |
| | <p>PAGE 17 OF 58</p> <p>Interpreting zoning table</p> <p>Subclause (4)</p> <p>The draft LPS6 states-</p> <p>“(b) determine that the use may be consistent with the objectives of a particular zone and advertise under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or”</p> | <p>Officer Comment: The existing wording reflects the Model Provisions of the Planning Regulations.</p> <p>Officer Recommendation: No modification proposed</p> |

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| | <p>The model text template states –</p> <p>(b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or”</p> <p>Clause 64 is specific in the requirements to give notice, not simply advertise.</p> | |
| | <p>PAGE 17 OF 58</p> <p>Interpreting zoning table</p> <p>Subclause 6 deleted by shire</p> <p>The model text template states</p> <p>18 (2) (6) “If a use of land is identified in a zone as being class X use, the local government must refuse an application for development approval for that use in that zone unless-</p> <p>(a) the development approval application relates to land that is being used for a non-conforming use; and</p> <p>(b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.”</p> <p>The shire has deleted subclause 6 entirely.</p> <p>There is no clause or subclause relating to class X use in the draft LPS6.</p> | <p>Officer Comment: The existing wording reflects the Model Provisions of the Planning Regulations. It is noted that the clause referred to in the submission has been removed in the latest version of the Model Provisions.</p> <p>Officer Recommendation No modification proposed</p> |

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| <p>PAGE 17 OF 58</p> <p>Interpreting zoning table</p> <p>Subclause 18 (2) (6) (in the Draft LPS6)</p> <p>The draft LPS6, having omitted 18 (2) (6) of the model text template, lists the next subclause as -</p> <p>“18 (2) (6) 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 the objectives of the zone and any of the following plans that apply to the land –</p> <p>The model text template uses a different number due to the shire’s deletion of 18 (2) (6) and states</p> <p>“18 (2) (7) 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 -</p> <p>The shire, has inserted additional wording “...to the objectives of the zone...”</p> | <p>Officer Comment: The existing wording reflects the Model Provisions of the Planning Regulations. It is noted that the clause referred to in the submission (as mentioned immediately above) has been removed in the latest version of the Model Provisions. On this basis, no change to the numbering is recommended.</p> <p>Officer Recommendation No modification proposed</p> |
| <p>PAGE 17 OF 58</p> <p>Interpreting zoning table</p> <p>Subclause 18 (6) (2) (in the draft LPS6)</p> <p>In addition to the changed number due to the deleted sub clause, and the inserted words in the sub clause, the draft LPS6 further states-</p> <p>(a) a structure plan.</p> | <p>Officer Comment: The existing wording reflects the Model Provisions of the Planning Regulations. It is noted that the wording referred to in the submission has been updated in the latest version of the Model Provisions.</p> <p>Officer Recommendation No modification proposed</p> |

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| | <p>(b) a local development plan.</p> <p>The model text template states</p> <p>(a) a structure plan. (b) an activity centre plan. (c) a local development plan. (d) a community layout plan</p> <p>I Officer Comment:that the model text template does allow that if a community layout plan is not within the scheme area, that (d) can be deleted.</p> <p>The shire has deleted the reference to “an activity centre” despite this being a term used within clauses of the Draft LPS6.</p> | |
| | <p>PAGE 18 OF 58</p> <p>21 Special use zones</p> <p>21 (1) (c)</p> <p>The draft LPS6 states for 21 (1) (c) “the standards, requirements and conditions that apply in respect of the special uses.”</p> <p>The model text template states “the conditions that apply in respect to the special uses”</p> <p>The shire has added the words “standards, requirements and”.</p> | <p>Officer Comment: Noted</p> <p>Officer Recommendation: Update the provision to reflect the wording of Model Provisions of the Planning Regulations which states: “(c) the conditions that apply in respect of the special uses.”</p> |

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| <p>PAGE 18 OF 58</p> <p>21 Special use zones</p> <p>21 (2)</p> <p>The draft LPS6 states-</p> <p>“(2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the standards, requirements and conditions that apply to that use”.</p> <p>The model text template states-</p> <p>“(2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use”.</p> <p>The shire has inserted the words “standards, requirements and”.</p> | <p>Officer Comment: It is recommended that the wording reflect the Model Provisions of the Planning Regulations.</p> <p>Officer Recommendation: Amend the provision to reflect the wording of Model Provisions of the Planning Regulations which states: “(2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.”</p> |
| <p>PAGE 19 OF 58</p> <p>24 Register of non-conforming uses</p> <p>The draft LPS6 states –</p> <p>“3 If the local government prepares a register under subclause (1) the local government (a) must ensure that the register is kept up-to-date; and (b) must ensure that an up-to-date copy of the register is published in accordance with clause 87 of the deemed provisions”.</p> <p>The model text template, however, states –</p> <p>“3 If the local government prepares a register under subclause (1) the local government –</p> | <p>Officer Comment: The existing wording reflects the Model Provisions of the Planning Regulations. It is noted that the clause referred to in the submission has been removed in the latest version of the Model Provisions.</p> <p>Officer Recommendation: No modification proposed</p> |

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| <p>(a) must ensure that the register is kept up-to-date; and (b) must make a copy of the register available for public inspection during business hours at the offices of the local government; and (c) may publish a copy of the register on the website of the local government”.</p> <p>Reference in 24 (3) (b) that the up-to-date copy of the register is published, is superfluous, as 24 (3) (a) requires the register to be kept up-to-date.</p> <p>The model text allows public access to the register during local government business hours, if they do not have access to the internet.</p> | |
| <p>PAGE 19 OF 58</p> <p>24 Register of non-conforming uses</p> <p>24 (3)(b) publication of register on website</p> <p>The draft LPS6 states at 24 (3)(b) the local government “must ensure ... the register is published in accordance with clause 87 of the deemed provisions”.</p> <p>The model text template, at 24 (3) (c) uses the wording “...may publish a copy of the register on the website of the local government”.</p> <p>The shire has committed that if a register exists, it must publish it on the shire website.</p> | <p>Officer Comment: The existing wording reflects the Model Provisions of the Planning Regulations.</p> <p>Officer Recommendation: No modification proposed</p> |

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| | <p>PAGE 19 OF 58</p> <p>24 (4) ongoing publishing requirement.</p> <p>The draft LPS6 inserts and additional subclause at 24 (4).</p> <p>“(4) Subclause (3)(b) is an ongoing publishing requirement for the purposes of clause 87(5)(a) of the deemed provisions.”</p> <p>The model text template makes no reference to clause 87 and the ongoing publishing requirements, due in part to the fact that it is not mandatory to place the register on the local government’s website.</p> <p>Under the model text, once a local government elects to publish a copy of the register on the website, it becomes an ongoing publishing requirement under clause 87.</p> | <p>Officer Comment: The existing wording reflects the Model Provisions of the Planning Regulations. It is noted that the clause number is different in the Model Provisions, however, the intent of the clause and its implementation remains consistent.</p> <p>Officer Recommendation: No modifications proposed</p> |
| | <p>PAGE 19 OF 58</p> <p>24 Register of non-conforming uses</p> <p>24 (5) entry onto non-conforming use register</p> <p>The draft LPS6 creates an additional sub clause 24 (5) due to the insertion of the new subclause 24(4).</p> | <p>Officer Comment: The existing wording reflects the Model Provisions of the Planning Regulations. It is noted that the clause number is different in the Model Provisions, however, the intent of the clause and its implementation remains consistent.</p> <p>Officer Recommendation: No modifications proposed</p> |

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| <p>PAGE 20 OF 58</p> <p>PART 4 -GENERAL DEVLOPMENT STANDARDS AND REQUIREMENTS</p> <p>The draft LPS entitles PART 4, as “General development standards and requirements.”</p> <p>The model text template has the title for PART 4, as “General development requirements”.</p> <p>The shire has added the words “standards”.</p> | <p>Officer Comment: Noted. It is recommended to update the wording to reflect the Model Provisions of the Planning Regulations.</p> <p>Officer Recommendation: Update Part 4 to reflect the wording of Model Provisions of the Planning Regulations which states: “Part 4 – General Development Requirements”</p> |
| <p>PAGE 20 OF 58</p> <p>25 Residential Design Codes (R-Codes).</p> <p>The draft LPS lists clause 25 as “Residential Design Codes (R-Codes) The model text template uses the title “R-Codes</p> | <p>Officer Comment: Noted. It is recommended to update the wording to reflect the Model Provisions of the Planning Regulations.</p> <p>Officer Recommendation: Update Clause 25 to reflect “R-Codes” to reflect the wording of the Model Provisions of the Planning Regulations.</p> |
| <p>PAGE 20 OF 58</p> <p>25 Residential Design Codes (R-Codes)</p> <p>25 (1) of the Draft LPS is worded “The R-Codes, and as modified in clause 26, are to be read as part of this Scheme”.</p> <p>The model text template states “The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme”</p> | <p>Officer Comment: Noted.</p> <p>Officer Recommendation: Update Clause 25 (1) to reflect the wording of the Model Provisions of the Planning Regulations as follows: “The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme”</p> |

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| <p>PAGE 20 OF 58</p> <p>25 Residential Design Codes (R-Codes)</p> <p>25(2) R-Codes to be published</p> <p>The draft LPS6 states- "25 (2) The local government must ensure that the R-Codes are published in accordance with clause 87 of the deemed provisions." The model text template states= "25 (2) The local government – (a) must make a copy of the R-Codes available for public inspection during business hours at the offices of the local government; and (b) may publish a copy of the R-Codes on the website of the local government". The shire has changed the subclause so that the R-Codes must be on the website, and that they do not have to be available for inspection at the shire offices.</p> | <p>Officer Comment: The existing wording reflects the Model Provisions of the Planning Provisions.</p> <p>Officer Recommendation: No modifications proposed</p> |
| <p>PAGE 20 OF 58</p> <p>25 Residential Design Codes (R-Codes)</p> <p>25(2) (A) R-Codes to be published on an ongoing basis</p> <p>The draft LPS6 states- 25(2)(A) Subclause 2 is an ongoing publication requirement for the purposes of clause 87 (5)(a) of the deemed provisions. There is no similar wording in the model text template, as there is no mandatory</p> | <p>Officer Comment: The existing wording reflects the Model Provisions of the Planning Provisions.</p> <p>Officer Recommendation: No modifications proposed</p> |

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| <p>obligation to place the R-Codes on the local government website, and if a local government chooses to do so, as the shire has, 25(2) requires compliance with clause 87 of the deemed provisions, which in turn requires ongoing publication.</p> | |
| <p>PAGE 20 OF 58</p> <p>25 Residential Design Codes (R-Codes)</p> <p>25 (4) WHEN R-CODES APPLY TO AN AREA</p> <p>The Draft LPS6 states-</p> <p>“(3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.</p> <p>(4) The R-Codes apply to an area if –</p> <p>(a) the area has a coding number superimposed on it in accordance with subclause (3); or</p> <p>(b) a provision of this Scheme provides that the R-Codes apply to the area.”</p> <p>The model text template, for 25 (3) and 25 (4) states-</p> <p>“(3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.</p> <p>(4) The R-Codes apply to an area if the area has a coding number superimposed on it in accordance with subclause (3).</p> <p>The shire had modified the clause to include where there is a provision in the scheme that the R-Codes apply to an area.</p> | <p>Officer Comment: The existing wording reflects the Model Provisions of the Planning Provisions.</p> <p>Officer Recommendation: No modifications proposed</p> |

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| <p>PAGE 20 OF 58</p> <p>25 Residential Design Codes (R-Codes)</p> <p>25(5) new clause</p> <p>In the Draft LPS6, the shire has inserted an additional clause.</p> <p>“25 (5) The R-Codes can be applied in full or in part, in a provision of the Scheme.”</p> <p>There is no similar clause in the model text template.</p> | | <p>Officer Comment: This clause was approved by the Minister in 2020 to be used in other local government schemes previously included in the draft LPS6 as recommended by WAPC.</p> <p>Officer Recommendation: No modification proposed</p> |
| <p>PAGE 20 OF 58</p> <p>25 Residential Design Codes (R-Codes)</p> <p>25 (6) new clause, dual density.</p> <p>The Draft LPS6 inserts another new clause.</p> <p>“25 (6) Where there is a dual-density coding number shown on the Scheme Map, the lower number shall apply to that area unless the land is or will be connected to a reticulated sewerage system, provided by a licensed service provider, in which case that area may be subdivided and developed up to the higher coding number”.</p> <p>There is no similar clause in the model text template</p> | | <p>Officer Comment: It is appropriate to leave this sub-clause under provision 25 because it assists in the application R-Code criteria rather than being a modification to the R-code criteria.</p> <p>Officer Recommendation: No modification proposed</p> |

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| | <p>PAGE 20 OF 58</p> <p>DELETION OF REQUIREMENT FOR STATE PLANNING POLICY 3.6</p> <p>The model text template has the following clause 27.</p> <p>“27 State Planning Policy 3.6 to read as part of Scheme (1) State Planning Policy 3.6 – Development Contributions for Infrastructure, modified as set out in clause 28, is to read as part of this Scheme. (2) The local government – (a) Must make a copy of State Planning Policy 3.6 available for public inspection during business hours at the offices of the local government; and (b) May publish a copy of State Planning Policy 3.6 on the website of the local government”.</p> <p>The shire had deleted all reference to State Planning Policy 3.6 from the scheme text, and as such this topic does not relate to a clause in the Draft LPS6.</p> | <p>Officer Comment: The existing wording reflects the Model Provisions of the Planning Provisions which notes that this clause has been deleted from the model provisions.</p> <p>Officer Recommendation: No modifications proposed</p> |
| | <p>PAGE 20 OF 58</p> <p>DELETION OF CLAUSE FOR MODIFATIONS OF STATE PLANNING POLICY 3.6</p> <p>The model text template has the following clause 28.</p> <p>“28 Modification of State Planning Policy 3.6 (To be inserted if exclusions and variations to State Planning Policy 3.6 are to apply. If no exclusions or variations are to apply, insert the words “There are not modifications to State Planning Policy 3.6”.)”</p> <p>The shire has deleted all reference to State Planning Policy 3.6 from the scheme text, and as such this topic does not relate to a clause in the Draft LPS6.</p> | <p>Officer Comment: The existing wording reflects the Model Provisions of the Planning Provisions which Notes that this clause has been deleted from the model provisions.</p> <p>Officer Recommendation: No modifications proposed</p> |

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| <p>PAGE 20 OF 58</p> <p>27 Other planning codes to be read as part of Scheme.</p> <p>The draft LPS6 title for clause 27 is “Other planning codes to be read as part of Scheme”.</p> <p>The model text title for clause 29 (the corresponding number due to the shire deleting Clause 27 and Clause 28 of the model text template), is “Other State Planning policies to be read as part of Scheme”.</p> <p>The shire has used the term “planning codes” rather than “State Planning Policies”.</p> <p>A search of the WA Government website for planning codes, reveals that the only two documents that the WA Government refers to as codes, are Residential Design Codes Volume 1 and Residential Design Codes Volume 2.</p> <p>These are however not codes, as stated on the WA Government website, they are part of State Planning Policy 7.3 Residential Design Codes (R-Codes).</p> <p>As such there are no planning codes in WA that the shire could intend to refer to as being able to be read as part of the Scheme.</p> | <p>Officer Comment: The existing wording reflects the Model Provisions of the Planning Provisions.</p> <p>Officer Recommendation: No modifications proposed</p> |
| <p>PAGE 20 OF 58</p> <p>27 Other planning codes to be read as part of Scheme.</p> <p>27 (1) Planning codes that have been modified</p> <p>The draft LPS6 states-</p> <p>“27 (1) The planning codes set out in the Table, modified as set out in clause 28, are to be read as part of this scheme.</p> | <p>Officer Comment: The existing wording reflects the Model Provisions of the Planning Provisions.</p> <p>Officer Recommendation: No modifications proposed</p> |

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| | <p>The model text template, corresponding clause, is 29 (1) due to the shire’s deletion of model text template clauses 27 and 28.</p> <p>“29 (1) The State planning polices set out in Table 8, modified as set out in clause 30, are to be read as part of this Scheme.”</p> <p>The shire has used the term “planning codes” which do not exist rather than State Planning Policies.</p> | |
| | <p>PAGE 20 OF 58</p> <p>27 Other planning codes to be read as part of Scheme</p> <p>Error in title of table.</p> <p>In the draft LPS6 the shire has entitled the Table referred in the draft LPS in clause 27 (1), “Table – other planning codes to be read as part of scheme”.</p> <p>The model text template, under 29 (1) due to the shire’s deletion of model text template clauses 27 and 28, has the title for the table as “Table 8 – State Planning Policies to be read as part of Scheme”.</p> <p>The use of “8” applies only in the model text due to the numbering of earlier tables and is not applicable in the draft LPS6 as the shire has opted for the use of Schedules.</p> <p>However, the title used by the shire is not consistent with the model text, as it refers to non-existent planning codes rather than the State Planning Policies.</p> | <p>Officer Comment: The existing wording reflects the Model Provisions of the Planning Provisions.</p> <p>Officer Recommendation: No modifications proposed</p> |

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| | <p>PAGE 20 OF 58</p> <p>27 Other planning codes to be read as part of Scheme.</p> <p>Content of table.</p> <p>Under 27 (1) in the incorrectly labelled table, in the incorrectly titled clause, the draft LPS6 contains the statement “There are no other planning codes that are to be read as part of the scheme”.</p> <p>The model text template, at the end of clause 29 (the corresponding clause due to the shire’s deletion of clauses 27 and 28 of the model text template) provides the instruction –</p> <p>If no other State Planning policies are to be read as part of the scheme, insert the words “There are no other state planning policies that are to be read as part of the Scheme”.</p> | <p>Officer Comment: The existing wording reflects the Model Provisions of the Planning Provisions.</p> <p>Officer Recommendation: No modifications proposed</p> |
| | <p>PAGE 20 OF 58</p> <p>27 Other planning codes to be read as part of Scheme.</p> <p>27 (2) Publication of planning codes</p> <p>The draft LPS6 states-</p> <p>“27 (2) The local government must ensure that each planning code set out in the Table to subclause (1) is published in accordance with clause 87 of the deemed provisions”.</p> <p>29 (2) the corresponding clause in the model text template (due to the shire deletion of model text clauses 27 and 28) states-</p> <p>“29 (2) The local government – (a) Must make a copy of each State Planning Policy referred to in subclause (1) available for public inspection during business</p> | <p>Officer Comment: The existing wording reflects the Model Provisions of the Planning Provisions.</p> <p>Officer Recommendation: No modifications proposed</p> |

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| <p>hours at the offices of the local government: and (b) May publish a copy of each of those State Planning policies on the website of the local government.”</p> <p>As there are no planning codes they cannot be set out in the table and cannot be published.</p> <p>However, if the correct wording was used, by referring to State Planning policies, then the intent of 27 (2) of the shire’s draft LPS would be to publish them on the shire’s website in accordance with clause 87 of the deemed provisions.</p> | |
| <p>PAGE 20 OF 58</p> <p>27 Other planning codes to be read as part of Scheme.</p> <p>27 (3) Ongoing publication</p> <p>In the draft LPS6 the shire stipulates that “(3) Subclause (2) is an ongoing publication requirement for the purpose of clause 87(5)(a) of the deemed provisions.”</p> <p>There is no corresponding clause in the model text template, as clause 29 of the model text does not refer to clause 87.</p> | <p>Officer Comment: The existing wording reflects the Model Provisions of the Planning Provisions.</p> <p>Officer Recommendation: No modifications proposed</p> |
| <p>PAGE 20 OF 58</p> <p>28 Modification of planning codes</p> <p>The draft LPS6 uses the incorrect title for the clause, of which the corresponding clause in the model text template is clause 30.</p> <p>The title of clause 30 in the model text template is “Modification of State Planning policies”.</p> | <p>Officer Comment: The existing wording reflects the Model Provisions of the Planning Provisions.</p> <p>Officer Recommendation: No modifications proposed</p> |

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| | <p>PAGE 20 OF 58</p> <p>28 Modification of planning codes</p> <p>The draft LPS6 states “There are no modifications to a planning code that, under clause 27, is to be read as part of the scheme”.</p> <p>The model text template for clause 30 (the corresponding clause number) has the following instruction.</p> <p>“(To be inserted if exclusions and variations to any other State planning policy that is to be read as part of the Scheme are to apply. If no exclusions or variations are to apply, insert the words “There are no modifications to a State planning policy that, under clause 29 is to be read as part of the Scheme.”)”</p> <p>The are no modifications to planning code because there are no planning codes.</p> | <p>Officer Comment: The existing wording reflects the Model Provisions of the Planning Provisions.</p> <p>Officer Recommendation: No modifications proposed</p> |
| | <p>PAGE 26 OF 58</p> <p>31 Additional site specific development standards and requirements</p> <p>The Draft LPS6 has the title for this clause of “Additional site specific development standards and requirements”</p> <p>The model text template has the corresponding clause as “32 Additional site and development requirements”.</p> <p>The shire has inserted additional words to make the title “site specific” and to include “development standards and requirements”.</p> | <p>Officer Comment: As per officer comment 4 of 58 (page 4) above, discussion with DPLH officers confirms the word ‘Additional’ may be deleted as it is misleading.</p> <p>Officer Recommendation: To remove the word “Additional” from the heading in this clause and contents page.</p> |

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| <p>PAGE 26 OF 58</p> <p>31 Additional site specific development standards and requirements</p> <p>The draft LPS6 states-</p> <p>(1) "The table in Schedule 3 sets out requirements ..."</p> <p>The model text template states-</p> <p>"32 (1) Table 10 sets out requirements..."</p> <p>The issue is not the use of a schedule at the end of the draft LPS6 compared with a table within the document at 32.</p> <p>The shire has elected to use a Schedule but has also added the word "The table".</p> <p>The wording is inconsistent to that used earlier in the Draft LPS6, where the text is-</p> <p>"19 Additional uses-</p> <p>(1) Schedule 1 sets out –</p> <p>(a) Classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and</p> <p>(b) The requirements that apply to that additional use"</p> <p>And</p> <p>"21 Special use zones</p> <p>(1) Schedule 2 sets out –</p> <p>(a) Special use zones for specified land that are in addition to the zones in the zoning table;</p> <p>(b) The classes of special use that are permissible in that zone; and</p> <p>(c) The standards, requirements and conditions that apply in respect of the special uses".</p> | <p>Officer Comment: Note. Please see above. The wording in the clause title requires updating to reflect the wording of the model provisions of the Planning Regulations.</p> <p>Officer Recommendation: Amend the title of Clause 31 to reflect the Model Provisions of the Planning Regulations.</p> |
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| | <p>To maintain consistency in the scheme, either 321 (1) should have the words “The table in” removed to make 31 (1) “Schedule 3 sets out requirements...”, or clauses 19 (1) and 21 (1) should be changed to include the wording “The table in Schedule ...”.</p> | |
| | <p>PAGE 26 OF 58</p> <p>31 Additional site specific development standards and requirements</p> <p>The draft LPS6 states-</p> <p style="padding-left: 40px;">“31 (1) The Table in Schedule 3 sets out requirements relating to development that are additional to those set out in the R-Codes, structure plans, local development plans of State or local planning policies.”</p> <p>The model text template states-</p> <p style="padding-left: 40px;">“32 (1) Table 10 sets out requirements relating to development that are additional to those set out in the R-Codes, activity centre plans, local development plans or State or local planning policies.”</p> <p>The shire has removed the words “activity centre plans” despite activity centre plans appearing elsewhere in the draft</p> | <p>Officer Comment: The existing wording reflects the Model Provisions of the Planning Provisions. DPLH officers have suggested minor wording changes.</p> <p>Officer Recommendation: Note and amend the text to reflect DPLH officer advice.</p> |
| | <p>PAGE 26 of 58</p> <p>31 Additional site specific development standards and requirements</p> <p>The draft LPS6 states-</p> <p style="padding-left: 40px;">“31 (1) The Table in Schedule 3 sets out requirements relating to development that are additional to those set out in the R-Codes, structure plans, local development plans of State or local planning policies.”</p> | <p>Officer Comment: This is a repeat of the immediately above item.</p> <p>Officer Recommendation: Note and amend the text to reflect DPLH officer advice.</p> |

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| | <p>The model text template states-</p> <p>“32 (1) Table 10 sets out requirements relating to development that are additional to those set out in the R-Codes, activity centre plans, local development plans or State or local planning policies.”</p> <p>The shire has added the words “structure plans” to the subclause.</p> | |
| | <p>PAGE 26 OF 58</p> <p>31 Additional site specific development standards and requirements</p> <p>The draft LPS states-</p> <p>“31 (2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, a structure plan, a local development plan or a State or local planning policy, the requirement referred to in subclause (1) prevails”.</p> <p>The model text template states-</p> <p>“32 (2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, an activity centre plan, a local development plan or a State or local planning policy, the requirement referred to in subclause (1) prevails”.</p> <p>The shire has deleted reference to an “activity centre plan” despite it being used elsewhere in the draft LPS6.</p> | <p>Officer Comment: The existing wording reflects the Model Provisions of the Planning Provisions.</p> <p>Officer Recommendation: No modifications proposed</p> |

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| | <p>PAGE 26 OF 58</p> <p>31 Additional site specific development standards and requirements</p> <p>The draft LPS states-</p> <p>“31 (2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, a structure plan, a local development plan or a State or local planning policy, the requirement referred to in subclause (1) prevails”.</p> <p>The model text template states-</p> <p>“32 (2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, an activity centre plan, a local development plan or a State or local planning policy, the requirement referred to in subclause (1) prevails”.</p> <p>The shire has added the wording “a structure plan” to the subclause.</p> | <p>Officer Comment: The existing wording reflects the Model Provisions of the Planning Provisions.</p> <p>Officer Recommendation: No modifications proposed</p> |
| | <p>PAGE 26 OF 58</p> <p>33 Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan</p> <p>This clause number refers to the clause in the model text template.</p> <p>There is no clause with this heading in the draft LPS6.</p> | <p>Officer Comment: Note. Advice from DPLH officers has indicated that this provision may be modified and is now adequately addressed in clause 31.</p> <p>Officer Recommendation: No modifications proposed</p> |

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| <p>PAGE 26 OF 58</p> <p>33 Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan</p> <p>This clause number refers to the clause in the model text template as there is no similar clause in the draft LPS6.</p> <p>The model text template states- “Table 11 sets out requirements relating to development that are included in structure plans, activity plans and local development plans that apply in the Scheme area.”</p> <p>The shire has deleted this clause.</p> | <p>Officer Comment: Note. Discussion with DPLH officers has indicated that this model provision may be modified. It is noted that any structure plans that predate 19 October 2015 will be allowed to lapse given they either cover areas that have been built out or are substantially outdated. Given structure plans are to guide subdivision/zoning they have no further purpose. Relevant scheme provisions will provide ongoing infill or development control.</p> <p>Officer Recommendation: No modifications proposed.</p> |
| <p>PAGE 26 OF 58</p> <p>33 Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan</p> <p>This clause number refers to the clause in the model text template as there is no similar clause in the draft LPS6.</p> <p>The model text template then states-</p> <p>(If the local government is seeking to normalise specific site and development requirements resulting from an approved structure plan, activity centre plan or local development plan they can do so using this section of the model provisions. Inclusion of these provisions within the scheme provides statutory force and effect to the provisions)”</p> <p>In the Frequently Asked Questions document created by the shire and on display during the consultation period for the draft LPS6, the shire has specifically stated “All 25 structure plans are proposed to be allowed to lapse, given they are normalised into LPS6 by converting to model regulation zones</p> | <p>Officer Comment:</p> <p>Model cl.33 is being modified on advice from DPLH and is draft cl.31.</p> <p>Most of the site specific requirements contained in TPS3 & TPS4 have been deliberately normalised into LPS6 as allowed by the model text. Therefore, the force and effect is retained for all these areas going forward.</p> <p>The numerous accompanying structure plans were only ever a ‘due regard’ guide to subdivision and do not, on their own, have force and effect. As these are substantially outdated, they are required to lapse.</p> <p>Officer Recommendation: No modifications proposed</p> |

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| | <p>with associated generic provisions”.</p> <p>The site specific requirements are not covered by those changes.</p> <p>The deletion of clause 33 of the model text and the failure to recognise the specific site requirements of the structure plans, means that there is not statutory force and effect to the provisions.</p> | |
| | <p>PAGE 26 OF 58</p> <p>33 Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan</p> <p>This clause number refers to the clause in the model text template as there is no similar clause in the draft LPS6.</p> <p>The model text template states-</p> <p><i>“If the structure plan, activity centre plan or local development plan provisions are included below they will continue to have effect through the scheme even if the structure plan expires. If the local government does not want the provisions to continue in force the provisions can also include an expiration clause such as “remain in force until such time as the [NAME] plan expires or is revoked)”</i></p> <p>The shire has deleted this clause despite it being applicable to the scheme area, due to the decision to allow the structure plans to lapse, even though they are not all complete and have site and development requirements.</p> | <p>Officer Comment: Note. Please see above. Rather than ‘additional’ requirements for structure plan areas, the clause will relate to requirements for site specific areas that will need new structure plans in the contemporary manner and form of the WAPC. This is now captured by LPS6 clause 31.</p> <p>Officer Recommendation: No modifications proposed</p> |

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| | <p>PAGE 26 OF 58</p> <p>33 Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan</p> <p>This clause number refers to the clause in the model text template as there is no similar clause in the draft LPS6.</p> <p>The model text template includes the following instructions.</p> <p><i>(The Table of additional requirements that apply to land as a result of a structure plan, activity centre plan or local development plan may be set out as a Schedule to the Scheme.</i></p> <p><i>If no additional requirements are to apply as a result of a structure plan, activity centre plan or local development plan that applies in the Scheme area, insert the words "There are no additional requirements that apply to this Scheme.")</i></p> <p>The shire has deleted this clause.</p> <p>Despite the instruction contained in the model text, that if in fact there are no additional requirements, that specific wording to say that "There are no additional requirements that apply to this scheme".</p> | <p>Officer Comment: Note. Please see above.</p> <p>Officer Recommendation: No modifications proposed</p> |
| | <p>PAGE 26 OF 58</p> <p>32 Variations to general development standards and requirements</p> <p>The draft LPS6 uses this wording as the title to clause 32.</p> <p>The model text template states the title as "Variations to site and development requirements".</p> | <p>Officer Comment: DPLH advise that this clause be modified to apply specifically to the 'general' standards and requirements rather than to all and it better aligns with the definition stated in the clause.</p> <p>Officer Recommendation: No modifications proposed.</p> |

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| <p>PAGE 26 OF 58</p> <p>32 Variations to general development standards and requirements</p> <p>The draft LPS6 states -</p> <p>(1) In this clause – general development standards and requirements refers to any site or development requirement contained in the scheme unless the scheme otherwise provides that a certain development requirement cannot be varied but this clause is not to apply to variations to land use permissibility's contained in the zoning table and does not apply with respect to development which the R-Codes apply or clause 33.</p> <p>The model text template states-</p> <p>34 (1) In this clause - additional site and development requirements mean requirements set out in clauses 32 and 33.</p> <p>The two documents are both describing the process for variations to development requirements but are completely different wording.</p> <p>The draft LPS6 is making reference to general development standards and requirements, whereas the model text template is referring to additional site and development requirements.</p> | <p>Officer Comment: As above. However, it is recommended that the clause reference in the definition contained in sub clause (1) be changed to refer to cl.31 not cl.33.</p> <p>Officer Recommendation: As above, change reference in the definition of the clause to cl.31.</p> |
| <p>PAGE 26 OF 58</p> <p>32 Variations to general development standards and requirements</p> <p>The draft LPS6 states-</p> <p>(1) In this clause – general development standards and requirements refers to any site or</p> | <p>Officer Comment: The variations clause is deliberately drafted to refer to general standards and requirements only. Therefore, only one clause is referenced.</p> <p>Officer Recommendation: No modifications proposed</p> |

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| | <p>development requirement contained in the scheme unless the scheme otherwise provides that a certain development requirement cannot be varied but this clause is not to apply to variations to land use permissibility's contained in the zoning table and does not apply with respect to development which the R-Codes apply or clause 33.</p> <p>The model text template states-</p> <p>34 (1) In this clause - additional site and development requirements mean requirements set out in clauses 32 and 33.</p> <p>The model text template refers to two clauses, 32 and 33, whereas the draft LPS6 only refers to one clause.</p> | |
| | <p>PAGE 26 OF 58</p> <p>32 Variations to general development standards and requirements</p> <p>The draft LPS6 states-</p> <p>(1) In this clause – general development standards and requirements refers to any site or development requirement contained in the scheme unless the scheme otherwise provides that a certain development requirement cannot be varied but this clause is not to apply to variations to land use permissibility's contained in the zoning table and does not apply with respect to development which the R-Codes apply or clause 33.</p> <p>The model text template states-</p> <p>34 (1) In this clause - additional site and development requirements mean requirements set out in clauses 32 and 33.</p> <p>The model text template makes no reference to the R-Codes, however the draft LPS6 refers to the R-Codes.</p> | <p>Officer Comment: Reference to the R-codes clarifies what the clause does and does not apply to.</p> <p>Officer Recommendation: No modifications proposed</p> |

| <p>PAGE 26 OF 58</p> <p>32 Variations to general development standards and requirements</p> <p>The draft LPS6 states-</p> <p>(1) In this clause – general development standards and requirements refers to any site or development requirement contained in the scheme unless the scheme otherwise provides that a certain development requirement cannot be varied but this clause is not to apply to variations to land use permissibility's contained in the zoning table and does not apply with respect to development which the R-Codes apply or clause 33.</p> <p>The model text template states-</p> <p>34 (1) In this clause - additional site and development requirements mean requirements set out in clauses 32 and 33.</p> <p>The model text refers to clauses 32 and 33 which are-</p> <p>32. Additional site and development requirements (1) Table 10 sets out requirements relating to development that are additional to those set out in the R-Codes, activity centre plans, local development plans or State or local planning policies.</p> <table border="1"> <thead> <tr> <th>Table 10 - Additional requirements that apply to land in Scheme area No.</th> <th>Description of land</th> <th>Requirement</th> </tr> </thead> <tbody> <tr> <td colspan="3"><i>(The Table of additional requirements that apply to land may be set out as a Schedule to the Scheme. If no additional requirements are to apply, insert the</i></td> </tr> </tbody> </table> | Table 10 - Additional requirements that apply to land in Scheme area No. | Description of land | Requirement | <i>(The Table of additional requirements that apply to land may be set out as a Schedule to the Scheme. If no additional requirements are to apply, insert the</i> | | | <p>Officer Comment: See above, this is recommended to be corrected by adjusting the clause referencing from cl.33 to cl.31 to properly align the clauses.</p> <p>Officer Recommendation: No modifications proposed</p> |
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| Table 10 - Additional requirements that apply to land in Scheme area No. | Description of land | Requirement | | | | | |
| <i>(The Table of additional requirements that apply to land may be set out as a Schedule to the Scheme. If no additional requirements are to apply, insert the</i> | | | | | | | |

words "There are no additional site and development requirements that apply to this Scheme.")

(2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, an activity centre plan, a local development plan or a State or local planning policy the requirement referred to in subclause (1) prevails.

33. Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan

Table 11 sets out requirements relating to development that are included in structure plans, activity centre plans and local development plans that apply in the Scheme area.

(If the local government is seeking to normalise specific site and development requirements resulting from an approved structure plan, activity centre plan or local development plan they can do so using this section of the model provisions. Inclusion of these provisions within the scheme provides statutory force and effect to the provisions.

If the structure plan, activity centre plan or local development plan provisions are included below they will continue to have effect through the scheme even if the structure plan expires. If the local government does not want the provisions to continue in force the provisions can also include an expiration clause such as "remain in force until such time as the [NAME] plan expires or is revoked")

| Table 11 - Additional requirements that apply to land covered by structure plan, activity centre plan or local development plan No. | Description of land | Requirement |
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| | <p>The draft LPS6 refers to clause 33 of the Draft LPS6, which states</p> <p>33. Restrictive covenants</p> <p>(1) A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.</p> <p>(2) If subclause (1) operates to extinguish or vary a restrictive covenant –</p> <p>(a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and</p> <p>(b) the local government must not grant development approval for the construction of the residential dwelling unless it advertises the application for development approval in accordance with clause 64 of the deemed provision.</p> <p>The draft LPS6 clause 32 refers to variation of development standards and requirements and restrictive covenants.</p> <p>Can the shire, in its response, explain how clause 32 would work regarding the provisions of clause 33?</p> | |
| | <p>PAGE 26 OF 58</p> <p>32 Variations to general development standards and requirements</p> <p>32 (2) approval of non-complying applications</p> | <p>Officer Comment: See above. As per DPLH advice, the model clauses 32 and 33 have been modified as clauses 30 and 31. They perform the same function while being clearer and more aligned with established planning practice.</p> <p>Officer Recommendation: No modifications proposed</p> |

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| <p>The draft LPS6 states-</p> <p>(1) The local government may approve an application for a development approval that does not comply with the general development standards and requirements.</p> <p>The model text template states-</p> <p>(2) The local government may approve an application for a development approval that does not comply with an additional site and development requirements</p> <p>The two documents are referring to different things, general development standards and requirements and additional site and development requirements.</p> | |
| <p>PAGE 26 OF 58</p> <p>32 Variations to general development standards and requirements</p> <p>32 (4) Non-compliance processes</p> <p>The draft LPS6 states-</p> <p>“(4) If the local government is of the opinion that the non-compliance with a general development standard and requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must -...”</p> <p>The model text template states-</p> <p>(4) If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development</p> | <p>Officer Comment: See above</p> <p>Officer Recommendation: No modifications proposed</p> |

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| | <p>is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must -</p> <p>Again, there is different wording with the draft LPS6 using the term “a general development standard and requirement” and the model text is using the term “an additional site and development requirement”.</p> | |
| | <p>PAGE 26 OF 58</p> <p>32 Variations to general development standards and requirements</p> <p>32 (4) (a) Advertising of application</p> <p>The draft LPS6 states-</p> <p>(a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64(4) of the deemed provisions; and (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.</p> <p>The model text templates states-</p> <p>(a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.</p> <p>The shire subclause refers to only advertising in compliance with clause 64(4) of the deemed provisions.</p> | <p>Officer Comment: See above. This aligns with the current model text.</p> <p>Officer Recommendation: No modifications proposed</p> |

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| | <p>Clause 64 (4) only applies for a complex application.</p> <p>Clause 64, as stated in the model text, refers to all levels of application, and correctly outlines all the provisions for advertising and giving notice.</p> | |
| | <p>Page 27 of 58</p> <p>32 Variations to general development standards and requirements</p> <p>32 (5) Clause 67</p> <p>The draft LPS6, states-</p> <p style="padding-left: 40px;">(5) The local government may only approve an application for development approval under this clause if the local government is satisfied that –</p> <p style="padding-left: 80px;">(a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67(2) of the deemed provisions; and</p> <p>The model text template states-</p> <p style="padding-left: 40px;">(5) The local government may only approve an application for development approval under this clause if the local government is satisfied that -</p> <p style="padding-left: 80px;">(a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and</p> | <p>Officer Comment: See above. This aligns with the current model text.</p> <p>Officer Recommendation: No modifications proposed</p> |

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| | <p>The draft stipulates clause 67(2) however the clause 67 in full, as per the model text is the requirement of the deemed provisions.</p> | |
| | <p>Page 27 of 58</p> <p>32 Variations to general development standards and requirements</p> <p>32 (5) (b)</p> <p>The draft LPS6 states-</p> <p>“(b) the non-compliance with the general development standard and requirement will not have a significant adverse effect on the occupiers or users of the development the inhabitants of the locality or the likely future development of the locality.”</p> <p>The model text template states-...</p> <p>“(b) The non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality”</p> <p>The shire uses the term general development stand and requirement whereas the model text uses the term “additional site and development requirement.</p> | <p>Officer Comment: See above. This point has been addressed above.</p> <p>Officer Recommendation: No modifications proposed</p> |

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| | <p>PAGE 28 OF 58</p> <p>PART 5- SPECIAL CONTROL AREAS 34 (2)</p> <p>The draft LPS6 states-</p> <p>“(2) The purpose, objectives and additional provisions that apply to each special control area is set out in Table 3. The provisions contained in a Special Control Area apply in addition to the provisions that apply to the underlying zone or reserve.”</p> <p>The model text template states-</p> <p>“(2) The purpose objectives and additional provisions that apply to each special control area is set out in the Table”.</p> <p>The shire has added the second sentence.</p> | <p>Officer Comment: DPLH advise to clarify the applicability of the clause which is a minor variation to the model provision.</p> <p>Officer Recommendation: No modifications proposed</p> |
| | <p>PAGE 31 OF 58</p> <p>PART 6 – TERMS REFERED TO IN SCHEME.</p> <p>The model text has a definition for building height, which the shire has deleted.</p> <p>building height in relation to a building -</p> <ul style="list-style-type: none"> (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes. | <p>Officer Comment: The Model Provisions do not include a definition of building height.</p> <p>It is noted the building height is defined in Schedule 2 – Deemed provisions for local planning schemes which is separate to the model provisions. It is not necessary or desirable to duplicate deemed provisions.</p> <p>Officer Recommendation: No modifications proposed</p> |

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| <p>PAGE 31 OF 58</p> <p>PART 6 – TERMS REFERED TO IN SCHEME</p> <p>The model text has a definition for commencement day, which the shire has deleted.</p> | <p>Officer Comment: The Model Provisions do not include a definition of commencement day.</p> <p>Officer Recommendation: No modifications proposed</p> |
| <p>PAGE 31 OF 58</p> <p>PART 6 – TERMS REFERED TO IN SCHEME</p> <p>The draft LPS6 has a definition for a dam, which is not in the model text template.</p> <p>“dam shall have the same meaning as prescribed in State Planning Policy 2.9 Planning for Water”</p> | <p>Officer Comment: A definition of dam is acceptable as clause 30.4 of LPS6 applies to dams and the need for a definition is appropriate.</p> <p>Officer Recommendation: No modifications proposed</p> |
| <p>PAGE 31 OF 58</p> <p>PART 6 – TERMS REFERED TO IN SCHEME</p> <p>The model text template has a definition for frontage, the shire has deleted this definition from the draft LPS6.</p> | <p>Officer Comment: The Model Provisions do not include a definition of frontage.</p> <p>It is noted “frontage” is defined in Schedule 2 – Deemed provisions for local planning schemes which is separate to the model provisions. It is not necessary or desirable to duplicate deemed provisions.</p> <p>Officer Recommendation: No modifications proposed</p> |

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| | <p>PAGE 31 OF 58</p> <p>PART 6 – TERMS REFERED TO IN SCHEME</p> <p>The model text has a definition for incidental use, which the shire has deleted from the LPS6.</p> | <p>Officer Comment: The Model Provisions do not include a definition of incidental use.</p> <p>It is noted “incidental use” is defined in Schedule 2 – Deemed provisions for local planning schemes which is separate to the model provisions. It is not necessary or desirable to duplicate deemed provisions.</p> <p>Officer Recommendation: No modifications proposed</p> |
| | <p>PAGE 31 OF 58</p> <p>PART 6 – TERMS REFERED TO IN SCHEME</p> <p>The model text has a definition for net lettable area, which is not in the Draft LPS6</p> | <p>Officer Comment: The Model Provisions do not include a definition of net lettable area.</p> <p>It is noted “net lettable area” is defined in Schedule 2 – Deemed provisions for local planning schemes which is separate to the model provisions. It is not necessary or desirable to duplicate deemed provisions.</p> <p>Officer Recommendation: No modifications proposed</p> |

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| <p>PAGE 31 OF 58</p> <p>PART 6 – TERMS REFERED TO IN SCHEME</p> <p>The model text has a definition for non-conforming use, which the shire has deleted from the Draft LPS6.</p> | <p>Officer Comment: The Model Provisions do not include a definition of non-conforming use.</p> <p>It is noted “non-conforming use” is defined in Schedule 2 – Deemed provisions for local planning schemes which is separate to the model provisions. It is not necessary or desirable to duplicate deemed provisions.</p> <p>Officer Recommendation: No modifications proposed</p> |
| <p>PAGE 31 OF 58</p> <p>PART 6 – TERMS REFERED TO IN SCHEME</p> <p>The model text has a definition for wall height, which is not in the draft LPS6.</p> | <p>Officer Comment: The Model Provisions do not include a definition of wall height.</p> <p>It is noted that “wall height” is defined in Schedule 2 – Deemed provisions for local planning schemes which is separate to the model provisions. It is not necessary or desirable to duplicate deemed provisions.</p> <p>Officer Recommendation: No modifications proposed</p> |
| <p>PAGE 32 OF 58</p> <p>36 Land use terms used in scheme</p> <p>The draft LPS6 has category of land use, being “aged or dependent persons’ dwelling”.</p> <p>This is not in the model text template.</p> | <p>Office Comment: Noted</p> <p>Officer Recommendation: Delete definition of “aged or dependent persons’ dwelling” throughout the draft LPS 6 text.</p> |

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| <p>PAGE 32 OF 58</p> <p>36 Land use terms used in scheme</p> <p>Both the draft LPS6 and the model text template have a land use category of animal husbandry -intensive but have different definitions. The meaning in the draft LPS6 is-</p> <p>.</p> <p>"Means premises used for keeping, rearing or fattening of alpacas, beef and dairy cattle, goats, pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production), sheep or other livestock in feedlots, sheds or rotational pens but excludes agriculture – extensive".</p> <p>The meaning in the model text template is –</p> <p>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.</p> <p>The shire has included alpacas, beef and dairy cattle, goats and sheep.</p> | <p>Officer Comment: This suggested change aligns with the Model Provisions of the Planning Regulations.</p> <p>Officer Recommendation: Replace the definition of "animal husbandry – intensive" with the Model Provisions definition contained in the Planning Regulations</p> |
| <p>PAGE 34 OF 58</p> <p>36 Land use terms used in scheme</p> <p>The draft LPS6 has a land use category for fast food outlet, whereas the model text template has the land use category as fast-food outlet/lunch bar.</p> <p>Both have the same meaning.</p> | <p>Officer Comment: DPLH staff advise that the proposed land uses Fast food outlet and Lunch bar are approved by the Minister for use by local governments in local planning schemes as per s.257A(3) of the Act.</p> <p>Officer Recommendation: No modification proposed</p> |

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| <p>PAGE 35 OF 58</p> <p>36 Land use terms used in scheme</p> <p>Both the draft LPS6 and the model text template have a land use category of funeral parlour.</p> <p>The meaning used the by shire is- Means premises used to prepare and store bodies for burial or cremation or to conduct funeral services.</p> <p>The model text template meaning is- Means premises used (a) To prepare and store bodies for burial or cremation (b) to conduct funeral services.</p> <p>The difference being that the model text allows the same premises to do both, however the meaning of the land use in the Draft LPS6 would only permit one or the other.</p> <p>Deletion of the word "or" would remedy this error.</p> | <p>Officer Comment: This suggested change aligns with the Model Provisions of the Planning Regulations.</p> <p>Officer Recommendation: It is recommended to delete and replace the definition of "funeral parlour" with the Model Provisions definition contained in the Planning Regulations</p> |
| <p>PAGE 36 OF 58</p> <p>36 Land use terms used in scheme</p> <p>Both documents have a land use for hospital but have different dates for the Health Services Act. The draft LPS6 uses 2016 and the model text uses 1927.</p> | <p>Officer Comment: The definition aligns with the Model Provisions of the Planning Regulations.</p> <p>Officer Recommendation: No modifications proposed</p> |

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| <p>PAGE 36 OF 58</p> <p>36 Land use terms used in scheme</p> <p>The draft LPS6 has a land use of “independent living complex” which the model text template does not have.</p> | <p>Officer Comment: This land use is defined in the WAPC position statement and approved for use on local government schemes.</p> <p>Officer Recommendation: No modifications proposed.</p> |
| <p>PAGE 37 OF 58</p> <p>36 Land use terms used in scheme</p> <p>The draft LPS6 has a land use category “industry – rural” which means “</p> <p>“premises used for an industry that-</p> <p>(a) supports and/or is associated with primary production; or</p> <p>(b) services plant or equipment used in primary production.”</p> <p>The model text template uses the land use category “industry – primary production”, which means</p> <p>“premises used –</p> <p>(a) to carry out primary production business as that term is defined in the Income Tax Assessment Act 1997 (Commonwealth) Section 995-1; or</p> <p>(b) for a workshop service plant or equipment used in primary production business”.</p> | <p>Officer Comment: Notwithstanding that the land use industry – rural is not in the model provisions, DPLH staff advise that industry – rural is approved by the Minister for use by local governments in local planning schemes using discretion under s.257A(3) of the Act.</p> <p>Officer Recommendation: No Modification proposed</p> |
| <p>PAGE 37 OF 58</p> <p>36 Land use terms used in scheme</p> <p>The draft LPS6 has a land use category of “lunch bar” which “means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas”</p> | <p>Officer Comment: See above comment relating to this issue</p> |

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| <p>The model text template combines fast food outlet and lunch bar.</p> | |
| <p>PAGE 38 OF 58</p> <p>36 Land use terms used in scheme</p> <p>The draft LPS6 has a land use category of “nature based park” which “means a premises used for a nature based park as defined in the Caravan Parks and Camping Grounds Regulations 1997”.</p> <p>There is no land use category in the model text template.</p> | <p>Officer Comment: Notwithstanding that the land use of Nature based park is not in the model provisions, DPLH staff advise that the proposed Nature based park is approved by the Minister for use by local governments in local planning schemes using discretion under s.257A(3) of the Act.</p> <p>Officer Recommendation: No modifications proposed.</p> |
| <p>PAGE 38 OF 58</p> <p>36 Land use terms used in scheme</p> <p>The draft LPS6 has a land use category “renewable energy facility”.</p> <p>There is no similar land use category in the model text template.</p> | <p>Officer Comment: Notwithstanding that the land use Renewable energy facility is not in the model provisions, DPLH staff advise that Renewable energy facility is approved by the Minister for use by local governments in local planning schemes using discretion under s.257A(3) of the Act.</p> <p>Officer Recommendation: No modifications proposed.</p> |
| <p>PAGE 38 OF 58</p> <p>36 Land use terms used in scheme</p> <p>The draft LPS6 has a land use category “repurposed dwelling” which “means a building or structure not previously used as a single house which has been repurposed for use as a dwelling”.</p> | <p>Officer Comment: This is a land use listed in clause 30.9 and Table 3 of LPS6Table 3 – zoning table. This is a land use that is required and utilised in the Shire from time to time and it is reasonable to have a definition for such a use noting the model scheme text does not limit the type and number of definitions available for use.</p> |

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| | <p>There is no similar land use category in the model text template.</p> | <p>Officer Recommendation: No modifications proposed.</p> |
| <p>PAGE 38 OF 58</p> <p>36 Land use terms used in scheme</p> <p>The draft LPS6 has a land use category “residential aged care facility”</p> | | <p>Officer Comment: This is a land use listed in Table 3 – Zoning Table. It is reasonable to have a definition for such a use noting the model provisions does not limit the type and number of definitions available for use as per s.257A93) of the Act.</p> <p>Officer Recommendation: No modifications proposed.</p> |
| <p>PAGE 38 OF 58</p> <p>36 Land use terms used in scheme</p> <p>The draft LPS6 has a land use category “residential building” which is not in the model text template.</p> | | <p>Officer Comment: This is a use listed in the Residential Design Codes. It is not necessary to duplicate the definition. Recommended to delete the definition of “residential building”.</p> <p>Officer Recommendation: No modifications proposed.</p> |
| <p>PAGE 39 OF 58</p> <p>36 Land use terms used in scheme</p> <p>Both documents have a land use category for “road house”, but the draft LPS6 has an additional facility listed, being “(f) dump points for the disposal of black and/or grey water from recreational vehicles”.</p> | | <p>Officer Comment: It is reasonable to have a definition for such a use noting the model scheme text does not limit the type and number of definitions available for use. The definition varies from the Model Provisions by providing an additional element associated with dump points. This variation is reasonable as it reflects a service that can be reasonably be associated with a regional road house.</p> |

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| | <p>Officer Recommendation: No modifications proposed.</p> |
| <p>PAGE 39 OF 58</p> <p>36 Land use terms used in scheme</p> <p>The draft LPS6 has the land use category “rural home business/industry - cottage”, whereas the model text template only has the land use “rural home business”.</p> <p>The draft LPS6 does not have the restriction “does not involve the retail sale, display or hire of any goods, unless the sale, display or hire of goods is done only by means of the internet”.</p> | <p>Officer Comment: It is reasonable to have a definition for such a use noting the model scheme text does not limit the type and number of definitions available for use. It is also noted that this use and definition is reflected in the existing schemes being consolidated.</p> <p>Officer Recommendation: No modifications proposed.</p> |
| <p>PAGE 40 OF 58</p> <p>36 Land use terms used in scheme</p> <p>The draft LPS6 has a land use category of “second hand dwelling” which “means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular home or transportable dwelling”.</p> <p>This however would not be a land use, as the use would be for a residential dwelling.</p> | <p>Officer Comment: This is a land use listed in clause 30.9 and Table 3 – zoning table of LPS6. It is reasonable to have a definition for such a use noting the model scheme text does not limit the type and number of definitions available for use.</p> <p>It is noted that many other Local Planning Scheme’s include this as a land use as it has potential to generate impacts on amenity depending on the quality and condition of the building.</p> <p>Officer Recommendation: No modifications proposed.</p> |

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| <p>PAGE 41 OF 58</p> <p>36 Land use terms used in scheme</p> <p>The model text template has a land use category for wind farm which the draft LPS6 does not.</p> | <p>Officer Comment: Noted. The use "windfarm" is not listed in Table 3 – Zoning Table. The definition can be added to reflect the Model Provisions.</p> <p>Officer Recommendation: To include definition of "wind farm" consistent with the Model Provisions and amend the Table 3 – zoning table by introducing the use "wind farm" with designations of "A" for "Rural" and "X" for all other zones.</p> |
| <p>PAGE 41 OF 58</p> <p>36 Land use terms used in scheme</p> <p>Both documents have a land use category of workforce accommodation.</p> <p>The wording of the meanings is different with the draft LPS6 using the word "relocated" whereas the model text template used the word "relocatable".</p> | <p>Officer Comment: Noted. There is a slight difference in the definition between draft LPS6 and the model provisions.</p> <p>Officer Recommendation: Amend the definition of workforce accommodation to be consistent with the Model Provisions of the Planning Regulations.</p> |
| <p>PAGE 42 OF 58</p> <p>36 Land use terms used in scheme</p> <p>Page 42 of the draft LPS6 is blank, other than the footer and page number.</p> <p>It is not annotated "intentionally left blank" as would normally be the case for a blank page in a legal document.</p> | <p>Officer Comment: Noted</p> <p>Officer Recommendation: Remove blank page 42.</p> |

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| <p>PAGE 43 OF 58</p> <p>37 Deemed provisions for local planning schemes</p> <p>There is not matching clause in the model text template.</p> | <p>Officer Comment: See above</p> |
| <p>PAGE 43 OF 58</p> <p>37 Deemed provisions for local planning schemes</p> <p>The wording at clause 37 relates to the deemed provisions which are in Schedule A</p> | <p>Officer Comment: The clause provides instruction on applying Schedule A.</p> <p>Officer Recommendation: No modifications proposed.</p> |
| <p>PAGE 81 OF 81</p> <p>The last page of the draft LPS6 is numbered 81 of 81.</p> <p>What has happened to the missing 22 pages?</p> | <p>Officer Comment: This is a page numbering error that can be addressed as part of reformatting that will result from changes recommended above.</p> <p>Officer Recommendation: No modifications proposed.</p> |
| <p>Attached copy of template for scheme text</p> | <p>Note</p> |
| <p>Part 3</p> <p>Contains copies of Council motions and meetings including:</p> <ul style="list-style-type: none"> • C08/0917 officer report and motion re Local Planning Scheme 6 • C10/0722 Officer report on Report on scheme review, and motions • C10/0722 Attachment 9, Report on Review • C12/0223 Draft Local Scheme 6 • SPC01/04323 Officer report and motion • SPC01/0323 Attachment 1 | <p>Officer Comment: These matters have been considered previously and do not add any further matters for new consideration.</p> <p>Officer Recommendation: Note.</p> |

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| <ul style="list-style-type: none"> 18.2 July 2024 meeting: proposed advertising of scheme | |
| Part 4 | |
| Includes copy of questions and answers received from the CEO put to the November 2023 Council meeting. | Note |
| The draft LPS6 advertised is 58 (or 59 pages depending on page numbering) and the scheme presented to Council for consideration to advertise was 81 pages. What happened to the missing pages | <p>Officer Comment: The version that was advertised (reduced pages) was subsequent to modifications being made to the draft LPS Scheme text at the direction of the WAPC letter dated 20 December 2023 granting approval to advertise.</p> <p>Officer Recommendation: No modifications proposed.</p> |
| Did the EPA receive the 58 page version | <p>Officer Comment: No. The modified version of the LPS approved for advertising is not required to be 'Re-referred' to the EPA.</p> <p>Officer Recommendation: No modifications proposed.</p> |
| Did the WAPC receive the 58 page version for advertising | <p>Officer Comment: The modified version of the LPS approved for advertising is not required to be 'Re-referred' to the WAPC.</p> <p>Officer Recommendation: No modifications proposed.</p> |
| Includes extract of State Planning framework policies from WA.gov.au website | Note |

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| Part 5 | |
| Need to address questions | |
| Includes copy of Council minutes regarding Amendment 73 to LPS3 (adopt for advertising)- | Note |
| Includes copy of submission made on Amendment 73 | Note |
| Includes copy of question to November 2 2023 ordinary Council Meeting regarding advertising details. | Note |
| Includes a further copy of submission made to Amendment 73 (objecting) | Note |
| Includes copy of Ordinary Council meeting minutes 30 May 2024 to not support proposed amendment 73 and include proposal into proposed LPS6. | <p>Officer Comment: Note The changes to include an R35 Code in the Commercial zone has been incorporated in LPS6 text clause 16.5 (4).</p> <p>Officer Recommendation: No modifications proposed.</p> |
| Part 6 – | |
| Includes information regarding refusal to act on non-compliance relating to shipping containers, relocatable buildings, non approved dwellings and other compliance issues (raised March 2022). Advises that no actions have been undertaken | <p>Officer Comment: These matters do not have any relevance to the assessment or finalisation of LPS6</p> <p>Officer Recommendation: No modifications proposed.</p> |
| Provides information on two examples of when Council approved applications without addressing submissions. The examples provided relate to: <ul style="list-style-type: none"> • Temporary workers accommodation at Lot 7 (RSN 145) Greenbushes-Grimwade Road, North Greenbushes | <p>Officer Comment: These matters do not have any relevance to the assessment or finalisation of LPS6</p> |

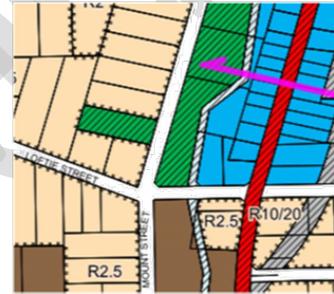
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| | <ul style="list-style-type: none"> • 5 accommodation units at 589 Wheatley Road, Bridgetown <p>The information provided includes details of the application, Council minutes, officer correspondence and submissions.</p> | <p>Officer Recommendation: No modifications proposed.</p> |
| | <p>Part 7</p> <p>Includes references to land use polices, including:</p> <ul style="list-style-type: none"> • LUP2 Relocated dwellings policy • LUP3 Road access to new development • LUP5 Building Envelopes • LUP 6 Ancillary accommodation • LUP7 Plantations application policy • LUP10 Bridgetown special design heritage precinct – statement of planning policy • LUP 11 Extractive industry policy • LUP 12 Demountable building policy • LUP 13 Relocatable storage units • LUP 15 siting of water tanks • LUP 16 Second dwelling on rural zones <p>LUP 19 Exemptions from development approval requirements</p> | <p>Officer Comment: A review of the local planning policy framework can be undertaken independently from the assessment and finalisation of LPS6.</p> <p>Officer Recommendation: No modifications proposed.</p> |
| | <ul style="list-style-type: none"> • There is incorrect wording relating to Main Roads WA. | <p>Officer Comment: The existing wording reflects that of the model scheme text template.</p> <p>Officer Recommendation: No modifications proposed.</p> |

1-Pump station near Loftie Street and Geegelup Brook not marked on map

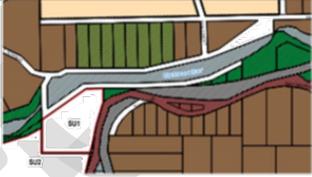
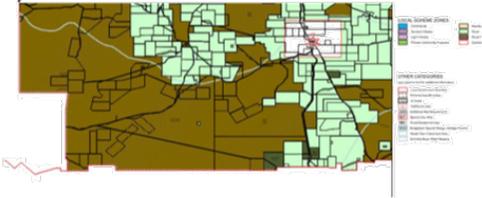
Officer Comment:

The pump station is located at the corner of Loftie Street and Geegelup Brook and is contained in land reserved for the purpose of public open space (see Extract below of LPS6 – map 10). Extracts of street view and aerial mapping is also provided.

The pump station is not contained within a separate reserve.



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| | |  <p>Officer Recommendation: No modification is proposed</p> |
| | <p>2 - Eedle Terrace pipeline, not marked on map up to here</p> | <p>Officer Comment: Please see extract of LPS6 (extract Map 10) below. The pipeline is not required to be captured on the scheme maps. The Water Corporation state:</p> <p><i>"Where we own land for pipelines, we request that they be a public purpose reserve in the LPS but given we don't own any land, we are comfortable with it remain as a rural zone."</i></p>  |

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| | |  <p>Officer Recommendation: No modification is proposed</p> |
| | <p>3 - Donnelly Water reserve new on map, no supporting text, when was this introduced, impact current and LPS6 approvals</p> | <p>Officer Comment: Please see extract below (Map 1) delineating the extent of the Special Control Area. Additional text is required to detail requirements associated with the Special Control Area</p>  <p>Officer Recommendation: Amend the Scheme Text to include Special Control Area provisions and allocate a Special Control Area Number in the legend as per DWER submission</p> |

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| <p>4 - Hester, R12.5 between railway line and road, now marked as IS reserve</p> | <p>Officer Comment: The subject land is vested in the Shire for the purpose of Fire Station. Please see an extract from Map 7 below for location.</p>  <p>Officer Recommendation: No modification is proposed</p> |
| <p>5 - Greenbushes-Grimwade Road has road alignment changed</p> | <p>Officer Comment: The alignment of the Greenbushes-Grimwade Road captures where the road reserve is located.</p> <p>Officer Recommendation: No modification is proposed</p> |

6 - Spring Gully Road, Diorite Road, Telluride Road R12.5 changed to drainage/water reserve. New reserve?

Officer Comment:
 The subject land is vested with the Shire for the purpose of "drainage". The proposed reserve (see extract of Map 6 below) and extract from SLIP mapping that shows the land is reserved. The proposed "Drainage Waterways" reservation reflects the ownership and purpose of the land.

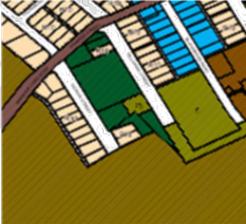
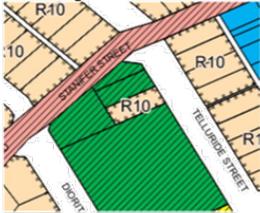
LPS6 (extract map 6)

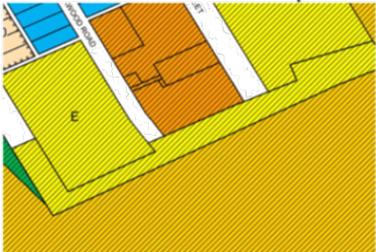


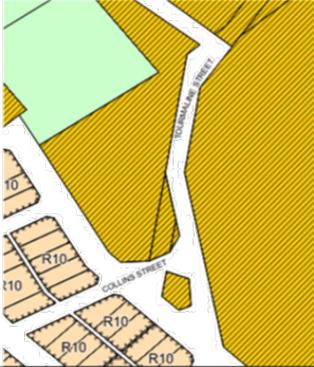
Officer Recommendation
 No modification is proposed

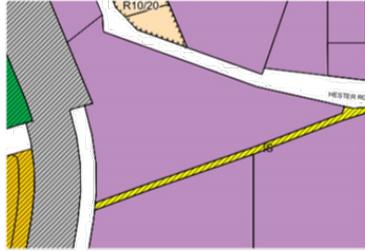
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| <p>7 - Blackwood Rd Woodward Street Diagonal road/reserve. No longer on map,</p> | <p>Officer Comment: The alignment of the road is reflected in LPS6 mapping (see extract Map 6 and SLIP mapping)</p>  <p>Officer Recommendation: No modification is proposed</p> |
| <p>8 - North of Telluride St, was state forest, now rural?</p> | <p>Officer Comment: The "Rural" zoned areas (see extract Map 6 below) reflects the private ownership of this land and reflects the boundaries of State Forest managed lands.</p> |

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| | |  <p>Officer Recommendation: No modification is proposed</p> |
| | <p>9 - Corner of Blackwood St/Tourmaline St . Was commercial, now public space, new reserve created?</p> | <p>Officer Comment: The subject land is reserved and managed by the Shire (see extract of Map 6 below). The proposed reserve reflects the intent of the management orders on the land</p>  <p>Officer Recommendation No modification is proposed</p> |

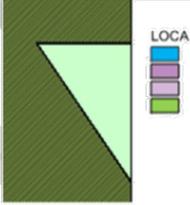
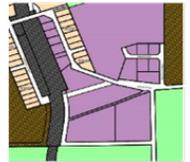
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| <p>10 - Telluride St south of Maranup Ford Road reserve changed from community to public open space</p> | <p>Officer Comment: The subject land is reserved and managed by the Shire (see extract of Map 6 below). The proposed reserve reflects the intent of the management orders on the land</p>  <p>Officer Recommendation No modification is proposed</p> |
| <p>11 - Telluride St, south of Maranup Ford Road was community, now R10</p> | <p>Officer Comment: The subject land (see extract of Map 6 below) showing a lot zoned Residential R10 surrounded by Recreation Reserve. This land is privately owned, and the residential zoning reflects this status.</p>  <p>Officer Recommendation No modification is proposed</p> |

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| | <p>12 - Greenbushes school Was school and public now all ES Reserve changed?</p> | <p>Officer Comment: The subject land contains a school site, and the proposed reservation reflects this purpose. (see extract of Map 6 below)</p>  <p>Officer Recommendation No modification is proposed</p> |
| | <p>13 - Road reserve at southern end of Telluride St and Blackwood Road. Is this no longer a road reserve? Is this an E or R reserve</p> | <p>Officer Comment: This relates to the liner section of land generally aligned east/west in the extract of Map 6 below).</p>  <p>Discussion with DPLH has indicated that this portion of land is Unallocated Crown Land (see map extract below).</p> |

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| | |  <p>The land is subject to a mining tenement (mining lease M01/6 held by Talison).</p> <p>Officer Recommendation: No modification proposed Leave as UCL.</p> |
| | <p>14 - Collins Street and George Street. Area of state forest now different size</p> | <p>Officer Comment: The changes in configuration of State Forest reserved land reflects the ownership and management boundaries of State Forest and road alignments (see extract of Map 6 below)</p>  |

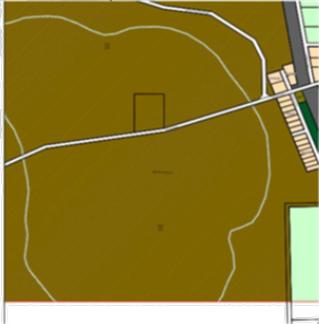
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| | | <p>Officer Recommendation No modification is proposed</p> |
| | <p>15 - Commercial in Greenbushes no R code shown</p> | <p>Officer Comment: No R Code designation is required under the Commercial zone.</p> <p>Officer Recommendation No modification is proposed</p> |
| | <p>16 - Hester, what was shown as Holdsworth Street is now IS reserve? New reserve created,</p> | <p>Officer Comment: The subject land is identified by a linear parcel of land generally aligned east west (see extract of Map 7 below). The subject reserve is not set aside for road purposes rather a reserve where the Water Corporation have a management order on this land</p>  |

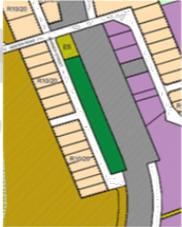
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| | |  <p>Officer Recommendation No modification is proposed</p> |
| | <p>17 - Does Holdsworth Street exist?</p> | <p>Officer Comment: Please see above.</p> <p>Officer Recommendation No modification is proposed</p> |
| | <p>18 - Hester, eastern edge of map 7, Triangular shape. Was state forest, now shows as rural</p> | <p>Officer Comment: The subject land is privately owned. The proposed Rural zoning is appropriate as the land does not form part of State Forest (see extract of Map 7 below)</p> |

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| | |  <p>Officer Recommendation No modification is proposed</p> |
| | <p>19 - Hester, eastern edge of map 7, rectangular and triangle, was state forest, now shows as rural.</p> | <p>Officer Comment: Duplicate of above</p> |
| | <p>20 - Hester. Road reserve at southern end of town. Map now shows road reserve deleted and now the road reserve is general industry.</p> | <p>Officer Comment: The new map reflects the correct information. The road reserve illustrated on the TPS4 map does not exist.</p>  <p>Old TPS 4 Map</p> |

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| | |  <p>Officer Recommendation No modification is proposed</p> |
| | <p>21 - Hester. Connell Road off Hester Road Old maps show road reserve around railway reserve, new map railway reserve has been changed.</p> | <p>Officer Comment: The proposed alignment of the Rail Reserve, road reserve and residential land aligns with current lot boundaries and ownership. (see extract of Map 7) below.</p>  <p>Officer Recommendation No modification is proposed</p> |
| | <p>22 - Has this land now been transferred to landowner?</p> | <p>Officer Comment: The proposed alignment of the Rail Reserve, road reserve and residential land aligns with current lot boundaries and ownership. (see extract of Map 7) below.</p> |

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| | |  <p>Officer Recommendation No modification is proposed</p> |
| | <p>23 - Hester east of railway crossing, old map showed a road reserve continuing, but now it is no longer a road reserve, is it some other reserve or has the land been transferred to adjoining landowners?</p> | <p>Officer Comment: The proposed alignment of the Rail Reserve, road reserve and residential land aligns with current lot boundaries and ownership. (see extract of Map 7) below.</p>  <p>Officer Recommendation: No modification is proposed</p> |

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| <p>24 - Hester Dam Catchment, not on previous maps. Is there a buffer from general industrial area, since this is the timber treatment plant (refer shire website re 2022 bushfire and clean up)</p> | <p>Officer Comment: Please see extract of the map below (Map 7) delineating the extent of the Special Control Area. Additional text is required to detail requirements associated with the Special Control Area</p>  <p>Officer Recommendation: Amend the Scheme Text to include Special Control Area provisions and allocate a Special Control Area Number in the legend of LPS6 detailing land use controls relating to development in this area.</p> |
| <p>25 - Hester dam catchment. When was this introduced? Impact on development applications, likely impact?</p> | <p>Officer Comment: See above.</p> <p>Officer Recommendation: Amend the Scheme Text to include Special Control Area provisions and allocate a Special Control Area Number in the legend of LPS6.</p> |

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| | <p>26 - Hester. Old map show railway reserve on railway side of Warner Street. New map shows as public open space. Is this railway land, has the shire leased the land and has reserve changed its purpose?</p> | <p>Officer Comment: The subject land is a reserve vested with the Shire for Parkland. (see extract of map 7 below). The previous reservation as railway was incorrect.</p>  <p>Officer Recommendation: No modification is proposed</p> |
| | <p>27 - Hester, Railway reserve now shows as ES. Is this Hester fire shed and has the reserve purpose been changed?</p> | <p>Officer Comment: This site contains the Hester Fire Shed (see extract of map 7 below) and is correctly reserved for 'fire station site'</p>  <p>Officer Recommendation: No modification is proposed</p> |

28 - Yornup. Old maps show "community use" along SW Highway between hall and Gomms Lane. New map shows "civic and community" for first block south of the hall. Is this the reserve that was changed for the fire brigade museum?

Yornup. Old map shows "community use" along SW highway between hall and Gomms Lane. New map shows rural. This includes Wilsons Transport depot. Non-conforming use under old maps?

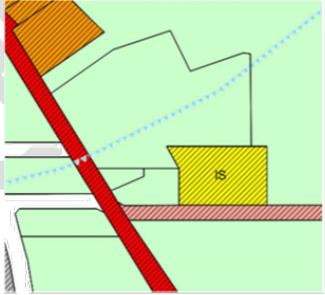
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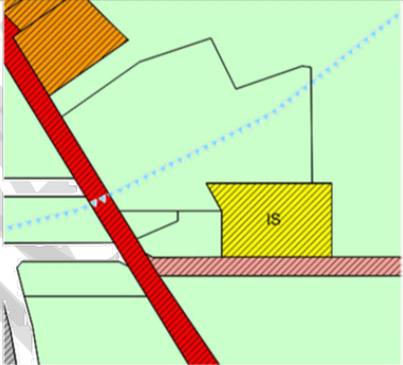
The extent of the reserved land on the eastern side of the Highway reserve reflects landownership/vesting. Private land is zoned Rural (see extract of Map 12 below).

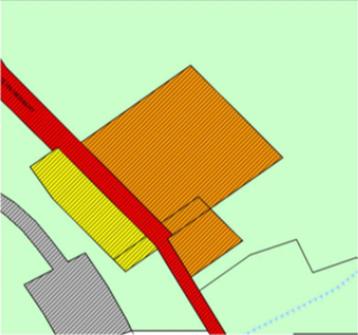
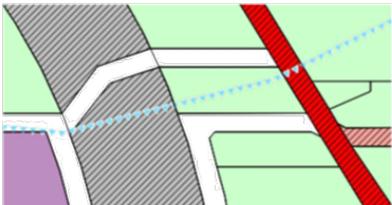


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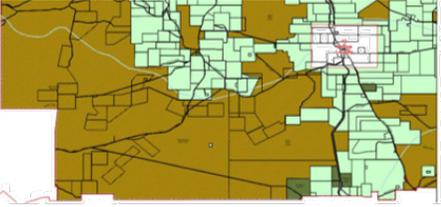
No modification is proposed

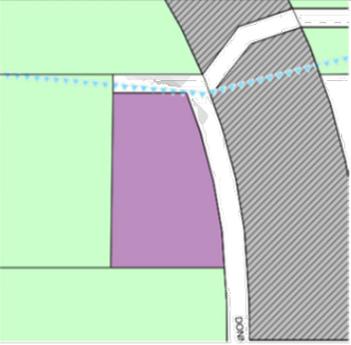
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| | <p>29 - Yornup. Old map shows "community use" along SW highway between hall and Gomms Lane. New map shows rural but private house on corner, should this be rural or rural residential?</p> | <p>Officer Comment: Please see comments immediately above (see extract of Map 12 below). Applying the rural zone to the property with dwelling is appropriate</p>  <p>Officer Recommendation: No modification is proposed</p> |
| | <p>30 - Yornup. Radio mast. Formerly had buildings on site. New map shows as rural. Should this have an IS code for part of the block?</p> | <p>Officer Comment: The subject land is held in private ownership.</p> |

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| | |  <p>Officer Recommendation: No modification is proposed</p> |
| | <p>31 - Yornup fire station does not appear as ES on map and is within civic and community reserve.</p> | <p>Officer Comment: There are three parcels of land reserved Civic and Community (see extract of map 12 below). The middle most contains a fire station and hall. The proposed reservation is appropriate to accommodate these uses.</p> |

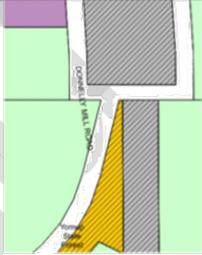
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| | |  <p>Officer Recommendation: No modification is proposed</p> |
| | <p>32 - Yornup siding road. Is this a road, and a road reserve or is it now private property since no road exists and the reserve appears to be permanently blocked.</p> | <p>Officer Comment: The proposed portion of road alignment that is located between the rail reserve is vested for Rail Reserve. (see extract of map 12 and land boundaries below). It is recommended that the map be amended to remove the local road to reflect the intended vesting of this section of land.</p>  |

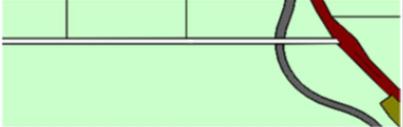
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| | |  <p>Officer Recommendation: It is recommended to amend Map 12 and portion of road reserve abutted north and south by Rail Reserve to Railways.</p> |
| | <p>33 - Donnelly River Water reserve. When was this created and what planning restrictions apply/buffers as general industrial land is within reserve, transport depot within reserve, western power substation in reserve and recent application to shire for extractive industry may have been in the reserve</p> | <p>Officer Comment: Please see extract from LPS6 Map 1. The proposal is to include this within a special control area to provide controls for development to ensure water protection mechanisms are in place.</p>  |

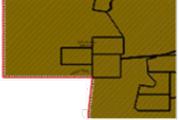
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| | | <p>Officer Recommendation: Recommended to update scheme text to include special control area provisions and update map legend to include special control area references.</p> |
| | <p>34 - Donnelly River water reserve, High water table in this area, water in paddocks after heavy rain and wet winters. Exemption from planning approval under draft LPS6 would allow development of a single house with no planning approval in the water reserve and an area subject to flooding and inundations.</p> | <p>Officer Comment: Please see extract from LPS6 Map 1. The proposal is to include this within a special control area to provide controls for development to ensure water protection mechanisms are in place.</p>  <p>Officer Recommendation: Recommended to update scheme text to include special control area provisions and update map legend to include special control area references.</p> |
| | <p>35 - Yornup general industry. Mill is outside of general industry zone. Should industrial zone be expanded (Report on review, future industry) or is this non-conforming use under old and new schemes.</p> | <p>Officer Comment: The "Mill" is contained within the industrial zoning (see extract of map 12 below as well as aerial mapping)</p> |

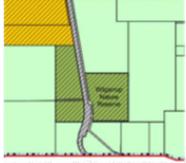
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| | <p>36 - Donnelly Mill Road. Old map does not have Donnelly Road connecting to anything. New map shows road alignment correctly. Has the road reserve been changed and land bought/swapped?</p> | <p>Officer Recommendation: No modification is proposed</p> <p>Officer Comment: The road alignments reflect road reserve alignments (see extract of Map 12 and Slip Mapping below)</p> |

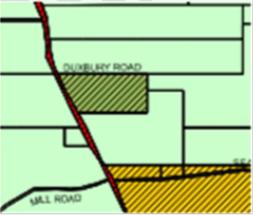
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| | |  <p>Officer Recommendation: No modification is proposed</p> |
| | <p>37 - Donnelly Mill Road. South of mill, Road does not have the T intersection south of mill. Road alignment is not as it is shown on new map. Has Road reserve been changed? Private land bought/resumed?</p> | <p>Officer Comment: The road alignments reflect road reserve alignments (see extract of Map 12 and Slip Mapping below)</p> |

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| | |   <p>Officer Recommendation: No modification is proposed</p> |
| | <p>38 - North of Yornup. Both maps show a road reserve running west from SW Highway. No road visible, is this a road reserve or is it private land?</p> | <p>Officer Comment: The road reserve (see extract of map 12 and SLIP mapping below) reflects the alignment of an unconstructed road reserve.</p>  |

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| | |  <p>Officer Recommendation: No modification is proposed</p> |
| | <p>39 - North of Yornup. Both maps show a road reserve running east from SW Highway. No road, Is this a road reserve or private land?</p> | <p>Officer Comment: The road reserve (see extract of map 12 and SLIP mapping below) reflects the alignment of an unconstructed road reserve.</p>  |

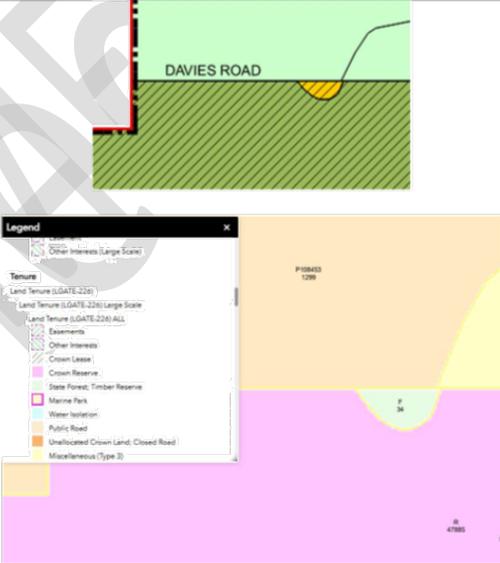
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| | |  <p>Officer Recommendation: No modification is proposed</p> |
| | <p>40 - Old Wandillup map showed rural land in southwest corner north of Donnelly state forest. New map shows as state forest. Has there been new state forest created?</p> | <p>Officer Comment: The subject land is located within State Forest managed land (see extract of Map 1 and aerial mapping below).</p>   <p>Officer Recommendation: No modification is proposed</p> |

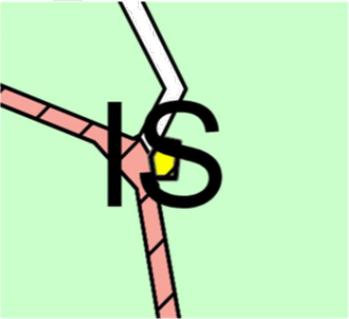
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| <p>41 - Alco Nature reserve. Was Rural 1 now environment/conservation. Reserve declaration?</p> | <p>Officer Comment: The reserve reflects the vesting status of the land. The land is vested with DBCA for the purpose of Conservation of flora and fauna (see extract of map1) below.</p>  <p>Officer Recommendation: No modification is proposed</p> |
| <p>42 - Wilgarup Nature reserve Was Rural 1 now environment/conservation</p> | <p>Officer Comment: The reserve reflects the vesting status of the land which is vested with DBCA for the purpose of Conservation of flora and fauna (see extract of map1) below.</p>  <p>Officer Recommendation: No modification is proposed</p> |

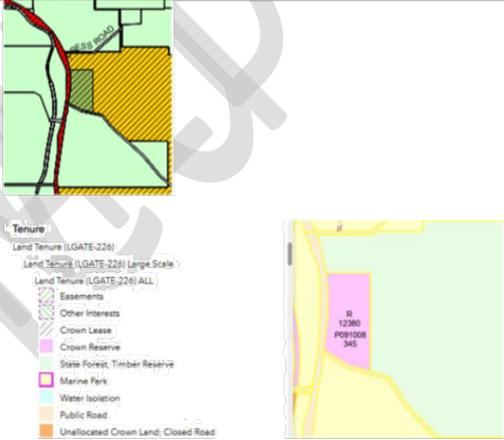
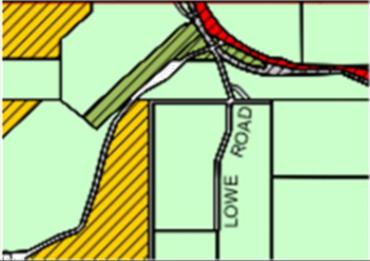
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| | <p>43 - Duxbury Road off SW highway. Was Rural 1 now is either environment/conversation or public open space, map not clear.</p> | <p>Officer Comment: This property is a reserve with the management order in favour of the Shire for water and stopping place.</p>   <p>Officer Recommendation: No modification is proposed</p> |
| | <p>44 - Small block of land south of road was general agriculture, now conservation/environment</p> | <p>Officer Comment: This property is owned by the Crown. (see extract of map 1 and property details below).</p> |

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| | |  <p>LR3085/559</p> <p>View Details Plan Details Record Details</p> <p>General Details Other Interests Associated Documents Ownership History</p> <p>Certificate of Title: LR3085/559 File Type: Certificate of Title (CAT) File File Number: 541 1485 On-Registered Plan 20188 File Name: 541 1485 On-Registered Plan 20188 Address Details: No Street Address Information Available Building Status: Complete Structure Class: N/A Other Interests: None Other Interests Document Type: Application Allowing Land Ownership Document Number: 5411485 State of Issuance: Public Document Issued Date: 2018-08-01 Issued By: STATE OF WESTERN AUSTRALIA</p>  |
| | <p>45 - Greater Kingston National Park- maps refer only to Kingston National Park,</p> | <p>Officer Recommendation: No modification is proposed</p> <p>Officer Comment: No objections are raised to changing the title to include "greater" as it reflects the names of the national park (see extract of Map 1 below)</p> |

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| <p>46 - Wandillup 13-sided reserve east of North Donnelly state forest- Addition to state forest or is it new environment/conservation</p> | <p>Officer Comment: The alignments of reserves reflect the extent of State Forest and other land vested for conservation purposes (see extract of Map 1 and SLIP mapping below)</p>  <p style="text-align: right;">Shire of B Logo</p>  <p>Officer Recommendation: No modification is proposed</p> |
| <p>47 - Dalgarrup NP Small section of state forest at top- is this NP or state forest?</p> | <p>Officer Comment: The area identified reflect the State Forest vesting (see extract of Map 1 and SLIP mapping below)</p> |

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| | |  <p>Officer Recommendation: No modification is proposed</p> |
| | <p>48 - East of Dalgarrup National Park "IS" on map but shows as rural land</p> | <p>Officer Comment: The reserve reflects is reserved and is vested with the Shire for the purpose of Bush Fire Station (see extract of Map 1 below)</p> |

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| | |   <p>Officer Recommendation: No modification is proposed</p> |
| | <p>49 - Glentulloch Road. Was general agriculture, now environment and conservation</p> | <p>Officer Comment: The reserve reflects the extent of State Forest. The portion of land reserved Conservation is vested with DPLH for the purpose of camping. (see extract of Map 1 and SLIP mapping below)</p> |

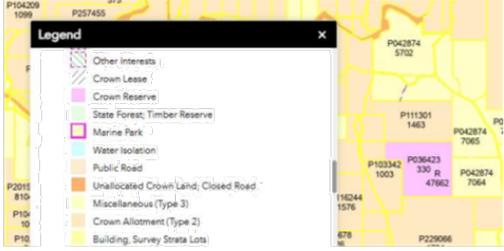
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| | |  <p>Officer Recommendation: No modification is proposed</p> |
| | <p>50 - Off SW Highway (possibly rifle range road) New environment/conservation long reserve below inset for Map 10</p> | <p>Officer Comment: The land is crown managed land (see extract of Map 1 and SLIP mapping below).</p>  |

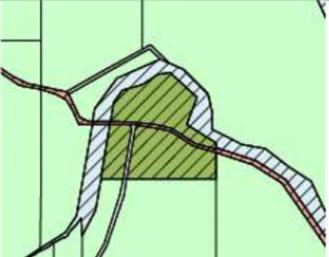
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| | |  <p>Officer Recommendation: No modification is proposed</p> |
| | <p>51 - Old Kingston map, far east near Boyup Brook shire boundary, was general agriculture now state forest</p> | <p>Officer Comment: The land reserved reflects the vesting of the land with DBCA (see extract of Map 1 below)</p>  <p>Officer Recommendation: No modification is proposed</p> |

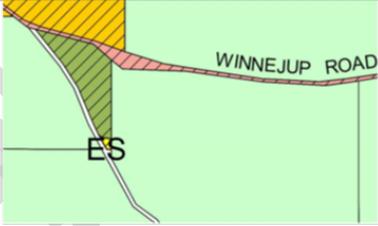
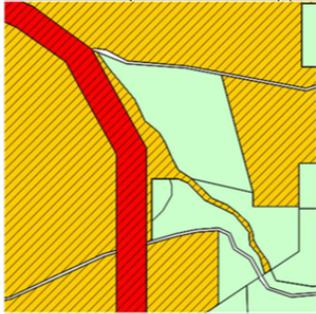
The image shows a large rectangular frame divided into three vertical sections. The rightmost section contains a map of a property with a green background and a red line representing a road labeled 'DWEED ROAD'. Below the map is a legend window with the following text:

- Legend
- Other Interests (Large Scale)
- Tenure
- Land Tenure (LGATE 226)
- Land Tenure (LGATE 226) Large Scale
- Land Tenure (LGATE 226) All
- Equipment
- Other Interests
- Crown Lease
- Crown Reserve
- State Forest (Ecological Reserve)
- Marine Park
- Water Incorporation
- Public Road
- Unallocated Crown Land (Closed Road)
- Miscellaneous (Type 3)

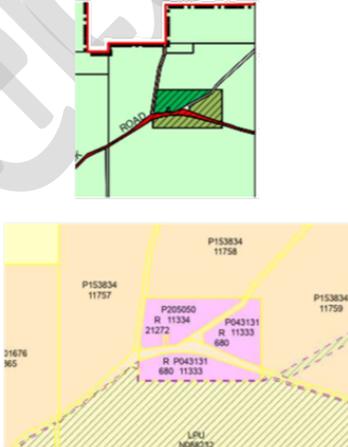
Below the legend is a map showing a pink area with the text 'PROPOSED 1572A' and 'PROPOSED 1572B'. To the right of the map is the text 'Officer Recommendation: No modification is proposed'.

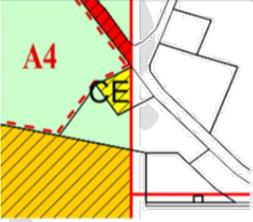
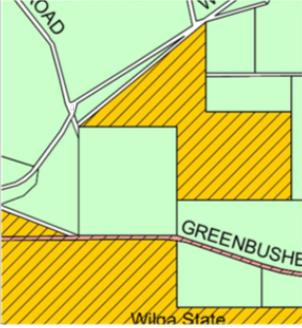
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| | <p>55 - Old Kingston map, 6 properties in from eastern boundary, Was rural 3 blackwood valley, now NP or environment and conservation. Satellite map doesn't match shape of National Park.</p> | <p>Officer Comment: The land is reserved and reflects the crown ownership of the land (see extract of Map 1 and SLIP mapping below). The surrounding lots are in private ownership.</p>   <p>Officer Recommendation: No modification is proposed</p> |
| | <p>56 - Winnejup Reserve. Was general agriculture now environment and conservation</p> | <p>Officer Comment: The map below shows the proposed reserve (LPS6 extract). This land is reserved with the Shire having a management order on the land.</p> |

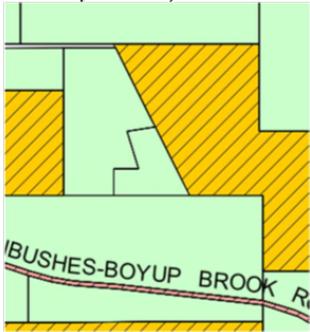
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| | |  <p>Previous zoning shown in extract below.</p>  <p>Officer Recommendation: No modification is proposed</p> |
| | <p>57 - Corner Winnejup Road and Wheatley-Giblett Road, was general agriculture now "ES" Is this whole area ES or is some environment and conservation. Appears 41pprox.. 700mx500mx200m area for fire shed. Is this Winnejup fire shed?</p> | <p>Officer Comment: The land is vested with the Shire for the purpose of Fire Station (see extract of Map 1) below.</p> |

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| | |  <p>Officer Recommendation: No modification is proposed</p> |
| | <p>58 - SW Highway and Catterick Road, Triangular shape, was general agriculture now state forest.</p> | <p>Officer Comment: The State Forest reserve reflects the vesting of the land (see extract of Map 1 and SLIP mapping below)</p>  |

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| | |  <p>Officer Recommendation: No modification is proposed</p> |
| | <p>60 - Hester Cascades Road. Was state forest, now rural</p> | <p>Officer Comment: The land is identified as Rural noting that it is in private ownership (see - extract of Map 1 below).</p>  <p>Officer Recommendation: No modification is proposed</p> |

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| <p>61 - Bridgetown Boyup Brook Road. West of Jayes Road. Was agricultural now environment and conservation</p> | <p>Officer Comment: The land is in Crown ownership (see - extract of Map 1 below).</p>  <p>Officer Recommendation: No modification is proposed</p> |
| <p>62 - Pioneer cemetery north of Greenbushes. Reserve objectives table 1 Cemetery- to set aside land required for a cemetery. If pioneer cemetery is closed, then the land is not required for a cemetery. Either another reserve type should be considered or the objective changed to "To set aside land required for a cemetery or which has formerly been a cemetery". There needs to be something in the text which precludes the cemetery being reused.</p> | <p>Officer Comment: The subject land is vested for the purpose of cemetery (see Extract of Map 1 below). The reservation reflects this vesting. A change in purpose for this site based on its current / future use will be subject to a different process outside this review.</p> |

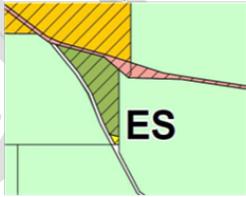
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| | |  <p>Officer Recommendation: No modification is proposed</p> |
| <p>63 - Greenbushes-Boyup Brook Road, north of road, was state forest now agriculture.</p> | | <p>Officer Comment: The subject land is privately owned and does not form part of the State Forest Estate (see extract of Map 1 and SLIP mapping below)</p>  |

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| | |  <p>Officer Recommendation: No modification is proposed</p> |
| | <p>64 - Greenbushes-Boyup Brook Road, north of road, property boundary has been changed from a square to now being an odd shaped corner of the block.</p> | <p>Officer Comment: The boundaries reflect the most recent boundaries, created as part of a boundary realignment in 2022 (see extract of Map 1 below)</p>  <p>Officer Recommendation: No modification is proposed</p> |

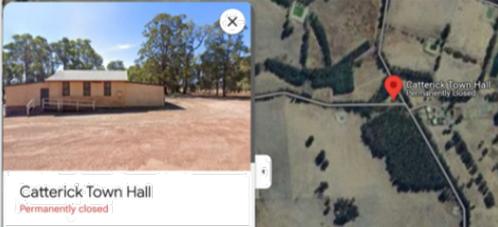
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| | <p>65 - Wilga Road. Old map rural new environment and conservation</p> | <p>Officer Comment: The land is in Crown ownership (see - extract of Map 1 below).</p>   <p>Officer Recommendation: No modification is proposed</p> |
| | <p>66 - Wilga Road, Small triangular block south of road between environment and conservation and Wilga state forest. Is this state forest?</p> | <p>Officer Comment: The land is in Crown ownership currently reflecting road reserve by virtue of not zoning or reservation</p> |

being assigned to the land (see - extract of Map 1 below).

Officer Recommendation:
No modifications proposed

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| | <p>67 - Greenbushes-Boyup Brook Road, north of road (near ES on new map) Was general agriculture now environment and conservation</p> | <p>Officer Comment: Please see the mapping extracts below.</p> <p>New Map – LPS 6 </p> <p>Old Map – TPS 4 </p> <p>This land is reserved with the DPLH having a management order on the land.</p> <p>Officer Recommendation: No modification is proposed</p> |
| | <p>68 - ES now appears on map on Greenbushes-Boyup Brook Road. Is this Catterick fire shed</p> | <p>Officer Comment: The property is a reserve with a management order in favour of the Shire. The site contains a Bushfire Station (see extract of Map 1 below).</p> |

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| | |  <p>Officer Recommendation: No modification is proposed</p> |
| | 69 - Catterick Hall, is there a reserve for this? | <p>Officer Comment: This reserve accommodates the Catterick Town Hall. (see extract of Map 1 and google images below)</p> |

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| | |   <p>Officer Recommendation: No modification proposed</p> |
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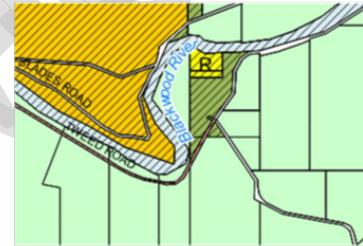
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| | <p>70 - Blackbutt Road, near eastern boundary, small triangular area was general agriculture now appears it may be state forest.</p> | <p>Officer Comment: Please see the mapping below. New Map – LPS 6 Old Map – TPS 4</p>  <p>This land is reserved, and the Catterick District Progress Association Inc have a management order in place.</p> <p>Officer Recommendation: No modification proposed</p> |
| | <p>71 - Corner Mockerdillup Road and Brockman Highway, was blackwood valley rural 3, now part is ES (Wandillup fire shed) and part environment and conservation.</p> | <p>Officer Comment: The ES reserve accommodates a bush fire station. The abutting land to the west is Crown owned land (see extract of Map 10 and SLIP mapping below).</p>  |

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| | |  <p>Officer Recommendation: No modification proposed</p> |
| | <p>72 - Corner Farrell Road and Davies Road. Old scheme shows "S" for sewerage. New scheme shows "IS". Was it a sewerage treatment, apparently has been a blue gum plantation for a long time.</p> | <p>Officer Comment: The subject land is vested with Water Corporation. (see extract of Map 10 below) and is appropriately reflected.</p>  <p>Officer Recommendation: No modification proposed</p> |

73 - Slades Road. Old map shows Rural 3 blackwood valley zone, new map shows state forest.

Officer Comment:

The State Forest reservation is a mapping error (see Map extract below). The land is owned freehold by the Conservator of Forest. The zoning should reflect the rural zone given the existing use of plantation.

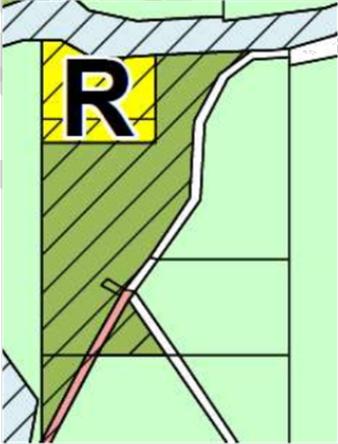


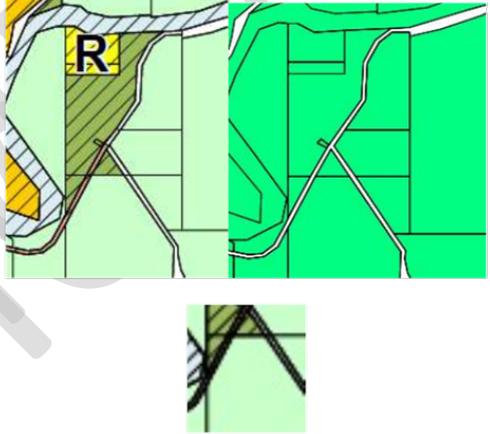
Officer Recommendation:

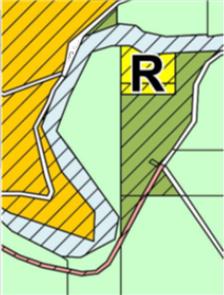
Modify Map 1 to zone Lot 8484 on plan 253891 Slades Road to rural.

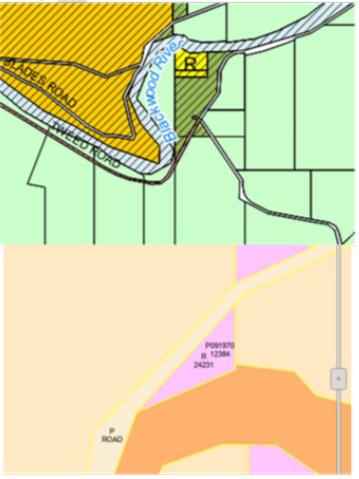
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| | <p>74 - Sunnyside reserve. Old map shows Rural 3 Blackwood valley zone, new map shows environmental conservation reserve</p> | <p>Officer Comment: The land is in Crown ownership and vested with the Shire for the purpose of "Preservation of Native Bushland" (see extract of Map 1 and aerial mapping below).</p>   <p>Officer Recommendation: No modification proposed</p> |
| | <p>75 - Sunnyside reserve, old map shows Rural 3 Blackwood valley zone, new map shows part of reserve as Recreational.</p> | <p>Officer Comment: The land is in Crown ownership and vested with the Shire for the purpose of Recreation (see extract of Map 1 and aerial mapping below).</p> |

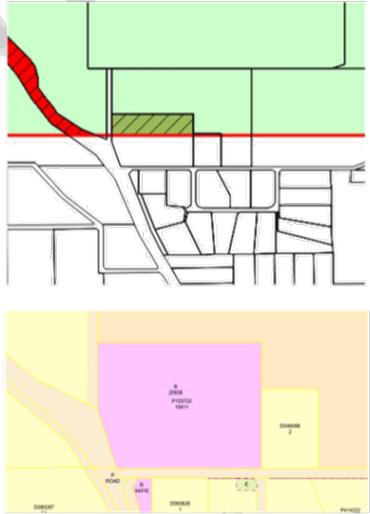
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| | |   <p>Officer Recommendation: No modification proposed</p> |
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| | <p>76 - Sunnyside reserve. Old map shows Rural 3 Blackwood valley zone, new map shows environmental conservation zone, where shire has built Sunnyside fire shed. No ES reserve for fire shed,</p> | <p>Officer Comment: The land is in Crown ownership and vested for the purpose of "Sunnyside Hall" (see extract of Map 1 and aerial mapping below).</p>  <p>Officer Recommendation: Amend Map 1 to reflect the correct reservation of Public Purposes with ES annotation given the site houses the Sunnyside Fire Station</p> |
| | <p>77 - Sunnyside reserve, old map shows Rural 3 Blackwood valley new maps shows environmental conservation in a paddock south of the river. Is this a reserve or is this farmland. Property sold recently so title would show correct boundary May give rise to claim for adverse possession.</p> | <p>Officer Comment: Please see maps below for details of site.</p> <p>New Map – LPS 6 Old Map – TPS 4</p> |

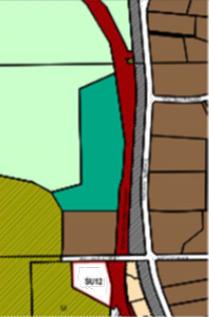
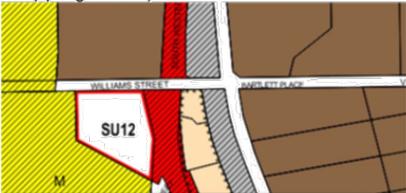
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| | |  <p>This is a reserve that has a management order in favour of the Shire. The aerial features show that the site is developed and used for grazing / farming purposes. Staff are unsure if there are any formal arrangements with the adjoining land owner who uses the land.</p> <p>Officer Recommendation: No modification proposed</p> |
| | <p>78 - Property between Sunnyside Reserve and Blackwood River. New map shows that the reserve and river reserve touch, so this property would have no road access. Only access if reserve boundary applied would be farm vehicles through environment and conservation reserve.</p> | <p>Officer Comment: The subject property being Lot 651 on plan 251145 has formal access via tweed road. Due to the resolution of the maps, it appears to show that the reserve and river reserve 'touch' but this is not the case. (see larger resolution of map below)</p> |

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| | | <p>Physical access is unknown and the review of the LPS is not required to resolve access issues</p>  <p>Officer Recommendation: No modification is proposed</p> |
| | <p>79 - Sunnyside reserve. Road on scheme map only goes for about 50 metres and may not be in correct location. Road is constructed to Sunnyside Hall but does not appear on map.</p> | <p>Officer Comment: The maps capture existing road reserves only and not road formations outside road reserves (see extract of Map 1 below)</p>  |

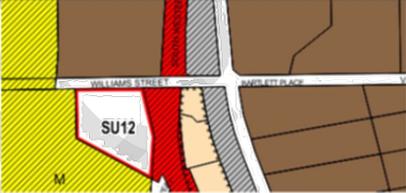
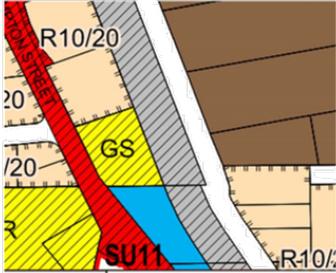
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| | <p>80 - Slades Road. Old maps show Rural 3 Blackwood Valley zone. New maps show environmental/conservation reserve south of Slades road.</p> | <p>Officer Recommendation: No modification is proposed</p> <p>Officer Comment: The land freehold in the ownership of the Conservator of Forests (state govt agency) (see extract of Map 1 and SLIP mapping below).</p>  <p>Officer Recommendation: Amend Map 1 to change from Environmental Conservation Reserve to the Environmental Conservation Zone</p> |
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| | <p>81 - Slades Road. Old map shows Rural 3 Blackwood Valley zone. North of road opposite recreation area, shows environment/conservation reserve.</p> | <p>Officer Comment: See comments above.</p> |
| | <p>82 - South Western Highway and Hester Brook Road, north of Hester Brook road- old map shows rural 3 Blackwood Valley zone. New map shows environment and conservation at bottom of map (boundary with map 8)</p> | <p>Officer Comment: The land is a reserve with a management order in favour of the Shire for "Stopping Place for Travellers and Camping" (see extract of Map 1 and SLIP mapping below).</p>  <p>Officer Recommendation: No modification proposed</p> |

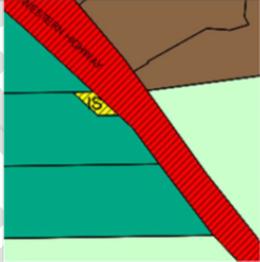
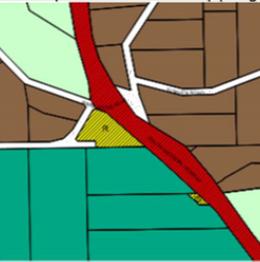
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| | <p>83 - Hester Road, edge of old map 7, north of road, old map shows rural 3 Blackwood Valley zone, new map shows State Forest, new map shows rural</p> | <p>Officer Comment: Please see extract from maps below. New Map – LPS 6 Old Map – TPS 4</p>  <p>The triangular portion of land is owned in freehold (private). The proposed Rural zoning reflects this ownership status.</p> <p>Officer Recommendation: No modification proposed</p> |
| | <p>84 - South Western Highway north of Williams Street. Old map shows SR10 new map shows Rural Residential and then a dark green area that is not in the legend.</p> | <p>Officer Comment: This zone is called “rural small holdings zone” and an error with the preparation of the scheme maps excluded this zone from the legend. (see extract from Map 8 below).</p> |

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| | |  <p>Officer Recommendation: Amend legend on Scheme Maps to include "Rural Small Holdings" zone</p> |
| | <p>85 - Williams Street Bridgetown shows road crosses South Western Highway but there is no road.</p> | <p>Office Comment: The alignment reflects an unconstructed road reserve (see extract of Map 8, aerial mapping and SLIP mapping below)</p>  |

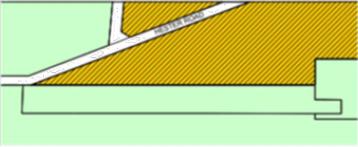
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| | |   <p>Officer Recommendation: No modification proposed</p> |
| | <p>86 - Williams Street Bridgetown, road reserve on new map cuts through South Western Highway road reserve, an access road therefore cuts the highest road reserve on the hierarchy.</p> | <p>Officer Comment: The section of "Williams Street bisecting the South Western Highway needs to reflect the primacy of South Western Highway (see extract of Map 8 below)</p> |

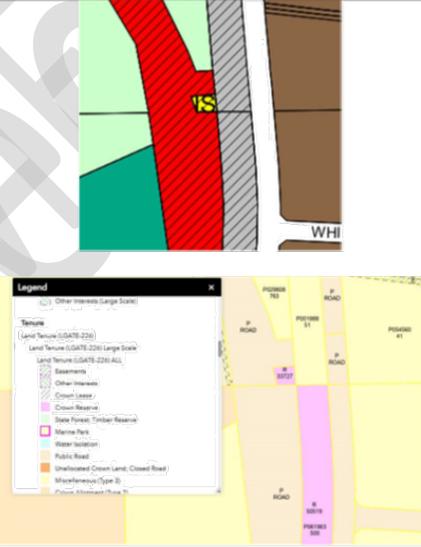
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| | |  <p>Officer Recommendation: Recommend that the reserve for South Western Highway extend over portion of Williams Street.</p> |
| | <p>87 - South Western Highway, reserve on eastern side, opposite Peninsular Road. Old map Public purposes, municipal purposes (M). New map GS government services. Has the reserve use changed?</p> | <p>Officer Comment: The land is a reserve with a management order for "Park" in favour of the Shire. (see extract of Map 8 below).</p>  <p>Officer Recommendation: Amend Map 8 to change annotation from GS to R for Recreation.</p> |

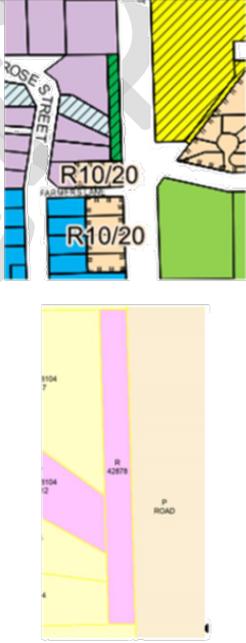
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| | <p>88 - Flintoff Road and South Western Highway, old map south of road Rural 3 Blackwood Valley zone. New map shows a green not in the legend.</p> | <p>Officer Comment: The This zone is called "rural small holdings zone" and an error with the preparation of the scheme maps excluded this zone from the legend. This zone is captured in the scheme text. (see extract from Map 8 below).</p>   <p>Officer Recommendation: Amend legend on Scheme Maps to include "Rural Small Holdings" zone</p> |
| | <p>89 - South Western Highway south of Flintoff Road, old map shows Rural 3 Blackwood Valley zone, new map shows IS infrastructure reserve.</p> | <p>Officer Comment: The land is vested with Water Corporation (see extract of Map 8 below).</p> |

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| | |  <p>Officer Recommendation: No modification proposed</p> |
| | <p>90 - South Western Highway Flintoff Road intersection. Old map shows Rural 3 Blackwood Valley zone. New map shows R recreation reserve.</p> | <p>Officer Comment: The land is a reserve with a management order for "Parklands" in favour of the Shire. (see extract of Map 8 and SLIP mapping below).</p>  |

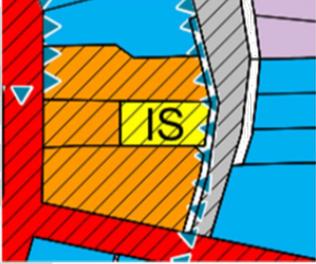
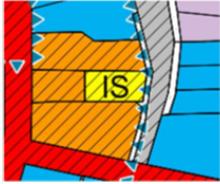
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| | |  <p>Officer Recommendation: No modification proposed</p> |
| | <p>91 - South Western Highway south of Hester Brook Road. Old map shows reserve public purposes. New maps show environment and conservation.</p> | <p>Officer Comment: The land is a reserve with a management order for "Stopping Place Camping" in favour of the Shire. (see extract of Map 8 below).</p>  <p>Officer Recommendation: No modification proposed</p> |
| | <p>92 - Hester Brook Road, south of road near South Western Highway, old map shows reserve public purposes, new map shows IS infrastructure reserve.</p> | <p>Officer Comment: The land is in Crown ownership vested with the Australian Broadcasting Commission. (see extract of Map 8 below).</p> |

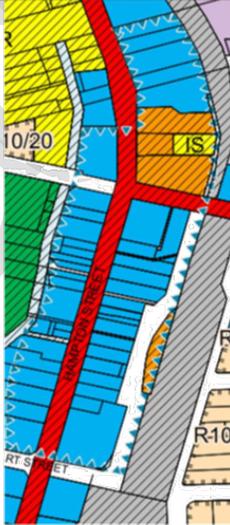
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| | |  <p>Officer Recommendation: No modification proposed</p> |
| | <p>93 - Hester Brook Road, old map shows road reserve as state forest. New map shows road reserve is now not part of state forest.</p> | <p>Officer Comment: The alignment of State Forest reflects boundaries defined by road reserves (see extract of Map 8 below).</p>  <p>Officer Recommendation: No modification proposed</p> |
| | <p>94 - Pumping station South Western Highway north of Whittells Road, old map showed this as Primary distributor road. Now shown as IS infrastructure. Is Water Corporation GS or IS</p> | <p>Officer Comment: The land is Crown land with a management order for "Pumping Station Site" in favour of the minister for Water Resources. (see extract of Map 8 and SLIP mapping below). "IS" is an appropriate annotation.</p> |

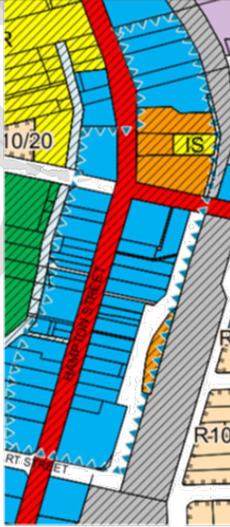
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| | |  <p>Officer Recommendation: No modification proposed</p> |
| | <p>95 - Roe Street, old map shows service industry in long strip. New map shows public open space.</p> | <p>Officer Comment: The land is a reserve with a management order for "Public Recreation" in favour of the Shire. (see extract of Map 10 and SLIP mapping below).</p> |

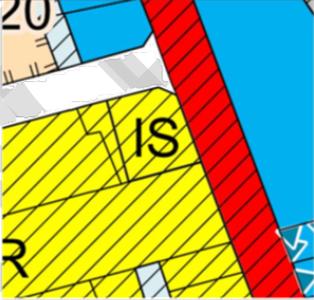
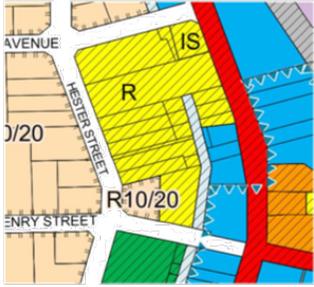
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| | |  <p>Officer Recommendation: No modification proposed</p> |
| | <p>96 - Rose Street. Old map show service industry. New map shows drainage/waterway.</p> | <p>Officer Comment: Both parcels of land are reserves with a management order for "Drainage" in favour of the Shire. (see extract of Map 10 and SLIP mapping below).</p> |

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| | |  <p>Officer Recommendation: No modification proposed</p> |
| | <p>97 - Steere Street and Hampton Street. Shire offices, hall and car park appear as C civic on old maps.</p> | <p>Officer Comment: The mapping shows the land as "Civic and Community (see extract of Map 8 below). The intent of this reserve remains unchanged and is appropriate.</p> |

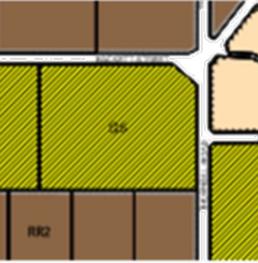
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| | |  <p>Officer Recommendation: No modification proposed</p> |
| | <p>98 - New map shows one block as IS infrastructure reserve.</p> | <p>Officer Comment: The subject site is vested with Telstra (see extract of Map 8 below).</p>  <p>Officer Recommendation: No modification proposed</p> |
| | <p>99 - Old maps show "H" for each historic/natural beauty/scientific interest building or lot. New map only shows Bridgetown Special Design Heritage Precinct.</p> | <p>Officer Comment: The Special Control Area provides the mechanism to include additional development controls for this locality to address heritage considerations. (see extract of Map 10 below for location)</p> |

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| | |  <p>Officer Recommendation: No modification proposed</p> |
| | <p>100 - Old map shows H for historic/natural beauty/scientific inters building or lot, outside of the Bridgetown Special Design Heritage precinct. New map has no indication of this. Draft LPS6 has no heritage protection or precinct in provisions.</p> | <p>Officer Comment: Heritage protections are proposed for the buildings within the heritage precinct as per the annotation on Scheme Map 10. Heritage controls on properties outside the special control area are addressed by inclusion on the local government heritage list as per the deemed provisions and development proposals are assessed in accordance with the deemed provision requirements. (see extract Map 10 below)</p> |

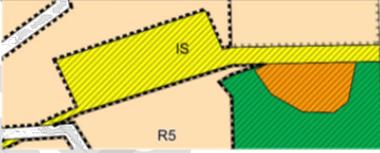
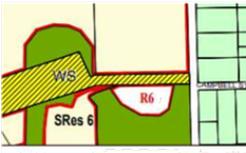
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| | |  <p>Officer Recommendation: No modification is proposed</p> |
| | <p>101 - Bridgetown fire station. Old map public purposes civil. New map IS infrastructure reserve. Why isn't this ES for emergency services?</p> | <p>Officer Comment: The land is owned by the state for the purpose of Fire and Rescue. A change in the annotation is supported to emergency services (see extract of Map 10 below)</p> |

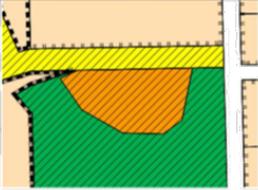
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| | |  <p>Officer Recommendation: Amend Map 10 to change the annotation from "IS" to "ES" on Lot 151 on Plan 064974</p> |
| <p>102 - Memorial Park Old map shows what appears to be a road reserve. Same location is now Recreation.</p> | | <p>Officer Comment: The mapping shows that there is no road reserve in the locality identified.</p>  |

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| | |  <p>Officer Recommendation: No modification is proposed</p> |
| | <p>103 - Brand Street. Old map shows Parks and recreation. New map shows R5 zoned residential under ASR1</p> | <p>Officer Comment: The zoning reflects the freehold ownership status of the land (see extract of Map 10 below)</p>  |

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| | |  <p>Officer Recommendation: No modification proposed</p> |
| | <p>104 - Thornbill Road and Hackett Street. Old map shows M Municipal Purposes. New map shows GS Government Services. What government services are used here?</p> | <p>Officer Comment: The land is a reserve with a management order for "school site" in favour of the Dept of Education (see extract of Map 10 below).</p>  |

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| | | <p>Officer Recommendation: No modification proposed</p> |
| | <p>105 - Hackett Street and Lefroy Road. Old map shows Municipal purposes. New map shows R Recreation.</p> | <p>Officer Comment: The land is a reserve with a management order for "Parkland Rehabilitation" in favour of the Shire. (see extract of Map 10 below)</p>  <p>Officer Recommendation: No modification proposed</p> |
| | <p>106 - Allnut street. Pipeline and tanks. Old map showed WS Water supply. New map shows IS infrastructure services. Is Water corporation IS or GS, when Western Power is GS.</p> | <p>Officer Comment: The land is a reserve with a management order for "water supply" in favour of the Water Corporation. (see extract of Map 10 below). "IS" is an appropriate annotation.</p> |

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| | |  <p>Officer Recommendation: No modification proposed</p> |
| | <p>107 - Allnut Street. Old map R6 with specified land use in text. New map shows civic and community with no restrictions on use.</p> | <p>Officer Comment: The existing permitted uses under TPS 3 are restricted to community related purposes (see extract from LPS6 Map 10 below). The proposed reservation of civic and community will support a continuation of the permitted uses related to community purposes.</p> <p>Old Map – TPS 3</p>  <p>New Map – LPS 6</p> |

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| | |  <p>Officer Recommendation: No modification is proposed</p> |
| | <p>108 - Allnut Street. Old map showed parks and recreation reserve north of pipeline. New map shows R5 ASR1.</p> | <p>Officer Comment: The zoning reflects the private ownership status of the land (see extract of Map 10 below)</p>  <p>Officer Recommendation: No modification proposed</p> |

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| | <p>109 - Allnut Street. Old map shows parks and recreation reserve south of pipeline. New map shows R5 ASR1</p> | <p>Officer Comment: The zoning reflects the private ownership status of the land (see extract of Map 10 below)</p>  <p>Officer Recommendation: No modification proposed</p> |
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| Modification No | Modification Detail to Draft Local Planning Scheme No 6 (Text) | Reason | Page Number |
|----------------------|--|--|-------------|
| Contents Page | | | |
| 1 | Update title of Part 4 to state "Part 4 – General Development Requirements" | Consistency with the Planning Regulations (model provisions) | 3 |
| 2 | Amend the contents page to include the words "Division 1 – General definitions used in the Scheme" after Part 6 – Terms referred to in Scheme. | Consistency with the Planning Regulations (model provisions) | 4 |
| 3 | Replace the words "land use terms used in Scheme" with "Terms used" after clause number 35. | Consistency with the Planning Regulations (model provisions) | 4 |
| 4 | Amend the contents page to include the words "Division 2 – Land use terms used in Scheme" before the words "36. Land use terms..." | Consistency with the Planning Regulations (model provisions) | 4 |
| 5 | Replace the words "Land use terms used in Scheme" with "Land Use terms used" at clause number 36. | Consistency with the Planning Regulations (model provisions) | 4 |

| Part 1 | | | |
|---------------|--|---|----|
| 6 | Amend clause 7 (1)(c) by deleting the number "9" and replacing with "12". | To address technical inconsistency | 5 |
| 7 | Delete clause 8 and replace with clause 8 of the Planning Regulations (Model provisions) | Consistency with the Planning Regulations (model provisions) | 5 |
| Part 2 | | | |
| 8 | Delete clause 14 (1) and replace with clause 14 (1) of the Model Provisions of the Planning Regulations | Consistency with the Planning Regulations (model provisions) | 7 |
| 9 | Amend text in Table 1 – Reserve objectives for Environmental Conservation and replace "diversity" with "biodiversity". | To replace a wording error | 7 |
| Part 3 | | | |
| 10 | Amend clause 16.2(6)(b) to delete the words "watercourses" and replace with "watercourse and their buffers" | To ensure appropriate consideration is given to watercourse buffers (DWER submission) | 10 |

| 11 | <p>Amend the Table in clause 16.2 (7) by deleting the columns listed as Side and Rear and replace with "Other" as follows:</p> <table border="1" data-bbox="669 435 1458 758"> <thead> <tr> <th rowspan="2">Zone</th> <th colspan="2">Minimum Setbacks(m)</th> <th rowspan="2">Maximum Site Coverage</th> <th rowspan="2">Minimum Landscaping</th> </tr> <tr> <th>Front</th> <th>Other</th> </tr> </thead> <tbody> <tr> <td>Rural Residential (no code), 2 and 3 from:</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>• Highway (Primary Distributor)</td> <td>30m</td> <td>20m</td> <td>N/A</td> <td>N/A</td> </tr> <tr> <td>• Major Road (District Distributor)</td> <td>25m</td> <td>20m</td> <td></td> <td></td> </tr> <tr> <td>• Other Local Roads</td> <td>20m</td> <td>20m</td> <td></td> <td></td> </tr> </tbody> </table> | Zone | Minimum Setbacks(m) | | Maximum Site Coverage | Minimum Landscaping | Front | Other | Rural Residential (no code), 2 and 3 from: | | | | | • Highway (Primary Distributor) | 30m | 20m | N/A | N/A | • Major Road (District Distributor) | 25m | 20m | | | • Other Local Roads | 20m | 20m | | | <p>To improve clarity and administration of the table (administration change only)</p> | 10 |
|--|---|--|-----------------------|---------------------|-----------------------|---------------------|-------|-------|--|--|--|--|--|---------------------------------|-----|-----|-----|-----|-------------------------------------|-----|-----|--|--|---------------------|-----|-----|--|--|--|----|
| Zone | Minimum Setbacks(m) | | Maximum Site Coverage | Minimum Landscaping | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Front | Other | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Rural Residential (no code), 2 and 3 from: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| • Highway (Primary Distributor) | 30m | 20m | N/A | N/A | | | | | | | | | | | | | | | | | | | | | | | | | | |
| • Major Road (District Distributor) | 25m | 20m | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| • Other Local Roads | 20m | 20m | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 12 | <p>Amend clause 16.4(1)(c) by inserting the words "(including groundwater), and their buffers," after the words "soils and water bodies".</p> | <p>To ensure appropriate consideration is given to watercourse buffers (DWER submission)</p> | 11 | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| 13 | <p>Amend the Table in clause 16.4 (4) by deleting the columns listed as Side and Rear and replace with the following:</p> <table border="1" data-bbox="669 419 1458 702"> <thead> <tr> <th rowspan="2">Zone</th> <th colspan="2">Minimum Setbacks(m)</th> <th rowspan="2">Maximum Site Coverage</th> <th rowspan="2">Minimum Landscaping</th> </tr> <tr> <th>Front</th> <th>Other</th> </tr> </thead> <tbody> <tr> <td>Rural from:</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>• Highway (Primary Distributor)</td> <td>50m</td> <td>20m</td> <td></td> <td>N/A</td> </tr> <tr> <td>• Major Road (District Distributor)</td> <td>30m</td> <td>20m</td> <td></td> <td></td> </tr> <tr> <td>• Other Local Roads</td> <td>20m</td> <td>20m</td> <td></td> <td></td> </tr> </tbody> </table> | Zone | Minimum Setbacks(m) | | Maximum Site Coverage | Minimum Landscaping | Front | Other | Rural from: | | | | | • Highway (Primary Distributor) | 50m | 20m | | N/A | • Major Road (District Distributor) | 30m | 20m | | | • Other Local Roads | 20m | 20m | | | To improve clarity and administration of the table (administration change only) | 11 |
|-------------------------------------|--|--|-----------------------|---------------------|-----------------------|---------------------|-------|-------|-------------|--|--|--|--|---------------------------------|-----|-----|--|-----|-------------------------------------|-----|-----|--|--|---------------------|-----|-----|--|--|---|----|
| Zone | Minimum Setbacks(m) | | Maximum Site Coverage | Minimum Landscaping | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Front | Other | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Rural from: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| • Highway (Primary Distributor) | 50m | 20m | | N/A | | | | | | | | | | | | | | | | | | | | | | | | | | |
| • Major Road (District Distributor) | 30m | 20m | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| • Other Local Roads | 20m | 20m | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 14 | <p>Amend the Scheme text by inserting clause 16.10 as follows:</p> <p><i>16.10 Environmental Conservation.</i></p> <p><i>(1) The objectives of the Environmental Conservation zone are –</i></p> <p><i>(a) To identify land set aside for environmental conservation purposes</i></p> <p><i>(b) To provide for the preservation, maintenance, restoration or sustainable use of the natural environment</i></p> | Consistency with the Planning Regulations (model provisions) | 13 | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| Zoning Table | | | |
|---------------------|---|--|-------|
| 15 | Replace references to "Bed and Breakfast" with "Hosted Short Term Rental Accommodation" in the zoning table and amend the designation from "A" to "P" for the Residential zone. | Consistency with the Planning Regulations (model provisions) | 14 |
| 16 | Replace reference to "Holiday House" with "Unhosted Short Term Rental Accommodation" in the zoning table. | Consistency with the Planning Regulations (model provisions) | 15 |
| 17 | Delete the use class "Holiday Accommodation". | Consistency with the Planning Regulations (model provisions) – replaced with Tourist and Visitor Accommodation | 15 |
| 18 | Change the following land use designations, <ul style="list-style-type: none"> • Tourist and Visitor Accommodation • Park home park • Waste Disposal Facility • Waste Storage Facility from "D" to "A" for the Rural zone. | To provide opportunity for public comment from nearby landowners as the uses have potential off site amenity implications. | 15-16 |
| 19 | Delete the use class "Motel", "Serviced Apartment" and "Tourist Development" in the zoning table. | Consistency with the Planning | 15-16 |

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|---------------------------|---|---|----|-------------------|---|--------------------|---|---------------------------|---|-----------|---|---------------------|---|----------------------|---|--------------|---|-------------|---|-----------------|---|------------|---|-------------------------|---|---|-------|
| | | <i>Regulations (model provisions) – replaced with Tourist and Visitor Accommodation</i> | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20 | <p>Amend the zoning table by including a new zone “Environmental Conservation” and including the following land use designations:</p> <table border="1"> <tr><td>Educational Establishment</td><td>A</td></tr> <tr><td>Nature Based Park</td><td>A</td></tr> <tr><td>Recreation Private</td><td>A</td></tr> <tr><td>Renewable Energy facility</td><td>A</td></tr> <tr><td>Tree farm</td><td>A</td></tr> <tr><td>Repurposed dwelling</td><td>D</td></tr> <tr><td>Second hand dwelling</td><td>D</td></tr> <tr><td>Single house</td><td>D</td></tr> <tr><td>Home office</td><td>D</td></tr> <tr><td>Home occupation</td><td>D</td></tr> <tr><td>Home store</td><td>D</td></tr> <tr><td>and all other land uses</td><td>X</td></tr> </table> | Educational Establishment | A | Nature Based Park | A | Recreation Private | A | Renewable Energy facility | A | Tree farm | A | Repurposed dwelling | D | Second hand dwelling | D | Single house | D | Home office | D | Home occupation | D | Home store | D | and all other land uses | X | <i>Consistency with the Planning Regulations (model provisions)</i> | 14-16 |
| Educational Establishment | A | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Nature Based Park | A | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Recreation Private | A | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Renewable Energy facility | A | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Tree farm | A | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Repurposed dwelling | D | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Second hand dwelling | D | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Single house | D | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Home office | D | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Home occupation | D | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Home store | D | | | | | | | | | | | | | | | | | | | | | | | | | | |
| and all other land uses | X | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 21 | Amending the Zoning table by deleting the use class “Aged or Dependent Persons Dwelling”. | <i>Consistency with the Planning Regulations (model provisions)</i> | 14 | | | | | | | | | | | | | | | | | | | | | | | | |

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|---------------------|---|--|----|--|----|--|----|--|----|--|----|
| 22 | Amend the zoning table by amending the permissibility's for Child Care Premises as follows: <table border="1" data-bbox="618 384 1028 475"> <tr> <td>Rural Residential</td> <td>A</td> </tr> <tr> <td>Rural Smallholdings</td> <td>A</td> </tr> <tr> <td>Commercial</td> <td>A</td> </tr> </table> | Rural Residential | A | Rural Smallholdings | A | Commercial | A | To provide flexibility with appropriate controls | 14 | | |
| Rural Residential | A | | | | | | | | | | |
| Rural Smallholdings | A | | | | | | | | | | |
| Commercial | A | | | | | | | | | | |
| 23 | Amend the zoning table by amending the permissibility's for Consulting Rooms as follows: <table border="1" data-bbox="618 552 1028 663"> <tr> <td>Rural Residential</td> <td>A</td> </tr> <tr> <td>Rural Smallholdings</td> <td>A</td> </tr> <tr> <td>Rural</td> <td>D</td> </tr> <tr> <td>Commercial</td> <td>D</td> </tr> </table> | Rural Residential | A | Rural Smallholdings | A | Rural | D | Commercial | D | To provide flexibility with appropriate controls | 14 |
| Rural Residential | A | | | | | | | | | | |
| Rural Smallholdings | A | | | | | | | | | | |
| Rural | D | | | | | | | | | | |
| Commercial | D | | | | | | | | | | |
| 24 | Amend the zoning table by amending the permissibility's for Motor Vehicle Repair as follows: <table border="1" data-bbox="618 759 1028 791"> <tr> <td>Rural</td> <td>A</td> </tr> </table> | Rural | A | To provide flexibility with appropriate controls | 15 | | | | | | |
| Rural | A | | | | | | | | | | |
| 25 | Amend the zoning table by amending the permissibility's for Resource Recovery Centre as follows: <table border="1" data-bbox="618 919 1028 983"> <tr> <td>Light Industry</td> <td>D</td> </tr> <tr> <td>General Industry</td> <td>D</td> </tr> </table> | Light Industry | D | General Industry | D | To provide flexibility with appropriate controls | 16 | | | | |
| Light Industry | D | | | | | | | | | | |
| General Industry | D | | | | | | | | | | |
| 26 | Amend the zoning table by introducing the use class of "wind farm" with designations of "A" for "Rural" zoned land and "X" for all other zones. | To provide opportunities for considering windfarms as a land use within limited zones. | 16 | | | | | | | | |

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|----------------------------|---|---|----|-------------------|---|---------------------|---|-------|---|------------|---|----------------|---|------------------|---|---------------------------|---|----------------------------|---|---|----|
| 27 | <p>Amend the zoning table by including a new use class "Tourist and Visitor Accommodation" and include the following permissibility's:</p> <table border="1" data-bbox="616 411 1025 671"> <tr><td>Residential</td><td>A</td></tr> <tr><td>Rural Residential</td><td>A</td></tr> <tr><td>Rural Smallholdings</td><td>A</td></tr> <tr><td>Rural</td><td>A</td></tr> <tr><td>Commercial</td><td>A</td></tr> <tr><td>Light Industry</td><td>X</td></tr> <tr><td>General Industry</td><td>X</td></tr> <tr><td>Private Community Purpose</td><td>X</td></tr> <tr><td>Environmental Conservation</td><td>A</td></tr> </table> | Residential | A | Rural Residential | A | Rural Smallholdings | A | Rural | A | Commercial | A | Light Industry | X | General Industry | X | Private Community Purpose | X | Environmental Conservation | A | <p>Consistency with the Planning Regulations (model provisions) associated with short term rental accommodation reforms</p> | 16 |
| Residential | A | | | | | | | | | | | | | | | | | | | | |
| Rural Residential | A | | | | | | | | | | | | | | | | | | | | |
| Rural Smallholdings | A | | | | | | | | | | | | | | | | | | | | |
| Rural | A | | | | | | | | | | | | | | | | | | | | |
| Commercial | A | | | | | | | | | | | | | | | | | | | | |
| Light Industry | X | | | | | | | | | | | | | | | | | | | | |
| General Industry | X | | | | | | | | | | | | | | | | | | | | |
| Private Community Purpose | X | | | | | | | | | | | | | | | | | | | | |
| Environmental Conservation | A | | | | | | | | | | | | | | | | | | | | |
| 28 | <p>Amend clause 18 (2) relating to symbols used in the zoning table to reflect the definitions from the model provisions for symbols P, I and A</p> | <p>Consistency with the Planning Regulations (model provisions)</p> | 17 | | | | | | | | | | | | | | | | | | |
| 29 | <p>Amend clause 18. (2) relating to "notes for this clause" and replace with Clause 18. (2) of the Model Provisions for Local Planning Schemes to include notes 1 to 3.</p> | <p>Consistency with the Planning Regulations (model provisions)</p> | 17 | | | | | | | | | | | | | | | | | | |
| 30 | <p>Amend clause 21 (1) (c) to reflect text from the model provisions to state "(c) the conditions that apply in respect of the special uses."</p> | <p>Consistency with the Planning Regulations (model provisions)</p> | 18 | | | | | | | | | | | | | | | | | | |

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| 31 | <p>Amend clause 21(2) to reflect text from the model provisions to state:</p> <p><i>“(2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.”</i></p> | <p>Consistency with the Planning Regulations (model provisions)</p> | 18 |
| Part 4 | | | |
| 32 | <p>Update title of Part 4 to state “Part 4 – General Development Requirements”</p> | <p>Consistency with the Planning Regulations (model provisions)</p> | 20 |
| 33 | <p>Update title of clause 25 to state “R-Codes”</p> | <p>Consistency with the Planning Regulations (model provisions)</p> | 20 |
| 34 | <p>Update clause 25 (1) to state “The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme”</p> | <p>Consistency with the Planning Regulations (model provisions)</p> | 20 |

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| 35 | <p>Delete clause 30 and replace with the following:</p> <p><i>“General site and development requirements</i></p> <p><i>(1) This clause sets out standards and requirements relating to land use and development that are additional to those set out in the R-Codes or other planning codes listed under clause 27, structure plans, local development plans, State or local planning policies or zone requirements set out in Part 3.</i></p> <p><i>(2) To the extent that standard or requirement referred to in subclause (1) is inconsistent with a standard or requirement in the R-Codes, or other planning code listed under clause 27, structure plan, a local development plan, or a State or local planning policy, the standard or requirement referred to in subclause (1) prevails.</i></p> <p><i>(3) To the extent that a requirement referred to in clause 31 is inconsistent with clause 30, the requirement referred to in clause 31 prevails.”</i></p> | <p>Consistency with the Planning Regulations (model provisions) and advice from officers at DPLH</p> | 21 |
| 36 | <p>Amend clause 30. 8 (1) Keeping of Livestock to state the following:</p> <p><i>“In considering a development application for the keeping of livestock on land zoned Rural Smallholdings or Rural Residential, the local government shall give due regard to the stocking rates recommended by the relevant authority”</i></p> | <p>To provide guidance for assessing stocking rates for smaller properties. (DPIRD submission)</p> | 23 |
| 37 | <p>Amend clause 30.8 (4) by inserting the words “and waterways and their buffers” after the words “areas of native vegetation”.</p> | <p>To ensure water environment impacts are considered in assessing applications. (DWER submission)</p> | 24 |

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| 38 | Amend Clause 30.12(1) by removing the word "except" | <i>To clarify to the intent of the clause for clearing exemptions</i> | 25 |
| 39 | Amend Clause 30.13(2)(a) by inserting the words "and their buffers" after the words "setbacks to riparian areas" | <i>To ensure water environment impacts are considered in assessing applications. (DWER submission)</i> | 25 |
| 40 | Delete clause 30.14 relating to public drinking water source protection. | <i>To reflect Model Provisions which use Special Control Areas as a more appropriate mechanism.</i> | 26 |
| 41 | Amend clause 30.14(2)(b) by deleting the words "2016" and replacing with "2021" | <i>To reflect current version of water quality protection note</i> | 26 |
| 42 | Amend the title of clause 31 to state "Site specific development standards and requirements." | <i>To reflect advice from officers at DPLH</i> | 26 |
| 43 | Amend clause 31.(1) by deleting the words "The Table in". | <i>To reflect advice from officers at DPLH</i> | 26 |
| 44 | Modify cl.32 by changing the reference in the definition contained in sub clause (1) to refer to cl.31. | <i>Consistency with the Planning Regulations (model provisions)</i> | 26 |

| Part 5 | | | | | |
|---------------|---|--|--|---|--|
| 45 | Amend Part 5, Table 3 to include a new Special Control Area 2 – Hester dam Catchment Area as follows: | | | 30 | <i>Reflect intent to water protection measures through a Special Control Area consistent with Model Provisions and DWER submission</i> |
| | Name of Area | Purpose | Objectives | Additional Provisions | |
| | Special Control Area 2 – Hester Dam Catchment Area | To provide specific guidance on land use planning matters in the Hester Dam Catchment Area | <ul style="list-style-type: none"> (a) To provide a basis for the protection of public drinking water resources through the control of land use or development, which has the potential to affect the quality of drinking water supplies for public use; (b) To identify land that has been designated as a public drinking water source area; and (c) To implement additional planning provisions that are designed to address water quality and public health risks in a public drinking water source area. | <ul style="list-style-type: none"> (a) To provide a basis for the protection of public drinking water resources through the control of land use or development, which has the potential to affect the quality of drinking water supplies for public use; (b) To identify land that has been designated as a public drinking water source area; and (c) To implement additional planning provisions that are designed to address water quality and public health risks in a public drinking water source area. Additional Provisions: <ul style="list-style-type: none"> 1. The Local Government shall refer all applications for development approval to the Department of Water and Environmental Regulation for comment where that application is for a use which is identified as 'compatible with conditions' or 'incompatible' in the relevant priority classification in the Department of Water and Environmental Regulation's Water Quality Protection Note 25: Land Use Compatibility in Public Drinking Water Source Areas. 2. Notwithstanding the land use permissibility set out in Table 3 | |

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| | | | | <p>– Zoning Table, a use which is identified as incompatible within the relevant priority area on the Land Use Compatibility Table in the Department of Water and Environmental Regulation’s Water Quality Protection Note 25: Land Use Compatibility in Public Drinking Water Source Areas shall not be approved, unless exceptional circumstances apply.</p> <p>3. In determining or making recommendation on an application for planning approval or making recommendation on an application for subdivision in the Special Control Area, the Local Government shall have due regard to:</p> <ul style="list-style-type: none">a) State Planning Policy 2.9 Planning for Water and associated guidelines;b) Advice received from the Department of Water and Environmental Regulation;c) Compliance with the Department of Water and Environmental Regulation’s Water Quality Protection Note 25: Land Use Compatibility in Public Drinking Water Source Areas. | |
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| | | | | <p>d) Recommendations of the relevant drinking water source protection report or land use and water management strategy; Shire of Capel Local Planning Scheme No.8 86 No. Name of area Provisions</p> <p>e) The potential risk of contamination to the public drinking water source area resulting from a proposed land use and/or development;</p> <p>f) The retention of native vegetation and protection of wetlands and waterways; and</p> <p>g) The drainage characteristics of the land, including surface and groundwater flow, and the adequacy of proposed measures to meet water quality targets and manage run-off and drainage.</p> <p>4. Development must be connected to reticulated sewerage, where required in accordance with Water Quality Protection Note No.25: Land use compatibility tables for Public Drinking Water Source Areas.</p> | |
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| 46 | Amend Part 5, Table 3 to include a new Special Control Area 3 – Donnelly River Water Reserve as follows: | | | | <i>Reflect intent to water protection measures through a Special Control Area consistent with Model Provisions and DWER submission</i> | 30 |
| | Name of Area | Purpose | Objectives | Additional Provisions | | |
| | Special Control Area 3 – Donnelly River Water Reserve | To provide specific guidance on land use planning matters in the Donnelly River Water Reserve | <ul style="list-style-type: none"> (a) To provide a basis for the protection of public drinking water resources through the control of land use or development, which has the potential to affect the quality of drinking water supplies for public use; (b) To identify land that has been designated as a public drinking water source area; and (c) To implement additional planning provisions that are designed to address water quality and public health risks in a public drinking water source area. | <ul style="list-style-type: none"> (a) To provide a basis for the protection of public drinking water resources through the control of land use or development, which has the potential to affect the quality of drinking water supplies for public use; (b) To identify land that has been designated as a public drinking water source area; and (c) To implement additional planning provisions that are designed to address water quality and public health risks in a public drinking water source area. <p>Additional Provisions:</p> <ol style="list-style-type: none"> 1. The Local Government shall refer all applications for development approval to the Department of Water and Environmental Regulation for comment where that application is for a use which is identified as 'compatible with conditions' or 'incompatible' in the relevant priority classification in the Department of Water and Environmental Regulation's Water Quality Protection Note 25: Land Use Compatibility in Public Drinking Water Source Areas. 2. Notwithstanding the land use permissibility set out in Table 3 – Zoning Table, a use which is identified as incompatible within the relevant priority area on the Land | | |

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| | | | | <p>Use Compatibility Table in the Department of Water and Environmental Regulation's Water Quality Protection Note 25: Land Use Compatibility in Public Drinking Water Source Areas shall not be approved, unless exceptional circumstances apply.</p> <p>3. In determining or making recommendation on an application for planning approval or making recommendation on an application for subdivision in the Special Control Area, the Local Government shall have due regard to:</p> <ul style="list-style-type: none"> a) State Planning Policy 2.9 Planning for Water and associated guidelines; b) Advice received from the Department of Water and Environmental Regulation; c) Compliance with the Department of Water and Environmental Regulation's Water Quality Protection Note 25: Land Use Compatibility in Public Drinking Water Source Areas. d) Recommendations of the relevant drinking water source protection report or land use and water management strategy; Shire of Capel Local Planning Scheme No.8 86 No. Name of area Provisions | |
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|--|--|--|--|---|--|--|
| | | | | <p>e) The potential risk of contamination to the public drinking water source area resulting from a proposed land use and/or development;</p> <p>f) The retention of native vegetation and protection of wetlands and waterways; and</p> <p>g) The drainage characteristics of the land, including surface and groundwater flow, and the adequacy of proposed measures to meet water quality targets and manage run-off and drainage.</p> <p>4. Development must be connected to reticulated sewerage, where required in accordance with Water Quality Protection Note No.25: Land use compatibility tables for Public Drinking Water Source Areas.</p> | | |
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| Part 6 – Definitions | | | |
|-----------------------------|--|---|----|
| 47 | Amend the title to include the words "Division 1 – General definitions used in the Scheme" after Part 6 – Terms referred to in Scheme. | Consistency with the Planning Regulations (model provisions) | 31 |
| 48 | Amend the title before clause 36 to include the words "Division 2 – Land use terms used in Scheme" | Consistency with the Planning Regulations (model provisions) | 31 |
| 49 | Add definition of "Biodiversity" to Section 35 – General definitions of terms used to read: <i>"Biodiversity is the variety of all life forms on earth—the different plants, animals and micro-organisms, their genes, and the terrestrial, marine and freshwater ecosystems of which they are a part."</i> | No definition currently in the draft scheme text | 31 |
| 50 | Delete reference to "Aged of dependent persons dwelling". | To reflect the definitions on the R Codes which describes this use as "Special Purpose Dwellings" | 32 |
| 51 | Delete reference to "bed and breakfast". | Consistency with the Planning Regulations (model provisions) | 32 |
| 52 | Delete the definition of "animal husbandry – intensive" and replace with updated the definition in the Model Provisions. | Consistency with the Planning Regulations (model provisions) | 32 |

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| 53 | Delete the definitions of "Fast food outlet" and "Lunch bar" and replace with Fast food outlet/lunch bar as defined in the Model Provisions. | <i>To reflect the model provisions of the Planning Regulations</i> | 34 + 37 |
| 54 | Delete reference to "Holiday House" | <i>Consistency with the Planning Regulations (model provisions)</i> | 35 |
| 55 | Delete the definition of "funeral parlour" and replace with the updated definition in the Model Provisions. | <i>Consistency with the Planning Regulations (model provisions)</i> | 35 |
| 56 | Delete the definition of "Holiday Accommodation". | <i>Consistency with the Planning Regulations (model provisions)</i> | 35 |
| 57 | Amend definitions to include use definitions for "Hosted Short Term Rental Accommodation" and "Unhosted Short Term Rental Accommodation". | <i>Consistency with the Planning Regulations (model provisions)</i> | 36 + 41 |
| 58 | Delete reference to "Industry Rural" and replace with "Industry Primary Production" and include the definition from the Model Provisions of the Planning Regulations. | <i>To reflect the Model Provisions of the Planning Regulations</i> | 37 |
| 59 | Delete the definition of "Motel". | <i>Consistency with the Planning Regulations</i> | 37 |

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| | | <i>(model provisions)</i> | |
| 60 | Replace the word "Night club" with "nightclub" in the definition section. | <i>Consistency with the Planning Regulations (model provisions)</i> | 38 |
| 61 | Delete the definition of "Residential building". | <i>Contained within R- Codes and removes unnecessary duplication</i> | 39 |
| 62 | Delete the definition of "road house" and replace with the updated definition in the Model Provisions. | <i>Consistency with the Planning Regulations (model provisions)</i> | 39 |
| 63 | Amend the definition of "rural home business/industry cottage" by replacing with: "means a trade or light industry producing arts and crafts goods, which does not fall within the definition of home occupation and which: (a) Will not cause injury to or adversely affect the amenity of the neighbourhood; (b) Is conducted in an out-building which is compatible with the principal use to which land in the zone, in which it is located may be put; (c) Does not involve employing more than 2 people who are not members of the occupier's household; (d) Does not occupy an area greater than 50m ² ; (e) Does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; (f) Does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle more than 30 tonnes gross weight; (g) Does not display a sign exceeding 0.2 square metre in area." | <i>To improve clarity and enable flexibility in promoting small scale rural home businesses.</i> | 39 |

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| 64 | Amend definitions by include a use definition of "Tourist and Visitors Accommodation". | Consistency with the Planning Regulations (model provisions) | 40 |
| 65 | Delete the definition of "serviced apartment". | Consistency with the Planning Regulations (model provisions) | 40 |
| 66 | Delete the definition of "Tourist Development". | Consistency with the Planning Regulations (model provisions) | 40 |
| 67 | Insert the definition of "wind farm" with definition in the Model Provisions. | Consistency with the Planning Regulations (model provisions) | 41 |
| 68 | Amend the definition of "workforce accommodation" with the definition of the Model Provisions of the Planning Regulations. | To reflect the model provisions of the Planning Regulations | 41 |
| 69 | Amend the formatting to remove blank page number 42. | To improve format | 42 |

| Schedule A – Supplemental Provisions | | | |
|---|---|---|----|
| 70 | Amend Table 4 item 25 by inserting the following: “(g) The works are not within 100m of a watercourse. (h) The works are not within 200m of a basic raw material’s extraction source. (l) The works are not within land prone to flooding.” | <i>To ensure water environment impacts are considered in assessing applications. (DWER submission)</i> | 45 |
| 71 | Amend Table 4 item 23 (d) (a) of Schedule A Supplemental Provision to state the following: “ <i>In relation to a water tank, the conditions of deemed provision (cl.61.1.12) for the installation of a water tank are satisfied, except that the volume of the water tank may exceed 5,000 litres.</i> ” | <i>To clarify intent to exempt water tanks from requiring development approval based on volume of the tank.</i> | 44 |
| 72 | Amend Table 4, Column 2 conditions for item 26 by deleting clause (e). | <i>To reflect advice from DPLH</i> | 46 |

| Schedule 1 – Additional Uses | | | | | |
|------------------------------|---|---|---|---|----|
| 73 | Amend Schedule 1 Additional Uses by including the following Additional Use: | | | <i>To provide for opportunity to use / repurpose a redundant heritage building</i> | 49 |
| No | Description of land | Additional Use | Requirements | | |
| A5 | Lot 123 (33) Steere Street, Bridgetown | <ul style="list-style-type: none"> Residential Building Tourist and Visitor Accommodation | <ol style="list-style-type: none"> Development approval is required. A development application is required to address: <ol style="list-style-type: none"> Parking and access Heritage impacts Land use integration with the wider site. | | |
| 74 | Amend Schedule 1 - Specified Additional Uses for Zoned Land in Scheme Area, A4 requirement 2 by inserting the words "or impact on watercourse" after the words "of the locality". | | | <i>To ensure water environment considerations are addressed as part of any assessment for development (DWER submission)</i> | 49 |

| Schedule 2 – Special Use Zones | | | |
|---------------------------------------|--|---|----|
| 75 | Amend Schedule 2 Special Use SU1 by amending clause 2 by inserting the words “and environmental factors including impacts on the flood plain” after the words “proposed land use” | <i>To ensure water environment considerations are addressed as part of any assessment for development (DWER submission)</i> | 50 |
| 76 | Amend SU6 in Schedule 2 – Special Use Zones in Scheme Area by deleting the words “Bed and Breakfast” and replacing with “Hosted Short Term Rental Accommodation” in Column 2. | <i>To improve clarity (administration change only)</i> | 50 |
| 77 | Amend Schedule 2 Special Use SU6 by: a) inserting an additional clause 12 as follows: “12. A land capability assessment for suitability of on-site effluent disposal to ensure appropriate buffers to water courses.” b) Amending clause 3 by deleting “11” and replacing with “12” | <i>To ensure water environment considerations are addressed as part of any assessment (DWER submission).</i> | 51 |
| 78 | Amend Schedule 2 Special Use SU9 by inserting an additional clause 11 as follows: “11. A site and soil evaluation being undertaken to ensure appropriate setbacks to water body in additional to other water quality mitigation measures, consistent with the principles of the Government Sewerage Policy 2019.” | <i>To ensure water environment considerations are addressed as part of any assessment (DWER submission)</i> | 52 |

| General Text Changes | |
|-----------------------------|--|
| 79 | Delete and replace the words "Holiday Accommodation" with "Tourist and Visitors Accommodation" throughout the Scheme text. |
| 80 | Delete and replace the words "bed and breakfast" with "Hosted Short Term Rental Accommodation" throughout the Scheme text. |
| 81 | Delete and replace the words "Tourist Development" with "Tourist and Visitors Accommodation" throughout the Scheme text. |

| Modification No | Modification Detail to Draft Local Planning Scheme No 6 (Maps) | Reason | Map Number |
|------------------------|--|---|-------------------|
| 82 | Amend the legend by inserting "SCA2" in the dotted frame next to the text "Hester Dam Catchment Area" | <i>Consistency with the Planning Regulations (model provisions)</i> | All |
| 83 | Amend the legend by inserting "SCA3" in the dotted frame next to the text "Donnelly River Water Reserve" | <i>Consistency with the Planning Regulations (model provisions)</i> | All |
| 84 | Amend the legend to include a new zone "Rural Smallholdings" | <i>Consistency with the Planning Regulations (model provisions)</i> | All |
| 85 | Amend the legend to include a new zone "Environmental Conservation" | <i>Consistency with the Planning Regulations (model provisions)</i> | All |
| 86 | Amend the text on Scheme Map by deleting the words "Kingston National Park" located in the south eastern portion of the map and replacing with the words "Greater Kingston National Park". | <i>To ensure consistency of wording</i> | 1 |
| 87 | Amend the Scheme Map to zone Lot 3724 on Deposited Plan 136669 to "Environmental Conservation". | <i>To acknowledge land ownership and use</i> | 1 |

| | | | |
|----|--|--|----|
| 88 | Amend the Scheme Map by deleting the "Rural" zone for Lot 2638, Maranup Road and reserving the land "Environmental Conservation". | <i>To acknowledge that the land is owned in freehold by the State for conservation purposes.</i> | 1 |
| 89 | Amend the Scheme Map by zoning Lot 8484 on plan 253891 Slades Road to "Rural". | <i>To acknowledge that the land is owned in freehold by the State for plantation purposes.</i> | 1 |
| 90 | Amend the Scheme Map to correctly reflect the correct reservation of Public Purposes with ES annotation on Reserve 50997 Lot 500 on Plan 070505 that contains the Sunnyside Fire Station | <i>To correct mapping error</i> | 1 |
| 91 | Amend the Scheme Map by deleting the Public Purpose Reserve from the portion of unallocated crown land Lot 500 (P402768) located at the southern end of the Greenbushes townsite | <i>The land is UCL and is incorporated into a mining tenement held by Talison</i> | 6 |
| 92 | Amend the Scheme Map by deleting the section of the Williams Street local road reserve that bisects a section of South Western Highway and replace with "Primary Distributor Road" reservation | <i>To rectify a mapping error</i> | 8 |
| 93 | Amend the Scheme Map to change the annotation from "GS" to "R" on Lot 541 on Plan 222174 | <i>To capture the correct purpose of the land reflecting the</i> | 8 |
| 94 | Amend the Scheme Map by zoning Lots 47, 48, 11568 and 11569 West of Flintoff Road, Bridgetown from "local road" reserve to "Rural". | <i>To reflect freehold status of these parcels of land</i> | 8 |
| 95 | Amend the Scheme Map to include Lot 123 (33) Steere street as Additional Use A5. | <i>To reflect additional uses proposed for this property</i> | 10 |
| 96 | Amend Scheme Map by zoning Lot 96 (114) Roe Street, Bridgetown from "Civic and Community" reserve to "Commercial" | <i>To reflect freehold status and current land use (Storage Units)</i> | 10 |
| 97 | Amend Scheme Map by zoning 36 (Lot 961) Steere Street Bridgetown from Public Purposes reserve to Private Community Purposes | <i>To reflect freehold ownership (BTN Hub) and current land use</i> | 10 |

| | | | |
|-----|--|---|----|
| 98 | Amend Scheme Map by zoning 106 (Lot 2) Roe Street Bridgetown from "Civic and Community" Reserve to "Private Community Purposes" | <i>To reflect freehold ownership (Uniting Church) and current land use</i> | 10 |
| 99 | Amend Scheme Map by retaining the zoning of 37 (Lot 500) Hester Street as Rural | <i>This property is freehold and is recommended to remain as rural to avoid "injurious affection" by virtue of the proposed public open space reservation</i> | 10 |
| 100 | Amend Scheme Map by retaining the zoning part 91 (Lot 51) Hampton Street as Rural | <i>This property is freehold and is recommended to remain as rural to avoid "injurious affection" by virtue of the proposed public open space reservation</i> | 10 |
| 101 | Amend Scheme Map to change the annotation from "IS" to "ES" on Lot 151 on Plan 064974 | <i>To capture the correct purpose of the land reflecting the fire and rescue use of the land</i> | 10 |
| 102 | Amend the Scheme Map by deleting SU6 designation for the Kangaroo Fire Station at 18 (Lot 202) Claret Ash Rise Kangaroo Gully and reserving the land "Public Purposes ES" | <i>To capture the correct purpose for the land use of fire station</i> | 11 |
| 103 | Amend the Scheme Map to remove a section of road reserve crossing "Railways" reserved land within the Yornup Townsite where the road reserve does not exist | <i>To rectify a mapping error</i> | 12 |
| 104 | Amend the Scheme Map by deleting the section of the unnamed Road - local road reserve that bisects a section of Railways reservation and replace with "Railways" reservation | <i>To provide continuity with rail corridor (PTA submission)</i> | 12 |

| No | Future Local Planning Strategy Actions for Investigation. |
|----|---|
| 1 | Investigate the suitability of 13523 Blackwood Road and Lot 13320 Lindsay Road, Greenbushes for urban expansion as part of a strategic analysis of the future of the Greenbushes townsite. |
| 2 | Investigate strategic impacts for future expansion of the Talison mining activity as part of the local planning strategy preparation. |
| 3 | Investigate the expansion of residential development of Stephens Street, Bridgetown as part of the local planning strategy preparation. |
| 4 | Investigate the suitability of expansion of residential development to include No.197 Roe Street, Bridgetown as part of a strategic analysis for the future urban development within the Bridgetown townsite. |



Government of Western Australia
Public Transport Authority

Your ref : O-EML202445623

Our ref : fA1831582

Enquiries :
WAPCreferrals@pta.wa.gov.au

November 5th, 2024

Mr Leigh Guthridge
Shire of Bridgetown-Greenbushes
PO Box 271
1 Steere Street,
Bridgetown WA 6255

Email: LGuthridge@bridgetown.wa.gov.au

Dear Mr Guthridge

Re: Shire of Bridgetown-Greenbushes - Draft Local Planning Scheme No. 6

Thank you for providing the Public Transport Authority (PTA) with the opportunity to review and provide comments on the proposed *Local Planning Scheme No. 6 (LPS6)*. The PTA has considered the LPS6 based upon the following key issues:

- The changes to the Yornup locality
- The changes to the Hester Townsite

The PTA appreciates the Shire's intention for the LPS6 to manage and support the vision of the Shire of Bridgetown-Greenbushes. The reasons for the PTA's objection to the LPS6 are as follows:

1. The Hester townsite shows a change of land uses from what was formerly Railway (*figure 1*) to Public Open Space and Emergency Services (*figure 2*) from *Local Planning Scheme 4 (LPS4)* to LPS6. The PTA has no evidence of this proposed land use change in our records and are unsure where this came from. Rail corridors, even dormant, are still considered active unless changed by an act of parliament, thus any alterations to this land use need to be communicated with the PTA. Furthermore, two parcels of land appear to have been removed to the north along Connell Road and one of the light industry sites. These have not been cleared by the PTA.
2. The Yornup locality has also shown an alteration of land uses across the rail corridor. The special use zone from the LPS4 seen in *figure 3* differs from that of LPS6 in *figure 4*. Similar to objection 1, the PTA has not seen this amended change nor has had any communication regarding the alteration of the rail corridor. The rail corridor is still considered active and as a result, any alterations must be approved by the PTA.

Public Transport Centre, West Parade, Perth, Western Australia 6000
PO Box 8125, Perth Business Centre, Western Australia 6849
Telephone (08) 9326 2000 email enquiries@pta.wa.gov.au
www.pta.wa.gov.au
ABN - 61 850 109 576



Figure 1: Shire of Bridgetown-Greenbushes Local Planning Scheme No. 4 – Hester Townsite



Figure 2: Shire of Bridgetown-Greenbushes Local Planning Scheme No. 6 – Hester Townsite



Figure 3: Shire of Bridgetown-Greenbushes Local Planning Scheme No. 4 – Yornup Locality

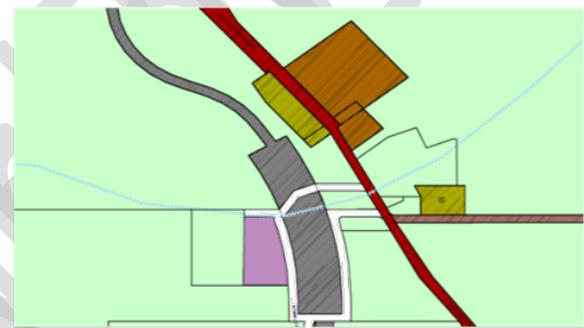


Figure 4: Shire of Bridgetown-Greenbushes Local Planning Scheme No. 6 – Yornup Locality

To date, no formal plans or designs have been developed for the cessation of the railway corridor. In order to achieve these ambitions, amendments need to be submitted and reviewed by the PTA.

Should the Town have any queries in respect to the above comments, in the first instance please feel free to contact Daniel Pinfeld, Transport and Land Use Planner on 08 9326 2943 or WAPCreferrals@pta.wa.gov.au. The PTA requests a copy of the final determination on this proposal sent to WAPCreferrals@pta.wa.gov.au.

Yours sincerely

Simon Lenton
PRINCIPAL PLANNING AND DEVELOPMENT COORDINATOR



Your reference: O-EML202445623
Our reference: LUP 1958
Enquiries: Leon van Wyk

Leigh Guthridge
Executive Manager Development and Planning
Shire of Bridgetown-Greenbushes
PO Box 271
Bridgetown WA 6255
BTNShire@bridgetown.wa.gov.au

18 November 2024

Dear Leigh

COMMENT: Draft Local Planning Scheme No.6

Thank you for the opportunity to comment on the Draft Local Planning Scheme No. 6 (LPS6) of the Shire of Bridgetown-Greenbushes.

The Department of Primary Industries and Regional Development (DPIRD) agrees with the proposed amalgamation of the Shire of Bridgetown-Greenbushes Town Planning Schemes No. 3 (TPS3) and No. 4 (TPS4) into LPS6. This provides the opportunity to incorporate the latest regulatory requirements to align with the State's planning framework and remove the fragmented approach of having two schemes operating in the Shire.

Specific comments are provided in Attachment 1.

If you have any queries regarding the comments, please contact Leon van Wyk at (08) 9780 6171 or leon.vanwyk@dpird.wa.gov.au.

Yours sincerely



Timothy Overheu
Acting Director
Agriculture Resource Management and Assessment
Sustainability and Biosecurity

444 Albany Hwy, Albany WA 6330
Telephone +61 (0)8 9892 8444 landuse.planning@dpird.wa.gov.au
dpird.wa.gov.au
ABN: 18 951 343 745

Attachment 1 – Comments: Shire of Bridgetown-Greenbushes Draft Local Planning Scheme No.69. Aims of Scheme (p6)

'protect and sustain rural land for primary production, environmental and cultural values and landscape;'

DPIRD agrees that it is important to protect agricultural land for primary production.

'provide for non-rural uses on rural land where it is compatible with the aims for rural land, and is of benefit to the community and/or economy;'

It is important that any non-rural uses are ancillary to primary production and do not negatively impact it.

16. Zones (p9 - 13)

Rural

'To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.'

DPIRD agrees with this objective as it is important to ensure future agricultural production.

'To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.'

DPIRD agrees that it is important to protect environmental assets.

'To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.'

This is important as conflicting sensitive land uses has the potential to severely limit the agricultural potential of the land.

'To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.'

It is important that these non-rural uses do not have any negative impact on the surrounding rural land uses.

17. Zoning table (p14 - 16)*Holiday accommodation*

DPIRD recommends changing this use from a 'D' use to an 'A' use in the Rural Small holdings and Rural zoning.

Hotel

DPIRD recommends changing this use from an 'A' use to a 'X' use in the Rural zoning.

Motel

DPIRD recommends changing this use from an 'A' use to a 'X' use in the Rural zoning.

Park home park

DPIRD recommends changing this use from a 'D' use to an 'A' use in the Rural zoning.

Tree farm

DPIRD recommends changing this use from a 'D' use to an 'A' use in the Rural zoning.

Waste disposal facility

DPIRD recommends changing this use from a 'D' use to an 'A' use in the Rural zoning.

Waste storage facility

DPIRD recommends changing this use from a 'D' use to an 'A' use in the Rural zoning.

30.8 Keeping of Livestock (p23 - 24)

'In considering a development application for the keeping of livestock for a rural pursuit/hobby farm purpose, the local government shall give due regard to the stocking rates as recommended by the relevant authority.'

DPIRD recommends changing this statement to read as follow:

In considering a development application for the keeping of livestock on land zoned Rural Small Holdings or Rural Residential, the local government shall give due regard to the stocking rates recommended by the relevant authority.



Department of **Biodiversity,
Conservation and Attractions**



Your ref: O-EML202445623
Our ref: PRS53093 2023/003166
Enquiries: Matthew Wansborough
Phone: 08 9725 4300
Email: swlanduseplanning@dbca.wa.gov.au

Chief Executive Officer
Shire of Bridgetown-Greenbushes
PO Box 271
Bridgetown WA 6255

ATTENTION: Leigh Guthridge

SHIRE OF BRIDGETOWN-GREENBUSHES - DRAFT LOCAL PLANNING SCHEME NO 6

Thank you for your email of 5th September 2024 requesting comments from the Department of Biodiversity, Conservation and Attractions on the draft Local Planning Scheme No.6.

Based on the information provided, the Department of Biodiversity Conservation and Attractions' Parks and Wildlife Service South West Region has no comments on the above proposal.

It is considered that the proposal and any potential environmental impacts will be appropriately addressed through the existing planning framework.

Thank you for the opportunity to comment on this scheme. Please contact Matthew Wansborough at the Parks and Wildlife Service's South West Region office on 9725 4300 if you have any queries regarding this advice.

A handwritten signature in black ink, appearing to read 'MJL'.

For Aminya Ennis
Regional Manager

29 November 2024

Regional and Fire Management Services Division
South West Region
PO Box 1693, Bunbury, Western Australia 6230
dbca.wa.gov.au

From: [DFES Land Use Planning](#)
To: [BTNSHIRE](#)
Cc: [Leigh.Guthridge](#)
Subject: IPC242274 - Draft Local Planning Scheme No 6 - DFES Response
Date: Wednesday, 4 December 2024 3:54:28 PM
Attachments: [image001.png](#)
[image002.png](#)
[REFERRAL TO DFES CHECKLIST SPP3.7 \(2024\)_editable PDF-V1.pdf](#)

DFES Ref: D36601

Dear Sir/Madam,

I refer to your email dated 5 September 2024 in relation to the referral of Draft Local Planning Scheme No 6 for the Shire of Bridgetown-Greenbushes.

It is unclear from the documentation provided if the Shire has applied *State Planning Policy 3.7 – Bushfire* (SPP 3.7) to this proposal.

Exemptions from the requirements of SPP 3.7 should be applied pragmatically by the decision maker and are identified in the *Planning for Bushfire Guidelines* (section 1.2.1).

Should you apply SPP 3.7 then, we request the relevant information pursuant to this policy be forwarded to DFES to allow us to review and provide comment prior to the Shires endorsement of the new Local Planning Scheme.

I note that following a brief review of the document, there do not appear to be any comments that conflict with the application of SPP 3.7 and the Guidelines, however please contact DFES if any specific comments are required. DFES note that any requirements for additional water supply (for firefighting purposes) as part of the Scheme are considered to be in addition to the requirements of SPP 3.7 and the associated Planning for Bushfire Guidelines. If this is not the case, please contact DFES to discuss these specific requirements to ensure that there are no conflicts.

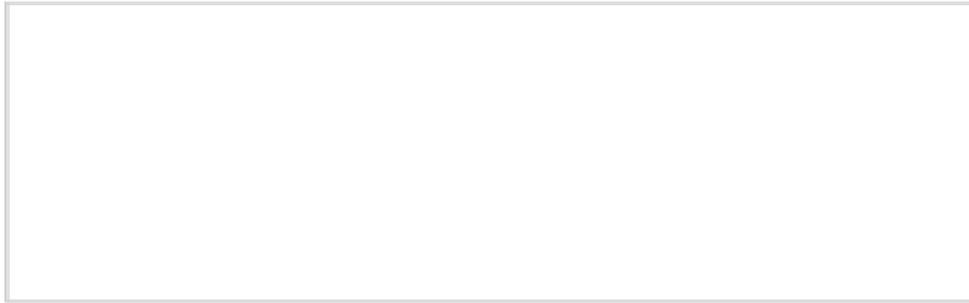
If there is some other reason which has given you cause to consider a referral to DFES, could you please provide detail on the attached 'Referral to DFES Checklist'.

Kind regards

Michael Ball
Senior Land Use Planning Officer

20 Stockton Bend, Cockburn Central, Perth WA 6164
T: 08 9395 9819 | E: advice@dfes.wa.gov.au | W: dfes.wa.gov.au





Acknowledgement of Country: DFES acknowledges the Traditional Owners of Country throughout Australia, and their connections to land, sea and community. We pay our respects to Elders past and present.

UNCONFIRMED

From: [STUART Sharnie \[Strategy and Planning\]](#)
To: [BTNSHIRE](#)
Cc: [AHMAD Ikmal \[Strategy and Planning\]](#)
Subject: I-SUB202482165 - FW: Shire of Bridgetown-Greenbushes - Draft Local Planning Scheme No 6
Date: Tuesday, 3 December 2024 6:42:23 PM
Attachments: [image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
[image003.png](#)
[image008.png](#)
[Bridgetown-Greenbushes Draft LPS6 text Sep 24 - Final.pdf](#)
[Bridgetown-Greenbushes Draft LPS6 maps with sheet index - Final.pdf](#)
[Bridgetown-Greenbushes-Draft-LPS6-Frequently-Asked-Questions-final.PDF](#)

Hello Leigh,

Thank you for providing the opportunity to the Department of Education (Department) to comment on the draft Local Planning Scheme No. 6 (LPS 6).

The Department has no objections to the draft LPS 6 given that it has no impact on the existing or future public school sites, having regard to the following aspects:

- boundaries and size/extent of local reservation for public school sites have not changed;
- no new introduction of any non-residential land use in close proximity to the school sites to minimise risk of incompatible land uses operating close to school sites; and
- introduction of residential zoned land is not considered to have a significant impact on the student enrolment demand of the locality at this stage.

Kind regards,

Sharnie Stuart
Senior Consultant – Land Planning
 Infrastructure Strategy and Planning

Department of Education
 151 Royal Street, East Perth WA 6004
 T +61 (08) 9264 4046 E sharnie.stuart@education.wa.edu.au
education.wa.edu.au

For land planning referrals and queries, please email to landplanning@education.wa.edu.au

For subdivision referrals and queries, please email to subdivisionreferrals@education.wa.edu.au



I respectfully acknowledge the Whadjuk Noongar people and their elders past, present and future. They are the traditional custodians of Mandalup (East Perth) where we work.

From: Debbie Bond <DBond@bridgetown.wa.gov.au>
Sent: Thursday, 5 September 2024 11:30 AM
To: Asset Planning and Services Land Planning <Landplanning@education.wa.edu.au>
Subject: Shire of Bridgetown-Greenbushes - Draft Local Planning Scheme No 6

Our ref: O-EML202445623

The Shire of Bridgetown-Greenbushes, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, is seeking public comment on the Draft Local Planning Scheme No 6.

The intent of this review is to consolidate the existing operational Town Planning Schemes No 3 and 4 into one Local Planning Scheme No 6 (LPS6). This will update and streamline the day-to-day planning functions and controls at the local level.

The Draft Local Planning Scheme No 6 Text, Maps are attached for your ease of reference. Alternatively, documents are available on the Shire website:

<https://www.bridgetown.wa.gov.au/publicnotices>

Formal submissions are invited from interested stakeholders in clear and concise language in the following manner:

1. Via survey monkey – <https://www.surveymonkey.com/r/DraftLPS6>; or
2. Email to BTNShire@bridgetown.wa.gov.au; or
3. In writing to: Shire of Bridgetown-Greenbushes
PO Box 271
Bridgetown WA 6255

Submission period closes 4pm, Friday 6 December 2024

Leigh Guthridge

Executive Manager
Development and Planning
**Shire of Bridgetown-
Greenbushes**
T (08) 9761 0800
M 0429 686 903
W www.bridgetown.wa.gov.au
A PO Box 271, Bridgetown WA,
6255

We acknowledge the cultural custodians of the land, the Kaneang, Pibelmen and Wadandi

people. We acknowledge and support their continuing connection to the land, waterways and community. We pay our respects to members of the Aboriginal communities and their culture; and to Elders past and present, their descendants still with us today, and those who will follow in their footsteps.

Debbie Bond

CASUAL ADMINISTRATION OFFICER

Shire of Bridgetown-Greenbushes

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A PO Box 271, Bridgetown WA, 6255

We acknowledge the cultural custodians of the land, the Kaneang, Pibelmen and Wadandi people. We acknowledge and support their continuing connection to the land, waterways and community. We pay our respects to members of the Aboriginal communities and their culture; and to Elders past and present, their descendants still with us today, and those who will follow in their footsteps.

Development Services | 629 Newcastle Street | PO Box 100 | T (08) 9420 2099
Leederville WA 6007 | Leederville WA 6902 | F (08) 9420 3193



Your Ref: O-EML202445623
Our Ref: 180208423 (TPS414426)
Enquiries: Brett Coombes
Direct Tel: 9420 3165
Email: land.planning@watercorporation.com.au

05 December 2024

Chief Executive Officer
Shire Of Bridgetown- Greenbushes
P.O. BOX 271
BRIDGETOWN WA 6255

Attention: Leigh Guthridge – Executive Manager Development and Planning

Shire of Bridgetown-Greenbushes Local Planning Scheme No. 6

Thank you for your correspondence of 5 September 2024 regarding the Shire's draft Local Planning Scheme No.6.

Noting that the Scheme is primarily a consolidation of the Shire's two existing schemes and includes text and map changes to ensure compliance with legislation and the Model Scheme Text, the Water Corporation has no concerns or detailed comments to make at this stage.

The Corporation welcomes further engagement with the Shire about the proposed Local Planning Strategy, in particular regarding any new townsite expansion areas that would trigger the need for infrastructure planning to be undertaken for future water and sewer servicing needs.

If you have any queries or require further clarification on any of the above issues, please contact me on Tel. 9420-3165.

Brett Coombes
Senior Planner
Development Services

From: [Aaron Milne](#)
To: [Leigh Guthridge](#)
Cc: [Daniel Naude](#); [South West Region Planning Services](#)
Subject: I-SUB202583083 - FW: Amended DRAFT REPLY Proposed Local Planning Scheme 6 (LPS6) - Shire of Bridgetown Greenbushes - consolidate TPS 3 & 4 into LPS6
Date: Wednesday, 29 January 2025 10:52:37 AM
Attachments: [image001.png](#)
[image003.png](#)
[image146044.png](#)
[image402580.png](#)
[image287477.png](#)
[image202105.png](#)
[image487059.png](#)

OFFICIAL

OFFICIAL

Hi Leigh

I refer to your email below and advise that Main Roads has no objection to the proposed new scheme subject to the following comments and requirements.

It is requested that the modifications as outlined below be included in the proposed new scheme.

It is noted that in Schedule 4 of the proposed new Town Planning Scheme No 6 – Additional Use area A4 for Lot 2 of Nelson Location 9949 South Western Highway, provision requires:

“ii) requires all vehicles entering and exiting the property to utilise the existing access to the South Western Highway which is to be to the satisfaction of local government on the advice of Main Roads.

In the current Town Planning Scheme No 4 the subject lot is included as Additional Use area “A4”, which includes a provision that the crossover to South Western Highway be upgraded to the satisfaction of Main Roads, however, the crossover has not been upgraded at this stage. The existing property driveway/ crossover is only a general rural gravel standard and is not considered suitable for industrial traffic. Also, the general alignment of the existing driveway within the highway road verge is not considered suitable. If the property is to be used for industrial purposes the driveway/ crossover to South Western Highway will need to be upgraded, located, designed and constructed to the specifications and satisfaction of Main Roads. A traffic impact assessment would generally be required at the development approval stage to determine requirements for upgrading the intersection including any requirements for turning treatments if necessary.

Notwithstanding the above, Main Roads does not generally support industrial uses with access to the highway as such uses could generate significant traffic demands and detract from the function and safety of the highway. The property has been zoned for the additional use for a number of years in the current Town Planning Scheme No 4 and has not been developed. The property is a separate lot on the highway which could be considered an ad hoc industrial use, creating potential for increased traffic conflicts.

To clarify the need to upgrade the existing access it is recommended that proposed Additional Use A4, provision ii) be modified to add the requirement for the driveway/ crossover to South Western Highway to be upgraded, located, designed and constructed to

the specifications and satisfaction of Main Roads.

Also, it is noted that proposed Schedule 2 Special Use zones includes a number of Special use zones adjacent to main roads including Brockman Highway and South Western Highway.

- SU2 - Lot 5 Brockman Highway includes a requirement d) that access to Brockman Highway be to the requirements of Main Roads, however, this section of Brockman Highway is under jurisdiction of the Local Authority. On this basis, the requirement d) can be deleted from the special use provisions.
- SU12 - Lot 9371 has frontage to South Western Highway and Williams Street. The special use zone includes possible uses, including goods of a bulky nature, which could generate significant traffic demands and increase the potential for vehicle conflict on the highway. To avoid potential conflict with the highway, it is recommended that access be obtained from Williams Street and not the highway. It is requested that an additional requirement '12.' be included in the special use provisions that sole access should be obtained from Williams Street with no access to South Western Highway. Depending on the proposed development and anticipated traffic demands, the intersection of Williams Street and the highway may warrant upgrading and possible turning treatments. A Traffic Impact Assessment should be required at the Development Approval Stage to determine requirements for upgrading the intersection.

Further, the proposed scheme includes some larger areas zoned 'Industrial', 'Residential' and/or 'Rural Residential' adjacent to main roads/the highway which have not been subdivided or developed at this stage. It is anticipated that these undeveloped areas will require detailed Structure Planning to be undertaken to guide future subdivision and/or development.

Structure Plans will need to address access requirements to the adjacent main roads/ highways. Main Roads principle concern is to reduce access to the main roads/highway which could increase the potential for traffic conflicts and detract from the function and safety of the highway. It is considered that following areas /lots should be included within Structure Plan areas under the scheme to address planning requirements and guide future subdivision and development.

1. Light Industry part zoned Lots 900, 13098, 13003 and 926 adjacent or near Les Woodhead Avenue/ Bridgetown - Boyup Brook Road
2. Residential and Rural Residential zoned Lots 2, 7, 8 662 and 785 lots between Taylors Road and Coverly Road/ Bridgetown - Boyup Brook Road.
3. General Industry part zoned Lots 10441, 12956 and 13186 Daronchs Road/ South Western Highway.

If you have any queries please contact myself or Daniel Naude on 9724 5724.

Regards

Aaron Milne

Asset Manager Planning
South West Region
Regional Operations
Tel: +61 8 9724 5662 Mob: +61 466 636 196



Main Roads branded banner including logos and an acknowledgement of Country



From: Leigh Guthridge <LGuthridge@bridgetown.wa.gov.au>
Sent: Thursday, September 5, 2024 11:33 AM
To: WEB South West Region <swreg@mainroads.wa.gov.au>
Subject: Shire of Bridgetown-Greenbushes - Draft Local Planning Scheme No 6

Some people who received this message don't often get email from lguthridge@bridgetown.wa.gov.au. [Learn why this is important](#)

CAUTION: This email originated from outside of Main Roads. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Our ref: O-EML202445623

The Shire of Bridgetown-Greenbushes, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, is seeking public comment on the Draft Local Planning Scheme No 6.

The intent of this review is to consolidate the existing operational Town Planning Schemes No 3 and 4 into one Local Planning Scheme No 6 (LPS6). This will update and streamline the day-to-day planning functions and controls at the local level.

The Draft Local Planning Scheme No 6 Text, Maps are attached for your ease of reference. Alternatively, documents are available on the Shire website: <https://www.bridgetown.wa.gov.au/publicnotices>

Formal submissions are invited from interested stakeholders in clear and concise language in the following manner:

1. Via survey monkey – <https://www.surveymonkey.com/r/DraftLPS6>; or
2. Email to BTNShire@bridgetown.wa.gov.au; or
3. In writing to: Shire of Bridgetown-Greenbushes
PO Box 271

Bridgetown WA 6255

Submission period closes 4pm, Friday 6 December 2024

Leigh Guthridge

Executive Manager
Development and Planning
**Shire of Bridgetown-
Greenbushes**
T (08) 9761 0800
M **0429 686 903**
W www.bridgetown.wa.gov.au
A PO Box 271, Bridgetown WA,
6255

We acknowledge the cultural custodians of the land, the Kaneang, Pibelmen and Wadandi people. We acknowledge and support their continuing connection to the land, waterways and community. We pay our respects to members of the Aboriginal communities and their culture; and to Elders past and present, their descendants still with us today, and those who will follow in their footsteps.

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Table 1 – Comments and suggested changes to Shire of Bridgetown-Greenbushes - Draft Local Planning Scheme No. 6 (LPS 6)

| Page/Section of PDF document | Topic | Issue | Suggested changes and considerations |
|------------------------------|---------------------------------------|-----------------|--|
| P9-10, Section 16.2 | Part 3 - Zones and Use of Land | Water resources | <p>Matters for Shire to consider in green text, Shire LPS 6 text (apart from screenshots) in brown text, and suggested changes in red text. Screenshots included for clarity and quick reference.</p> <ul style="list-style-type: none"> DWER assumes ‘environmental protection’ in 16.2(2)(d) covers waterways, their buffers and groundwater. For 16.2 (6)(b) Change ‘watercourse areas’ to ‘watercourses and their buffers’ <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>16.2 Rural Residential zone</p> <p>(1) The objectives of the Rural Residential zone are -</p> <ul style="list-style-type: none"> (a) To provide for lot sizes in the range of 1ha to 4ha. (b) To provide opportunities for a range of limited rural and related ancillary pursuits on rural residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. (c) To set aside areas for the retention of vegetation and landform or other features which distinguish the land. <p>(2) A structure plan may be required prior to subdivision in the Rural Residential zone where considered necessary to provide for the orderly planning of:</p> <ul style="list-style-type: none"> (a) drainage and water management; (b) bushfire hazard; (c) access; (d) environmental protection; (e) flooding management; and (f) public river-foreshore access. <p style="text-align: right; font-size: small;">Page 9 of 58</p> </div> <p style="font-size: x-small; margin-top: 5px;">Shire of Bridgetown – Greenbushes LPS 6</p> <p>(6) In considering a subdivision proposal in the Rural Residential zone, the local government will give due regard to ensuring that:</p> <ul style="list-style-type: none"> (a) clearing of native vegetation to enable more intensified development is avoided; (b) native vegetation and watercourse areas are protected by fencing where required; and (c) revegetation or tree planting conditions are applied where there is a demonstrated need and in consideration of potential increases in Bushfire Attack Level (BAL) for surrounding dwelling development. |

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|----------------------------------|---|------------------------|---|
| <p>P11, Section 16.4 (1) (c)</p> | <p>Part 3 - Zones and Use of Land</p> | <p>Water resources</p> | <p>Insert the text in red:</p> <ul style="list-style-type: none"> • “To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies (including groundwater), and their buffers, to protect sensitive areas especially the natural valley and watercourse systems from damage.” <p>The above suggested change is to ensure complete coverage for the protection of water resources. In covering situations where there are watercourses, drainage systems, creek lines, waterways (including groundwater), it is useful that the words “and their buffers” be included. This allows council to consider specific provisions for water resource protection and the retention and protection of riparian vegetation and when necessary, revegetation.</p> |
| <p>P23-24, Section 30.8</p> | <p>Part 4 - General Development Standards and Requirements</p> | <p>Water resources</p> | <p>Waterways may also require fencing to restrict stock access. Waterways, including those that are degraded can serve as a conduit for livestock contaminants to enter the receiving environment.</p> <p>Insert the text in red:</p> <ul style="list-style-type: none"> • “(4) To prevent degradation by livestock, the local government may require areas of native vegetation and waterways and their buffers to be suitably fenced to restrict access by rural pursuit/hobby farm livestock” <div data-bbox="801 767 1527 1257" style="border: 1px solid black; padding: 5px;"> <p>30.8 Keeping of Livestock</p> <p>(1) In considering a development application for the keeping of livestock for a rural pursuit/hobby farm purpose, the local government shall give due regard to the stocking rates as recommended by the relevant authority.</p> <p style="text-align: right;">Page 23 of 58</p> <p style="text-align: left;">Shire of Bridgetown - Greenbushes LPS 6</p> <hr/> <p>(2) The local government may serve notice on the landowner and/or occupier of land where necessary to reduce or eliminate adverse impacts on the amenity or environment caused by a rural pursuit/hobby farm activity.</p> <p>(3) Any costs incurred by the local government in taking action under subclause (2), may be subject to cost recovery from the land owner by the local government.</p> <p>(4) To prevent degradation by livestock, the local government may require areas of native vegetation to be suitably fenced to restrict access by rural pursuit/hobby farm livestock.</p> </div> |

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| <p>P23-24, Section 30.8</p> | <p>Part 4 - General Development Standards and Requirements</p> | <p>Sewage disposal</p> | <p>DWER supports the Shire’s recommendation of secondary treatment systems, in particular due to a significant portion of the Shire being unsewered. This would help mitigate the cumulative impacts of unsewered development to the receiving environment. No changes recommended.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>30.10 Servicing requirements (reticulated sewerage and on-site effluent disposal)</p> <p>(1) Any development that is required to dispose of liquid domestic effluent shall be connected to the reticulated sewerage system, or where not available, is to be provided with a Department of Health (DoH) approved onsite effluent disposal system, in accordance with the Government Sewerage Policy. No dwelling shall be occupied without the prior approval and installation of such a disposal system.</p> <p>(2) The Local Government may require the use of secondary treatment systems in the following situations:</p> <ul style="list-style-type: none"> (a) where soil conditions are not conducive to the retention of nutrients; (b) low lying areas or areas where there is a known high groundwater level; or (c) in accordance with the Government Sewerage Policy; </div> |
| <p>P25, Section 30.8</p> | <p>Part 4 - General Development Standards and Requirements</p> | <p>Waterway foreshore buffers</p> | <p>Insert the text in red:</p> <ul style="list-style-type: none"> • “(a) setbacks to riparian areas and their buffers to avoid nutrient and chemical contamination” <p>The above recommendation is justified on the basis of DWER’s Operational policy 4.3: <i>Identifying and establishing waterways foreshore areas</i> (Sept 2012), which states:</p> <ul style="list-style-type: none"> • “Where potentially polluting land uses or activities are proposed near a waterway, the foreshore area may not provide a sufficient separation distance, so a foreshore buffer is required. A foreshore buffer is the additional distance required between a foreshore area and any proposed development to help protect the water quality and manage the condition of the waterway (Environmental Protection Authority 2008). Foreshore buffers provide an additional barrier to slow down or limit the passage of contaminants from normal operations or as a result of chemical or wastewater spills via surface runoff or groundwater.” |

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| | | | <p>30.13 Water resource management and protection</p> <p>(1) Development proposals that have potential for adverse impacts on water resources may be referred to the relevant agencies for comment. Where relevant, the local government may require the applicant to undertake pre-development and post development monitoring. Based on monitoring results, measures may be required to manage the impacts of the development on the water resource.</p> <p>(2) In considering a subdivision or development proposal which may have an adverse impact on water resources such as rivers, creeks, drainage lines, swamps, wetlands, groundwater, or significant water-dependant ecosystems, the local government shall have due regard to –</p> <p>(a) setbacks to riparian areas to avoid nutrient and chemical spray contamination;</p> <p>(b) protection of vegetation corridors and mitigation of erosion;</p> <p>(c) managing water balance, water conservation and water sensitive design; and</p> <p>(d) maintaining and enhancing water related environmental, recreational and cultural values.</p> <p>(3) The local government may require the applicant to –</p> <p>(a) prepare and implement a foreshore management plan, drainage and nutrient management plan, strategy or other document to manage impacts of proposed subdivision and development; and</p> <p>(b) incorporate the requirements of bushfire management plans into the above management plans.</p> |
| P26, Section 30.14 | Part 4 - General Development Standards and Requirements | Public Drinking Water Source Areas | <p>Amend the document date to 2021, which is the current edition date</p> <ul style="list-style-type: none"> “(b) Water Quality Protection Note 25: Land Use Compatibility Tables for Public Drinking Water Source Areas (DWER 2021 as amended)” |
| P28-30, Section 34, Table 3 | Part 5 – Special Control Areas | SCA: Public Drinking Water Source Areas | <p>Table 3 should include information regarding Special Control Areas for the <i>Donnelly River Water Reserve</i> and <i>Hester Dam Catchment Area</i>. Please refer to Table 2 on suggested text.</p> |
| P49 | Schedule 1 – Specified Additional Uses For | A4 | <p>Add to the text in red:</p> <p>“Any emissions from the Industry land use shall not adversely impact the amenity of the locality or impact the watercourse” – see Screenshot 1 in this document</p> |

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| | Zoned Land in Scheme Area | | |
| P50 | Schedule 2 - Special Use Zones In Scheme Area | SU1 | Consideration should be given to development and the floodplain particularly for Lot 4 (shown as the bright light blue line) – see Screenshot 2 |
| P50-51 | Schedule 2 - Special Use Zones in Scheme Area | SU6 | Due to the scale of development, and watercourses draining into on-stream dams on neighbouring properties, the land capability assessment needs to consider how sewage disposal risks can be appropriately mitigated, such as, but not limited to ensuring appropriate buffers to the watercourse as per the <i>Government Sewerage Policy 2019</i> – see Screenshot 3 |
| P52 | Schedule 2 - Special Use Zones in Scheme Area | SU9 | A 'site and soil evaluation' is recommended to ensure an appropriate setback of the sewage disposal points to the waterbody (in addition to other water quality mitigation measures), consistent with the principles of the <i>Government Sewerage Policy 2019</i> . This is to ensure the land is capable of attenuating nutrients/contaminants in order to mitigate against emissions (from stormwater runoff and/or groundwater transmission) into the waterbody. Protecting the water quality of this waterbody is important based on a public health perspective, and to avoid nuisance situations associated with nutrient enrichment (eutrophication) such as algal blooms/odours – see Screenshot 4 |
| P52 | Schedule 2 - Special Use Zones in Scheme Area | SU12 | DWER supports the statement "Development shall be connected to a reticulated sewerage system provided by a licensed service provider" – noting that reticulated sewerage is available in the area. No changes recommended. – see Screenshot 5 |
| P54 | Schedule 3 – Areas Subject to Site Specific Development Standards and Requirements | ASR1 | DWER supports the requirements for a site and soil evaluation (e) and a local water management strategy or urban water management plan (f) on the basis: <ul style="list-style-type: none"> • much of the Shire is unsewered and this requirement reduces the cumulative impact of development to the receiving environment • of the size of the development • stormwater management and a 'fit for purpose' water supply requires consideration See Screenshots 6-8 No changes recommended. |

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Table 2 – Suggested text for Special Control Areas (Table 3 of LPS 6) to include Public Drinking Water Source Areas

| Name of area | Purpose | Objectives | Additional provisions |
|--|---|--|---|
| Special Control Area - Hester Dam Catchment and Donnelly River Water Reserve | To identify and protect public drinking water source areas. | <ul style="list-style-type: none"> a. Provide a basis for the protection of public drinking water resources through the control of land use or development, which has the potential to affect the quality of drinking water supplies for public use. b. Identify land that has been designated as a public drinking water source area. c. Implement additional planning provisions that are designed to address water quality and public health risks in a public drinking water source area. | <ul style="list-style-type: none"> a. All development in the special control area requiring planning approval shall be subject to the Local Government’s discretion, notwithstanding that the use may be permitted elsewhere in the Scheme. b. The Local Government shall refer all applications for planning approval to the Department of Water and Environmental Regulation for comment where that application is for a use which is identified as ‘compatible with conditions’ or ‘incompatible’ in the relevant priority classification in the Department of Water and Environmental Regulation’s Water Quality Protection Note 25: Land Use Compatibility in Public Drinking Water Source Areas. c. Notwithstanding the land use permissibility set out in Table One – Zoning Table, a use which is identified as incompatible within the relevant priority area on the Land Use Compatibility Table in the Department of Water and Environmental Regulation’s Water Quality Protection Note 25: Land Use Compatibility in Public Drinking Water Source Areas shall not be approved, unless exceptional circumstances apply. d. In determining or making recommendation on an application for planning approval or making recommendation on an application for subdivision in the special control area, the Local Government shall have due regard to: <ul style="list-style-type: none"> i. State Planning Policy 2.9 Planning for Water and associated guidelines. ii. Advice received from the Department of Water and Environmental Regulation. iii. Compliance with the Department of Water and Environmental Regulation’s Water Quality Protection Note 25: Land Use Compatibility in Public Drinking Water Source Areas. iv. Recommendations of the relevant drinking water source protection report or land use and water management strategy. v. The potential risk of contamination to the public drinking water source area resulting from a proposed land use and/or development. |

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|--|--|--|---|
| | | | <ul style="list-style-type: none"> vi. The retention of native vegetation and protection of wetlands and waterways. vii. The drainage characteristics of the land, including surface and groundwater flow, and the adequacy of proposed measures to meet water quality targets and manage run-off and drainage. |
|--|--|--|---|

Shire of Bridgetown - Greenbushes LPS 6 Page 48 of 58

| No. | Description of land | Additional use | Requirements |
|-----|---|----------------|--|
| A4 | Lot 2 of Nelson Location 9949 South Western Highway | Industry | <ol style="list-style-type: none"> 1. Development approval is required. 2. Any emissions from the Industry land use shall not adversely impact the amenity of the locality or impact the watercourse 3. All vehicles entering and exiting the land are to utilise the existing vehicular access onto South Western Highway which is to be to the satisfaction of local government on the advice of Main Roads WA. 4. Other than exempted signage under the deemed provisions and Schedule A, all other signage requires development approval of the local government on the advice of Main Roads WA. |

Screenshot 1: A4

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SCHEDULE 2 - SPECIAL USE ZONES IN SCHEME AREA

| No. | Description of land | Special use | Requirements |
|-----|--|--|---|
| SU1 | Lot 4 Brockman Highway, Bridgetown | Camping ground Holiday accommodation Home business Home occupation Rural home business/Industry-cottage Restaurant/café Tourist development | <ol style="list-style-type: none"> Development approval is required. An LDP may be required by the local government prior to development approval, based on the type and scale of the proposed land use. |
| SU2 | Lot 5 Brockman Highway, Bridgetown | Agricultural-extensive Agricultural-intensive Bed and breakfast Caretaker's dwelling Education establishment (limited to a cooking school) Holiday accommodation (maximum of 2 dwellings) Home business Home occupation Rural home business/Industry-cottage Rural pursuit/hobby farm Shop (limited to beauty therapy) Single house Winery | <ol style="list-style-type: none"> Development approval is required. An application for development is to be advertised in accordance with clause 64 of the deemed provisions. An LDP may be required by the local government prior to development approval, based on the type and scale of the proposed land use that addresses and provides for the following: <ol style="list-style-type: none"> a Bushfire Management Plan where the land is within a designated bushfire prone area. Construction of dwellings is to be in accordance with AS 3959 (Construction in Bush Fire Prone Areas). a Landscape Master Plan. a Foreshore Management Plan. access to and from Brockman Highway shall be to the requirements of Mains Roads WA. education establishment is to have a maximum of eight clients at any one time. shop is to be conducted only within the restored dairy or adjacent building. |

Screenshot 2: SU2

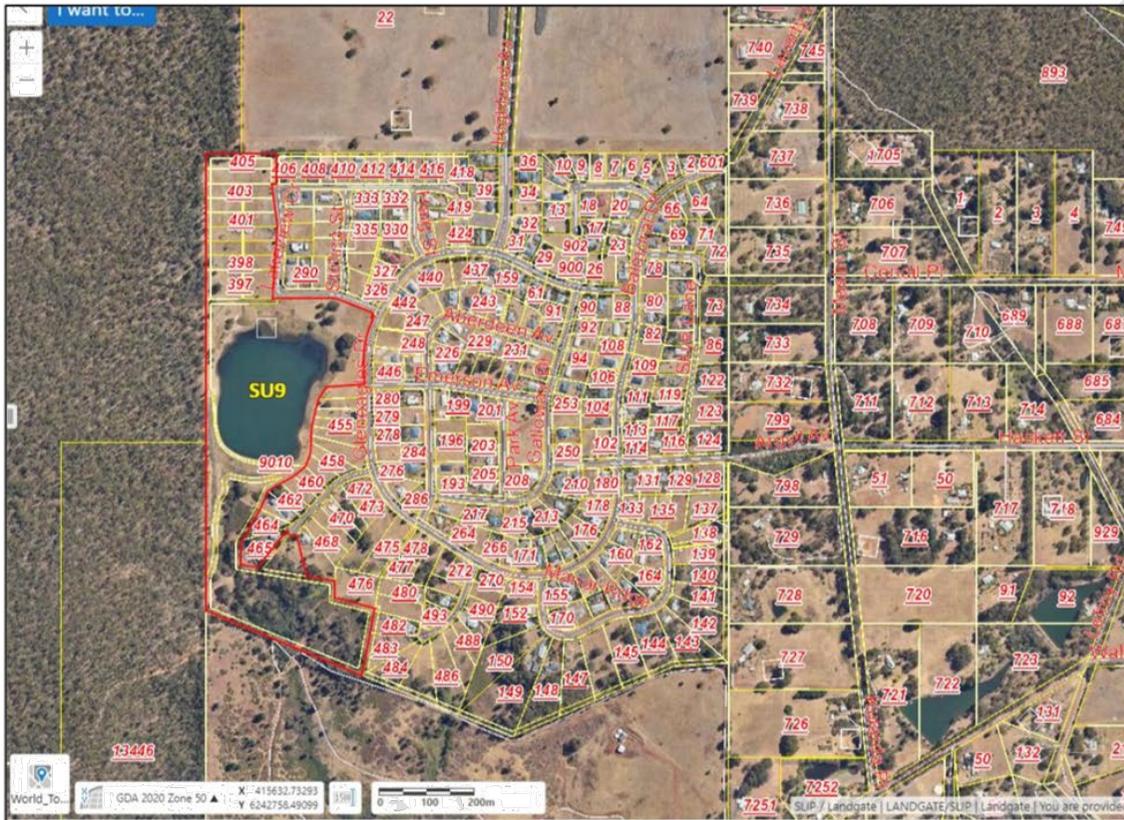
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The screenshot displays a planning application interface. On the left, a table lists special uses and their requirements. The central part shows a site plan with various colored zones and a road network. On the right, an aerial map shows the site's location within a larger residential development.

| No. | Description of land | Special use | Requirements |
|-----|---------------------|--|---|
| | Indogetown | Home business Home occupation Recreation private Restaurant/cafe Rural pursuit/hobby farm Single house Shop (limited to the sale of locally manufactured goods and food stuffs, convenience goods and the serving of light refreshments) | <ol style="list-style-type: none"> Development approval is required. An application for development is to be advertised in accordance with clause 64 of the deemed provisions. In considering a development proposal, the local government shall have due regard to requirements 4 to 11 below: Bushfire management planning where the land is within a designated bushfire prone area. Construction of dwellings is to be in accordance with AS 3959 (Construction in Bush Fire Prone Areas) Building envelopes plan. Building design guidelines. A landscape management plan. A management statement for the land. Development applications for Rural pursuit/hobby farm shall include the following information: <ol style="list-style-type: none"> an analysis of potential land use conflict between the proposed use and nearby residential uses and other approved uses for the common land; land capability assessment; water availability; access proposals; transport implications associated with transport of the product off the site; and any other matter considered relevant by the local government; Common property is to be managed as a form of rural pursuit/hobby farm. Minimal use of fertilisers and chemicals. |

Screenshot 3: SU 6

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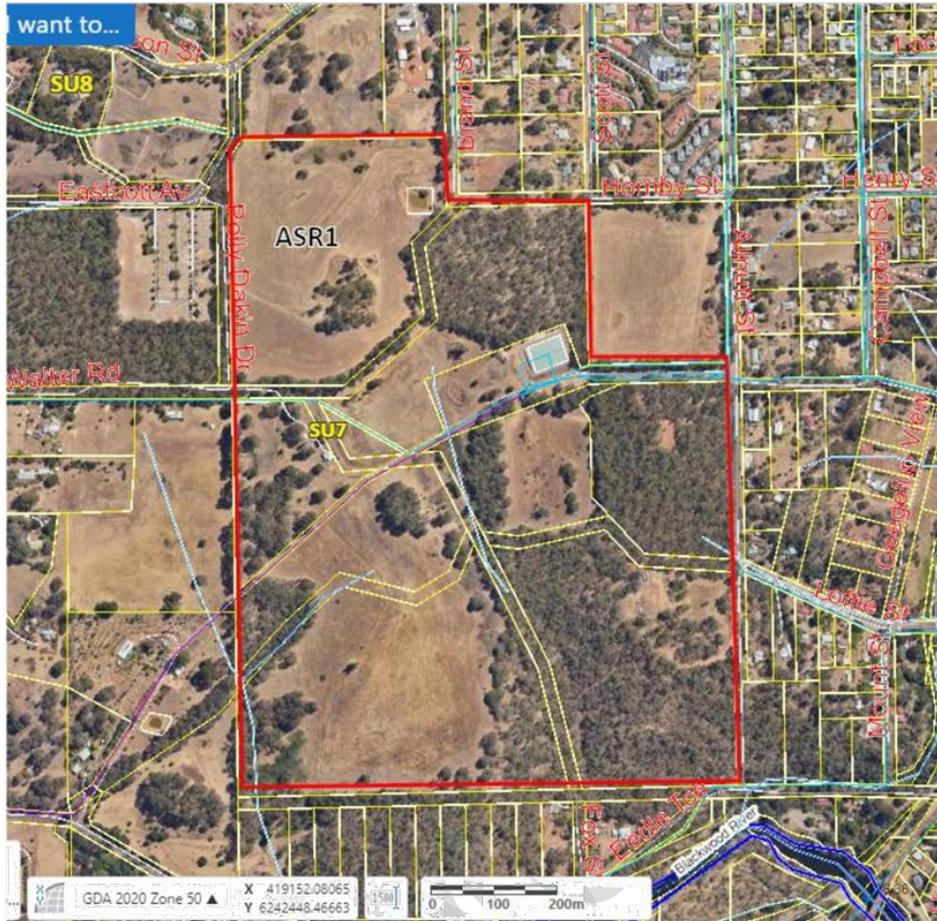
Screenshot 4: SU9

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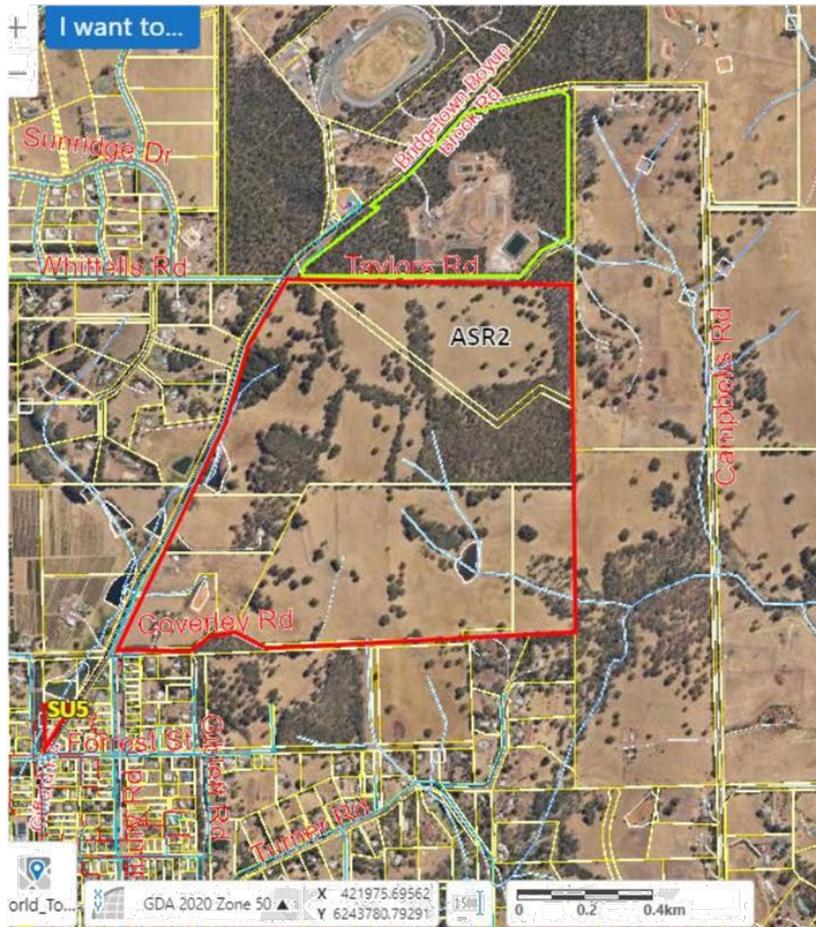
Screenshot 5: SU12

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Screenshot 6: ASR 1

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Screenshot 7: ASR2

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Screenshot 8: ASR3

From: [Sue Brown](#)
To: [Ips6 Queries](#)
Subject: FW: IPC242210 - Submission regarding review of the LPS
Date: Tuesday, 19 November 2024 9:05:35 AM
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)

Morning Deb,
This came through BTNShire website.
Kind regards,

Sue Brown

DEVELOPMENT SERVICES
ADMINISTRATION OFFICER
Shire of Bridgetown-Greenbushes
T (08) 9761 0800
W www.bridgetown.wa.gov.au
A PO Box 271, Bridgetown WA, 6255

We acknowledge the cultural custodians of the land, the Kaneang, Pibelmen and Wadandi people. We acknowledge and support their continuing connection to the land, waterways and community. We pay our respects to members of the Aboriginal communities and their culture; and to Elders past and present, their descendants still with us today, and those who will follow in their footsteps.

From: BTNSHIRE <BTNSHIRE@bridgetown.wa.gov.au>
Sent: Tuesday, 19 November 2024 7:06 AM
To: Sue Brown <SBrown@bridgetown.wa.gov.au>
Subject: FW: IPC242210 - Submission regarding review of the LPS

Andrea Richardson

Information Management Coordinator
Shire of Bridgetown-Greenbushes
T (08) 9761 0814
W www.bridgetown.wa.gov.au
A PO Box 271, Bridgetown WA, 6255

From: Ian O'Brien <sokido8@icloud.com>
Sent: Monday, 18 November 2024 9:18 AM
To: BTNSHIRE <BTNSHIRE@bridgetown.wa.gov.au>
Subject: IPC242210 - Submission regarding review of the LPS

Good morning,

I would like my below submission regarding the Bridgetown Greenbushes Shires' review of their LPS to be thoughtfully considered at the time of your review.

I am requesting that the Bridgetown Greenbushes Shire to include the requirement for all owners and residents of the Bridgetown Gardens Estate to seek the Bridgetown Gardens Estate COO approval for all building and development applications prior to lodging with the shire.

My reasoning for this is to ensure all applications approved by the Bridgetown Greenbushes Shire have taken into consideration the requirements of the Bridgetown Gardens Estate to ensure the building and developments on the estate adhere to (as

much as possible) and comply with the strata law.

By doing this, it will enhance the appeal not only to the Bridgetown Gardens Estate but for the Bridgetown Greenbushes Shire as a whole.

Thank you for considering my submission.

Kind regards,

Ian O'Brien Functions Co-Ordinator, Council of Owners. Bridgetown Gardens Estate.

Ph: 0472 513 120

UNCONFIRMED



ABN: 42 604 810 317
P O Box 28
GREENBUSHES WA 6254

(08) 9764 3526
0427 445 539

11 October 2024

ATT: Leigh Guthridge
Shire of Bridgetown-Greenbushes
1 Steere Street
BRIDGETOWN WA 6255

Dear Leigh

RE: 33 DARONCHS ROAD NORTH GREENBUSHES

As per our meeting on Tuesday the 8 October, we are writing today to seek approval to change the zoning on block 33 Daronchs Road NORTH GREENBUSHES.

At present the block is zoned rural and we would be seeking to change this zoning to industrial to allow my business to conduct work under Hesketh Quarry's Pty Ltd. The work we would be wanting to conduct includes block making, sand washing and crushing and screening of waste concrete products to be reused.

Hesketh Quarry's Pty Ltd operates currently on 28 Daronchs Road which is zoned industrial the re-zoning of 33 Daronch Road would allow our business to operate more efficiently and employ more people.

Thank you for your time and consideration and I look forward to your reply.

Kind regards

ANDREW HESKETH
HESKETH QUARRY'S PTY LTD

Shire of Bridgetown-Greenbushes Draft Local Planning Scheme No 6 - Opportunity to Comment

#2

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, October 28, 2024 11:09:59 AM
Last Modified: Monday, October 28, 2024 11:17:02 AM
Time Spent: 00:07:02
IP Address: 58.171.35.139

Page 1

Q1

Full Name

Chad Ramsey

Q2

Current Address

8 Spyglass Cove

Q3

Email address

crdesignsolutionswa@outlook.com

Q4

Owner/Live elsewhere

I am a

Q5

Please provide your submission on the Draft Local Planning Scheme No 6 (LPS6) below:

Hello, I own a property at LOT43 South Western Hwy, just opposite the caravan park. The draft plan proposes that my lot will change from Rural to Rural residential. At the moment I have a 15m boundary offset, with no requirement for a building envelope. Under the proposed zone change to rural residential, will it be a requirement for my lot to have a nominated building envelope, or will this lot be exempt from this requirement due to the existing lot not having the necessity of a building quote envelope?

Shire of Bridgetown-Greenbushes Draft Local Planning Scheme No 6 - Opportunity to Comment

#3

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, October 31, 2024 11:13:11 AM
Last Modified: Thursday, October 31, 2024 11:27:44 AM
Time Spent: 00:14:33
IP Address: 110.145.252.158

Page 1

Q1

Full Name

jason heath

Q2

Current Address

178 strathmore rd, winnejup

Q3

Email address

jasonheath@gmail.com

Q4

Resident

I am a

Q5

Please provide your submission on the Draft Local Planning Scheme No 6 (LPS6) below:

I agree with the approach to rezone areas to allow higher density residential developments within the town center.

I also think it is a benefit to Bridgetown if a lot of the derelict and unused commercial/industrial land can be repurposed or developed. For example if the light industrial development class could allow consulting rooms and offices I think that would be a positive change to try and develop this land to the benefit of the community.

Shire of Bridgetown-Greenbushes Draft Local Planning Scheme No 6 - Opportunity to Comment

#4

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, November 14, 2024 2:08:20 PM
Last Modified: Thursday, November 14, 2024 2:17:53 PM
Time Spent: 00:09:33
IP Address: 203.8.181.186

Page 1

Q1

Full Name

Maurice Battilana

Q2

Current Address

6 Jacaranda Place, Kangaroo Gully, Bridgetown, WA 6530

Q3

Email address

pradalea2@gmail.com

Q4

Owner/Occupier

I am a

Q5

Please provide your submission on the Draft Local Planning Scheme No 6 (LPS6) below:

Please ensure the new LPS includes reference to ensure all Building Permits and Development Application relevant to Bridgetown Gardens Estate, Kangaroo Gully to obtain prior approval from the Council of Owners for the Strata Group administering this Strata arrear (SU6).

The Bridgetown Gardens Estate has stipulated the types of building structures and conditions associated with all development in the Estate area.

There has been several examples of the Shire issuing permits and development approvals without first consulting with the Strata Corporate Body's Council of Owners, resulting in structures not meeting the minimum Estate conditions (e.g. roof pitch, colours to match main building, shed and outbuilding being approved to be located forward of the main residential building).

Bridgetown Gardens Estate is listed as Special Use Area 6 under the current (and proposed) Local Planning Strategy.

Shire of Bridgetown-Greenbushes Draft Local Planning Scheme No 6 - Opportunity to Comment

#5

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, November 15, 2024 5:52:25 AM
Last Modified: Friday, November 15, 2024 6:00:49 AM
Time Spent: 00:08:24
IP Address: 120.149.18.107

Page 1

Q1

Full Name

Lars Johannesson

Q2

Current Address

40 Robinia Way, Kangaroo Gully

Q3

Email address

treasurer@bridgetowngardens.org

Q4

Owner/Occupier

I am a

Q5

Please provide your submission on the Draft Local Planning Scheme No 6 (LPS6) below:

I request that the LPS includes the requirement for applicants who own or reside within the Bridgetown Gardens Estate in Kangaroo Gully, to seek approval from the Council of Owners of the Bridgetown Gardens Estate for all Building and Development Applications prior to lodging applications with the Shire. This would ensure that applicants have taken into full consideration the requirements of the Strata By-laws and guidelines when making building and developments applications. Thanks

Shire of Bridgetown – Greenbushes Local Planning Scheme No. 6 Public comment Submission – Teigan Hamlen and Philip Scovell Lot 13523 (120) Blackwood Road Greenbushes and Lot 13320 (10) Lindsay Road Greenbushes 01.12.2024

Summary / Purpose

Shire of Bridgetown - Greenbushes are in the process of drafting local planning scheme no. 6 (LPS6). This submission is to highlight and explain certain aspects of the land reserved 'state forest' when considering the reserved land at the north end of Greenbushes town specifically in regards to Lot 13523 (120) Blackwood Road Greenbushes WA 6254 and Lot 13320 (10) Lindsay Road Greenbushes WA 6254. There is an opportunity for future subdivision potential that could be beneficial to the social and economic needs of Greenbushes and the Shire.

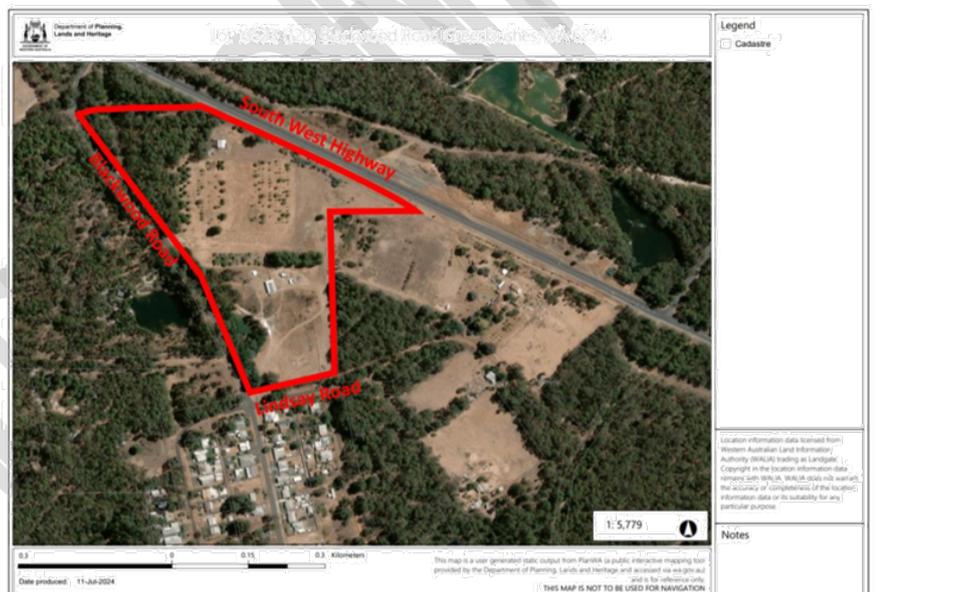
Current zoning Lot 13523 (120) Blackwood Road Greenbushes

The property is currently reserved 'state forest' under Town Planning Scheme No. 4 (TPS4). This reservation has been in place since gazettal of LPS4 in 1987, carried forward from the previous town planning scheme.

120 Blackwood Road has an approximate land area of 10.423 hectares (refer to Attachments 1 and 2 and 3). The property presently has a single house and an outbuilding on the lot. There is an orchard and dam and a small stand of bush on the property.

The reservation applicable to the land is a zoning anomaly and there is potential to zone to low density subdivision. This approach to rezone to low density subdivision has been noted in previous council minutes relevant to the subject property. The land is privately owned and not vested in parks and wildlife and hence consultation with DPAW is not required for Council to consider proposals.

Attachment 1: Site Plan – Lot 13523 (120) Blackwood Road Greenbushes WA 6254

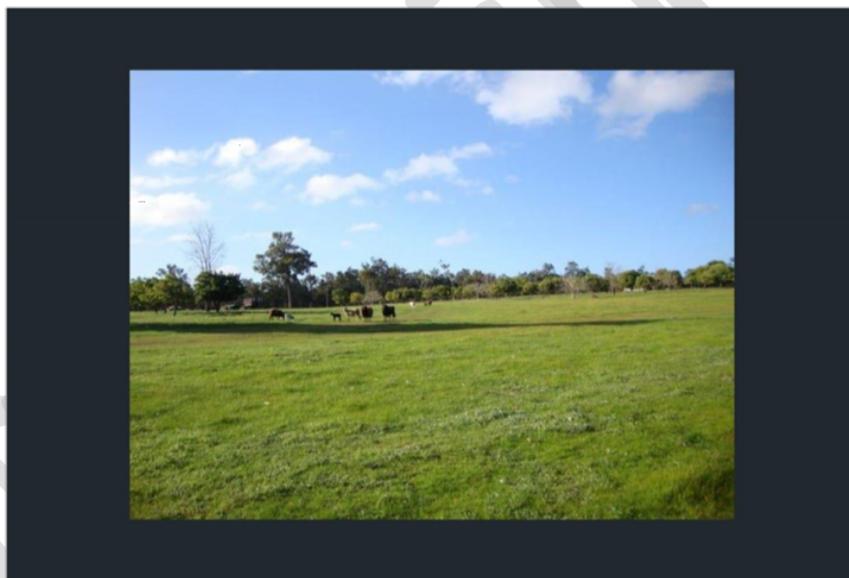


**Shire of Bridgetown – Greenbushes Local Planning Scheme No. 6 Public comment Submission –
Teigan Hamlen and Philip Scovell Lot 13523 (120) Blackwood Road Greenbushes and Lot 13320 (10
Lindsay Road Greenbushes
01.12.2024**

[Attachment 2: Reserved State Forest under Shire of Bridgetown - Greenbushes Town Planning Scheme No. 4 –
Lot 13523 \(120\) Blackwood Road Greenbushes WA 6254](#)



[Attachment 3: Site photo of Lot 13523 \(120\) Blackwood Road Greenbushes WA 6254](#)



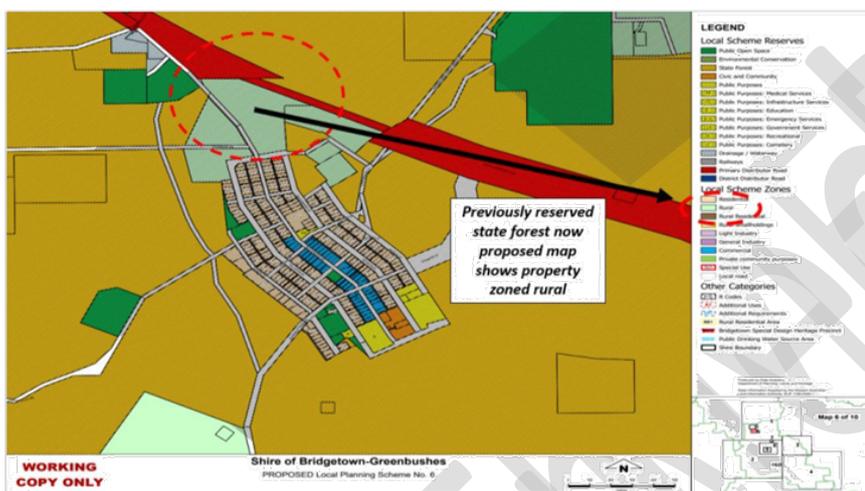
Proposed zoning Lot 13523 (120) Blackwood Road Greenbushes

The key aspects of the draft LPS6 were presented at the Shire of Bridgetown – Greenbushes Special Council meeting held 9 March 2023, it was evident that the proposed working copy of the scheme

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map for Greenbushes has changed the previously reserved state forest lots and rezoned ‘Rural’ as drawn in attachment 4.

Attachment 4: Working copy of scheme map proposed for local planning scheme no. 6 – specifically Lot 13523 (120) Blackwood Road Greenbushes zoned ‘Rural’.



As outlined in the special council meeting 9 March 2023, the draft LPS6 text and map proposes some key changes including: **“Land zoned Special Residential under LPS3 and 4 will become zoned Residential with a density coding of R2.5 or R5. The R-Coding (and consequently the minimum lot size specified for each of these density coding in the R-Codes, i.e. 4,000 sq m for R2.5 and 2,000 sq m for R5) will be based on the existing prevailing lot sizes in the area.”**

It is acknowledged that the map is a working copy and as landowners of the property, we wish to amend a portion of Lot 13523 (120) Blackwood Road Greenbushes to Residential as per the draft local planning scheme No. 6 with a density coding of R 5. Therefore, proposed lot sizes of 2000sqm.

It is noted that no key changes were mentioned in this meeting highlighting the change of state forest reserves to rural zones in the planning report, however the working copy map depicts the subject properties to be changed from state forest reserve to the rural zone.

Subdivision potential – Lot 13523 (120) Blackwood Road Greenbushes

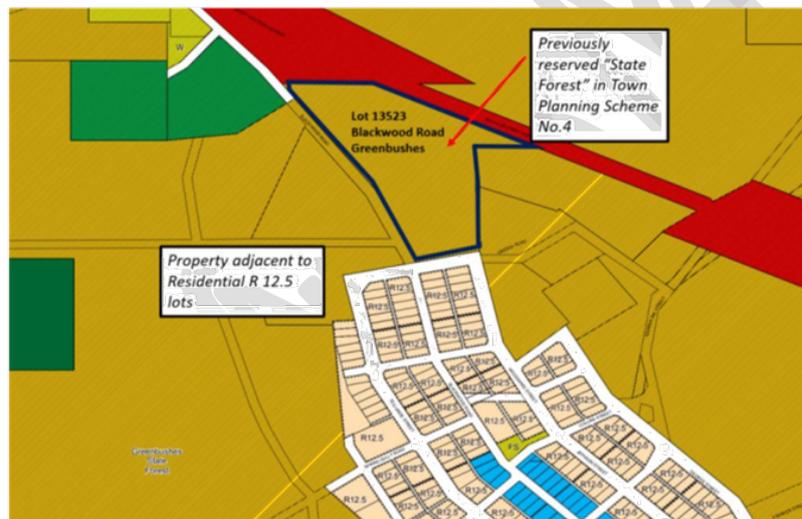
After reviewing the potential zones that could be facilitated at 120 Blackwood Road Greenbushes, it would be pertinent with further discussion and input that a structure plan or a similar planning document be required to create a mix of zones that would best facilitate the needs of the local community including a variety of residential, commercial, mixed use and rural enterprise zoning as discussed below.

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Residential Zone

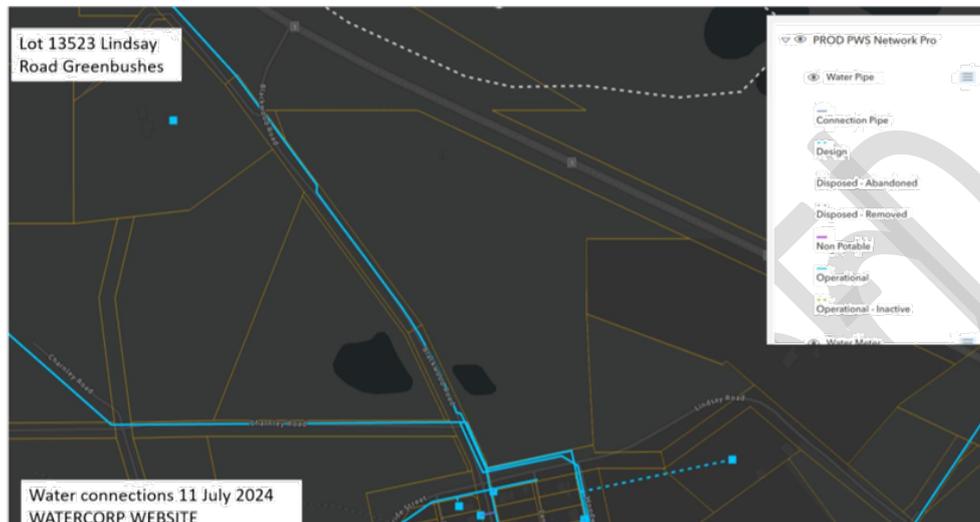
Firstly, analysing the residential objectives in the draft LPS6, the subject property complies. The property is adjacent to existing residential lots with predominant lot sizes of R12.5 (refer to attachment 5), thus the proposed zone for the property is in keeping with the prevailing lot sizes in the area. The subject property has an existing reticulated water supply connection running past the property on both Blackwood Road and Lindsay Road (attachment 6) and as seen in the site plan there are multiple public sealed road frontages and connection to electricity. The development site received a BAL - 12.5 rating as per the attached BAL certificate (attachment 7). The amendment would be in keeping with the landscape and amenity of the area. The site has flat - lying topography and allows for adequate drainage.

Attachment 5: Subject property is adjacent to lots zoned Residential R 12.5.



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Attachment 6: Water corporation – connections along Blackwood Road and Lindsay Road for future subdivision connections.



The majority of the 'state forest' area within the northern part of Greenbushes is cleared land with existing residential homes built on the properties. It is evident by the documented Bushfire Report created by an accredited bushfire practitioner – Lush Fire and Planning and endorsed by the Shire of Bridgetown – Greenbushes that the subject property can achieve a low BAL rating. Further clearing of trees on the property has and can occur if required.

The proposed zoning would help with the Shire of Bridgetown Greenbushes strategies to create and expand the community of Greenbushes. It is acknowledged that Greenbushes mine is part of Greenbushes identity and is personally our source of employment. However, this proposal has the potential to create long term housing which could be beneficial to the mine as well as the community ensuring the town does not become a drive in drive out mine town with the newly created mine camp on Maranup Ford Road. It would help to enhance and promote people to reside in Greenbushes and help to increase the housing supply / tourism potential in the South west, with well-built high quality designed homes. The proposed zoning would be keeping in character with the area as the property backs onto existing residential properties.

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Attachment 7: Bushfire rating -12.5 achieved for the subject property



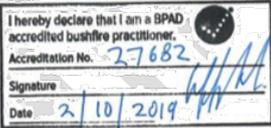

Bushfire Attack Level (BAL) Certificate

Determined in accordance with AS 3959-2018

This Certificate has been issued by a person accredited by Fire Protection Association Australia under the Bushfire Planning and Design (BPAD) Accreditation Scheme. The certificate details the conclusions of the full Bushfire Attack Level Assessment Report (full report) prepared by the Accredited Practitioner.

| Property Details and Description of Works | | | | | |
|---|--------------|-----------|------------------------|------------------------------|----------|
| Address Details | Unit no | Street no | Lot no | Street name / Plan Reference | |
| | | | 13523 | Blackwood Road | |
| Local government area | Suburb | | | State | Postcode |
| | Greenbushes | | | WA | 6254 |
| Main BCA class of the building | Class 1a | | Use(s) of the building | Residential | |
| | | | | | |
| Description of the building or works | New dwelling | | | | |

| Determination of Highest Bushfire Attack Level | | | | |
|--|---------------------------|-----------------|---------------------|------------|
| AS 3959 Assessment Procedure | Vegetation Classification | Effective Slope | Separation Distance | BAL |
| Method 1 | Class D Scrub | >0-5 Deg | 31m | BAL – 12.5 |

| BPAD Accredited Practitioner Details | |
|---|---|
| Name Geoffrey Lush - BPAD27682 |  |
| Company Details Lush Fire & Planning 3 Paterson Road Pinjarra WA 6208 0418954873 geoffrey@lushfire.com.au I hereby certify that I have undertaken the assessment of the above site and determined the Bushfire Attack Level stated above in accordance with the requirements of AS 3959-2018. | |

Reliance on the assessment and determination of the Bushfire Attack Level contained in this certificate should not extend beyond a period of 12 months from the date of issue of the certificate. If this certificate was issued more than 12 months ago, it is recommended that the validity of the determination be confirmed with the Accredited Practitioner and where required an updated certificate issued.

By examining the key aspects of the draft LPS6 text and maps by way of explanation of how the approach has been applied in drafting the scheme documents, there is potential for the state forest lots to be zoned residential as follows:

Page 8 of 19 of the Special Council – Agenda 9 March 2023 states:

- Land zoned Special Rural under existing schemes will become Rural Residential zone with a prescribed minimum lot size of 1, 2 or 3 hectares. This will be denoted on the scheme map by an 'RR' coding, e.g. RR1 = minimum lot size of 1ha. These minimum lot sizes will be consistent with the prescribed lot sizes in the current schemes, or where TPS3 or 4 do not prescribe a minimum lot size for a particular area, the lot sizes will be based on any previously approved subdivision guide plans

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for the area. If there is a case where neither of these circumstances apply, then the new minimum lot size coding will be based on the existing prevailing lot sizes in the area.

The surrounding lot sizes within the vicinity of Lot 13523 Blackwood Road are Residential -12.5.

Due to the historical zoning anomaly, there is scope for future subdivision potential of 120 Blackwood Road Greenbushes and through amending the draft LPS6, this would help facilitate this potential.

Potential Commercial / Mixed Use zoning:

Additionally, the landowners wish to propose Council's consideration for a portion of the lot to be zoned to commercial or a mixed use zone with a variety of residential and commercial uses to help facilitate a vibrant Greenbushes town centre. There is an opportunity to connect the northern section of Greenbushes to the existing commercial zones, which could help with Greenbushes mix of uses, encouraging a walkable neighbourhood linking the Greenbushes sportsground to the town and opening up further opportunities such as food trucks within this area. Also helping to increase the adaptability and sustainability of Greenbushes now and into the future by encouraging a mix of businesses within the area. 120 Blackwood Road Greenbushes is less than 500 metres from the existing commercial zone, thus an accessible walkable distance for its residents and visitors. This could help enhance the identity of Greenbushes and help with economic objectives of the Shire for future generations.

An example of the objectives and permissibility's envisaged within this property have been included below. We have incorporated liveable neighbourhood principles and adapted objectives and permissibility's found within other structure plans within the region.

The objectives of this zoning are to: (a) To provide for a range of shops, offices, restaurants and other commercial outlets in defined activity centres offering facilities of local and regional value.

(b) To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.

(c) To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality by providing a range of dwelling types and densities accommodating a diverse residential community.

d) Provide an open air 'Main Street' that creates the framework for mixed use, day and night activity, fostering a contemporary community with boutique retail outlets maintaining Greenbushes unique identity and history.

e) Encourage tourism, 'festive' retail and entertainment uses.

f) Provide for a transition of land use over time, including robust and durable building design to accommodate change in future use.

g) Carefully locate streets, development sites to maximise views to the bushland and beyond

h) Improve linkages with the site and adjacent existing development for maximum integration.

i) Provide a highly interconnected street system and pathway network, enabling residents and visitors the real choice of being able to walk and cycle to facilities and services.

J) Encourage authentic and practical sustainable development initiatives.

k) Provide for the sensitive incorporation of cultural heritage elements.

Some of the uses that could potentially be permitted include:

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| Zone Use Classes | Mixed Use |
|----------------------------|-----------|
| Ancillary Accommodation | D |
| Art Gallery | P |
| Convenience Store | P |
| Dry Cleaning Premises | D |
| Hire Service | D |
| Public Exhibition Facility | P |
| Shop | P |

| Zone Use Classes | Commercial |
|----------------------------|------------|
| Ancillary Accommodation | D |
| Bakery | P |
| Hire Service | D |
| Public Exhibition Facility | P |
| Market (Retail) | P |

Rural Enterprise Zone

Also it is worthwhile mentioning that we are open to the possibility of a portion of the property incorporating a rural enterprise zone/area [see section 5.5 (and definitions) of [State Planning Policy 2.5 - Rural Planning - December 2016 \(www.wa.gov.au\)](#)]:

Section 5.5(b) objectives help to support small rural communities by providing for rural enterprise zones which combine light industry and housing, provided they are carefully planned; in general proximity to urban areas; serviced; and have design features that address buffers and amenity;

Rural enterprise zone: A predominantly light industrial zone, generally suitable in rural areas, that provides for light industrial land uses and an ancillary residential dwelling on one lot, with lot sizes in the order of one to four hectares. May also be known as rural industry or composite zones.

In creation of a structure plan or similar incorporating a “**Rural Enterprise Zone**”, there is an opportunity to address the shortage of commercial/light industry zoned lots in the townsite and locality.

Greenbushes Sportsground Precinct Redevelopment Project

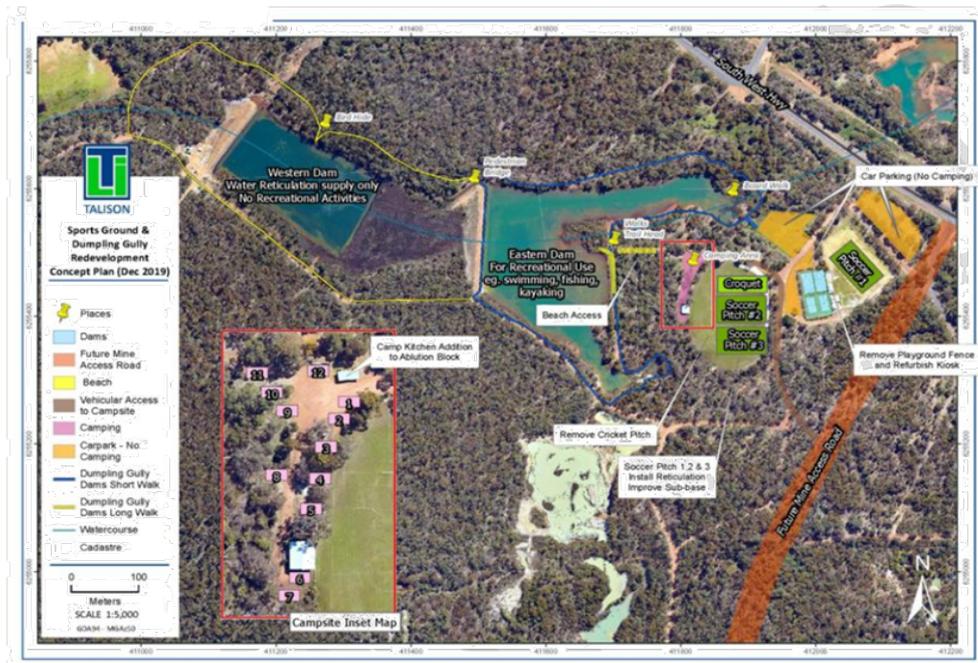
The proposed rezoning of 120 Blackwood Road could compliment other redevelopment within the area, specifically the Greenbushes Sportsground Precinct redevelopment. The property is in close vicinity to the Greenbushes Sportsground (approximately 200m north- west of the subject property), the Shire plans to upgrade the Greenbushes Sportsground precinct. Upgrading the Precinct will transform it into a district-level sporting facility, improving the facilities for sporting events. The proposal also includes an upgrade to the transit camping area, to attract more tourists to the region to boost regional tourism and the local economy and also supports greater participation in sporting events, such as the Pink Fun Run, and local festivals such as the Blues Festival, which attracts visitors from far afield.

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It is proposed that one of the dams be used for active recreational pursuits such as swimming, kayaking and fishing.

Careful planning of 120 Blackwood Road could help support the Greenbushes Sportsground Precinct and service the needs of the tourists and local community alike.

Attachment 8: The Greenbushes Sportsground Precinct



(Shire of Bridgetown- Greenbushes website – Greenbushes Sportsground redevelopment)

Current zoning Lot 13320 (10) Lindsay Road Greenbushes

In addition to the above proposal, the owners of lot 13523 (120) Blackwood Road Greenbushes also Lot the landowners of 13320 (10) Lindsay Road Greenbushes and have identified further opportunity for rezoning of this property aswell.

10 Lindsay Road Greenbushes is currently reserved ‘state forest’ under Town Planning Scheme No. 4 (TPS4). This reservation has been in place since gazettal of LPS4 in 1987, carried forward from the previous town planning scheme.

10 Lindsay Road has an approximate land area of 2.63 acres (refer to Attachments 9 and 10 and 11, 12). The property presently has a single house on the property.

The land is privately owned and not vested in parks and wildlife and hence consultation with DPAW is not required for Council to consider proposals.

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Lindsay Road Greenbushes**
01.12.2024

Attachment 9: Site Plan – 10 Lindsay Road Greenbushes WA 6254



Attachment 10: 10 Lindsay Road Greenbushes was previously zoned 'State Forest'



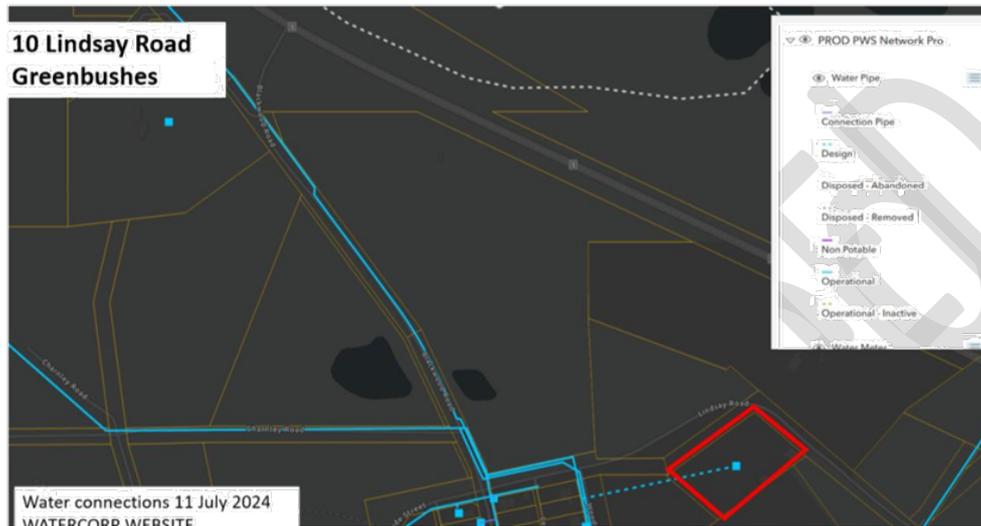
**Shire of Bridgetown – Greenbushes Local Planning Scheme No. 6 Public comment Submission –
Teigan Hamlen and Philip Scovell Lot 13523 (120) Blackwood Road Greenbushes and Lot 13320 (10
Lindsay Road Greenbushes** 01.12.2024

[Attachment 11: Site photos of 10 Lindsay Road Greenbushes WA 6254](#)



**Shire of Bridgetown – Greenbushes Local Planning Scheme No. 6 Public comment Submission –
Teigan Hamlen and Philip Scovell Lot 13523 (120) Blackwood Road Greenbushes and Lot 13320 (10)
Lindsay Road Greenbushes** **01.12.2024**

Attachment 12: Water corporation – connections along Blackwood Road and Lindsay Road for future subdivision connections.



There is prospect for further residential zoning and a mix of commercial, mixed use and rural enterprise zones, for other lots in the northern part of Greenbushes to meet the objectives of the LPS6 such as 10 Lindsay Road Greenbushes.

Conclusion

Historically there is a zoning anomaly, for Lot 13523 (120) Blackwood Road Greenbushes and was reserved state forest. The landowners request the draft LPS6 map be amended to rezone to Residential R 5 and a portion of the lot to be zoned Commercial / Mixed Use or Rural enterprise for 120 Blackwood Road Greenbushes and a structure plan be put in place to purposefully plan for these zones. There is an opportunity here and it is clear from the above report that that there is a prospect for residential zoning and a mix of commercial, mixed use and rural enterprise zones. Not only for the subject lot but potentially the surrounding state forest lots in the northern part of Greenbushes to meet the objectives of the LPS6. Thus, the landowners also request a review of the zoning of Lot 13320 (10) Lindsay Road Greenbushes to residential / commercial/ Rural enterprise zoning. Purposeful long term visionary planning through the creation of a structure plan and amendment of the Local Planning Scheme No. 6 would enable this opportunity.

120 Blackwood Road Greenbushes is located on a main public road into Greenbushes- Blackwood Road and is located between the Greenbushes sportsground redevelopment precinct (north east of the property) and abuts residential zoned housing with a density of R 12.5. Additionally, the properties are within a walkable distance approximately 500m south to the existing commercial

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zone, however the shortage of commercial zoned land is a risk to the community and the future growth of the area. The subject properties meet all subdivisional requirements for residential development and the development would be in keeping with the character and amenity of the area. This change would make optimum use of the zone's environmental character and landscape and provides for the most economic utilisation of services by re-subdivision of the existing lot (s) into a structure more appropriate to sustainable landuse planning, serviced by roads, water supply and drainage, and with regard to the topography and the environment.

UNOFFICIAL



Karratha office | Perth office
P.O. Box 88, Karratha, WA 6714
info@rffaustralia.com

Nicole Gibbs
Shire of Bridgetown-Greenbushes
1 Steere Street
Bridgetown WA 6255

Email: btnshire@bridgetown.wa.gov.au

6 December 2024

Dear Nicole

RE: SUBMISSION TO SHIRE OF BRIDGETOWN-GREENBUSHES DRAFT LOCAL PLANNING SCHEME NO. 6

We appreciate the opportunity to provide comment on the Draft Local Planning Scheme No. 6 (the Scheme). While the Scheme reflects a comprehensive vision for land use and development within the Shire, we write to raise concerns regarding the lack of alignment between the Scheme and current mining operations by Tallison at the Greenbushes Lithium Mine.

Recognition of Current Mining Operations

Tallison is actively and openly acquiring land in the area to facilitate an expansion to its Greenbushes Lithium Mine. The mine is a significant operation with local, state, and global importance. The Scheme currently designates much of this area as within the State Forest reserve, which does not accurately reflect the reality of existing and expanding mining activities. This misrepresentation may create uncertainty and undermine land use planning outcomes.

Land use planning under the *Planning and Development Act 2005* provides an essential mechanism to ensure orderly and proper planning, balancing economic development with community and environmental wellbeing.

To reflect these principles, the draft Scheme should be amended to:

- Acknowledge the mining operations by Tallison as a significant existing land use.
- Update zoning maps to reflect the current and anticipated footprint of the mining activities.

Protection Against Land Use Conflicts

The omission of mining activities in the Scheme risks exposing landowners and sensitive land uses to conflicts with industrial operations. There is a pressing need for proactive planning measures to mitigate these conflicts and preserve community wellbeing.

To address this, it is recommended that the draft Scheme is modified to:

- Include specific provisions to safeguard nearby sensitive land uses (e.g., residential and environmental) from adverse impacts such as noise, dust, and traffic.

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RFF Australia



- Introduce buffer zones between mining and other land uses to minimise conflicts and ensure orderly development.

Prevention of Unplanned Industrial Encroachment

The incremental expansion of mining activities into sensitive areas must be managed carefully. A clear strategy should be outlined in the draft Scheme to limit industrial encroachment and ensure the long-term viability of established rural (agricultural), environmental, and residential areas.

Conclusion

Updating the draft Scheme to acknowledge Tallison's mining activities and proactively addressing potential conflicts will not only ensure alignment with current realities but also safeguard the interests of all stakeholders. While it is acknowledged that the mine is established under, and subject to, the provisions of the *Mining Act 1978*, it is paramount that the powers under the *Planning and Development Act 2005* be utilised to balance economic development with the community's wellbeing and amenity.

Thank you for the opportunity to comment on the draft Scheme. Please don't hesitate to contact the undersigned on 0473 057 905 or madison@rffaustalia.com, should you wish to discuss.

Regards

A handwritten signature in black ink that reads "M. Mackenzie".

Madison Mackenzie
Regional Planner

Shire of Bridgetown-Greenbushes Draft Local Planning Scheme No 6 - Opportunity to Comment

#6

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, December 06, 2024 6:25:46 AM
Last Modified: Friday, December 06, 2024 10:06:20 AM
Time Spent: 03:40:33
IP Address: 163.116.202.24

Page 1

Q1

Full Name

Rachel and Toby Bridges

Q2

Current Address

Lot 775 (No.20) Stephens Street, Bridgetown

Q3

Email address

raquel243@hotmail.com

Q4

Owner/Live elsewhere

I am a

Q5

Please provide your submission on the Draft Local Planning Scheme No 6 (LPS6) below:

Our property is zoned for Rural purposes under the existing Scheme and is identified for RR3 under the draft Scheme 6. This change is welcomed as the rural zoning is no longer appropriate for the land or the adjoining identified rural residential precinct. Identifying land within the Stephens Street rural residential precinct for RR3 instead of rural residential purposes with no coding or Residential R5 limits the potential of this area. It is recommended the proposed zoning of our land is reviewed given where the site is located and the surrounding existing development and development potential of the precinct and given our existing development approval for holiday accommodation (PO34/2023). Stephen Street precinct is in close proximity to the townsite, including the local school; power connections have initially been made on most the properties and WP upgrades can be achieved; there is the option to obtain a sustainable water supply through rainwater tanks; environmental qualities of the land could be managed and protected; and good safe access can be achieved, noting the Shire have indicated previously that Stephen Street is scheduled to be upgraded in the future. This area adjoins Residential R5 density coded development (Whittells Road area), which is further away from the townsite, which makes no sense why the precinct is not identified for similar development potential aswell. The land is highly suitable for this form of development and if a structure plan controls how the land is developed all of the other considerations under the Scheme can be dealt with. We request our land be zoned Residential R5 or Rural Residential no coding. Please contact us if you would like to discuss further.

1.

P.O. Box 528
197 Roe Street
Bridgetown 6255
11th October 2024

Mr. David Stapleton
Senior Planning Officer
Dear Sir,

COMMENT ON DRAFT LOCAL PLANNING SCHEME No. 6
Property: Lot 631 (No.197) Roe Street Bridgetown and surrounding properties
Owner: Dennis Malcolm Campbell

In 1999 I subdivided my then property cnr. Roe St. and Walter Street, towards the South end of Roe Street, into 2 lots, as the zoning there was, and still is R2.5. With the proceeds in 2000 I purchased the above property where I now reside.

I confess that I made a fundamental error in that I made a false assumption that because 197 Roe Street was and still is so much closer to the centre of town and just 150 metres from the primary school playground that the zoning would be, at very minimum, R.2.5 as well. As it turns out I was sadly mistaken as the property I was purchasing was, and still is, zoned Rural. I put my hand up for making that error and bearing in mind I'm a professional and have been trading as a consultant survey draftsman and engineering surveyor since 1973 and as such have been designing subdivisions for clients since then, I have no excuse for making that false assumption.

All that said I'm now grateful to have the opportunity to comment on and make a submission recommendations regarding re-zonings of both my property and surrounding properties.

I acknowledge that WAPC via Draft Local Planning Scheme No. 6 is proposing to re-zone 197 Roe Street and surrounding properties to "Rural Residential". Council officer Debbie has informed me today the development potential of 197 Roe Street and surrounding properties would pretty much remain the same were it to be re-zoned as proposed. An academic exercise only, I would suggest. A broader view of the surrounding property zonings reveals that there is a large subdivision as much as 1.5 kilometres to the NNE (i.e. that much further out of town) is zoned SRes.1 (lot sizes 2,000 to 10,000) with the majority of lots a tad over 4,000m². What's more, 4 kilometres due West of the centre of town there is even a much larger subdivision zoned SRes.2 (lot sizes 2,000 to 10,000) with majority of lot sizes just a tad over 2,000m². Whereas 197 and surrounding properties are so close to town type services such as hospitals, schools and shopping centres and it is proposed to be "rural residential" with maximum lot size of 1Ha!

197 Roe Street and neighbouring properties are serviced by good quality bitumen roads even with kerb and gutter in some instances. Overhead power lines which appeared to me to be updated just the other day. 197 Roe Street has a power dome which can service as many 4 houses which is located in the S-E corner. It is not being used at all at present as I have a complete off-grid system which serves my needs. There is a water main and telecommunications cable in place as well.

If indeed the zoning of 197 Roe Street and surrounding properties were to be say R.20 it would be an easy task to design and install a gravity sewer to the existing sewer which services the primary school. Soon after I purchased the property I did a survey to determine a draft design and cost to extend the sewer to my property and have that plan in my plan filing cabinet. However, I'm not recommending such a zone which would require such a sewer extension. Alternatively, I provide a "site and soil evaluation" (SSE) prepared by Wittenoom Consulting Engineers which states lot 197 is suitable for the installation of standard septic tanks and leach drains. I include the "conclusions

and recommendations” of that report in the submission. I would suggest that the surrounding properties would have a very similar soil type and structure.

Sale figures show a sharp increase in demand for housing type properties in Bridgetown since about October 2021 (median \$380K.) to the present day (\$560K.) a 47% increase in just 3 years. These figures make it abundantly clear that there needs to be an increase in supply by upgrading the zoning densities in and adjacent to Bridgetown’s residential areas.

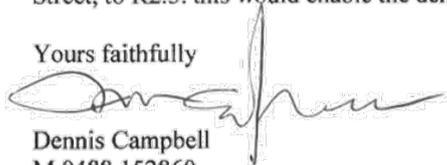
There are 13 properties fronting both sides of Apex Grove and fronting Railway Terrace, all zoned “Rural” and proposed “Rural Residential” which range in area from 1,519m² to 5,890m² all setting precedents regarding the minimum lot size of 1Ha. Using the smallest lot as a bench mark and the R zoning method of number of lots per hectare, 1,519m² = R6.6 in theory. And using the smallest lot North side of Apex Grove being 2,117m² = R4.7 in theory.

RECOMMENDATIONS

To bring the existing lot sizes into line with R-Code zoning; Rezone all lots South side fronting Apex Grove and 2 lots facing Railway Terrace to R12.5/20 which is the existing zone of the neighbouring properties to the South in any case. Rezone all properties North side fronting Apex Grove and the one lot West end of Apex Grove and facing Railway Terrace, to R10.

Rezone the 10 properties, outlined in pink on the enclosed map, including my property 197 Roe Street, to R2.5. this would enable the density to double in all cases.

Yours faithfully



Dennis Campbell
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P.O. Box 528 Bridgetown 6255
draftden@bigpond.net.au



Lot 631 Roe St, Bridgetown: Site and Soil Evaluation

“Maximum” DLR of 25 produced leach drain lengths well below the requirements of the GSP documents and is not recommended. DLR values used to derive the lengths of “Approved Leach Drains (WA)” in the table are derived from the *Supplement to Regulation 29 and Schedule 9 of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

Table 5: Leach Drain Design to AS/NZS 1547 and Regulation 29, Schedule 9

| Bedrooms | Volume L/day | AS/NZS 1547 for DLR 15 mm/day | | Approved Leach Drains (WA) | |
|-----------|--------------|-------------------------------|-----------------|----------------------------|--------------------|
| | | Length m | Configuration | Length m | Configuration |
| 2 or less | 564 | 21.8 | 2x10.8 (9x1.2) | 16.27 | 2x8.4 (7x1.2) |
| 3 | 761 | 29.5 | 2x15.6 (13x1.2) | 22.15 | 2x12.0 (10x1.2) |
| 4 – 6 | 829 | 32.13 | 2x16.8 (14x1.2) | 24.12 | 2 x 14.4 (12 x1.2) |

The two alternative leach drains are to be served by a diverter.

Septic tank configuration may be the generally required pair of one x 1500 diam and 1 x 1100 diam concrete tank in series. Alternatively a single baffled PVC tank such as the Neptune 4000 litre unit may be used.

5 MONITORING, OPERATION AND MAINTENANCE

Management strategy is straightforward, involving pump out of sludge build up as required.

The Shire would not normally be involved on an ongoing basis unless a complaint was received.

No formal monitoring program would be required.

6 CONCLUSIONS AND RECOMMENDATIONS

6.1 Wastewater

The proposed system complies with the GSP, the relevant AS/NZS 1547 Standard *On-site domestic wastewater management* and State Legislation requirements.

The recommended solution clearly matches the requirements of this assessment.

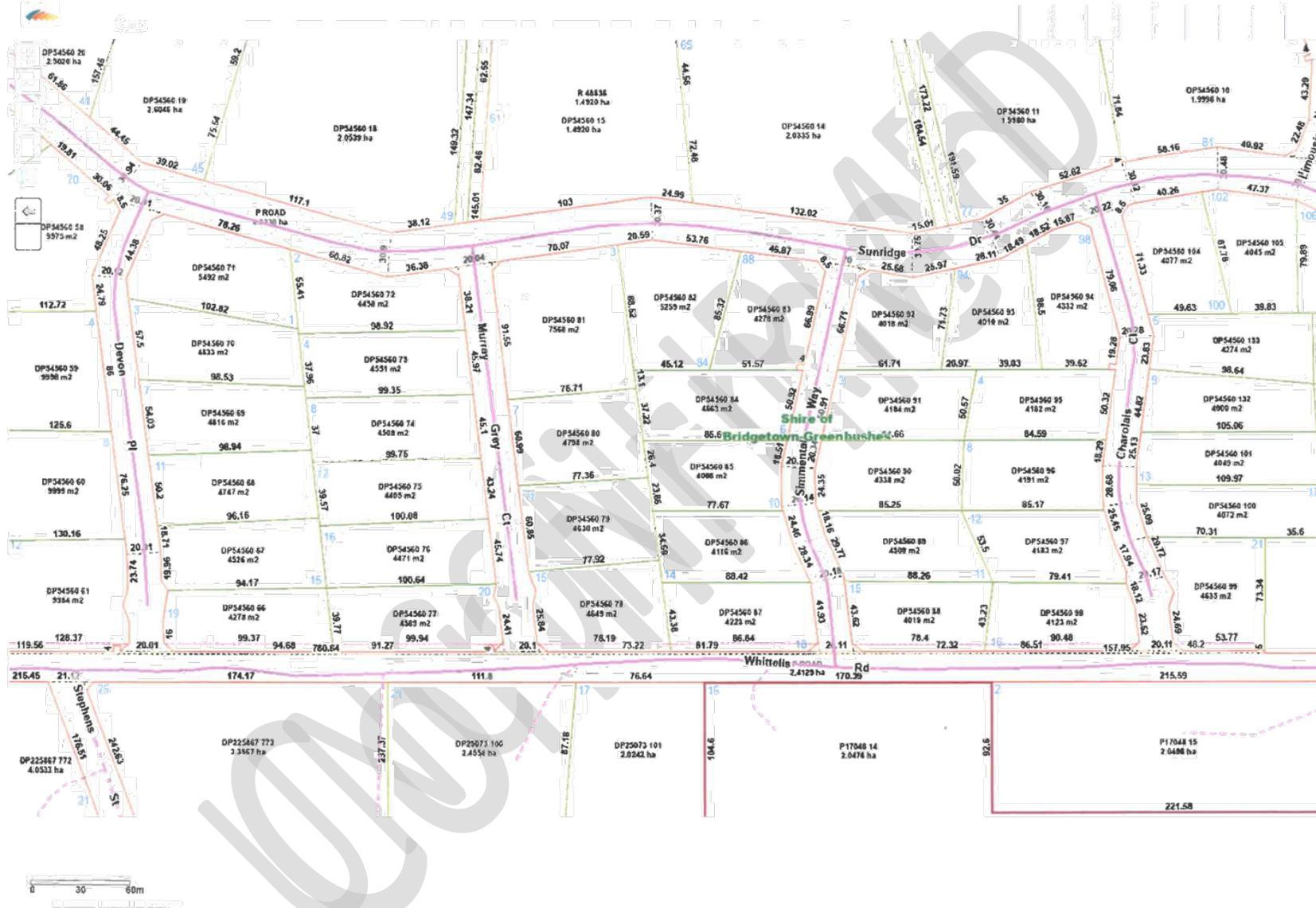
There are few limiting factors on the lot, perhaps the most significant being the presence of the rock outcrops in part of the proposed LAA. However there is adequate area to enable leach drains to be located in a parallel or end-for-end configuration as necessary at the time of application for a Septic Tank Licence.

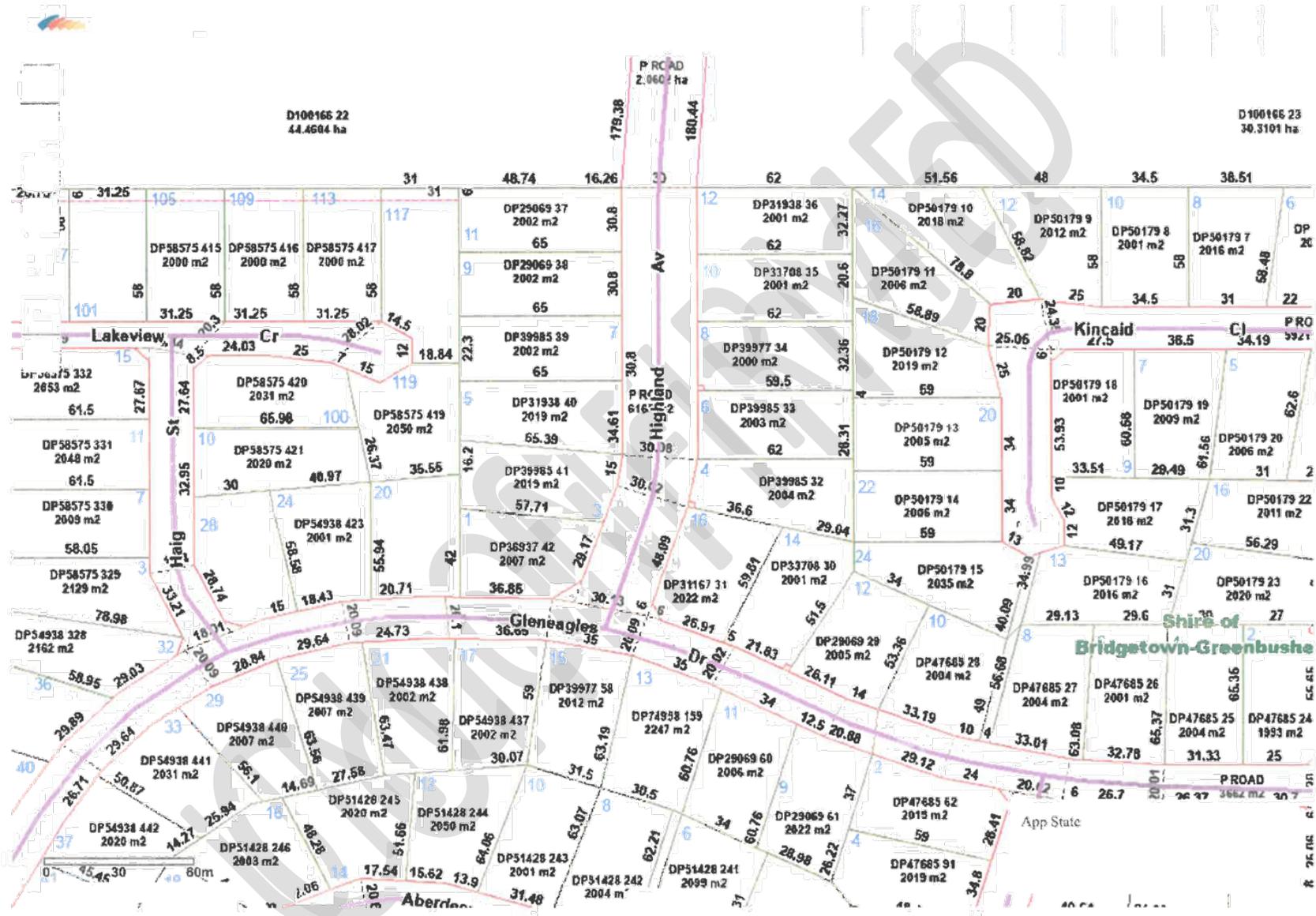
In summary the treatment system, the level of treatment of effluent and the land application area and system are within the capability of the land in which the systems will be sited. This SSE confirms that the proposed treatment and land application area can be accommodated in Lot 631.

6.2 Site Classification to AS2870

The results of the soil testing showing a consistent sandy loam subsoil means that the site is classified as “S” to AS2870: *Residential slabs and footings*.









\$560,000

October 2023 - September 2024

Past 12 month growth ⓘ

Up 3.7% ↑

5 year median price trend



Property market insights for houses

Supply, demand and performance data for houses in Bridgetown.

28 houses
available in the past month

75 sold
in the past 12 months

39 days
median time on market

902 buyers
interested

From: [Leigh Guthridge](#)
To: [Debbie Bond](#)
Subject: IPC242270 - Draft LPS6 Government services and Infrastructure services
Date: Wednesday, 4 December 2024 11:24:44 AM
Attachments: [image001.png](#)
[image003.png](#)

Hi Debbie,

Plz include into the suite of info for the LPS6 review

Leigh Guthridge

Executive Manager
Planning and Development
Shire of Bridgetown-Greenbushes
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A PO Box 271, Bridgetown WA, 6255

We acknowledge the cultural custodians of the land, the Kaneang, Pibelmen and Wadandi people. We acknowledge and support their continuing connection to the land, waterways and community. We pay our respects to members of the Aboriginal communities and their culture; and to Elders past and present, their descendants still with us today, and those who will follow in their footsteps.

From: Bruce & Margaret Bebbington <bebbington@westnet.com.au>
Sent: Wednesday, 4 December 2024 11:04 AM
To: Mal Osborne <mosborne@bridgetown.wa.gov.au>
Cc: Leigh Guthridge <LGuthridge@bridgetown.wa.gov.au>
Subject: Draft LPS6 Government services and Infrastructure services

Hi Mal,

On page 8 of the draft LPS, Tab 1-Reserve objectives there are definitions for Government services and Infrastructure services.

Government services- Public purposes which specifically provide for a range of government services,

Infrastructure services- Public purposes which specifically provide for a range of essential infrastructure services.

Can you clarify what would be GS and what would be IS?

Some water corp appears to be listed as GS and some as IS on the maps.

Does this change whether it is crown land, shire land or freehold?

For example the Western Power depots, if it is freehold land would it be a reserve or simply marked as commercial or industrial?

Is there a hierarchy of reserves, or can two reserves exist on the same land?

For example on SW highway, does this reserve override a water corporation reserve?

Here are some of the departments/services that I can think of.

Water Corporation Pumping stations, major pipelines, sewerage treatment,

Western Power Substations

Telecommunications NBN being a government business, versus
Telstra/Optus/Vodafone being listed businesses

Suttons Lookout, phone exchanges, St John comms tower, shire
tower (for fire brigades).

Regards

Bruce Bebbington

97617535

SHIRE OF BRIDGETOWN-GREENBUSHES**DRAFT LOCAL PLANNING SCHEME 6****COMPARISON OF WORDING OF DRAFT LOCAL PLANNING SCHEME 6, WITH THE PLANNING DEPARTMENT MODEL TEXT TEMPLATE**

In this document I have outlined over 100 differences between the model text template and the Draft LPS6.

The Council resolution of 28 July 2022 was quite clear on the process and that the officer report would outline what changes were made.

The changes in the Draft LPS6 are different from those which were outlined in the officer report presented at the February 2023 council meeting, contrary to the July 2022 resolution.

New changes that were not in the 2022 or 2023 council reports and resolutions have appeared.

As is consistent for the shire, there are a large number of errors in the wording, layout and with the use of incorrect clauses in the LPS itself and in reference to the deemed provisions.

This document forms part of the submission and the comparison will be submitted with the model text template, in order that there can be no excuse why the shire, council, WAPC and Department will not be able to see the 100 or more differences in what the shire told the council was to be presented for approval and what the community were told was occurring.

PAGE NUMBERS REFER TO THE PAGE NUMBERS ON THE DRAFT LPS 6.**PAGE 3 OF 58****PART 4- General Development Standards and Requirements.**

Compared with the model text template, which on page 5, provides guidance on the structure of the scheme, states

“Part 4 General development requirements- sets out the general planning requirements which apply to land use and development within the Scheme area”

PAGE 4 OF 58**TABLE OF CONTENTS- OMITTED CLAUSES**

The table of contents is different from the model text template, due to the draft not including the following

27 State planning policy 3.6 to be read as part of the scheme.

28 Modification of state planning policy 3.6.

PAGE 4 OF 58**TABLE OF CONTENTS – 27 OTHER PLANNING CODES TO BE READ AS PART OF THE SCHEME**

The table of contents is different from the model text template, firstly in that it is number 27 due to the two omitted clauses, but the model text wording is “29 Other state planning policies to be read as part of the scheme.”

The difference is the draft LPS refers to planning codes whereas the model text refers to state planning policies.

In the model text clause 29 follows on from the inclusion of state planning policy 3.6.

PAGE 4 OF 58**TABLE OF CONTENTS – 28 MODIFICATION OF PLANNING CODES**

The table of contents is different from the model text template, again in that the number 28 due to the omission of clauses 27 and 28 from the model text.

Draft LPS6 lists the clause as “Modification of planning codes” whereas the model text template uses the wording “Modification of State Planning Policies”.

The clause “modification of state planning policies follows from the clause “Other state planning policies to be read as part of the scheme”.

PAGE 4 OF 58**29 ENVIRONMENTAL CONDITIONS**

Due to the omission of clauses 27 and 28 from the model text, the numbering for this clause is not consistent with “the model text.

PAGE 4 OF 58**TABLE OF CONTENTS- 30 GENERAL DEVELOPMENT STANDARDS AND REQUIREMENTS**

The clause is given the same name as the Part, being Part 4- General development standards and requirements which is not consistent with the model text wording, and contains 15 sub clauses, that are not in the model text.

This is likely to cause confusion using the same term twice, with different contexts.

Clause 30 is a completely new inclusion compared to the model text template.

PAGE 4 OF 58

TABLE OF CONTENTS- 31 ADDITIONAL SITE-SPECIFIC DEVELOPMENT STANDARDS AND REQUIREMENTS

Due to the inclusion of new clause 30 by the shire and omission of clauses 27 and 28 from the template, this is clause 31, compared to clause 32 in the template, entitled “32 Additional site and development requirements”

The draft includes the word specific.

The draft also includes the term “development standards” not just requirements.

PAGE 4 OF 58**TABLE OF CONTENTS – OMMISION OF ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS FOR AREAS COVERED BY A STRUCTURE PLAN, ACTIVITY CENTRE PLAN OR LOCAL DEVELOPMENT PLAN.**

Clause 31 of the model text template includes this; however, this is not included in the draft LPS6.

PAGE 4 OF 58**TABLE OF CONTENTS 32 VARIATIONS TO GENERAL DEVELOPMENT STANDARDS AND REQUIREMENTS**

The Draft LPS6 uses the title for this clause of “Variations to general development standards and requirements”, however the model template states, “Variations to site and development requirements”.

In 32 (1) the shire draft also defines the term “general development standards and requirements” and refers to clause 33, which is restrictive covenants.

In Clause 34, of the model text, the definition refers to “additional site and development requirements “as meaning “requirements set out in clause 32 and 33”.

The model text template refers to the clause 32 and 33, being additional site and development requirements and those in areas covered by a structure plan, activity plan or local development plan.

Clause 34 in the model text, unlike the Draft LPS, does not apply to restrictive covenants.

The shire draft numbers the clause as 32 due to the omitted clauses, rather than being clause 34.

PAGE 4 OF 58**TABLE OF CONTENTS 33 RESTRICTIVE CONVENANTS**

The clause in the draft is numbered 33 compared to clause 35 in the model text template due to the omitted clauses.

PAGE 4 OF 58

3

TABLE OF CONTENTS 34 SPECIAL CONTROL AREAS

The draft LPS6 uses is clause 34, whilst the model text is clause 36 due to omitted clauses.

PAGE 4 OF 58**TABLE OF CONTENTS – PART 6 TERMS REFERRED TO IN SCHEME**

The draft LPS6 has not text under the heading for Part 6, before listing clause 35.

The model text template has the heading “Division 1 – General definitions used in the scheme”.

PAGE 4 OF 58**TABLE OF CONTENTS 35 GENERAL DEFINITIONS OF TERMS USED.**

The draft LPS6 numbers this as clause 35, compared to clause 37 in the template.

The draft uses the clause title “General definitions of terms used”.

The template uses the clause title “37 Terms used”

PAGE 4 OF 58**TABLE OF CONTENTS- 36 LAND USE TERMS USED IN SCHEME**

The templates separate clause 37 and 38, by the heading “Division 2 – Land use terms used in scheme”.

The template uses the clause title of “38 Land use terms used”.

The clauses have different numbers because of the omitted clauses in the draft LPS6 and use different wording.

PAGE 4 OF 58**TABLE OF CONTENTS- 37 DEEMED PROVISIONS FOR LOCAL PLANNING SCHEMES**

The draft LPS6 contains a clause 37 Deemed provisions for local planning schemes, however there is no clause text.

The model text template has no clause that refers to Deemed provisions.

PAGE 5 OF 58**8 PURPOSE OF SCHEME**

The draft LPS6 differs from the wording of the model text template.

In the template, each of the eight purposes, are followed by the word “and”.

By removing the word “and” seven times, this changes the purpose of the scheme, from being all eight connected purposes rather than eight individual purposes.

The use of the term “and” means that all purposes apply in all cases.

PAGE 5 OF 58

8 PURPOSE OF SCHEME

(d) control and guide development including processes for the preparation of structure plans and local development plans.

The wording in the draft LPS6 is different from the model text template, as the model text template includes the words “...and activity centre plans”.

PAGE 7 OF 58

14 Local Reserves

Main Roads Western Australia is not a department.

Subclause (1) of the draft LPS6, states “Main Roads Western Australia means the department principally assisting in the administration of the Main Roads Act 1930”

The model text template states “Department of Main Roads means the department principally assisting in the administration of the Main Roads Act 1930”

In this instance part of the wording used by the shire in the Draft LPS6 is correct and the wording in the model text template is incorrect.

This applies to the use of the wording “Main Roads Western Australia” as it is the correct name for the statutory authority with the direct administration of the Main Road Act 1930.

However, it is incorrect in both the Draft LPS6 and the model text, to state that Main Roads WA or the Department of Main Roads, is the department principally assisting in the administration of the Main Roads Act 1930.

It would be correct to state “Main Roads Western Australia is the statutory authority principally assisting in the administration of the Main Roads Act 1930”, or “Main Roads Western Australia, as a statutory authority, within the Department of Transport, is responsible for the administration of the Main Road Act 1930”

Page 7 of 58

14 Local Reserves- Western Australian Road Hierarchy.

The draft LPS6 states under 14(1) “Western Australian Road Hierarchy means the document of that name available on the website maintained by the Department of Main Roads”

5

The model text template also states under 14(1) “Western Australian Road Hierarchy means the document of that name available on the website maintained by the Department of Main Roads”

Both documents are incorrect, as there is no Department of Main Roads.

There is a Department of Transport.

Main Roads is a statutory authority that which reports directly to the Minister for Transport (refer Main Roads WA Annual report November 2024).

The Main Roads website states the website is maintained by Main Roads WA.

PAGE 7 OF 58

14 (3) TABLE 1 – Reserve Objectives

The model text template states-

(Select the reserves and the objectives for those reserves that are contained in the Scheme from the table in the model provisions, Schedule 1, Planning and Development (Local Planning Schemes) Regulations 2015.)

The draft LPS6 has a table with 19 reserve categories listed, taken from Schedule 1, Planning and Development (Local Planning Schemes) Regulations 2015.

Environmental Conservation

In the Draft LPS6 under the reserve name of Environmental Conservation- the shire has the objectives of-

- To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision.
- To identify and protect areas of diversity conservation significance with National Parks and State and other conservation reserves.

Schedule 1 of the Regulations states

- To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision.
- To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves

The shire uses the word “diversity” rather than the word “biodiversity”.

PAGE 13 OF 58

ZONES

PRIVATE COMMUNITY PURPOSE ZONE

6

The Draft LPS6 lists a zone of Private Community Purpose.

The model text template states, that for zones-

Select the zones and the objectives for those zones that are contained in the Scheme from the table in Clause 16 of the model provisions.

Private community purpose is not one of the listed zones.

The table lists “private clubs, institutions and places of worship.”

PAGE 13 OF 58

PRIVATE COMMUNITY PURPOSE ZONE

16.8 (1)(a) of the draft LPS6 states “to provide sites for privately owned and operated education, recreation, institutions and places of worship”

The table in Clause 16 of the model provisions states “to provide sites for privately owned and operated recreation, institutions and places of worship”.

The shire has used a different description of the objectives, to those in the table.

It has introduced privately owned and operated education, to the objectives.

PAGE 14 OF 58

17 ZONING TABLE

The model text template states-

Part 6 of the model provisions provides definitions for different land uses. These land uses should be included within the zoning table, where applicable to the local government, and permissibility's assigned.

The Draft LPS6 is not consistent with the definitions for different land uses in Part 6 of the model provisions.

PAGE 14 OF 58

17 ZONING TABLE

The model text template states-

Any land use included in the zoning table must be defined in Part 6 of the final scheme also. Uses defined by other state planning policy, such as the Residential

Design Codes, do not have to be defined in Part 6 however local governments can elect to do so.

There are land uses in the zoning table which are not defined in Part 6 of the draft LPS6.

PAGE 17 OF 58

18 interpreting zoning table

The draft LPS6 stipulates the symbols used in the zoning table have the following meanings

P means that the use is permitted if it complies with all relevant development standards and requirements of this Scheme as it relates to the use of the land.

The model text template states-

P means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme

The shire has modified the wording of the model text template.

The shire has added the wording “as it relates to the use of the land”
This term is not used for any of the other definitions of permissibility.

PAGE 17 OF 58

18 Interpreting zoning table

The draft LPS6 stipulates the symbols used in the zoning table have the following meanings-

I mean that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with all relevant development standards and requirements of this Scheme.

The model text template uses different wording

I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme.

PAGE 17 OF 58

18 Interpreting zoning table

The draft LPS6 stipulates the symbols used in the zoning table have the following meanings-

A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64 of the deemed provisions.

The model template text uses different wording-

8

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

PAGE 17 OF 58

18 Interpreting zoning table

Notes

The draft LPS6 uses a different terminology for the notes

The draft uses “Notes for this clause”

The model text template uses the word “Notes”.

The notes in the model text template do not stipulate that the notes only apply to the interpretation of the zoning table, and the explanation in the model text confirms this.

PAGE 17 OF 58

Interpreting zoning table

Note 1

The draft LPS6 states under “Notes for this clause”-

- 1 The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of land.

The model text template states-

- 1 The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of the land. In normal circumstances one application is made for both the carrying out of works on, and the use of land. For development on land that does not require development approval see clause 61 of the deemed provisions”

PAGE 17 OF 58

Interpreting zoning table

Note 2

The draft LPS6 states –

- 2 Under clause 61 of the deemed provisions and Schedule A, certain works and uses are exempt from the requirement for development approval.

The model text, as highlighted above, has similar wording in note 1 –

- 1 The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of the land. In normal circumstances one application is made for both the carrying out of works on, and the use of land. For development on land that does not require development approval see clause 61 of the deemed provisions”

The shire has made significant changes the wording of the model text template.

Clause 7 of the draft LPS6 and of the model text template already incorporate Schedule A.

This would explain why the model text template, prepared by the Department and the State Government Law Office does not repeat the reference to Schedule A.

PAGE 17 OF 58

Interpreting zoning table

Note 3 Clause 67.

The draft LPS6 creates Note 3, which does not exist in the model text template,

“Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a conforming use”.

The model text template, has the following =

“2 In considering an application for development approval, the local government will have regard to clause 67 of the deemed provisions”.

Clause 67 is extremely clear, there is only one condition pertaining to class X use where non-conforming use applies.

PAGE 17 OF 58

Interpreting zoning table

Subclause (4)

The draft LPS6 states-

“(b) determine that the use may be consistent with the objectives of a particular zone and advertise under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or”

The model text template states –

(b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or”

Clause 64 is specific in the requirements to give notice, not simply advertise.

PAGE 17 OF 58**Interpreting zoning table****Subclause 6 deleted by shire**

The model text template states

- 18 (2) (6) “If a use of land is identified in a zone as being class X use, the local government must refuse an application for development approval for that use in that zone unless-
- (a) the development approval application relates to land that is being used for a non-conforming use; and
 - (b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.”

The shire has deleted subclause 6 entirely.

There is no clause or subclause relating to class X use in the draft LPS6.

PAGE 17 OF 58**Interpreting zoning table****Subclause 18 (2) (6) (in the Draft LPS6)**

The draft LPS6, having omitted 18 (2) (6) of the model text template, lists the next subclause as -

- “18 (2) (6) 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 the objectives of the zone and any of the following plans that apply to the land –

The model text template uses a different number due to the shire’s deletion of 18 (2) (6) and states

- “18 (2) (7) 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 -

The shire, has inserted additional wording “...to the objectives of the zone...”

PAGE 17 OF 58**Interpreting zoning table****Subclause 18 (6) (2) (in the draft LPS6)**

In addition to the changed number due to the deleted sub clause, and the inserted words in the

sub clause, the draft LPS6 further states-

- (a) a structure plan.
- (b) a local development plan.

The model text template states

- (a) a structure plan.
- (b) an activity centre plan.
- (c) a local development plan.
- (d) a community layout plan

I note that the model text template does allow that if a community layout plan is not within the scheme area, that (d) can be deleted.

The shire has deleted the reference to “an activity centre” despite this being a term used within clauses of the Draft LPS6.

PAGE 18 OF 58

21 Special use zones

21 (1) (c)

The draft LPS6 states for 21 (1) (c) “the standards, requirements and conditions that apply in respect of the special uses.”

The model text template states “the conditions that apply in respect to the special uses”

The shire has added the words “standards, requirements and”.

PAGE 18 OF 58

21 Special use zones

21 (2)

The draft LPS6 states-

- “(2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the standards, requirements and conditions that apply to that use”.

The model text template states-

- “(2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use”.

The shire has inserted the words “standards, requirements and”.

PAGE 19 OF 58

12

24 Register of non-conforming uses

The draft LPS6 states –

- “3 If the local government prepares a register under subclause (1) the local government
- (a) must ensure that the register is kept up-to-date; and
 - (b) must ensure that an up-to-date copy of the register is published in accordance with clause 87 of the deemed provisions”.

The model text template, however, states –

- “3 If the local government prepares a register under subclause (1) the local government –
- (a) must ensure that the register is kept up-to-date; and
 - (b) must make a copy of the register available for public inspection during business hours at the offices of the local government; and
 - (c) may publish a copy of the register on the website of the local government”.

Reference in 24 (3) (b) that the up-to-date copy of the register is published, is superfluous, as 24 (3) (a) requires the register to be kept up-to-date.

The model text allows public access to the register during local government business hours, if they do not have access to the internet.

PAGE 19 OF 58**24 Register of non-conforming uses****24 (3)(b) publication of register on website**

The draft LPS6 states at 24 (3)(b) the local government “must ensure ... the register is published in accordance with clause 87 of the deemed provisions”.

The model text template, at 24 (3) (c) uses the wording “...may publish a copy of the register on the website of the local government”.

The shire has committed that if a register exists, it must publish it on the shire website.

PAGE 19 OF 58**24 (4) ongoing publishing requirement.**

The draft LPS6 inserts an additional subclause at 24 (4).

- “(4) Subclause (3)(b) is an ongoing publishing requirement for the purposes of clause 87(5)(a) of the deemed provisions.”.

The model text template makes no reference to clause 87 and the ongoing publishing requirements, due in part to the fact that it is not mandatory to place the register on the local government’s website.

Under the model text, once a local government elects to publish a copy of the register on the website, it becomes an ongoing publishing requirement under clause 87.

PAGE 19 OF 58**24 Register of non-conforming uses****24 (5) entry onto non-conforming use register**

The draft LPS6 creates an additional sub clause 24 (5) due to the insertion of the new subclause 24(4).

PAGE 20 OF 58**PART 4 -GENERAL DEVELOPMENT STANDARDS AND REQUIREMENTS**

The draft LPS entitles PART 4, as “General development standards and requirements.”

The model text template has the title for PART 4, as “General development requirements”.

The shire has added the words “standards”.

PAGE 20 OF 58**25 Residential Design Codes (R-Codes).**

The draft LPS lists clause 25 as “Residential Design Codes (R-Codes)
The model text template uses the title “R-Codes

PAGE 20 OF 58**25 Residential Design Codes (R-Codes)**

25 (1) of the Draft LPS is worded “The R-Codes, and as modified in clause 26, are to be read as part of this Scheme”.

The model text template states “The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme”

PAGE 20 OF 58**25 Residential Design Codes (R-Codes)****25(2) R-Codes to be published**

The draft LPS6 states-
“25 (2) The local government must ensure that the R-Codes are published in accordance with clause 87 of the deemed provisions.”

The model text template states=

“25 (2) The local government –

- (a) must make a copy of the R-Codes available for public inspection during business hours at the offices of the local government; and
- (b) may publish a copy of the R-Codes on the website of the local government”.

The shire has changed the subclause so that the R-Codes must be on the website, and that they do not have to be available for inspection at the shire offices.

PAGE 20 OF 58

25 Residential Design Codes (R-Codes)

25(2) (A) R-Codes to be published on an ongoing basis

The draft LPS6 states-

25(2)(A) Subclause 2 is an ongoing publication requirement for the purposes of clause 87 (5)(a) of the deemed provisions.

There is no similar wording in the model text template, as there is no mandatory obligation to place the R-Codes on the local government website, and if a local government chooses to do so, as the shire has, 25(2) requires compliance with clause 87 of the deemed provisions, which in turn requires ongoing publication.

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25 Residential Design Codes (R-Codes)

25 (4) WHEN R-CODES APPLY TO AN AREA

The Draft LPS6 states-

- “(3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (4) The R-Codes apply to an area if –
 - (a) the area has a coding number superimposed on it in accordance with subclause (3); or
 - (b) a provision of this Scheme provides that the R-Codes apply to the area.”

The model text template, for 25 (3)”and 25 (4) states-

- “(3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (4) The R-Codes apply to an area if the area has a coding number superimposed on it in accordance with subclause (3).

The shire had modified the clause to include where there is a provision in the scheme that the R-Codes apply to an area.

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25 Residential Design Codes (R-Codes)

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25(5) new clause

In the Draft LPS6, the shire has inserted an additional clause.

“25 (5) The R-Codes can be applied in full or in part, in a provision of the Scheme.”

There is no similar clause in the model text template.

PAGE 20 OF 58**25 Residential Design Codes (R-Codes)****25 (6) new clause, dual density.**

The Draft LPS6 inserts another new clause.

“25 (6) Where there is a dual-density coding number shown on the Scheme Map, the lower number shall apply to that area unless the land is or will be connected to a reticulated sewerage system, provided by a licensed service provider, in which case that area may be subdivided and developed up to the higher coding number”.

There is no similar clause in the model text template.

PAGE 20 OF 58**DELETION OF REQUIREMENT FOR STATE PLANNING POLICY 3.6**

The model text template has the following clause 27.

- “27 State Planning Policy 3.6 to read as part of Scheme
- (1) State Planning Policy 3.6 – Development Contributions for Infrastructure, modified as set out in clause 28, is to read as part of this Scheme.
 - (2) The local government –
 - (a) Must make a copy of State Planning Policy 3.6 available for public inspection during business hours at the offices of the local government; and
 - (b) May publish a copy of State Planning Policy 3.6 on the website of the local government”.

The shire had deleted all reference to State Planning Policy 3.6 from the scheme text, and as such this topic does not relate to a clause in the Draft LPS6.

PAGE 20 OF 58**DELETION OF CLAUSE FOR MODIFICATIONS OF STATE PLANNING POLICY 3.6**

The model text template has the following clause 28.

“28 Modification of State Planning Policy 3.6

(To be inserted if exclusions and variations to State Planning Policy 3.6 are to apply. If no

exclusions or variations are to apply, insert the words “There are not modifications to State Planning Policy 3.6”.)”

The shire has deleted all reference to State Planning Policy 3.6 from the scheme text, and as such this topic does not relate to a clause in the Draft LPS6.

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27 Other planning codes to be read as part of Scheme.

The draft LPS6 title for clause 27 is “Other planning codes to be read as part of Scheme”.

The model text title for clause 29 (the corresponding number due to the shire deleting Clause 27 and Clause 28 of the model text template), is “Other State Planning policies to be read as part of Scheme”.

The shire has used the term “planning codes” rather than “State Planning Policies”.

A search of the WA Government website for planning codes, reveals that the only two documents that the WA Government refers to as codes, are Residential Design Codes Volume 1 and Residential Design Codes Volume 2.

These are however not codes, as stated on the WA Government website, they are part of State Planning Policy 7.3 Residential Design Codes (R-Codes).

As such there are no planning codes in WA that the shire could intend to refer to as being able to be read as part of the Scheme.

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27 Other planning codes to be read as part of Scheme.

27 (1) Planning codes that have been modified

The draft LPS6 states-

“27 (1) The planning codes set out in the Table, modified as set out in clause 28, are to be read as part of this scheme.

The model text template, corresponding clause, is 29 (1) due to the shire’s deletion of model text template clauses 27 and 28.

“29 (1) The State planning polices set out in Table 8, modified as set out in clause 30, are to be read as part of this Scheme.”

The shire has used the term “planning codes” which do not exist rather than State Planning Policies.

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27 Other planning codes to be read as part of Scheme

Error in title of table.

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In the draft LPS6 the shire has entitled the Table referred in the draft LPS in clause 27 (1), "Table – other planning codes to be read as part of scheme".

The model text template, under 29 (1) due to the shire's deletion of model text template clauses 27 and 28, has the title for the table as "Table 8 – State Planning Policies to be read as part of Scheme".

The use of "8" applies only in the model text due to the numbering of earlier tables and is not applicable in the draft LPS6 as the shire has opted for the use of Schedules.

However, the title used by the shire is not consistent with the model text, as it refers to non-existent planning codes rather than the State Planning Policies.

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27 Other planning codes to be read as part of Scheme.

Content of table.

Under 27 (1) in the incorrectly labelled table, in the incorrectly titled clause, the draft LPS6 contains the statement "There are no other planning codes that are to be read as part of the scheme".

The model text template, at the end of clause 29 (the corresponding clause due to the shire's deletion of clauses 27 and 28 of the model text template) provides the instruction –

If no other State Planning policies are to be read as part of the scheme, insert the words "There are no other state planning policies that are to be read as part of the Scheme".

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27 Other planning codes to be read as part of Scheme.

27 (2) Publication of planning codes

The draft LPS6 states-

"27 (2) The local government must ensure that each planning code set out in the Table to subclause (1) is published in accordance with clause 87 of the deemed provisions".

29 (2) the corresponding clause in the model text template (due to the shire deletion of model text clauses 27 and 28) states-

"29 (2) The local government –

- (a) Must make a copy of each State Planning Policy referred to in subclause (1) available for public inspection during business hours at the offices of the local government: and
- (b) May publish a copy of each of those State Planning policies on the website of the local government."

As there are no planning codes they cannot be set out in the table and cannot be published.

However, if the correct wording was used, by referring to State Planning policies, then the intent

of 27 (2) of the shire's draft LPS would be to publish them on the shire's website in accordance with clause 87 of the deemed provisions.

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27 Other planning codes to be read as part of Scheme.

27 (3) Ongoing publication

In the draft LPS6 the shire stipulates that "(3) Subclause (2) is an ongoing publication requirement for the purpose of clause 87(5)(a) of the deemed provisions."

There is no corresponding clause in the model text template, as clause 29 of the model text does not refer to clause 87.

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28 Modification of planning codes

The draft LPS6 uses the incorrect title for the clause, of which the corresponding clause in the model text template is clause 30.

The title of clause 30 in the model text template is "Modification of State Planning policies".

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28 Modification of planning codes

The draft LPS6 states "There are no modifications to a planning code that, under clause 27, is to be read as part of the scheme".

The model text template for clause 30 (the corresponding clause number) has the following instruction.

"(To be inserted if exclusions and variations to any other State planning policy that is to be read as part of the Scheme are to apply. If no exclusions or variations are to apply, insert the words "There are no modifications to a State planning policy that, under clause 29 is to be read as part of the Scheme.")"

The are no modifications to planning code because there are no planning codes.

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31 Additional site specific development standards and requirements

The Draft LPS6 has the title for this clause of "Additional site specific development standards and requirements"

The model text template has the corresponding clause as "32 Additional site and development requirements".

The shire has inserted additional words to make the title “site specific” and to include “development standards and requirements”.

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31 Additional site specific development standards and requirements

The draft LPS6 states-

- (1) “The table in Schedule 3 sets out requirements ...”

The model text template states-

- “32 (1) Table 10 sets out requirements...”

The issue is not the use of a schedule at the end of the draft LPS6 compared with a table within the document at 32.

The shire has elected to use a Schedule but has also added the word “The table”.

The wording is inconsistent to that used earlier in the Draft LPS6, where the text is-

“19 Additional uses-

- (1) Schedule 1 sets out –
(a) Classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
(b) The requirements that apply to that additional use”

And

“21 Special use zones

- (1) Schedule 2 sets out –
(a) Special use zones for specified land that are in addition to the zones in the zoning table;
(b) The classes of special use that are permissible in that zone; and
(c) The standards, requirements and conditions that apply in respect of the special uses”.

To maintain consistency in the scheme, either 32 (1) should have the words “The table in” removed to make 31 (1) “Schedule 3 sets out requirements...””, or clauses 19 (1) and 21 (1) should be changed to include the wording “The table in Schedule ...”.

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31 Additional site specific development standards and requirements

The draft LPS6 states-

- “31 (1) The Table in Schedule 3 sets out requirements relating to development that are additional to those set out in the R-Codes, structure plans, local development plans of State or local planning policies.”

The model text template states-

- “32 (1) Table 10 sets out requirements relating to development that are additional to those set out in the R-Codes, activity centre plans, local development plans or State or local planning policies.”

The shire has removed the words “activity centre plans” despite activity centre plans appearing elsewhere in the draft

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31 Additional site specific development standards and requirements

The draft LPS6 states-

“31 (1) The Table in Schedule 3 sets out requirements relating to development that are additional to those set out in the R-Codes, structure plans, local development plans of State or local planning policies.”

The model text template states-

“32 (1) Table 10 sets out requirements relating to development that are additional to those set out in the R-Codes, activity centre plans, local development plans or State or local planning policies.”

The shire has added the words “structure plans” to the subclause.

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31 Additional site specific development standards and requirements

The draft LPS states-

“31 (2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, a structure plan, a local development plan or a State or local planning policy, the requirement referred to in subclause (1) prevails”.

The model text template states-

“32 (2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, an activity centre plan, a local development plan or a State or local planning policy, the requirement referred to in subclause (1) prevails”.

The shire has deleted reference to an “activity centre plan” despite it being used elsewhere in the draft LPS6.

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31 Additional site specific development standards and requirements

The draft LPS states-

“31 (2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, a structure plan, a local development plan or a State or local planning policy, the requirement referred to in subclause (1) prevails”.

The model text template states-

“32 (2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, an activity centre plan, a local development plan or a State or local planning policy, the requirement referred to in subclause (1) prevails”.

The shire has added the wording “a structure plan” to the subclause.

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33 Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan

This clause number refers to the clause in the model text template.

There is no clause with this heading in the draft LPS6.

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33 Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan

This clause number refers to the clause in the model text template as there is no similar clause in the draft LPS6.

The model text template states-

“Table 11 sets out requirements relating to development that are included in structure plans, activity plans and local development plans that apply in the Scheme area.”

The shire has deleted this clause.

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33 Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan

This clause number refers to the clause in the model text template as there is no similar clause in the draft LPS6.

The model text template then states-

(If the local government is seeking to normalise specific site and development requirements resulting from an approved structure plan, activity centre plan or local development plan they can do so using this section of the model provisions. Inclusion of these provisions within the scheme provides statutory force and effect to the provisions)”

In the Frequently Asked Questions document created by the shire and on display during the

consultation period for the draft LPS6, the shire has specifically stated “All 25 structure plans are proposed to be allowed to lapse, given they are normalised into LPS6 by converting to model regulation zones with associated generic provisions”.

The site specific requirements are not covered by those changes.

The deletion of clause 33 of the model text and the failure to recognise the specific site requirements of the structure plans, means that there is not statutory force and effect to the provisions.

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33 Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan

This clause number refers to the clause in the model text template as there is no similar clause in the draft LPS6.

The model text template states-

“If the structure plan, activity centre plan or local development plan provisions are included below they will continue to have effect through the scheme even if the structure plan expires. If the local government does not want the provisions to continue in force the provisions can also include an expiration clause such as “remain in force until such time as the [NAME] plan expires or is revoked)””

The shire has deleted this clause despite it being applicable to the scheme area, due to the decision to allow the structure plans to lapse, even though they are not all complete and have site and development requirements.

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33 Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan

This clause number refers to the clause in the model text template as there is no similar clause in the draft LPS6.

The model text template includes the following instructions.

(The Table of additional requirements that apply to land as a result of a structure plan, activity centre plan or local development plan may be set out as a Schedule to the Scheme. If no additional requirements are to apply as a result of a structure plan, activity centre plan or local development plan that applies in the Scheme area, insert the words “There are no additional requirements that apply to this Scheme.”.)

The shire has deleted this clause.

Despite the instruction contained in the model text, that if in fact there are no additional requirements, that specific wording to say that "There are no additional requirements that apply to this scheme".

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32 Variations to general development standards and requirements

The draft LPS6 uses this wording as the title to clause 32.

The model text template states the title as "Variations to site and development requirements".

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32 Variations to general development standards and requirements

The draft LPS6 states-

- (1) In this clause –
general development standards and requirements refers to any site or development requirement contained in the scheme unless the scheme otherwise provides that a certain development requirement cannot be varied but this clause is not to apply to variations to land use permissibility's contained in the zoning table and does not apply with respect to development which the R-Codes apply or clause 33.

The model text template states-

- 34 (1) In this clause -
additional site and development requirements mean requirements set out in clauses 32 and 33.

The two documents are both describing the process for variations to development requirements but are completely different wording.

The draft LPS6 is making reference to general development standards and requirements, whereas the model text template is referring to additional site and development requirements.

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32 Variations to general development standards and requirements

The draft LPS6 states-

- (1) In this clause –
general development standards and requirements refers to any site or development requirement contained in the scheme unless the scheme otherwise provides that a certain development requirement cannot be varied but this clause is not to apply to variations to land use permissibility's contained in the zoning table and does not apply

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with respect to development which the R-Codes apply or clause 33.

The model text template states-

- 34 (1) In this clause -
additional site and development requirements mean requirements set out in clauses 32 and 33.

The model text template refers to two clauses, 32 and 33, whereas the draft LPS6 only refers to one clause.

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32 Variations to general development standards and requirements

The draft LPS6 states-

- (2) In this clause –
general development standards and requirements refers to any site or development requirement contained in the scheme unless the scheme otherwise provides that a certain development requirement cannot be varied but this clause is not to apply to variations to land use permissibility's contained in the zoning table and does not apply with respect to development which the R-Codes apply or clause 33.

The model text template states-

- 34 (1) In this clause -
additional site and development requirements mean requirements set out in clauses 32 and 33.

The model text template makes no reference to the R-Codes, however the draft LPS6 refers to the R-Codes.

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32 Variations to general development standards and requirements

The draft LPS6 states-

- (3) In this clause –
general development standards and requirements refers to any site or development requirement contained in the scheme unless the scheme otherwise provides that a certain development requirement cannot be varied but this clause is not to apply to variations to land use permissibility's contained in the zoning table and does not apply with respect to development which the R-Codes apply or clause 33.

The model text template states-

- 34 (1) In this clause -
additional site and development requirements mean requirements set out in clauses 32 and 33.

The model text refers to clauses 32 and 33 which are-

32. Additional site and development requirements

(1) Table 10 sets out requirements relating to development that are additional to those set out in the R-Codes, activity centre plans, local development plans or State or local planning policies.

| Table 10 - Additional requirements that apply to land in Scheme area No. | Description of land | Requirement |
|---|----------------------------|--------------------|
|---|----------------------------|--------------------|

(The Table of additional requirements that apply to land may be set out as a Schedule to the Scheme. If no additional requirements are to apply, insert the words "There are no additional site and development requirements that apply to this Scheme.")

(2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, an activity centre plan, a local development plan or a State or local planning policy the requirement referred to in subclause (1) prevails.

33. Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan

Table 11 sets out requirements relating to development that are included in structure plans, activity centre plans and local development plans that apply in the Scheme area.

(If the local government is seeking to normalise specific site and development requirements resulting from an approved structure plan, activity centre plan or local development plan they can do so using this section of the model provisions. Inclusion of these provisions within the scheme provides statutory force and effect to the provisions.

If the structure plan, activity centre plan or local development plan provisions are included below they will continue to have effect through the scheme even if the structure plan expires. If the local government does not want the provisions to continue in force the provisions can also include an expiration clause such as "remain in force until such time as the [NAME] plan expires or is revoked")

| Table 11 - Additional requirements that apply to land covered by structure plan, activity centre plan or local development plan No. | Description of land | Requirement |
|--|----------------------------|--------------------|
|--|----------------------------|--------------------|

The draft LPS6 refers to clause 33 of the Draft LPS6, which states

33. Restrictive covenants

(1) A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.

(2) If subclause (1) operates to extinguish or vary a restrictive covenant –

(a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and

(b) the local government must not grant development approval for the construction of the residential dwelling unless it advertises the application for

development approval in accordance with clause 64 of the deemed provision.

The draft LPS6 clause 32 refers to variation of development standards and requirements and restrictive covenants.

Can the shire, in its response, explain how clause 32 would work regarding the provisions of clause 33?

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32 Variations to general development standards and requirements

32 (2) approval of non-complying applications

The draft LPS6 states-

- (2) The local government may approve an application for a development approval that does not comply with the general development standards and requirements.

The model text template states-

- (2) The local government may approve an application for a development approval that does not comply with an additional site and development requirements

The two documents are referring to different things, general development standards and requirements and additional site and development requirements.

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32 Variations to general development standards and requirements

32 (4) Non-compliance processes

The draft LPS6 states-

- “(4) If the local government is of the opinion that the non-compliance with a general development standard and requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must -...”

The model text template states-

- (4) If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must -

Again, there is different wording with the draft LPS6 using the term “a general development standard and requirement” and the model text is using the term “an additional site and development requirement”.

PAGE 26 OF 58**32 Variations to general development standards and requirements**

32 (4) (a) Advertising of application

The draft LPS6 states-

- (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64(4) of the deemed provisions; and
- (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.

The model text templates states-

- (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and
- (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.

The shire subclause refers to only advertising in compliance with clause 64(4) of the deemed provisions.

Clause 64 (4) only applies for a complex application.

Clause 64, as stated in the model text, refers to all levels of application, and correctly outlines all the provisions for advertising and giving notice.

Page 27 of 58**32 Variations to general development standards and requirements****32 (5) Clause 67**

The draft LPS6, states-

- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that –
 - (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67(2) of the deemed provisions; and

The model text template states-

(5) The local government may only approve an application for development approval under this clause if the local government is satisfied that -

(a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and

The draft stipulates clause 67(2) however the clause 67 in full, as per the model text is the requirement of the deemed provisions.

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32 Variations to general development standards and requirements

32 (5) (b)

The draft LPS6 states-

“(b) the non-compliance with the general development standard and requirement will not have a significant adverse effect on the occupiers or users of the development the inhabitants of the locality or the likely future development of the locality.”

The model text template states-...

“(b) The non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality”

The shire uses the term general development stand and requirement whereas the model text uses the term “additional site and development requirement.

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PART 5- SPECIAL CONTROL AREAS

34 (2)

The draft LPS6 states-

“(2) The purpose, objectives and additional provisions that apply to each special control area is set out in Table 3. The provisions contained in a Special Control Area apply in addition to the provisions that apply to the underlying zone or reserve.”

The model text template states-

“(2) The purpose objectives and additional provisions that apply to each special control area is set out in the Table”.

The shire has added the second sentence.

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PART 6 – TERMS REFERED TO IN SCHEME.

The model text has a definition for building height, which the shire has deleted.

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PART 6 – TERMS REFERED TO IN SCHEME

The model text has a definition for commencement day, which the shire has deleted.

| | | |
|----------------------|------------------------|--|
| PAGE 31 OF 58 | building height | in relation to a building - (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes. |
|----------------------|------------------------|--|

PART 6 – TERMS REFERED TO IN SCHEME

The draft LPS6 has a definition for a dam, which is not in the model text template.

“dam shall have the same meaning as prescribed in State Planning Policy 2.9 Planning for Water”

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PART 6 – TERMS REFERED TO IN SCHEME

The model text template has a definition for frontage, the shire has deleted this definition from the draft LPS6.

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PART 6 – TERMS REFERED TO IN SCHEME

The model text has a definition for incidental use, which the shire has deleted LPS6.

from the

PAGE 31 OF 58**PART 6 – TERMS REFERED TO IN SCHEME**

The model text has a definition for net lettable area, which is not in the Draft LPS6

PAGE 31 OF 58**PART 6 – TERMS REFERED TO IN SCHEME**

The model text has a definition for non-conforming use, which the shire has deleted from the Draft LPS6.

PAGE 31 OF 58**PART 6 – TERMS REFERED TO IN SCHEME**

The model text has a definition for wall height, which is not in the draft LPS6.

PAGE 32 OF 58**36 Land use terms used in scheme**

The draft LPS6 has category of land use, being “aged or dependent persons’ dwelling”.

This is not in the model text template.

PAGE 32 OF 58**36 Land use terms used in scheme**

Both the draft LPS6 and the model text template have a land use category of animal husbandry - intensive but have different definitions.

The meaning in the draft LPS6 is-

“Means premises used for keeping, rearing or fattening of alpacas, beef and dairy cattle, goats, pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production), sheep or other livestock in feedlots, sheds or rotational pens but excludes agriculture – extensive”.

The meaning in the model text template is –

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.

The shire has included alpacas, beef and dairy cattle, goats and sheep.

PAGE 34 OF 58**36 Land use terms used in scheme**

The draft LPS6 has a land use category for fast food outlet, whereas the model text template has the land use category as fast-food outlet/lunch bar.

Both have the same meaning.

PAGE 35 OF 58**36 Land use terms used in scheme**

Both the draft LPS6 and the model text template have a land use category of funeral parlour.

The meaning used the by shire is-

Means premises used to prepare and store bodies for burial or cremation or to conduct funeral services.

The model text template meaning is-

Means premises used

(a) To prepare and store bodies for burial or cremation

(b) to conduct funeral services.

The difference being that the model text allows the same premises to do both, however the meaning of the land use in the Draft LPS6 would only permit one or the other.

Deletion of the word “or” would remedy this error.

PAGE 36 OF 58**36 Land use terms used in scheme**

Both documents have a land use for hospital but have different dates for the Health Services Act. The draft LPS6 uses 2016 and the model text uses 1927.

PAGE 36 OF 58**36 Land use terms used in scheme**

The draft LPS6 has a land use of “independent living complex” which the model text template does not have.

PAGE 37 OF 58**36 Land use terms used in scheme**

The draft LPS6 has a land use category “industry – rural” which means “

“premises used for an industry that-
(a) supports and/or is associated with primary production; or
(b) services plant or equipment used in primary production.”

The model text template uses the land use category “industry – primary production”, which means

“premises used –

(a) to carry out primary production business as that term is defined in the Income Tax Assessment Act 1997 (Commonwealth) Section 995-1; or
(b) for a workshop service plant or equipment used in primary production business”.

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36 Land use terms used in scheme

The draft LPS6 has a land use category of “lunch bar” which “means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas”

The model text template combines fast food outlet and lunch bar.

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36 Land use terms used in scheme

The draft LPS6 has a land use category of “nature based park” which “means a premises used for a nature based park as defined in the Caravan Parks and Camping Grounds Regulations 1997”.

There is no land use category in the model text template.

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36 Land use terms used in scheme

The draft LPS6 has a land use category “renewable energy facility”.

There is no similar land use category in the model text template.

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36 Land use terms used in scheme

The draft LPS6 has a land use category “repurposed dwelling” which “means a building or structure not previously used as a single house which has been repurposed for use as a dwelling”.

There is no similar land use category in the model text template.

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36 Land use terms used in scheme

The draft LPS6 has a land use category “residential aged care facility”

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36 Land use terms used in scheme

The draft LPS6 has a land use category “residential building” which is not in the model text template.

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36 Land use terms used in scheme

Both documents have a land use category for “road house”, but the draft LPS6 has an additional facility listed, being “(f) dump points for the disposal of black and/or grey water from recreational vehicles”.

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36 Land use terms used in scheme

The draft LPS6 has the land use category “rural home business/industry -cottage”, whereas the model text template only has the land use “rural home business”.

The draft LPS6 does not have the restriction “does not involve the retail sale, display or hire of any goods, unless the sale, display or hire of goods is done only by means of the internet”.

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36 Land use terms used in scheme

The draft LPS6 has a land use category of “second hand dwelling” which “means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular home or transportable dwelling”.

This however would not be a land use, as the use would be for a residential dwelling.

PAGE 41 OF 58**36 Land use terms used in scheme**

The model text template has a land use category for wind farm which the draft LPS6 does not.

PAGE 41 OF 58**36 Land use terms used in scheme**

Both documents have a land use category of workforce accommodation.

The wording of the meanings is different with the draft LPS6 using the word “relocated” whereas the model text template used the word “relocatable”.

PAGE 42 OF 58**36 Land use terms used in scheme**

Page 42 of the draft LPS6 is blank, other than the footer and page number.

It is not annotated “intentionally left blank” as would normally be the case for a blank page in a legal document.

PAGE 43 OF 58**37 Deemed provisions for local planning schemes**

There is not matching clause in the model text template.

PAGE 43 OF 58**37 Deemed provisions for local planning schemes**

The wording at clause 37 relates to the deemed provisions which are in Schedule A

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The last page of the draft LPS6 is numbered 81 of 81.

What has happened to the missing 22 pages?

B Bebbington
December 6, 2024

The model text template is being emailed with this document and is to be read in conjunction with this document to highlight the extent of the errors, deliberate omissions and items not advised to the council and community.

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MAP VARIATIONS TPS AND TPS TO DRAFT LPS6

This is part 8 of my submission on the Shire of Bridgetown-Greenbushes draft Local Planning Scheme 6.

The shire placed Frequently asked questions on its website, as part of the advertising of the draft Local Planning Scheme 6.

The following is from the FAQ's

"Mapping Anomalies

Multiple mapping anomalies are proposed to be corrected via LPS6, for instance:

- Where rural freehold lots are incorrectly reserved as State Forest e.g. immediately north of Greenbushes townsite.
- Correctly identifying Water Corporation water supply infrastructure within Freehold lots as a Reserve.
- Aligning all roads with Main Roads WA - road hierarchy"

On November 4 I submitted a series of questions (Part 1 of the submission) regarding the statement that the shire had correctly identified Water Corporation water supply infrastructure within Freehold lots as a Reserve.

Below are the questions and (in red) answers provided by the Acting CEO on November 15.

- 1) Mapping anomalies on Frequently asked questions. "Correctly identifying water corporation supply infrastructure within Freehold lots as a Reserve" Are they a reserve or is it an easement?
Significant infrastructure e.g. major pipelines that are within a reserve should be identified as reserves for public purposes, rather than industrial or residential zone.
- 2) Water corporation supply infrastructure, the term used, would include all water corporation pipes running into every house supplied by Water Corporation. The maps do not show a reserve into every property in Bridgetown townsite or Greenbushes townsite, why not?
According to Water Corporation they do not require individual or private network pipes to be reserved [Technical Guidelines](#)

Therefore, the shire has now confirmed that the maps do not correctly identify Water Corporation infrastructure within Freehold lots as a reserve, which indicated all water corporation infrastructure, which includes the pipe and meter to every property service by Water Corporation.

In this document I have identified 102 instances where the maps for TPS3 and TPS4 vary from the draft LPS6 maps.

Bearing in mind the statement on anomalies only referred to land north of Greenbushes, incorrectly referred to Water Corporation infrastructure and aligning the maps to the Main Roads WA Road hierarchy, there are a significant number of differences.

There are changes in the maps which do correct errors.

However, there are a significant number of errors in the maps, such as incorrectly showing land as State Forest, incorrect road alignments and road reserves, inconsistent application of IS, GS and ES reserves.

The list is incomplete, as this is only the variations I had recorded before the submission closing date.

- 1 Pump station near Loftie Street and Geegelup Brook not marked on map
- 2 Eedle Terrace pipeline, not marked on map
- 3 Donnelly Water reserve new on map, no supporting text, when was this introduced, impact current and LPS6 approvals
- 4 Hester, R12.5 between railway line and road, now marked as IS reserve
- 5 Greenbushes-Grimwade Road has road alignment changed
- 6 Spring Gully Road, Diorite Road, Telluride Road R12.5 changed to drainage/water reserve. New reserve?
- 7 Blackwood Rd Woodward Street Diagonal road/reserve. No longer on map,
- 8 North of Telluride St, was state forest, now rural?
- 9 Corner of Blackwood St/Tourmaline St Was commercial, now public space, new reserve created?
- 10 Telluride St south of Maranup Ford Road reserve changed from community to public open space
- 11 Telluride St, south of Maranup Ford Road was community, now R10
- 12 Greenbushes school Was school and public now all ES Reserve changed?
- 13 Road reserve at southern end of Telluride St and Blackwood Road. Is this no longer a road reserve? Is this an E or R reserve
- 14 Collins Street and George Street. Area of state forest now different size
- 15 Commercial in Greenbushes no R code shown
- 16 Hester, what was shown as Holdsworth Street is now IS reserve? New reserve created,
- 17 Does Holdsworth Street exist?

2

- 18 Hester, eastern edge of map 7, Triangular shape. Was state forest, now shows as rural
- 19 Hester, eastern edge of map 7, rectangular and triangle, was state forest, now shows as rural.
- 20 Hester. Road reserve at southern end of town. Map now shows road reserve deleted and now the road reserve is general industry.
- 21 Hester. Connell Road off Hester Road Old maps show road reserve around railway reserve, new map railway reserve has been changed.
- 22 Has this land now been transferred to landowner?
- 23 Hester east of railway crossing, old map showed a road reserve continuing, but now it is no longer a road reserve, is it some other reserve or has the land been transferred to adjoining landowners?
- 24 Hester Dam Catchment, not on previous maps. Is there a buffer from general industrial area, since this is the timber treatment plant (refer shire website re 2022 bushfire and clean up)
- 25 Hester dam catchment. When was this introduced? Impact on development applications, likely impact?
- 26 Hester. Old map show railway reserve on railway side of Warner Street. New map shows as public open space. Is this railway land, has the shire leased the land and has reserve changed its purpose?
- 27 Hester, Railway reserve now shows as ES. Is this Hester fire shed and has the reserve purpose been changed?
- 28 Yornup. Old maps show "community use" along SW Highway between hall and Gomms Lane. New map shows "civic and community" for first block south of the hall. Is this the reserve that was changed for the fire brigade museum?
- 28 Yornup. Old map shows "community use" along SW highway between hall and Gomms Lane. New map shows rural. This includes Wilsons Transport depot. Non-conforming use under old maps?
- 29 Yornup. Old map shows "community use" along SW highway between hall and Gomms Lane. New map shows rural but private house on corner, should this be rural or rural residential?
- 30 Yornup. Radio mast. Formerly had buildings on site. New map shows as rural. Should this have and IS code for part of the block?
- 31 Yornup fire station does not appear as ES on map and is within civic and community reserve.
- 32 Yornup siding road. Is this a road, and a road reserve or is it now private property since no road exists and the reserve appears to be permanently blocked.
- 33 Donnelly River Water reserve. When was this created and what planning restrictions apply/buffers as general industrial land is within reserve, transport depot within reserve, western power substation in reserve and recent application to shire for extractive industry may have been in the reserve

32 Donnelly River water reserve, High water table in this area, water in paddocks after heavy rain and wet winters. Exemption from planning approval under draft LPS6 would allow development of a single house with no planning approval in the water reserve and an area subject to flooding and inundations.

33 Yornup general industry. Mill is outside of general industry zone. Should industrial zone be expanded (Report on review, future industry) or is this non-conforming use under old and new schemes.

34 Donnelly Mill Road. Old map does not have Donnelly Road connecting to anything. New map shows road alignment correctly. Has the road reserve been changed and land bought/swapped?

35 Donnelly Mill Road. South of mill, Road does not have the T intersection south of mill. Road alignment is not as it is shown on new map. Has Road reserve been changed? Private land bought/resumed?

36 North of Yornup. Both maps show a road reserve running west from SW Highway. No road visible, is this a road reserve or is it private land?

37 North of Yornup. Both maps show a road reserve running east from SW Highway. No road, Is this a road reserve or private land?

38 Old Wandillup map showed rural land in southwest corner north of Donnelly state forest. New map shows as state forest. Has there been new state forest created?

39 Alco Nature reserve Was Rural 1 now environment/conservation. Reserve declaration?

40 Wilgarup Nature reserve Was Rural 1 now environment/conservation

41 Duxbury Road off SW highway. Was Rural 1 now is either environment/conversation or public open space, map not clear.

42 Small block of land south of road was general agriculture, now conservation/environment

43 Greater Kingston National Park- maps refer only to Kingston National Park,

44 Wandillup 13-sided reserve east of North Donnelly state forest- Addition to state forest or is it new environment/conservation

45 Dalgarrup NP Small section of state forest at top- is this NP or state forest?

46 East of Dalgarrup National Park "IS" on map but shows as rural land

47 Glentulloch Road. Was general agriculture, now environment and conservation

48 Off SW Highway (possibly rifle range road) New environment/conservation long reserve below inset for Map 10

49 Old Kingston map, far east near Boyup Brook shire boundary, was general agriculture now state forest

50 3409s 11642e old map shows general agriculture, new map state forest. On satellite appears to be a plantation

- 51 Old Kingston map, small north-south reserve northeast of Donnelly River water reserve, Is this state forest or National Park.
- 52 North of Blackwood River, Winnejup, Old map shows general agriculture, new map public open space or environment/conservation
- 53 Old Kingston map, 6 properties in from eastern boundary, Was rural 3 blackwood valley, now NP or environment and conservation. Satellite map doesn't match shape of National Park.
- 54 Winnejup Reserve. Was general agriculture now environment and conservation
- 55 Corner Winnejup Road and Wheatley-Giblett Road, was general agriculture now "ES" Is this whole area ES or is some environment and conservation. Appears approx. 700mx500mx200m area for fire shed. Is this Winnejup fire shed?
- 56 SW Highway and Catterick Road, Triangular shape, was general agriculture now state forest.
- 57 Haines Road and railway line, Was state forest now environment and conservation
- 58 Hester Cascades Road. Was state forest, now rural
- 59 Bridgetown Boyup Brook Road. West of Jayes Road. Was agricultural now environment and conservation
- 60 Pioneer cemetery north of Greenbushes. Reserve objectives table 1 Cemetery- to set aside land required for a cemetery. If pioneer cemetery is closed, then the land is not required for a cemetery. Either another reserve type should be considered or the objective changed to "To set aside land required for a cemetery or which has formerly been a cemetery". There needs to be something in the text which precludes the cemetery being reused.
- 61 Greenbushes-Boyup Brook Road, north of road, was state forest now agriculture.
- 62 Greenbushes-Boyup Brook Road, north of road, property boundary has been changed from a square to now being an odd shaped corner of the block.
- 63 Wilga Road. Old map rural new environment and conservation
- 64 Wilga Road, Small triangular block south of road between environment and conservation and Wilga state forest. Is this state forest?
- 65 Greenbushes-Boyup Brook Road, north of road (near ES on new map) Was general agriculture now environment and conservation
- 66 ES now appears on map on Greenbushes-Boyup Brook Road. Is this Catterick fire shed
- 67 Catterick Hall, is there a reserve for this?
- 68 Blackbutt Road, near eastern boundary, small triangular area was general agriculture now appears it may be state forest.
- 69 Corner Mockerdillup Road and Brockman Highway, was blackwood valley rural 3, now part is ES (Wandillup fire shed) and part environment and conservation.
- 70 Corner Farrell Road and Davies Road. Old scheme shows "S" for sewerage. New scheme shows "IS". Was it a sewerage treatment, apparently has been a blue gum plantation for a long time.

- 71 Slades Road. Old map shows Rural 3 blackwood valley zone, new map shows state forest.
- 72 Sunnyside reserve. Old map shows Rural 3 Blackwood valley zone, new map shows environmental conservation reserve
- 73 Sunnyside reserve, old map shows Rural 3 Blackwood valley zone, new map shows part of reserve as Recreational.
- 73 Sunnyside reserve. Old map shows Rural 3 Blackwood valley zone, new map shows environmental conservation zone, where shire has built Sunnyside fire shed. No ES reserve for fire shed,
- 74 Sunnyside reserve, old map shows Rural 3 Blackwood valley new maps shows environmental conservation in a paddock south of the river. Is this a reserve or is this farmland. Property sold recently so title would show correct boundary May give rise to claim for adverse possession.
- 75 Property between Sunnyside Reserve and Blackwood River. New map shows that the reserve and river reserve touch, so this property would have no road access. Only access if reserve boundary applied would be farm vehicles through environment and conservation reserve.
- 75 Sunnyside reserve. Road on scheme map only goes for about 50 metres and may not be in correct location. Road is constructed to Sunnyside Hall but does not appear on map.
- 75 Slades Road. Old maps show Rural 3 Blackwood Valley zone. New maps show environmental/conservation reserve south of Slades road.
- 76 Slades Road. Old map shows Rural 3 Blackwood Valley zone. North of road opposite recreation area, shows environment/conservation reserve.
- 77 South Western Highway and Hester Brook Road, north of Hester Brook road- old map shows rural 3 Blackwood Valley zone. New map shows environment and conservation at bottom of map (boundary with map 8)
- 78 Hester Road, edge of old map 7, north of road, old map shows rural 3 Blackwood Valley zone, new map shows State Forest, new map shows rural
- 79 South Western Highway north of Williams Street. Old map shows SR10 new map shows Rural Residential and then a dark green area that is not in the legend.
- 80 Williams Street Bridgetown shows road crosses South Western Highway but there is no road.
- 81 Williams Street Bridgetown, road reserve on new map cuts through South Western Highway road reserve, an access road therefore cuts the highest road reserve on the hierarchy.
- 82 South Western Highway, reserve on eastern side, opposite Peninsular Road. Old map Public purposes, municipal purposes (M). New map GS government services. Has the reserve use changed?
- 83 Flintoff Road and South Western Highway, old map south of road Rural 3 Blackwood Valley zone. New map shows a green not in the legend.
- 84 South Western Highway south of Flintoff Road, old map shows Rural 3 Blackwood Valley zone, new map shows IS infrastructure reserve.

85 South Western Highway Flintoff Road intersection. Old map shows Rural 3 Blackwood Valley zone. New map shows R recreation reserve.

86 South Western Highway south of Hester Brook Road. Old map shows reserve public purposes. New maps show environment and conservation.

86 Hester Brook Road, south of road near South Western Highway, old map shows reserve public purposes, new map shows IS infrastructure reserve.

87 Hester Brook Road, old map shows road reserve as state forest. New map shows road reserve is now not part of state forest.

88 Pumping station South Western Highway north of Whittells Road, old map showed this as Primary distributor road. Now shown as IS infrastructure. Is Water Corporation GS or IS

89 Roe Street, old map shows service industry in long strip. New map shows public open space.

90 Rose Street. Old map show service industry. New map shows drainage/waterway.

91 Steere Street and Hampton Street. Shire offices, hall and car park appear as C civic on old maps.

New map shows one block as IS infrastructure reserve.

92 Old maps show "H" for each historic/natural beauty/scientific interest building or lot. New map only shows Bridgetown Special Design Heritage Precinct.

93 Old map shows H for historic/natural beauty/scientific inters building or lot, outside of the Bridgetown Special Design Heritage precinct. New map has no indication of this. Draft LPS6 has no heritage protection or precinct in provisions.

94 Bridgetown fire station. Old map public purposes civil. New map IS infrastructure reserve. Why isn't this ES for emergency services?

95 Memorial Park Old map shows what appears to be a road reserve. Same location is now Recreation.

96 Brand Street. Old map shows Parks and recreation. New map shows R5 zoned residential under ASR1

97 Thornbill Road and Hackett Street. Old map shows M Municipal Purposes. New map shows GS Government Services. What government services are used here?

98 Hackett Street and Lefroy Road. Old map shows Municipal purposes. New map shows R Recreation.

99 Allnut street. Pipeline and tanks. Old map showed WS Water supply. New map shows IS infrastructure services. Is Water corporation IS or GS, when Western Power is GS.

100 Allnut Street. Old map R6 with specified land use in text. New map shows civic and community with no restrictions on use.

101 Allnut Street. Old map showed parks and recreation reserve north of pipeline. New map shows R5 ASR1.

102 Allnut Street. Old map shows parks and recreation reserve south of pipeline. New map shows R5 ASR1

The list is not complete, as the 102 variations listed are all that I have found at the closing of submissions.

B Bebbington

December 6, 2024

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ITEM 12 ELECTED MEMBERS QUESTIONS WITH NOTICE

ITEM 13 NOTICE OF MOTIONS FOR CONSIDERATION AT THE NEXT MEETING

The next Special Council Meeting is scheduled to take place on Wednesday 3rd September 2025 commencing at 5:30 PM in the Council Chambers.

ITEM 14 CLOSURE

The Presiding Member closed the meeting at 6.39pm.

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