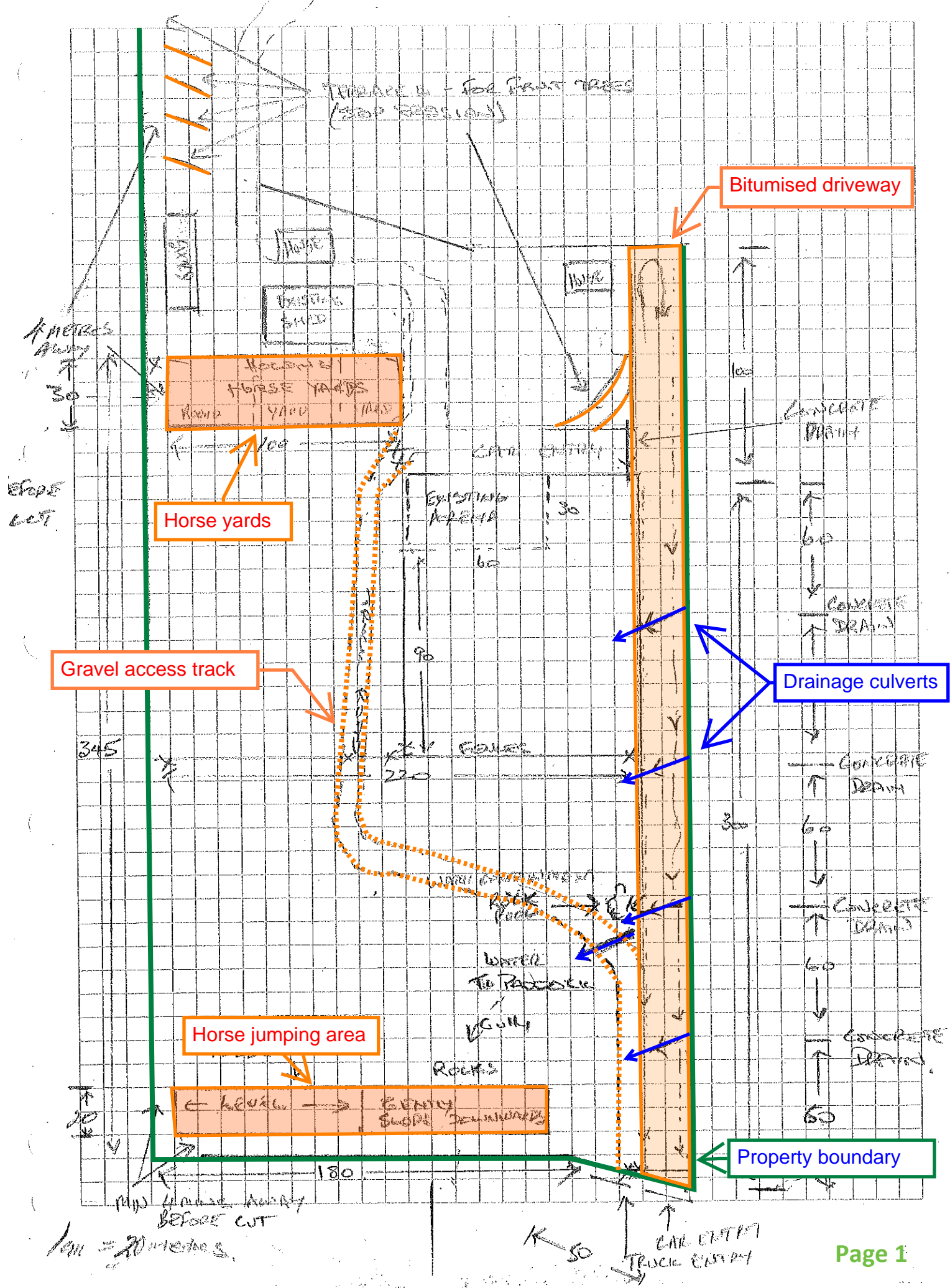




Development Services Attachments
ORDINARY MEETING OF COUNCIL
Wednesday 21 August 2019

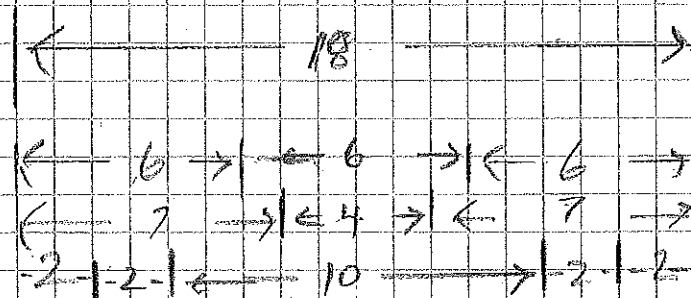
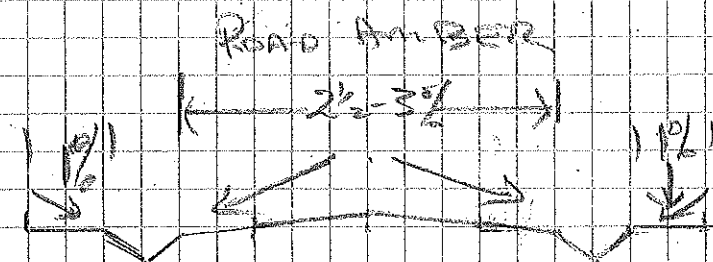
REPORT NUMBER	REPORT TITLE AND ATTACHMENT DESCRIPTION	PAGE NUMBER(S)
9.1.1	Retrospective Application for Development Approval: Earthworks within Landscape Protection Area – Lot 103 (RN186) Kay Road, Bindoon Attachments 1 Original Development Plans 2 Additional Plans and Information 3 Additional Drainage Plan 4 Schedule of Submissions 5 Late Submission	1 – 48
9.1.2	Final modifications to Shire of Chittering Draft Local Planning Strategy 2019 Attachments 1 WAPC Schedule of Modifications 2 Draft Local Planning Strategy (modified)	49 – 138

PE 186 (Part Road) (Part Domain)
FRONT PROPOSED AREA



RE: 186 km Road Boundary

MAIN DRIVEWAY TO
CARPENTERS HOME = 400 metres
SHED AREA = 4000 metres

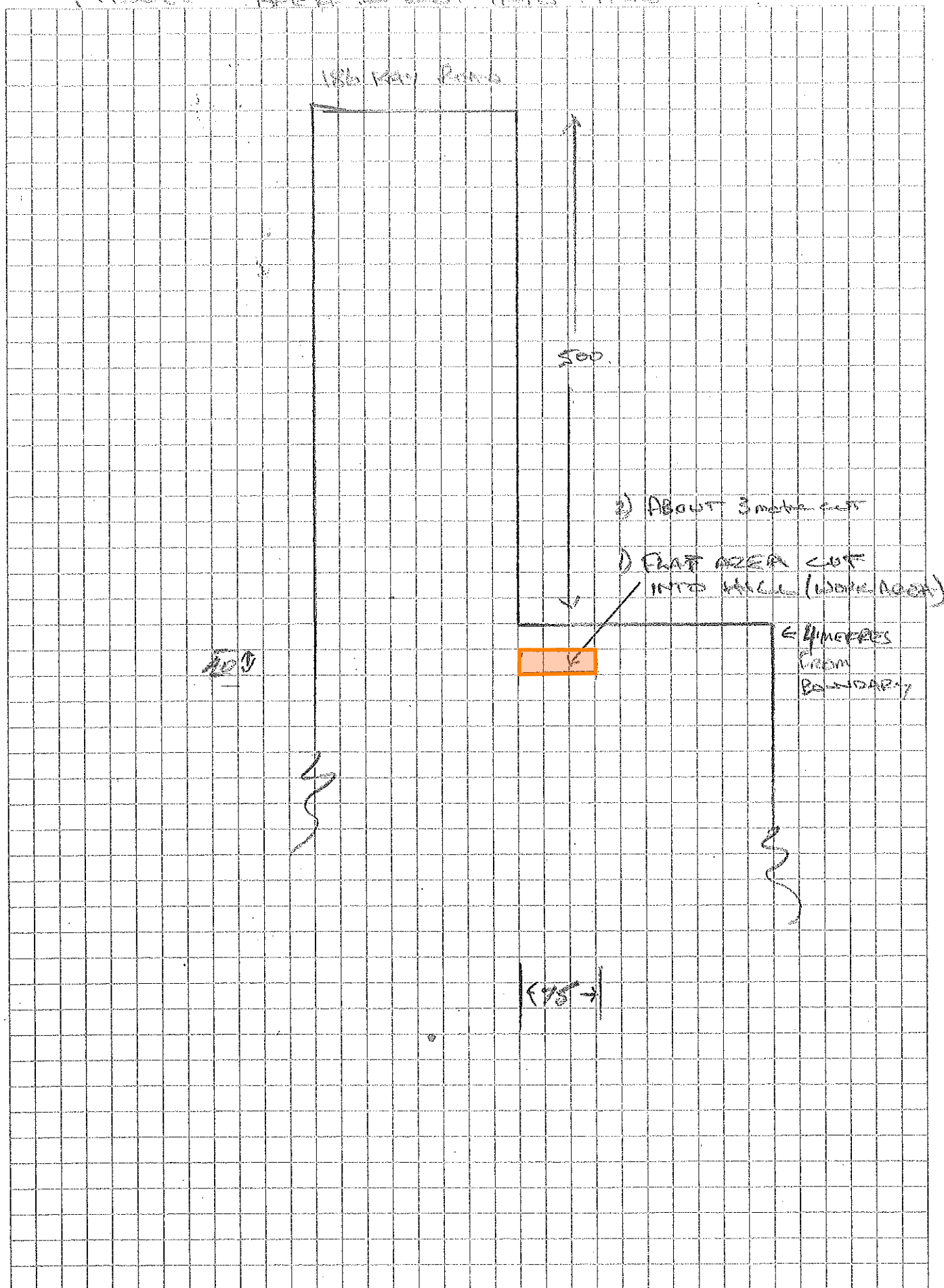


↑
BOUNDARY

1cm = 20metres

RE 186 KM ROAD (Enclaves)

MIDDLE AREA - CUT INTO HILL



1cm = 50 metres

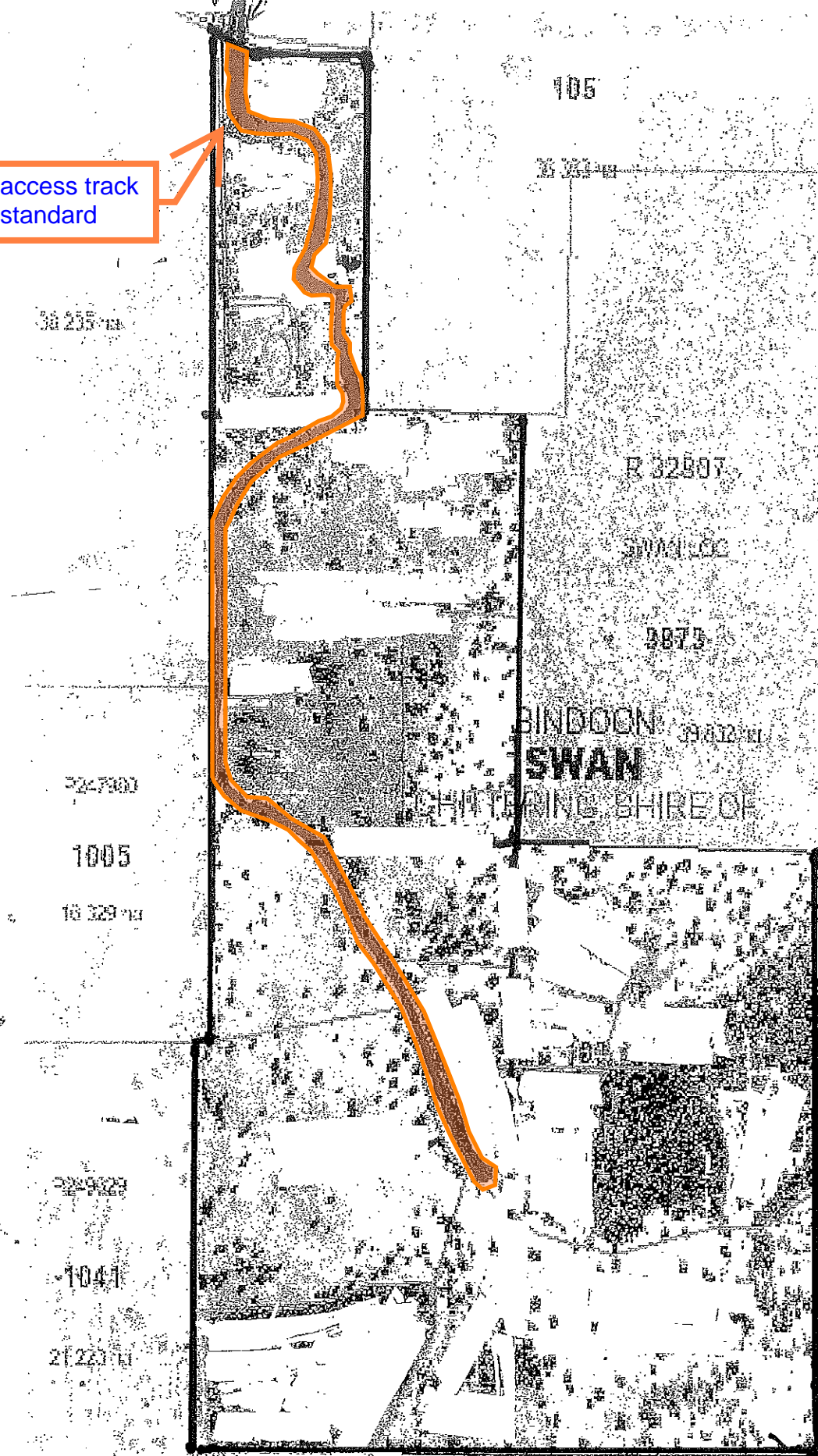
"D"

CARENTON

TRUCK ENTRANCE ROAD

TRUCK ENTRANCE ROAD

Upgrade access track
to gravel standard



Senior Planner
Shire of Chittering
PO Box 70
Bindoon WA 6502
snrplanner@chittering.wa.gov.au



Attention Jake Whistler **RE 186 Kay Road Bindoon**

We enclose attached

- 1) Annexure "A" Front paddock area
- 2) Annexure "B" Car access driveway being about 400 metres
- 3) Annexure "C" Mid of property for future use – maybe shed or chooks
- 4) Annexure "D" Gravel and graded truck access road

In summary improvements is to enhance the beauty and enjoyment of the property for personal use whilst adding improved financial value. Details

- 1) Upgrade the front road for better access along with improved water run off
 - a. This road to have red asphalt 4 metres wide to MRD standard
 - b. Intend the driveway to be tree lined
 - c. Majority of water (suggest 80%) will be trapped at Rock pool and then dispersed into our paddock. Also have extended the horse jump area (refer 3) to ensure less chance of water going into the council road drain
 - d. Refer annexure "B"
- 2) More efficient horse management being round and holding yards close to the existing arena.
 - a. Cut and fill. 3 metres cut (south side) with overflow nil to 3 metres (north side)
 - b. Again will plant trees in appropriate places for shade and beauty
 - c. Refer annexure "A"
- 3) A level area at the front of the paddock for a safer horse jumping training area
 - a. Cut and fill 2 metres cut (south side) with overflow 2 metres to nil (north side)
 - b. Will plant trees along the front of the property in time for aesthetics and privacy
 - c. Refer annexure "A"
- 4) The front paddocks are being upgraded with new fences essentially for horses
 - a. Refer Annexure "A"
- 5) A level area whilst the dozer is on site for proposed out of site junk, or shed site or maybe chooks, peacocks and ducks sheds
 - a. Cut and fill 4 metres cut (north side) to 4 metres overflow (south side)
 - b. Refer annexure "C"
- 6) Gravel existing roads for safety and better emergency/fire access
 - a. Refer annexure "D"
- 7) Two areas being terraced to stop erosion for proposed fruit trees
 - a. Refer annexure "A"
- 8) Neighbours regarding boundary
 - a. Robert Patrick being on the east side. Works are essentially 4 metres away from the mutual boundary and then sloping down wards onto our property
 - b. Kim Baker being on the west side. 400 metres have built and levelled where appropriate to ensure NIL water runs onto her property. Previously water did run onto her property as her property is on the low side which I have now corrected at my cost.
 - c. Refer annexure "B"



Hopefully everything is in order. Kind regards David Prosser



Job Ref: 9010
31 May 2019

Shire of Chittering
6177 Great Northern Highway,
BINDOON WA 6502

Attention: Peter Stuart – Executive Manager Development Services

Dear Mr Stuart

**Additional information in response to Council resolution
No.186 (Lot 103) Kay Road, Bindoon**

Level 3
369 Newcastle Street
Northbridge 6003
Western Australia

p: 08 9221 1991
f: 08 9221 1919
info@rowegroup.com.au
rowegroup.com.au

Rowe Group acts on behalf of Mr David Prosser, the owner of No. 186 Kay Road, Bindoon ('subject site').

We refer to the Retrospective Application for Development Approval for the above property which was considered by Council at its meeting held on 20th February 2019. In addition, we also refer to the subsequent meeting held on 13th March 2019 which was also attended by Mr Jake Whistler of your office.

With respect to Council's consideration of the application, below is an extract from the meeting minutes which details Council's resolution on this application:

That Council defers the application for want of further information as follows:

1. *Invites the applicant to submit further information in respect of the construction management process for assessment and approval;*
2. *Places a stop work order pursuant to section 214 of the Planning and Development Act 2005 on Lot 103 Kay Road, Bindoon; and*
3. *Invites the applicant to provide amended plans and details that accurately reflect the works conducted and intended, including but not limited to:*
 - a) *the finished ground levels at the boundary; and*
 - b) *a stormwater management plan that demonstrates how stormwater will be managed on-site and not adversely impact neighbouring properties*

In relation to items 1 and 3 of the above resolution, we provide the following.

**Construction Management process**

With respect to the works undertaken on site, we understand this relates to the following:

- Bitumen sealing of the entry driveway, incorporating drainage infrastructure; and
- Levelling of land for holding yards, a private horse jumping area and terracing for fruit trees.

It is the proponent's understanding that the Shire's main area of concern relates to the entry driveway. Consequently this aspect will be the focus of our response.

The proponent has owned the property for a considerable period of time. When acquired, the entry driveway from Kay Road was located on the western boundary common to Lot 104 Kay Road and the works have maintained the driveway in this position.

Included at Attachment 1 are a series of photos which illustrate the driveway shortly prior to the commencement of the works, together with corresponding photos showing the completed works. Our observations are as follows:

Before works

- The existing driveway does not incorporate any contouring or infrastructure which would contain stormwater runoff within Lot 103;
- The adjacent Lot 104 does not appear to incorporate a firebreak adjacent to the common boundary, with substantial trees and long grass positioned immediately adjacent to the boundary;
- The boundary does not appear to be fenced along its entire extent.

After works

- The gravel surface and shoulders of the driveway have been raised in some locations to enable recontouring to contain and direct runoff;
- Earthworks in this location has removed some mature trees and grass cover within Lot 103;
- A new boundary fence has been constructed along the full extent of Lots 103 and 104;
- Contouring, headwalls and pipework under the driveway has been installed to direct runoff away from the common boundary, where it is discharged in the northern portion of Lot 103;
- Some minor clearing has been undertaken within Lot 104, together with additional battering within the lot. These works are located immediately adjacent to the common boundary, in order to stabilise the site in the location of the boundary fence and achieve suitable contours to contain drainage runoff within Lot 103;
- The driveway has been sealed to prevent erosion of the surface by vehicles and minimise scouring during severe storm events.

The works associated with the driveway are now largely complete, aside from minor planting of vegetation to stabilise the site and improve its appearance.

**Finished ground levels**

Following Council's resolution, a Licensed Land Surveyor has surveyed the site in the location of the driveway which has produced the following:

- a) Contour and feature survey of the portion of the site in the location of the driveway; and
- b) Boundary re-establishment survey showing the boundary fence in relation to the surveyed boundary adjacent to the driveway.

Copies of the above are included at Attachment 2.

In relation to a) above, the survey plan shows that:

- The land rises from 166.0 where the crossover meets the Kay Road reserve up to 218.83 at the southern extent of the bitumen seal and approximately 223.5 at the end of the gravel access to the caretaker's dwelling;
- The land rises approximately 57.5m over a distance of approximately 400m, representing an average gradient of 1 in 7;
- The contours in the upper half of the driveway show the landform to also fall from east to west. It would appear that when the driveway was constructed, the landform within the subject Lot 103 was excavated and corresponding fill placed within the neighbouring Lot 104 in order to produce a trafficable surface;

We are not aware of any survey data which would indicate the contours of the driveway or adjacent land prior to the commencement of the works.

As part of the construction works, it appears that clearing of undergrowth and some mature trees has occurred within Lot 103 together with pruning and undergrowth removal within Lot 104 in proximity to the existing driveway batter, in order to raise the level of the batter as required to achieve suitable contours for drainage improvement. This lack of vegetation causes the finished works to appear quite stark and severe, however once the undergrowth has re-established it will soften this and return to its former appearance.

Our observations of photos taken prior to the works would indicate that it did not incorporate a firebreak within Lot 104 along the common boundary with Lot 103. We are not aware of the bushfire management measures undertaken within Lot 104, however we would consider that the vegetation removal and upgrading of the driveway has improved fire management between the two properties, with respect to fuel load and fire access for emergency vehicles.

In relation to b) above, the boundary re-establishment survey shows that:

- Along the 804.52m extent of the subject boundary, the boundary fence is generally positioned in the location of the boundary. It is constructed slightly within Lot 104 along this length, varying between



0.03m (ie: 3cm) up to 0.36m (ie: 36cm). A small portion of the fence is also positioned within Lot 103 to a maximum of 0.28m (ie: 28cm); and

- The re-establishment survey only captures the portion of the boundary fence adjacent to the driveway. It appears that the fence may deviate into Lot 103 to the south of the surveyed area.

It must be noted that we do not have any survey data which would indicate the locations of any previous boundary fencing prior to the upgrading works being undertaken. Additionally, the matter of the boundary fence is not a relevant town planning matter for consideration by the Shire and would be addressed separately by the owners under the Dividing Fences Act.

Photos of the boundary fence are included at Attachment 3.

Stormwater management

As shown within the contour and feature survey, the works associated with the upgrading and sealing of the driveway has incorporated considerable drainage infrastructure as follows:

- Gravel shoulders of the driveway are contoured to channel stormwater runoff away from the property boundary;
- Stormwater is directed into v-drains on either side of the pavement surface and then through a series of six (6) headwall/pipe structures;
- A similar structure is also included under the crossover at the Kay Road reserve, channelling runoff from the crossover into the road drainage network in a manner which minimises flooding or erosion of the unsealed carriageway.
- Rock pitching is positioned adjacent to headwalls and along the v-drains in order to minimise erosion and scouring during severe storm events;
- The runoff is collected in the northern central portion of Lot 103.

As noted above, the completed works will manage stormwater runoff on site and contain runoff within the property, avoiding adverse impacts to adjoining properties.

A partial site plan illustrating the completed drainage infrastructure, together with photos showing the drainage infrastructure on site, is included at Attachment 4.

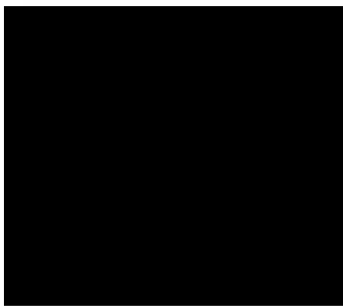
Conclusion

As noted above and in the attached supporting material, the works conducted within Lot 103 have been undertaken in order to significantly improve vehicle access and stormwater drainage within the site. They have been completed to a high standard and we anticipate Council's favourable determination of the relevant aspects.



Should you require any further information or clarification in relation to this matter, please contact Jeremy Hofland on 9221 1991.

Yours faithfully,



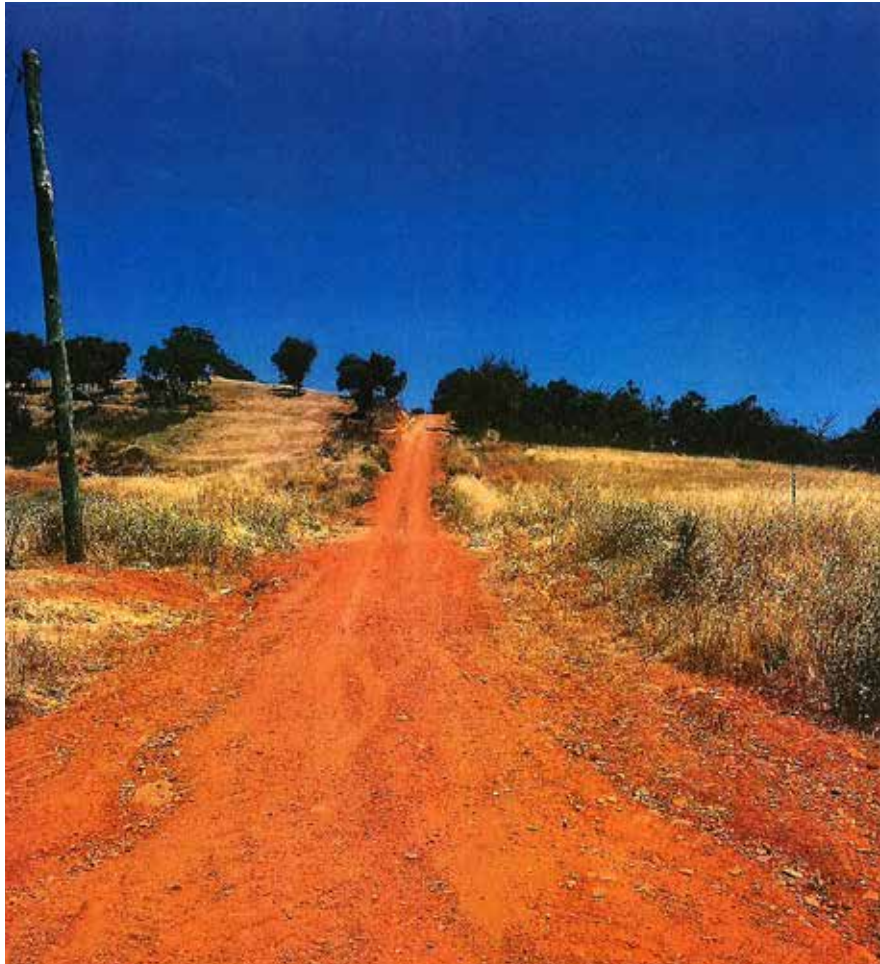
Jeremy Hofland
Rowe Group



Attachment One

Before and after photos of the driveway

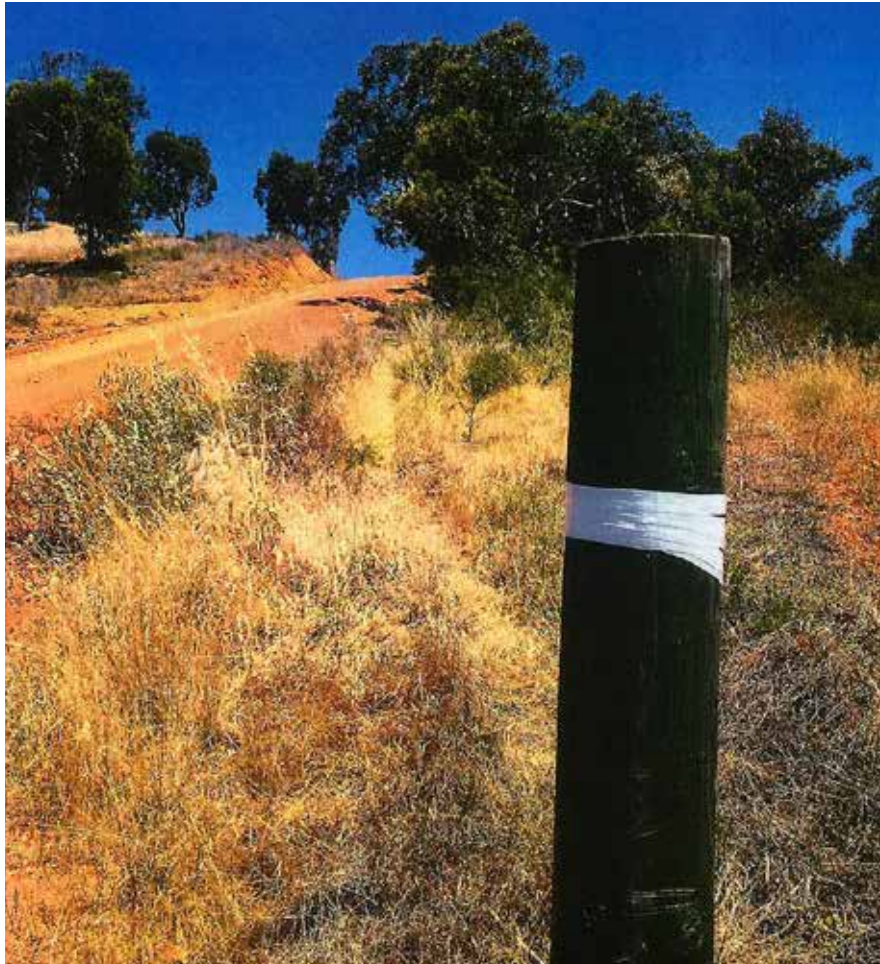
BEFORE



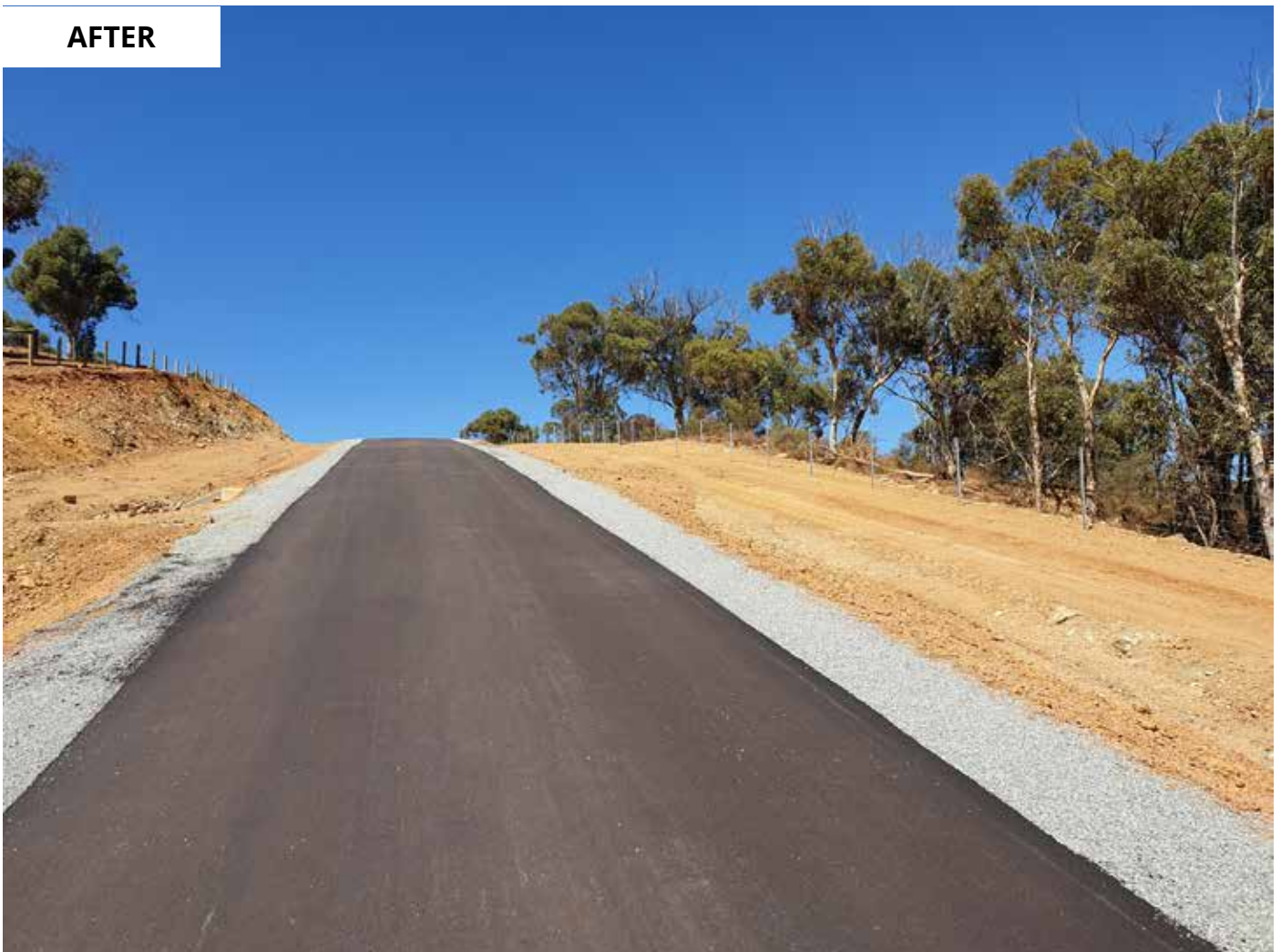
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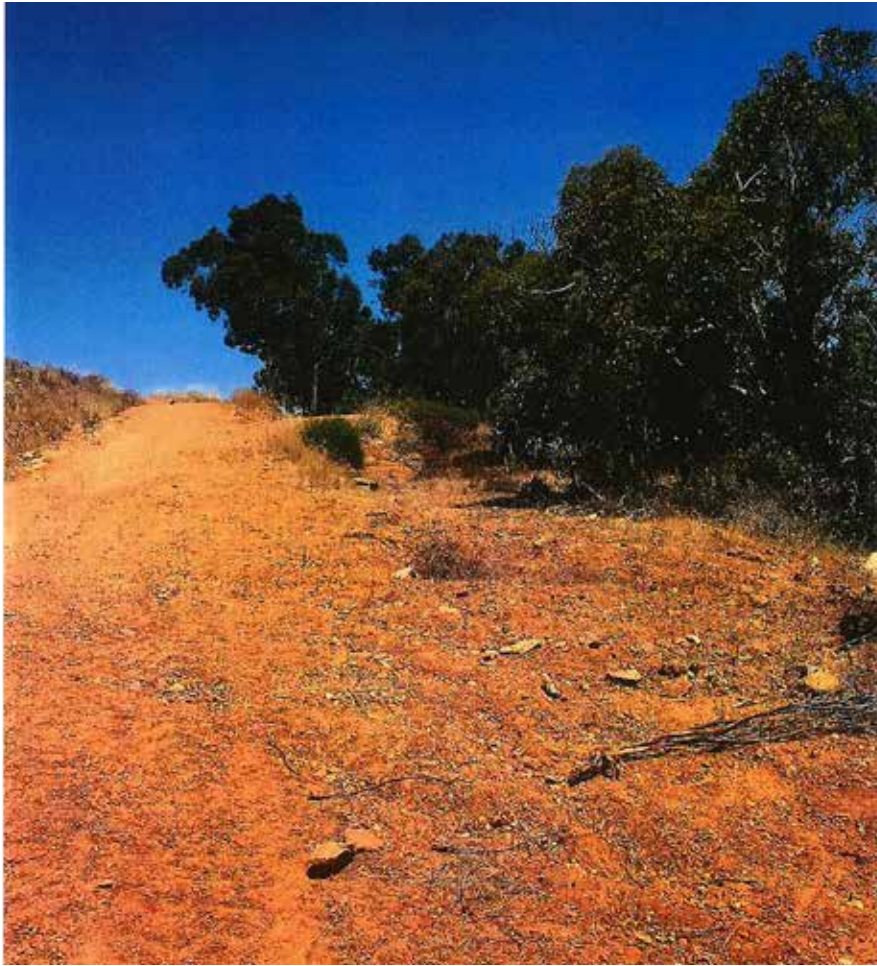
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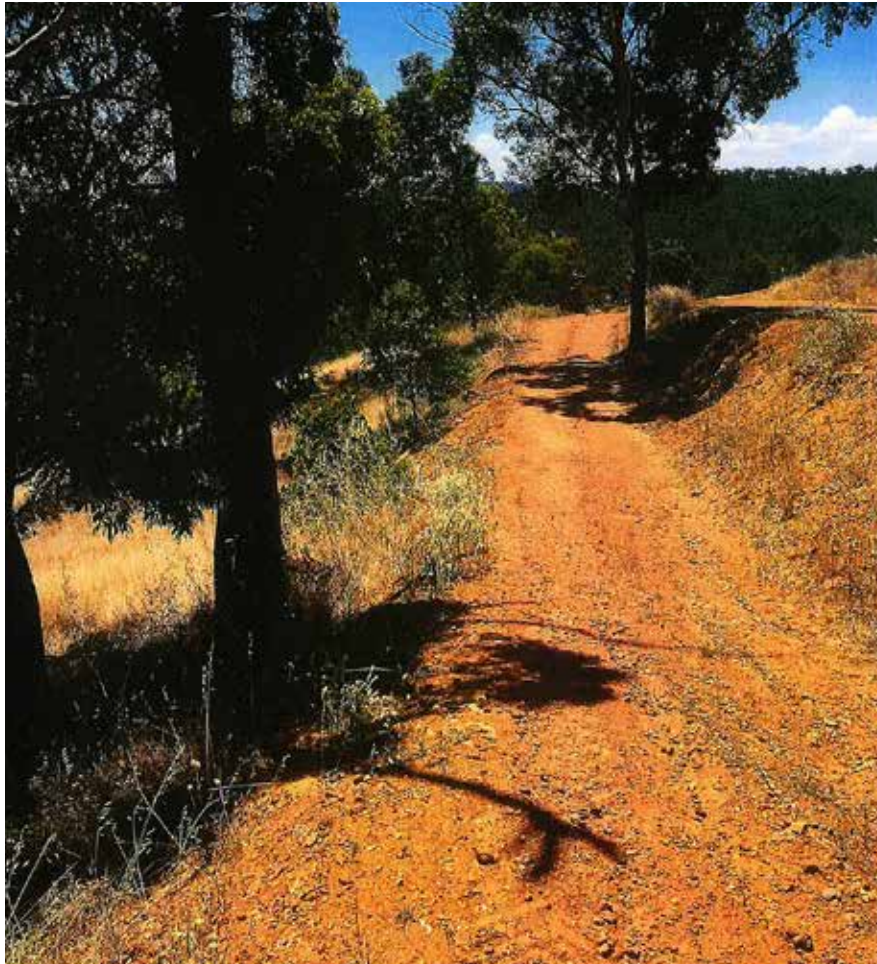
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AFTER



BEFORE



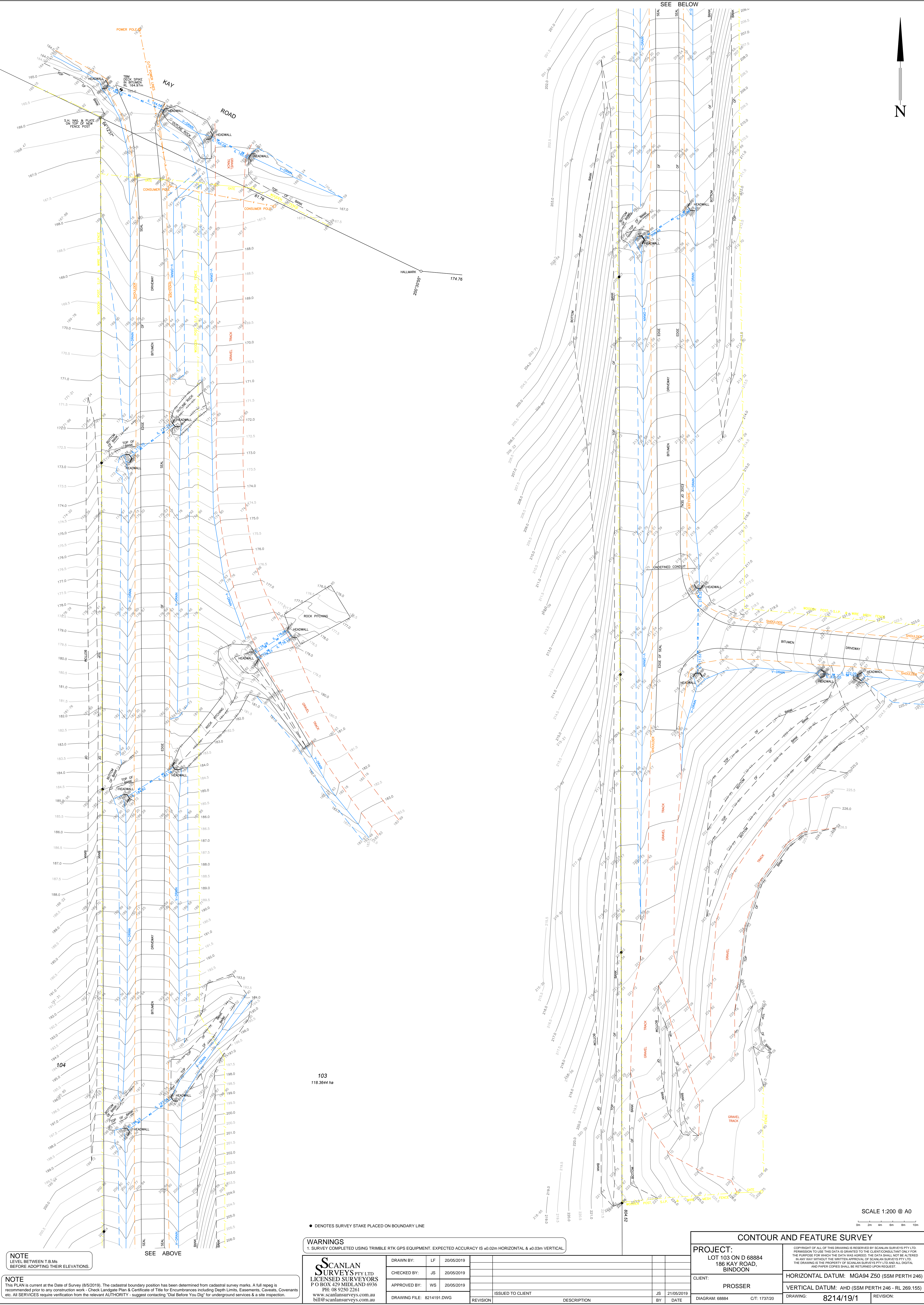
AFTER

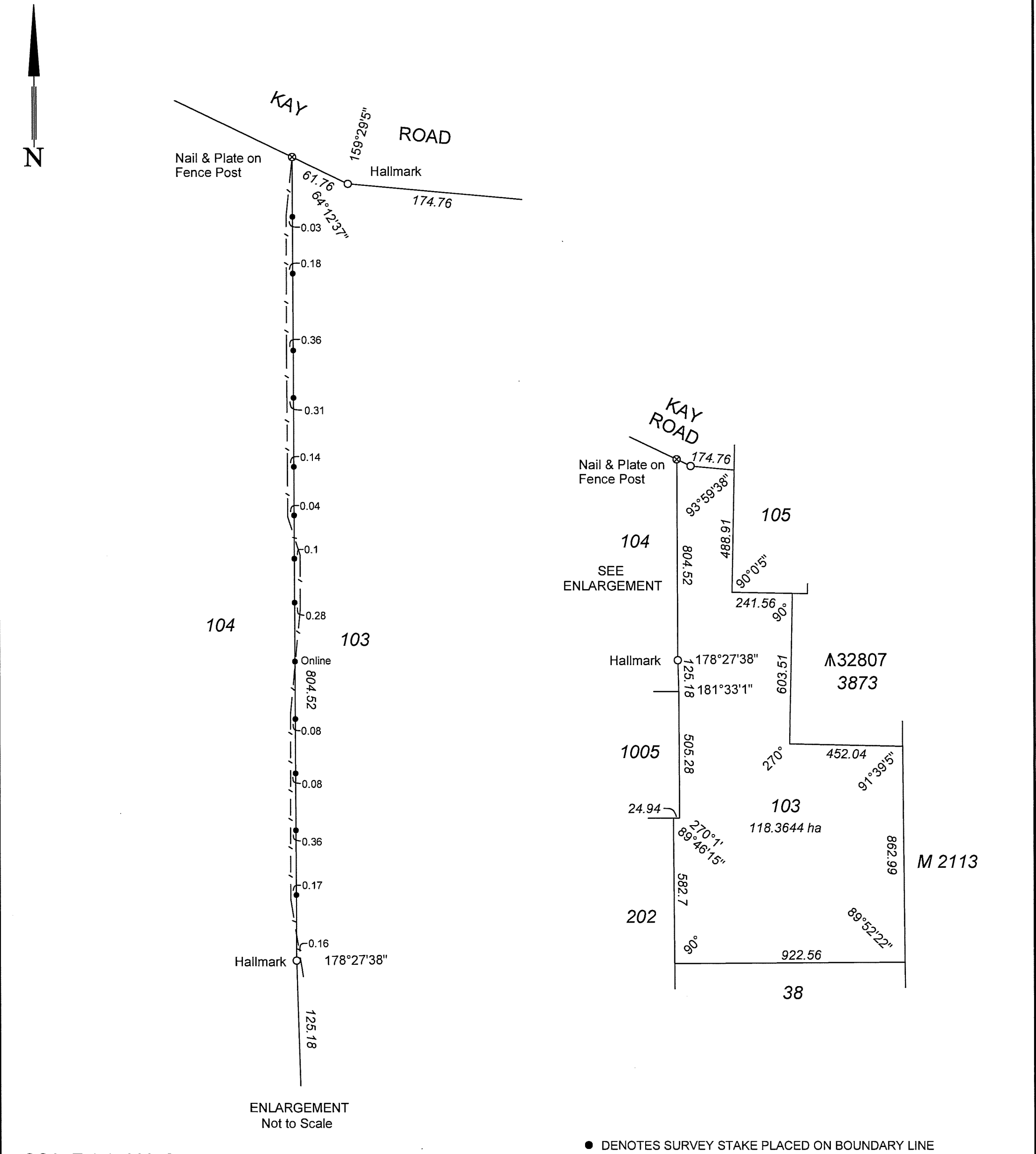




Attachment Two

Feature survey and boundary re-establishment survey





SCALE 1:15000 @ A3

0m 150m 300m 450m 600m 750m

SURVEYORS CERTIFICATE (Reg 25A)

I, J. M. Scanlan, licensed surveyor, hereby certify that on the 8th day of May 2019, I re-established a portion of the boundaries of Lot 103 on Diagram 68884 as shown on the attached sketch, and that the survey was performed in accordance with the provisions of the *Licensed Surveyors (Guidance of Surveyors) Regulations 1961* and the *Licensed Surveyors (Transfer of Land Act 1983) Regulations 1961*.

Date 21/5/2019 Licensed Surveyor J. M. Scanlan

PLAN OF: BOUNDARY RE-ESTABLISHMENT SURVEY	
PROJECT: LOT 103 ON D 68884 186 KAY ROAD, BINDOON	CLIENT: PROSSER
	HORIZONTAL DATUM: MGA
	VERTICAL DATUM: N/A
DP/PLAN/DIAGRAM: D 68884	SCANLAN SURVEYS PTY LTD LICENSED SURVEYORS P O BOX 429 MIDLAND 6936 PH: 08 9250 2261 www.scanlansurveys.com.au bill@scanlansurveys.com.au
C/T: VOL 1737 FOL 20	
LOCAL AUTHORITY: SHIRE OF CHITTERING	

DRAWN BY:	LF	20/05/2019			
CHECKED BY:	JS	20/05/2019			
APPROVED BY:	WS	20/05/2019			
DRAWING FILE: 8214192.DWG			REV	DESCRIPTION	BY DATE
			DRAWING: 8214/19/2	REV:	



Attachment Three

Photos illustrating the boundary fence as installed on site









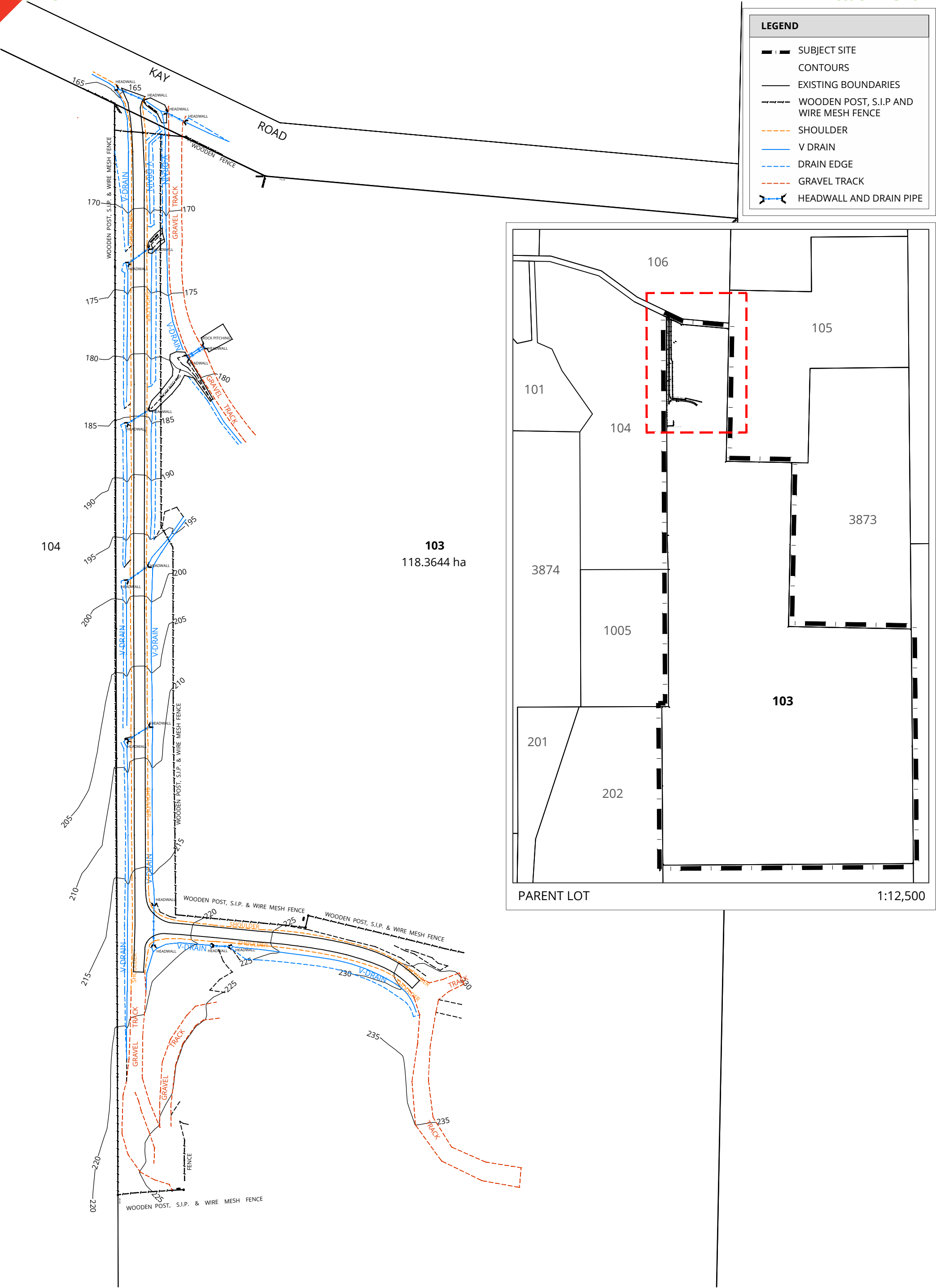




Attachment Four

Partial site plan and photos illustrating drainage infrastructure

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SCHEDULE OF SUBMISSIONS- A1543 | P003/19 RETROSPECTIVE APPLICATION FOR EARTHWORKS AND DRAINAGE INFRASTRUCTURE LOT 103 (RN 186) KAY ROAD, BINDOON

PUBLIC SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
PUBLIC 1- OPPOSE	[OWNER] and I as Directors of [COMPANY], [ADDRESS] oppose the above application for the following reasons: I received a letter (dated 11/06/18) from David Prosser on 16/11/18 in an envelope postmarked 11/11/18 . He stated "...we intend to remove and erect a new boundary fence from the front road up near your tank on the hill in the near future." He did not ask for permission to do so.	The removal and replacement of the boundary fence as undertaken by the owner of No.186 is to occur in accordance with the relevant provisions of the <i>Dividing Fences Act 1961</i> Boundary fencing is not a relevant town planning matter for consideration by the Shire under Clause 67 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (the 'Deemed Provisions') . Notwithstanding the above, it is acknowledged that the owner of No.186 did provide a letter to the owner of No.212 regarding the potential replacement of the boundary fence . However, the works in proximity to the boundary with No.212 consist of the grading of a firebreak within No.186. The existing boundary fence remains in place and has not been altered.	Matters relating to a common boundary fence is not a consideration of this application. Common boundary fence matters are controlled by the <i>Dividing Fences Act 1961</i>
	He did not state he was about to proceed with massive vegetation clearing and excavation earthworks that would affect our west and south boundaries.	It is our understanding that the works undertaken relate to the construction of a firebreak along the eastern boundary of No.186 in the northern portion of the lot. Consequently this is not a relevant town planning matter for consideration by the Shire under Clause 67 of Schedule 2 of the Deemed Provisions. Other earthworks undertaken on the site are currently the subject of the application for retrospective approval.	The application being determined is retrospective as the development has already commenced prior to receiving the necessary Development Approval. As part of the application process, the application has been referred to potentially affected landowners who have been given the opportunity to comment.
	I categorically refused (in writing) to allow the boundary fence to be touched, moved, removed or replaced in any manner whatsoever because the fence was perfectly adequate as it was.	As noted previously, boundary fencing is not a relevant town planning matter for consideration by the Shire under Clause 67 of Schedule 2 of Deemed Provisions. This matter would be addressed separately by the owners under the <i>Dividing Fences Act 1961</i>	Matters relating to a common boundary fence is not a consideration of this application. Common boundary fence matters are controlled by the <i>Dividing Fences Act 1961</i>
	The above stated massive clearing and excavation began in mid to late November 2018 and continued through December, including Christmas and New Year period and all of January 2019 and up to 20 February 2019 when the stop work order was issued.	Refer responses to above comments .	The application being determined is retrospective as the development has already commenced prior to receiving the necessary Development Approval. As part of the application process, the application has been referred to potentially affected landowners who have been given the opportunity to comment.
	I made repeated requests to David Prosser by text and in person during December 2018 and January 2019 asking politely what it was that he was constructing with such massive excavation earthworks. He refused to answer, saying he was a "private individual".	As noted previously, this is not a relevant town planning matter for consideration by the Shire under Clause 67 of Schedule 2 of the Deemed Provisions.	Noted.
	The Shire of Chittering has also refused my repeated requests for information about the earthworks on 186 Kay Road, Bindoon (as recorded at the Shire office Visitors Book) stating "confidentiality".	This is a matter which should be addressed by the Shire.	Details of applications for Development Approval are not provided to members of the public upon request. A request for information that is not already publically available is to be made as a 'Freedom of Information' request.
	I wrote to The Hon. Rita Saffioti, Minister for Transport; Planning, requesting information which has been provided by Mr David McFerran, Principal Policy Adviser on 8 March 2019.	Noted.	Noted.
	Our west boundary fence line now has a serious water run-off problem extending into our property due to the excavation earthworks on 186 Kay Road and is causing erosion of our firebreak.	We understand that the works which the neighbour is referring to relate to the construction/maintenance of the firebreak within the eastern boundary of No.186. These works consist of the grading of the existing firebreak which was originally constructed using a scarifier. The grading has been undertaken to construct a trafficable surface to enable access by fire trucks and to eliminate	The firebreak on the eastern boundary of Lot 103 has been upgraded. This does not form part of the application as the maintenance of firebreaks is a requirement of the <i>Bushfires Act 1954</i> and the Shire's Annual Firebreak Notice and cannot be considered as a planning consideration. The

SCHEDULE OF SUBMISSIONS- A1543 | P003/19 RETROSPECTIVE APPLICATION FOR EARTHWORKS AND DRAINAGE INFRASTRUCTURE LOT 103 (RN 186) KAY ROAD, BINDOON

		erosion through loosening/turning of soil which would be susceptible stormwater runoff.	general management of stormwater on site has been addressed in the report and is recommended to be further refined through a certified stormwater management plan.
	Our south boundary fence line has been severely compromised. There used to be a significantly steep hill at this site, however it was well stabilized with many trees and good vegetation. The excavation works have denuded this hill and a large portion of the hill has been cut just beyond the 4 metre firebreak, dropping off to the valley below where a level area has been cleared and graded. It is highly likely that there will be significant erosion at this site unless it is stabilized.		Officers have inspected the works in question and are satisfied that erosion of the land to the extent that it undermines the fence, or even the firebreak area, is unlikely. The gradient of the earthworks coupled with the clay soil renders the earthworks stable and unlikely to be susceptible to erosion. Photos of the works in question are provided within the report.
	I am concerned that there are plans afoot for a commercial venture.	Any future development, commercial or otherwise, would be the subject of a separate application for planning approval.	Any future development will require Development Approval from the Shire. Any future applications will be assessed on their merits against the relevant planning framework.
PUBLIC 2– OPPOSE [PHOTO ATTACHMENTS IN PDF]	<p>Further to the Council meeting held 20 February 2019, after adversely affected land owners raised their concerns when Mr Prosser being LOT 103 (RN 186) KAY ROAD BINDOON, commenced and continued the proposed EARTHWORKS AND DRAINAGE INFRASTRUCTURE work affecting adjoining land – had not notified and/or obtain the consent of the Chittering Shire or affected landowners.</p> <p>Further to my enquiries; I have been informed that the Development Standards required for an Application for retrospective planning approval has also not been addressed which may include the following criteria:</p> <ul style="list-style-type: none"> - Compliance with the Shire's Town Planning Scheme No.6 (TPS 6), Local Planning Policies or any other relevant planning legislation? - The use according with the zoning of the property? - The development has a detrimental visual impact upon localities. - The development has adverse impact upon occupants of adjacent properties in the locality. 	<p>The property owner has made an application for approval for the works. Given that the works have already commenced on site, the application is retrospective in nature.</p> <p>It is our understanding that there are no provisions within the Shire's LPS6 which would preclude the Shire's ability to grant approval on a retrospective basis.</p> <p>The relevant standards from the Shire's Local Planning Scheme No. 6 are applicable to the site and development, whether the application is made prior to or after the commencement of works.</p> <p>The proponent has submitted an application for retrospective planning approval for development on the site and following consideration by Council at its February 2019 meeting, additional information has been submitted by our office in response to the matters raised by Council.</p> <p>With regard to land use and zoning, we note that the development does not incorporate any change of land use.</p> <p>With regard to compliance with the Shire's Local Planning Scheme No. 6 ('LPS 6') and relevant planning policies, we note the following.</p> <p>The subject site is zoned 'Agricultural Resource' under LPS6. The objectives for the 'Agricultural Resource' Zone are as follows:</p> <ul style="list-style-type: none"> <i>a) preserve productive land suitable for grazing, cropping and intensive horticulture and other compatible productive rural uses in a sustainable manner;</i> <i>b) protect the landform and landscape values of the district against despoliation and land degradation;</i> <i>c) encourage intensive agriculture and associated tourist facilities, where appropriate;</i> <i>d) allow for the extraction of basic raw materials where it is environmentally and socially acceptable.</i> <p>The intent of the development will progress these objectives by enabling the productivity of the farm at the subject site.</p> <p>Clearing, earthworks and replacement of the boundary fence were undertaken in order to erect farm yards and enclosures (subject to a separate application in future) for the 45 cattle, over 200 dorper sheep, 2 alpacas, 8 horses, chickens and dogs which are already kept at the subject site.</p> <p>Our Client intends to undertake revegetation, including planting fruit trees, shade trees and trees along the boundaries, which will improve the landscape value of the subject site and protect against water run off and erosion.</p>	The relevant planning considerations are contained within the body of the report which includes assessment of the application against the relevant development standards.

SCHEDULE OF SUBMISSIONS- A1543 | P003/19 RETROSPECTIVE APPLICATION FOR EARTHWORKS AND DRAINAGE INFRASTRUCTURE LOT 103 (RN 186) KAY ROAD, BINDOON

		<p>The subject site is located in a Landscape Protection Area under LPS6. Clause 5.2.4 of LPS6 outlines the following planning requirements for Landscape Protection Areas:</p> <p><i>In dealing with an application for Development approval, the local government will not support:</i></p> <ul style="list-style-type: none"><i>a) a dwelling or outbuilding on any ridgeline as may be prominently visible from any public road or which may adversely affect the aspects of neighbouring dwellings;</i><i>b) land uses which are not related to the general objectives of the zone;</i><i>c) the storage or keeping of non-agricultural vehicles or materials on the land as may be visible from any public road;</i><i>d) the removal of any natural vegetation from any ridgeline;</i><i>e) the removal or lopping of trees other than for</i><ul style="list-style-type: none"><i>i. fire fighting or fire protection purposes;</i><i>ii. the removal of dead or dying trees;</i><i>iii. clearance for power lines, emergency access, emergency works by public authority, sight lines and traffic safety on roads;</i><i>iv. if the vegetation is posing a risk to public safety;</i><i>v. the vegetation is part of an area planted for fodder, timber plantation, or any other crop;</i><i>vi. in association with the establishment of a Building Envelope.</i> <p><i>The local government may require, where appropriate, as a condition of any development approval, additional planting of vegetation to be undertaken to ensure no net loss of vegetation or to repair any degraded landscape.</i></p> <p>Additionally, Clause 5.2.5 of LPS 6 outlines the relevant considerations with regard to Landscape protection Areas:</p> <p><i>In considering an Application for Development approval, the local government shall have regard to:</i></p> <ul style="list-style-type: none"><i>a) the statement and the nature of the key elements of the landscape and its character;</i><i>b) the conservation and enhancement of the landscape values;</i><i>c) the impact of any buildings and associated works on the landscape due to height, bulk, colour, general appearance and the need to remove vegetation;</i><i>d) the requirement for all roofing of any building to be a of a non -reflective nature;</i><i>e) a change of land use where in the opinion of the local government the proposed development may cause a deterioration of the landscape value and/or cause an adverse effect(s) on the environment.</i> <p>The development is consistent with the above provisions for the following reasons:</p> <ul style="list-style-type: none">- The development does not propose any change of land use;- The clearing of vegetation has largely been undertaken on areas other than the ridgeline;- Removal of vegetation along the boundary was undertaken in order to maintain the firebreak;- Our Client intends to revegetate the subject site with approximately 150 trees consisting primarily of native vegetation, as well as fruit trees and shade trees, in order to improve the visual appearance of the development. <p>For the above reasons, we are of the view that the proposal is consistent with the relevant planning framework.</p>	
	<p>If Retrospective Planning approval cannot be issued by the Shire then the unapproved works may have to be removed. The granting of retrospective planning approval does not exempt the person who undertook the works from compliance penalties. The fees for retrospective planning approvals are higher than normal as there is an</p>	<p>Noted. The Applicant paid the required fee associated with an application for retrospective development approval at the time of lodgement.</p>	<p>A retrospective fee for the application has been paid by the applicant.</p>

SCHEDULE OF SUBMISSIONS- A1543 | P003/19 RETROSPECTIVE APPLICATION FOR EARTHWORKS AND DRAINAGE INFRASTRUCTURE LOT 103 (RN 186) KAY ROAD, BINDOON

	<p>additional cost, by way of penalty. This is a State Government requirement that the Shire is obligated to enforce and under no circumstance be waived.</p>		
	<p>We all have the right to use and enjoy our property as we please as long as we follow the law and respect other people's property and not interfere with a neighbour's health and wellbeing, or financial value of their property. (Or in this case encroach on other people's property)</p> <p>1. In the Commission's view it is not in the general public interest that adjoining land should be detrimentally affected, or rendered unusable, by an owner excavating or filling his land for whatever purpose.</p>	<p>The area of the adjoining properties impacted by these works is minor, particularly in comparison to the total area of each property. The intent of the works is to maintain firebreaks and direct water runoff, and they include substantial drainage infrastructure in order to retain water on the subject site.</p> <p>As discussed previously, due to the stop work order imposed on our Client, they have not completed works which would further manage drainage and erosion, such as re-vegetation. Upon completion, we are of the view that the works will effectively manage stormwater runoff and erosion on site and contain runoff within the property, avoiding adverse impacts to adjoining properties.</p>	<p>The Shire cannot approve development or any works on land of which the owner has not provided their consent on an Application for Development Approval form.</p>
	<p>2. Under section 374(1) of the Local Government Act a person may not lay out land for building, commence building or alter an existing building, until he has submitted, and the council of the local authority has approved by the issue of a building licence, a copy of the specifications of the building and a plan showing the proposed building and the area of land to be occupied by the proposed building or alteration. Thus, for example, an owner who carries out earthworks on a site as a first stage in the construction of a house should have obtained a building licence to do that work, even though he may not intend to build the house for some time. A person who contravenes section 374(1) commits an offence and is liable to a penalty.</p>	<p>Noted. Our Client has lodged a planning application for approval under the Shire's Local Planning Scheme No.6 in order to address the works undertaken.</p>	<p>The development proposed does not require a Building Permit.</p>
	<p>3. The entire development encroaches onto neighbouring properties and violates the property rights of neighbours.</p>	<p>As noted previously, the area of the adjoining properties impacted by these works are minor, and the intent of the works is to maintain firebreaks and direct water runoff. They include substantial drainage infrastructure in order to retain water on the subject site.</p> <p>Due to the stop work order imposed on our Client, they have not completed works which would further manage drainage and erosion, such as re-vegetation. Upon completion, we are of the view that the works will manage stormwater runoff and erosion on site and contain runoff within the property, avoiding adverse impacts to adjoining properties.</p>	<p>The Shire has received legal advice on the matter of works encroaching into a neighbouring property and advise that this is a civil matter.</p>
	<p>4. Significant alteration of Ground Levels is an encroachment that is trespass without permission, and the Shire can do something about it. This is clearly evident in the enclosed photos of 186 Kay Road's ongoing persistence with the extensive EARTHWORKS development; an activity clearly in contravention of planning requirements</p>		<p>The Shire has received legal advice on the matter of works encroaching into a neighbouring property and advise that this is a civil matter.</p>
	<p>5. (Annexure "A" of Mr Prosser's submission Front paddock area) 186 Kay Road has not finished developing this area and while he states it is improvements to enhance the beauty and enjoyment of the property for personal use it is in fact:</p> <ul style="list-style-type: none">- extensive earthworks that have significantly altered the lay of the land- extensive earthworks that have significantly stripped all native vegetation creating a visual eyesore for neighbouring properties- extensive earthworks that have significantly stripped all native vegetation creating mudslides that cascade down Kay Road making it inaccessible and blocking culverts in a matter of weeks – whose expense to continually clean out, the Shire and Ratepayers money?- extensive earthworks that have significantly stripped all native vegetation creating mudslides that cascade across into 106 Kay Road taking out their boundary fence with the sheer magnitude of earthworks washed down – whose expense to realign the verge and fence?- extensive earthworks that have significantly stripped all native vegetation creating mudslides that cascade across into 106 Kay Road creating a sea of mud cascading into their only water source making it non-useable for home use or even in irrigation due to the heavy red mud silt – where does she live or find another water source and whose expense?- Mr Prosser states 3 metres cut (south side) with overflow nil to 3 metres North side!- A hill is being stripped and a plateau created approximately 100 metres long.- The existing arena (Approved by Shire?) is in fact built on top of the hill backed by 300 acres of cleared undulating paddocks more suitable for another holding yard	<p>Extensive earthworks have been undertaken in order to erect farm yards, areas for planting, and horse jumping, which is necessary due to the significant slope of the subject site.</p> <p>The property owner has liaised with the Shire to undertake remediation works to the site caused by the substantial rainfall. These works include the clearing of culverts within the road reserve of Kay Road.</p> <p>Following discussion with Shire staff, we understand that the submitter is referring to Lot 105 (No.212) and Lot 106 (No.151) Kay Road.</p> <p>The proponent notes that during recent storm events in early July, runoff has carried material from No.186 into the road drainage network and onto adjoining properties. The proponent is removing the material from the road drainage network. He has not been made aware of any damage to adjoining properties, either by the Shire or from the property owners themselves, but would be prepared to discuss this further with the view to rectifying such damage where it can be attributed to No.186.</p> <p>Our Client intends to revegetate the subject site through the planting of native vegetation, as well as fruit trees and shade trees, in order to improve the visual impact of the development and stabilise the earthworks to prevent erosion and water runoff.</p> <p>As noted previously, boundary fencing is not a relevant town planning matter for consideration by the Shire under Clause 67 of Schedule 2 of the Deemed Provisions within the 2015 Regulations. This matter would be addressed separately by the owners under the <i>Dividing Fences Act 1961</i></p>	<p>The relevant planning considerations are contained within the body of the report which includes assessment of the application against the relevant development standards.</p> <p>The matter of vegetation clearing has been reported to the Department of Water and Environmental Regulation. However, as compensation for the apparent loss of vegetation that has occurred, it is recommended that a condition of approval be imposed requiring a landscaping plan to be submitted and vegetation planted in accordance with that Plan.</p> <p>The matter of stormwater is considered to be addressed as it is the ultimate development and ultimate drainage infrastructure that is to be assessed. Erosional impacts and silting of the Kay Road reserve have been observed due to the works being incomplete over the winter period. Further information has been provided in the body of the report.</p>

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	<p>and less intrusive on neighbours livelihoods and safety. Or Annexure “C” of Mr Prosser’s submission Mid of property for future use – maybe shed or chooks) which is in fact approximately 200 metres of excavated hillside adjacent to existing arena.</p> <p>This is clearly evident in the enclosed photos Filed Front Verge. What is more concerning is the extensive earth works have not finished clearing yet!</p>		
	<p>6. Boundary location was resolved by a surveyor and showed the extensive earthworks development is in fact not only adversely impacting but partly built on 144 Kay Road.</p>	<p>The location of boundaries is not a relevant town planning matter for consideration by the Shire under Clause 67 of Schedule 2 of the Deemed Provisions.</p>	<p>The encroachment of development works into the neighbouring property is acknowledged. The Shire has received legal advice on the matter of works encroaching into a neighbouring property and advise that this is a civil matter.</p>
	<p>7. 186 Kay Road has in fact taken my land running from the front boundary peg (Kay Road) continuing approximately 500 metre s along our common boundary. Whose expense is it to rectify and return my land to me from this extensive land clearing development? This is clearly evident in the Boundary Re -Establishment Survey carried out by Scanlan Surveys PTY LTD on the 21 June 2019; submitted by Mr Prosser.</p>		<p>The encroachment of development works into the neighbouring property is acknowledged. The Shire has received legal advice on the matter of works encroaching into a neighbouring property and advise that this is a civil matter.</p>
	<p>8. Approximately 500 metres of the boundary fence is actually built in on 144 Kay Road; that now sits several metres high due to the earthworks. Whose expense is it to rectify the natural lay of the land and have the fence moved off my property? This is clearly evident in the enclosed photos</p>	<p>As noted previously, boundary fencing is not a relevant town planning matter for consideration by the Shire under Clause 67 of Schedule 2 of Deemed Provisions. This matter would be addressed separately by the owners under the <i>Dividing Fences Act 1961</i></p> <p>Notwithstanding the above, with respect to the replacement of the boundary fence, the landowner advises as follows:</p> <ul style="list-style-type: none">• The matter was the subject of a face to face discussion on site with the owner of No.144 on 26th October 2018;• At this time it was noted that works would be also undertaken to stop water runoff from No.186 into No.144;• No opposition to the works was indicated by the No.144 owner;• Four subsequent letters were then provided to the owner of No.144 in relation to the works, for which no response was received.	<p>The encroachment of development works into the neighbouring property is acknowledged. The Shire has received legal advice on the matter of works encroaching into a neighbouring property and advise that this is a civil matter.</p> <p>Matters relating to a common boundary fence is not a consideration of this application. Common boundary fence matters are controlled by the <i>Dividing Fences Act 1961</i></p>
	<p>9. The earthworks involved rock breaking and removing a hill and bulldozing it onto 144 Kay Road – raising my boundary several metres higher than the natural lay of the land and encroaching onto 144 Kay Road by several metres wide, making my boundary totally inaccessible. Whose expense is it to rectify the natural lay of the land so I may access my property? This is clearly evident in the enclosed photos</p>	<p>It is acknowledged that in locations higher up the gradient, the batter associated with the works has extended into No.144 in order to create a stable surface for the construction of the boundary fence and to direct water runoff away from No.144, in conjunction with substantial drainage infrastructure in order to retain water on the subject site.</p> <p>As discussed previously, due to the stop work order imposed on our Client, it has not been possible to complete the works which would further manage drainage and erosion, such as re-vegetation. We understand that once the works are complete, it will appropriately manage stormwater runoff on site and contain runoff within the property, avoiding erosion and other adverse impacts to adjoining properties.</p>	<p>The encroachment of development works into the neighbouring property (inclusive of increasing the natural ground levels) is acknowledged. The Shire has received legal advice on the matter of works encroaching into a neighbouring property and advise that this is a civil matter.</p>
	<p>10. The earthworks involved rock breaking and removing a hill and bulldozing it onto 144 Kay Road – raising my boundary several metres higher than the natural lay of the land and encroaching onto 144 Kay Road by several metres wide, making my boundary unsafe due to the instability of the earthworks and huge metre wide boulders - excavated from 186 Kay Road and dumped onto 144 Kay Road - cascading down the embankment. Whose expense is it for injury caused by this development and to clear this ongoing danger? This is clearly evident in the enclosed photos</p>		<p>The encroachment of development works into the neighbouring property and any safety issues arising from such is acknowledged. The Shire has received legal advice on the matter of works encroaching into a neighbouring property and advise that this is a civil matter.</p>
	<p>11. Due to the boundary fence now placed on top of the unstable earth works several metres high of the natural lay of the land, the boundary fence is collapsing after only being built a few months ago – Whose expense is it for the ongoing maintenance of the common boundary fence. This is clearly evident in the enclosed photos.</p>	<p>The earth works in the location of the boundary fence are not considered to be unstable. As noted previously, boundary fencing is not a relevant town planning matter for consideration by the Shire under Clause 67 of Schedule 2 of Deemed Provisions. This matter would be addressed separately by the owners under the <i>Dividing Fences Act 1961</i></p>	<p>Matters relating to a common boundary fence are not a consideration of this application. Common boundary fence matters are controlled by the <i>Dividing Fences Act 1961</i></p>
	<p>12. As the activities of the 186 Kay Road altered the ground levels had created the situation in which the fence no longer complies with the by - laws it is he who should pay for it to be remedied. However, from a safety viewpoint it is important to ensure</p>		<p>Matters relating to a common boundary fence is not a consideration of this application. Common boundary fence matters are controlled by the <i>Dividing Fences Act 1961</i></p>

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	that the work necessary to rectify the fencing deficiencies is carried out as soon as possible.		
	13. Due to the boundary fence now placed on top of the unstable earth works several metres high of the natural lay of the land, I am not able to have a stock proof gate on my internal paddocks as it hangs high on one side allowing stock to freely move underneath. Whose expense is it to rectify the extensive earthworks by 186 Kay Road encroaching onto 144 Kay Road impeding the daily running and maintain of my stock?		The encroachment of development works into the neighbouring property is acknowledged. The Shire has received legal advice on the matter of works encroaching into a neighbouring property and advise that this is a civil matter.
	14. (Annexure “B” of Mr Prosser’s submission Car access driveway being about 400 metres) is in fact 500 metres of which 400 metres is a 20 meter wide plateau developed from the removal of the hillside and bulldozed onto 144 Kay Road – Whose expense is it, to have the extensive earthworks running the first 500 metres, removed of 144 Kay Road and back onto 186 Kay Road?	We understand that the works undertaken within No.186 have occurred in order to repair and alter the grade of the driveway in order to make it trafficable during wetter months and to ensure stormwater runoff is contained within No.186. This is now the subject of an application for retrospective approval for consideration by Council. On this basis it is considered that the submitter’s question is premature, given that the application is yet to be determined.	The encroachment of development works into the neighbouring property is acknowledged. The Shire has received legal advice on the matter of works encroaching into a neighbouring property and advise that this is a civil matter.
	15. Extensive excavations by 186 Kay Road have affected the support to adjoining land on three properties directly. This includes the alteration of ground level which is affecting the natural drainage of water onto 105 Kay Road, 106 Kay Road and 144 Kay Road.	<p>Following discussion with Shire staff, we understand that the submitter is referring to Lot 105 (No.212) and Lot 106 (No.151) Kay Road.</p> <p>The proponent notes that during recent storm events in early July, runoff has carried material from No.186 into the road drainage network and onto adjoining properties. The proponent is removing the material from the road drainage network. He has not been made aware of any damage to adjoining properties, either by the Shire or from the property owners themselves, but would be prepared to discuss this further with the view to rectifying such damage where it can be attributed to No.186.</p> <p>As discussed previously, the intent of the works is to maintain firebreaks and direct water runoff, and they include substantial drainage infrastructure in order to retain water on the subject site. Due to the stop work order imposed on our Client, they have not completed works which would further manage drainage and erosion, such as re-vegetation. Upon completion, we are of the view that the works will manage stormwater runoff and erosion on site and contain runoff within the property, avoiding adverse impacts to adjoining properties.</p>	Stormwater management has been addressed in detail within the body of the report.
	16. Extensive excavations by 186 Kay Road have affected the general aesthetic amenity of several areas including privacy, views and traffic safety.	<p>Our Client intends to revegetate the subject site through the planting of native vegetation, as well as fruit trees and shade trees, in order to improve the visual impact of the property. This revegetation will also include planting of trees along the boundaries to ensure privacy.</p> <p>We are not of the view that the development has an adverse impact on traffic safety.</p>	Visual amenity is a consideration that needs to be made when determining the subject application. It is considered that the development in its ultimate form, which would include an expected layer of grass coverage after a full winter season, will have negligible adverse impacts on the visual amenity on the area as viewed from neighbouring properties and the public street. This could be further reinforced through the imposition of the recommended landscaping plan to provide additional visual relief.
	17. The extensive earthworks are already collapsing and the excavations need to be removed off 144 Kay Road and stabilised on 186 Kay Road against erosion by wind and water and protected from erosion through any other cause.	<p>As noted above, we understand that the submitter is referring to Lot 105 (No.212) and Lot 106 (No.151) Kay Road.</p> <p>Aside from scouring/erosion associated with runoff from recent storm events, our client is not aware of any locations where the earthworks are collapsing.</p> <p>As discussed previously, due to the stop work order imposed on our Client, they have not completed works which would further manage drainage and erosion, such as re-vegetation. Upon completion, we are of the view that the works will manage stormwater runoff and erosion on site and contain runoff within the property, avoiding adverse impacts to adjoining properties.</p>	<p>The earthworks conducted on-site are unfinished due to a Shire imposed stop work order and as such, it is difficult to determine whether the erosional impacts described by the submitter will persist if the earthworks are approved and completed. Any issues relating to works on the common boundary and within an adjoining property is a civil matter that can be resolved outside of the planning process.</p> <p>Works up to a common boundary, but within Lot 103, are required to be designed and constructed in a manner that does not adversely impact the adjoining property, such as the potential for unstable earthworks that undermines the property adjacent. If approved by Council and to ensure</p>

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			the earthworks are constructed in a manner to minimise the potential for neighbouring properties to be impacted, a condition of approval can be imposed to reflect this.
	18. Extensive excavations by 186 Kay Road have caused land to subside and significant physical change to the land with a degree of permanence on 105 Kay Road, 106 Kay Road and extensively on 144 Kay Road. This is clearly evident in the enclosed photos		It is understood the submitter is referring to Lot 105 and Lot 106 Kay Road which were subject to some erosional and silting impacts with the stormwater originating from Lot 103 Kay Road. It is understood that these impacts were a result of the works on Lot 103 being unfinished and delayed due to this application process and the stop work order imposed by the Shire. It is expected that these adverse impacts are unlikely to occur once the development is completed, if Council grant its approval. It is the ultimate development as depicted in the development plans that need to be determined by Council.
	19. In general, exposed soils, steep inclines and long slopes are affected by water runoff, with these areas prone to soil erosion. I had planned my property to minimise erosion involving techniques preventing water from gathering too much momentum such as contour banks, spur drains, cut-off drains and grassed waterways that stopped prevent erosion. These have all been removed by the extensive earthworks by 186 Kay Road on my property.		The revised drainage plan submitted by the applicant is considered to address any drainage issues that have been experienced during the construction phase of the development.
	20. The bank or excavated face has to be stabilised at an angle which is no greater than the angle of repose. (The angle of repose is the angle at which the soil will settle) and contained on 186 Kay Road not on 144 Kay Road as is the case now.	The works have resulted in the angle of repose from levelling for the driveway to be located in a portion of the adjoining property. These works were undertaken in order to control erosion and water runoff into No.144.	As the proposed works are not subject to a Building Permit, there is no certification required for the earthworks. Notwithstanding this, it is recommended that if Council approve the application a condition of approval is imposed that requires all earthworks to be stabilised to ensure that adjoining land and the Kay Road reserve is not undermined or compromised.
	21. 186 Kay Road should not have made an excavation on land abutting or adjoining a street, unless authorised under an Act to do so or unless he had first obtained a licence from the local authority and had securely fenced off the area concerned from the street which resulted in stock on 144 Kay Road having to be removed off the property for several months.	Noted. Our Client has lodged a planning application for retrospective approval to address the works undertaken.	A retrospective application for development approval has been submitted to the Shire as the development had already commenced prior to the necessary development approval being obtained.
	22. It is actually illegal to dump or disposal of tonnes of earthworks onto private land without a licence, permit or approval from the relevant authority such as the EPA or local council and as is evident 186 Kay Road has literally dumped their entire excavated hillside onto 144 Kay Road encroaching several metres onto the property and several metres in height!	The works undertaken do not constitute the dumping of earthworks onto adjoining properties, but rather they consist of the stabilisation of the exiting vehicle access in this location, in order to control erosion and water runoff. As discussed previously, due to the stop work order imposed on our Client, they have not completed works which would further manage drainage and erosion, such as re-vegetation. Upon completion, we are of the view that the works will manage stormwater runoff and erosion on site and contain runoff within the property, avoiding adverse impacts to adjoining properties.	The Shire has received legal advice on the matter of works encroaching into a neighbouring property and advise that this is a civil matter.
	23. The level area that Mr Prosser states being on the east side has extensively excavated and another plateau made that extends out over 50 metres in length and approximately 10 metres high and is a destabilised mass extruding from the landscape – 'for proposed out of site junk (concerning given how visually imposing the excavation is) shed, chooks, peacocks and duck sheds (extensive earthworks) This is clearly evident in the enclosed photos	These earthworks will be stabilised when works are completed, which will include revegetation of the surrounding area.	Any future development that is proposed on Lot 103 will require a Development Approval from the Shire. The keeping of livestock and/or poultry on a property zoned 'Agricultural Resource' does not require Development Approval from the Shire as it is a permitted and/or incidental activity. The earthworks described by the submitter are acknowledged as being visually prominent as viewed from the south. It is expected however, that the starkness of this

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			component of the works will improve once grass coverage is achieved following a full winter season.
	24. The drop from the common fence line is several metres made by this other land clearing on the common boundary with Mr Patrick's property.	The works undertaken within No.186 immediately south of No. 212 Kay Road maintain the same ground level for a depth of at least 5m .	The submitter is understood to be referring to works adjacent to the southern boundary of Lot 105 Kay Road. Officers consider that the separation distance between the works and the common boundary is acceptable, particularly as the works are not visually intrusive as viewed from Lot 105. This matter has been fully addressed within the body of the report.
	25. Mr Prosser's submission states Annexure "A" Front paddock area has several different uses – 2) horse management yards, 3) horse jumping training area, 4) new fences for horses or is it 7) two areas terraced to stop erosion for proposed fruit trees? Or is it referring to clearing several different areas at the front paddock that has already demonstrated severe run -off onto others properties with the natural vegetation being cleared of the gentle lay of the land? Could this be clarified before any more extensive earthworks are carried out or more effectively could the land be remediated given the extensive development elsewhere on the property that would not be so visually intrusive?	The front paddock area is primarily comprised of the following uses: - Horse management; - Horse jumping area; - New fencing for horses; and - Planting of fruit trees on terraced land. Erosion and water runoff will be managed through revegetation, including the planting of native vegetation, fruit trees and shade trees.	The construction of internal fences and stock yards do not require development approval from the Shire within the 'Agricultural Resource' zone. The keeping of horses and the riding/enjoyment of horses for hobby/private purposes on Lot 103 does not require development approval from the Shire. If approved, the drainage concerns raised can be suitably addressed through the construction (finalisation) of the infrastructure proposed by the development plans.
	26. Technical matters required for this report into precise statutory requirements will require the assistance of persons with the necessary engineering or architectural qualifications to truly portray the ongoing ramifications of this extensive earthmoving excavation as these observations are just what is evident in the initial few months of commencement of excavations.	Noted. It is open to the Shire to require additional information as required, should it not be satisfied with the documentation provided by the proponent.	Noted. It is recommended that if Council approve the application, a condition be imposed that requires the drainage plan to be certified by a suitably qualified engineer and for works to be conducted in accordance with that plan.
	27. THE COMMON LAW- The common law right to support of land from neighbouring land is a natural right attaching to real property, and does not need to be created by easement. The right entitles a landowner to have his land remain in a natural state unaffected by any excavation on the adjoining land. 144 Kay Road maintained a natural bush strip which has been developed and maintained for 80 years to follow the lay off the land with the fire break easing from the common boundary around to West and back to the common boundary to assist in land stabilisation and safe access along boundary.	The comments made by the submitter in paragraphs 27, 28 and 29 are not actual legislation but appear to be from a Discussion Paper prepared by the Law Reform Commission of Western Australia in September 1984. On this basis we would question the application of these comments, particularly when they do not appear to have been made by a qualified and experienced legal practitioner. Notwithstanding the above, we note that:	The Shire has received legal advice on the matter of works encroaching into a neighbouring property and advise that this is a civil matter.
	28. FALL OF SOIL-THE COMMON LAW Where an owner raises the level of his land with the result that the soil falls on the adjoining land, the owner is liable to the adjoining owner in trespass, and also probably in nuisance where the inconvenience to the adjoining owner is unreasonable and substantial. A. I have lost a substantial quantity of my land due to the extensive earthworks being dumped onto 144 Kay Road causing disreputable damage to the lay of the land by 186 Kay Road building a road encroaching onto my property on the North 500 metres of common boundary B. Diminished privacy of 144 Kay Road due to the extensive earthworks making the boundary a raised thorough fair when the original road access for 186 Kay Road followed the lay of the land around the middle of the property. C. I have also lost natural habitat and substantial trees bulldozed not only on my property but from 186 Kay Road clearing their property and pushing the vegetation 20 metres into my property. Whose expense is it, to have the extensive piles of trees dumped by 186 Kay Road onto 144 Kay Road removed? D. Ongoing earthworks are continuing to upgrade and extend the gravel road along the South 500 metres of common boundary. The lay of the land is again being raised encroaching onto my property and encasing the boundary fence in earth works two feet high rendering the fence ineffective.	<ul style="list-style-type: none">We understand that a road has existed in this location for some time, with the works undertaken in order to improve accessibility in winter and also to prevent water runoff from entering No.144;We understand that there is no recent survey of the property boundary and levels adjacent to the boundary prior to the works being undertaken, so it is not possible to confirm the extent of fill placed within No.144 nor the impact on existing trees in this location;Matters relating to the boundary fence are not a relevant town planning matter for consideration by the Shire under Clause 67 of Schedule 2 of the Deemed Provisions.	The Shire has received legal advice on the matter of works encroaching into a neighbouring property and advise that this is a civil matter. The location of an internal driveway is at the discretion of the landowner. The Shire has received legal advice on the matter of works (including tree removal and dumping on adjoining land) and advise that this is a civil matter. Matters relating to a common boundary fence are not a consideration of this application. Common boundary fence matters are controlled by the <i>Dividing Fences Act 1961</i> With regard to the damming of a natural waterway, officers note that there is a pre-existing dam within the central portion of Lot 103. The historical construction or improvements to this dam are not for consideration as part of this application. The development plans submitted do not indicate that works will encroach into Lot 1005. If works encroach within

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	<p>E. 186 Kay road has built an internal fence so has no regard for the common boundary fence which was as new.</p> <p>F. Ongoing earthworks are continuing to upgrade the new road by raising the lay of the land in the valley three metres high at the moment creating a dam on 186 Kay Road and blocking the natural water way passing through the South corner of 144 Kay Road and into 1005.</p> <p>G. According to Mr Prosser's submission (Annexure "D" Gravel and graded truck access road) the ongoing earthworks will move onto the boundary of 1005 and create the same extensive earthwork encroachments onto their property as is evident on 144 Kay Road</p>		<p>Lot 1005, this will be a civil matter between the affected parties.</p>
	<p>29. DRAINAGE-THE COMMON LAW the flow of natural drainage water may be altered by the alteration of ground levels, whether by excavation or by filling. Diversion of water onto an adjoining owner's land is actionable at common law. Whether it is actionable to add filling to one's land so as to cause subterranean water to be forced out of it onto adjoining land would appear to depend on whether or not the act of filling was a natural use of the land. It seems that filling of land in such a way as to stop the movement onto it of surface water which has fallen on adjoining land, and thereby flooding the adjoining land, is not actionable.</p> <p>A. There had been no water runoff from 186 Kay Road onto 144 Kay road as Mr Prosser states with my property being on the low side as the gentle slope and natural vegetation filtered the flow.</p> <p>B. Several cement drains have been built along the South 500 metres of common boundary directing water off 186 Kay Road directly onto 144 Kay Road with the earth works actually being carried out on my property to drain their water away. This is clearly evident in the enclosed photos</p> <p>C. The extensive earthworks need to be removed from 186 Kay Road that are redirecting the natural water way into a dam that has been created stopping the natural water way passing through the South corner of 144 Kay Road and into 1005.</p> <p>D. 186 Kay Road extensive earthworks has altered the levels of land where the drainage, or water table, of adjoining land of 144 Kay Road has been changed to affect the land detrimentally to a substantial degree to benefit 186 Kay Road substantially and financially.</p> <p>E. The spillway pipes provided for overflow water to return to the creek without causing erosion was dug up by 186 Kay Road and dumped onto 144 Kay Road as part of the extensive earthworks to heighten the lay of the land to create a dam and according to Mr Prosser's submission (Annexure "D" Gravel and graded truck access road)</p> <p>F. Prior to the damming of flow lines in 'proclaimed' water catchments, proposed works should have been referred.</p>		<p>Officers acknowledge that within the central portion of Lot 103, the natural flow of stormwater appears to flow from Lot 103 into the adjoining Lot 104. The natural flow of surface water in rural areas often crosses property boundaries. It is not considered that the natural flow of surface water from Lot 103 into Lot 104 has significantly altered as a result of the upgraded gravel access track and culverts installed to support this track. It is acknowledged however, that some erosion has occurred on Lot 104 adjacent to the common boundary fence, with stormwater originating from Lot 103.</p> <p>This issue raised is not considered to be of a scale that requires attention or can be solely attributed to the development works (gravel access track) proposed.</p> <p>The dumping of culverts onto an adjoining property is a separate matter not relevant to the application at hand.</p> <p>The works being considered for approval are those depicted in the development plans. Historical works (dam) on Lot 103 are not being considered as part of this application.</p>
	<p>30. (Clearing of Native Vegetation) Regulations 2004 only exempt clearing to the extent that the total combined clearing under any of these exemptions does not exceed one hectare in any financial year. This means if you clear to construct a building, fence, vehicle or walking track, collect firewood or to obtain fencing materials, the total area cleared for all of these purposes may not add up to more than one hectare in a financial year. Clearing land without obtaining the necessary approvals is a serious breach of the Environmental Protection Act 1986 and subject to substantial penalties.</p>	<p>Noted, however the current application for retrospective approval relates to determination under the Shire's Local Planning Scheme No.6. Any action taken under the Clearing Regulations is a separate process and not relevant to the current application</p>	<p>The matter of vegetation clearing has been reported to the Department of Water and Environmental Regulation. However, as compensation for the apparent loss of vegetation that has occurred, it is recommended that a condition of approval be imposed requiring a landscaping plan to be submitted and vegetation re-instated in accordance with that Plan.</p>
	<p>31. Native vegetation clearing, however, generally refers to any act that removes, disfigures or kills vegetation deemed indigenous to the region. Illegal clearance, then, is any such vegetative removal or destruction, or clearance that takes place without due authorisation. Environmental Protection Act 1986 (WA) one hectare. Unlawful clearing of native vegetation (s 51C) \$250,000 (individual) In Western Australia, where</p>	<p>This is not a relevant town planning matter for consideration by the Shire under Clause 67 of Schedule 2 of the Deemed Provisions.</p>	<p>The matter of vegetation clearing has been reported to the Department of Water and Environmental Regulation. However, as compensation for the apparent loss of vegetation that has occurred, it is recommended that a condition of approval be imposed requiring a landscaping</p>

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	native vegetation clearance laws are embedded within the Environmental Protection Act 1986, offenders can additionally be penalised according to the amount of harm done by the clearance (be it serious or material) and whether the act was intentional.		plan to be submitted and vegetation re-instated in accordance with that Plan.
	<p>32. It is an offence for a person responsible for work to adversely affect land beyond the boundaries without consent or court order. The extensive earthworks carried out by 186 Kay Road has continually demonstrated and will continue to if allowed Retrospective Planning:</p> <ul style="list-style-type: none"> - reduced stability, bearing capacity of the land - changing of the natural site drainage that reduces the effectiveness of the drainage on the land - Removing fences or gates on common boundaries without regard to livelihoods of adjoining land owners - the person responsible for work cannot remove a fence, gate or other barrier on or beyond the boundaries of the works land without consent or court order. The person responsible for the work must ensure that where necessary a temporary barrier is erected, which is adequate and suitable having regard to the use of that other land. <p>The person responsible for work must ensure that in doing the work a person does not go on other land without the consent of the owner of the land or a court order; except where it is necessary to prevent imminent collapse, or damage to, any land or building or structure.</p>	This is not a relevant town planning matter for consideration by the Shire under Clause 67 of Schedule 2 of the Deemed Provisions.	<p>The Shire has received legal advice on the matter of works encroaching into a neighbouring property and advise that this is a civil matter.</p> <p>It is recommended that if approved, the management of stormwater and the stability of the earthworks can be ensured through appropriate conditions of approval.</p>
	<ul style="list-style-type: none"> - 33. I am willing to work with the Shire to have 186 Kay Road remediate damage created by their extensive earthworks and mediate further property use so long as it is not encroaching on neighbouring properties in any way as set out by Policy and Procedure. 	This is not a relevant town planning matter for consideration by the Shire under Clause 67 of Schedule 2 of the Deemed Provisions.	The Shire has received legal advice on the matter of works encroaching into a neighbouring property and advise that this is a civil matter.
	<p>34. I would like the notice and request for consent form completed by the person responsible for the work and have:</p> <ul style="list-style-type: none"> - a clear description of the works proposed - a clear description of how other land will be affected and when - details of the person responsible for the work - copies of plans and specifications and any technical certificates that show how the work will affect other land - Appropriate measures must be adopted to safeguard trees and generally protect vegetation during remediation <p>There are clear timeframes for decisions to be made</p>	It is unclear what the submitter is referring to in referencing the 'notice' and consent form', as it does not appear to relate to the Shire's Local Planning Scheme No.6.	It is assumed the submitter is referring to proposed remediation on works on adjoining properties. Any agreements for remediation on adjoining properties are between the affected parties as a civil matter.
	<p>Each affected owner of other land has 28 days after the notice is given in which to respond or request further information from the person responsible for work. Where it is not clear how other land will be affected, an owner can ask the person responsible for the work for clarification and further information within the 28 day period. This may include time to discuss the proposed works in order to reach agreement. After the further information or clarification is provided, the affected owner has an additional 14 days to respond.</p> <ul style="list-style-type: none"> - https://www.commerce.wa.gov.au/building-commission/section-11-work-affecting-other-land 	This is not a relevant town planning matter for consideration by the Shire under Clause 67 of Schedule 2 of the Deemed Provisions.	It is understood the submitter is referring to the <i>Building Act 2011</i> . As no structures are proposed, the provisions of the building act do not apply. Furthermore, issues relating to any remediation of adjoining properties is a civil matter, and not for consideration as part of this application.
	The Supreme Court has confirmed that planning approvals issued under section 164 of the Planning and Development Act 2005 for already existing uses do not retrospectively approve those developments. Approval is only from the date of the grant of the section 164 planning approval. This confirmation is significant because it means that even after the granting of a section 164 planning approval there is an offence period between when the unauthorised development commenced and the day before it was approved via the issue of an approval for an already existing use. Therefore local governments retain the option to prosecute for this period of time –	<p>We would question the comments relating to decisions made by the Supreme Court, particularly when they do not appear to have been made by a qualified and experienced legal practitioner.</p> <p>It is acknowledged that the granting of retrospective planning approval does not alter the ability for the Shire to commence prosecution action against a landowner for undertaking development without first obtaining Planning Approval.</p>	Noted.

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	even if that prosecution is commenced after the grant of planning approval for the use (providing that the limitation period for the commencement of a prosecution has not been breached).		
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5th August 2019

Executive Manager Developmental Services: Peter Stuart

Senior Planner: Jake Whistler

Shire of Chittering

PO Box 70

Bindoon WA 6502

chatter@chittering.wa.gov.au

Dr Bronwyn Copestake

Property Owner: 151 Kay Road

Bindoon WA 6502



**RE: RETROSPECTIVE APPLICATION FOR EARTHWORKS AND DRAINAGE INFRASTRUCTURE
LOT 103 (RN 186) KAY ROAD BINDOON**

To whom it may concern,

On visiting my property at 151 Kay Road Bindoon it was noted that after a recent rainfall event significant soil erosion and runoff from the adjacent property of Lot 103 (RN 186) had occurred due to ongoing construction and earthworks. This has resulted in infrastructure damage to fences, mud slides into my paddock and mud and silt accumulation in the drains, waterways and dam. The dam water is now unusable for both household and stock water due to the high silt and clay content.

I would like to bring to the attention of the council the immediate and long-term economic and environmental damage and reduction of property value that has occurred due to ongoing works on Lot 103 (RN186).

As noted from the council meeting minutes from 20th February 2019:

5.2.5 Relevant Considerations

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

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

The earth works that are ongoing on Lot 103 (RN 186) have and are currently causing significant soil erosion and environmental damage which are impacting my property.

Triple Bottom Line Assessment

Economic implications

Large scale improvements to private property such as is the case on Lot 103, offers opportunities for local contract businesses to engage in local work, providing indirect economic benefits to the Shire.

The loss of stock water due to the silting up of the dam from muddy runoff has an immediate economic impact on livestock grazing and management and has seen a reduction in the property value with the loss of a water source.

Social implications

The construction phase of any landform alterations includes unsightly earthworks which can be regarded as visually offensive to nearby landowners. The ultimate development is not expected to have an extensive visual impact that could affect the character of the area and impact the amenity and the lives of the nearby landowners.

The earthworks on Lot 103 (RN 186) are currently impacting the amenity and the lives of the nearby landowners. Down-stream effects of soil erosion have had a permanent impacted both visually and economically with the silting up of waterways, reduction of water quality and the loss of a water source.

Environmental implications

Earthworks on steep slopes has the potential to create soil erosion and land degradation issues. The earthworks proposed on Lot 103 in conjunction with the drainage infrastructure and land contour is considered to reduce the likelihood of erosion and land degradation occurring.

The potential for the earthworks to create soil erosion and land degradation has been realised with both immediate and ongoing impacts with mud deposition in paddocks and waterways and the silting up of a down-stream dam and subsequent loss of stock water.

Dam on Lot 151 Kay Rd: 27th July 2019



Dam on Lot 151 Kay Rd: 10th February 2015



Mud and silt deposition in waterways and paddocks on 151 Kay Road: 27th July 2019



Mud and silt deposition in waterways and paddocks on 151 Kay Road: 27th July 2019



Blocked drain. Kay Road: 27th July 2019

I hope these matters can be resolved, and damage redressed.

Regards
Bronwyn Copestake

Schedule of Modifications Shire of Chittering Local Planning Strategy (LPS)

No.	Page & Section	Modification	Comment
Part One: Local Planning Strategy			
1	Page 6 Population and settlement	<p>Insert the following additional paragraph at the end of Population and settlement:</p> <p><i>The Muchea townsite is located near the Ellen Brook, with low lying areas crossed by minor tributaries and drains. There is no licensed water or sewerage service to the town, and over time, this has increased the nutrient load to the Ellenbrook catchment. Much of the town is designated as ‘sewerage sensitive’, meaning that the environment is fragile, and should not be subject to increased nutrient loads, typically from unsewered residential development and keeping of stock. In order to preserve the health of the local environment and water catchment, the strategy recommends that subdivision and development be limited, which is in accordance with the Government’s sewerage policy.</i></p>	The Strategy needs to outline the limitations for growth at the Muchea townsite in the short to medium term.
2	Page 7 Figure 15 – Regional Context Map	Modify Figure 2 to remove reference to “Figure 15” and show the location of Bindoon, Lower Chittering and Muchea.	
3	Page 8 Transport	<p>Include the following text at the end of the first paragraph:</p> <p><i>Freight rail infrastructure extends in a north-south direction abutting Brand Highway in Muchea, which may provide for localised use by individual developers.</i></p>	To strengthen acknowledgement of freight based industry, and the existence of rail infrastructure in the Shire.
4	Page 9 Biodiversity and conservation and throughout	<p>Modify the first sentence of the second paragraph as follows:</p> <p><i>The Shire’s Local Biodiversity Strategy, adopted by Council in 2010, identified areas of indicative high conservation value and associated targets to increase protection.</i></p> <p>Ensure that the indicative nature of the “high conservation value areas” is reflected throughout the document (including maps).</p>	In reference to the fact that the Shire intends to review the Local Biodiversity Strategy (2010), and to address submissions which note the high-level manner (desktop analysis) in which the Local Biodiversity Strategy was originally prepared.
5	Page 9 Biodiversity and conservation	<p>Insert the following additional paragraph after the second paragraph:</p> <p><i>The high conservation value areas were identified via aerial imagery and desk-top analysis with the assistance of the Chittering Landcare Group. Where landowners are impacted by indicative high conservation value status areas and believe the designation to be inaccurate, site-specific investigations should be sought to confirm the presence of valuable ecological communities. Investigations should be undertaken prior to the submission of applications which result in significant</i></p>	To provide clarity and conflict resolution outcomes for land owners impacted by indicative high conservation value areas.

No.	Page & Section	Modification	Comment
		<i>land use change. However, where a change in the conservation designation does occur, this does not imply that rezoning, subdivision or development is suitable or consistent with this strategy.</i>	
6	Page 11 Water supply and wastewater disposal	Modify the first sentence of the first paragraph through the addition of the following text: <i>However, traditional forms of servicing are no longer favoured as they can be inefficient as they may increase nutrient loads to sensitive environments.</i>	To address matters relating to sewerage sensitivity, particularly in Muchea.
7	Page 11 Water supply and wastewater disposal	Include the following additional sentence at the end on the final paragraph: <i>All water supply and wastewater servicing is to be provided consistent with government legislation and policy.</i>	To address matters relating to sewerage sensitivity, particularly in Muchea.
8	Page 11 Rural land use	Re-order the text to express the development intent for land north of Bindoon, and for the south of the Shire to be the focus of land use change and development.	To address the nature of settlement change in the Shire, noting that growth shall generally be accommodated in the southern areas.
9	Page 12 Industrial land use	Delete third paragraph and replace with the following: <i>In order to support development of the MIP, the strategy seeks to limit the introduction of further sensitive land uses within one kilometre of the MIP, to allow the Park to be developed with a range of industrial uses, and to ensure that any amenity impacts from the MIP do not affect sensitive land uses. Detailed planning for the MIP, as well as construction of NorthLink is underway, which is expected to result in development of industrial operations within the MIP.</i>	To address public submission and clarify the current status of the 1km buffer area which already contains some historically established sensitive land uses.
10	Page 12 Tourism and recreation	Delete the third paragraph as replace with the following: <i>The Local Planning Strategy supports tourism uses within all zones, where appropriate, except the industry zones. This shall be implemented via update of the Shire's planning scheme.</i>	To reflect the Shire's desire to facilitate tourism land uses in the local area.
11	Page 14 Basic raw materials	Reorder this section to link paragraphs two and four, and clarify text in relation to extraction as follows: <i>Identification of basic raw materials does not presume that extraction will occur. The Local Planning Strategy provides for proposals for basic raw material extraction to be considered in relation to likely impacts on natural areas, residential amenity, compatibility with existing land uses, and impacts on landscape character.</i>	To clarify the Strategy's intent when identifying and discussing basic raw materials their extraction.

No.	Page & Section	Modification	Comment
12	Page 15-17 Vision & strategic direction	<p>Modify section in accordance with the marked 'tracked changes' version of the advertised strategy as follows:</p> <ul style="list-style-type: none"> Rename section – '<i>Vision & strategic intent of the strategy</i>'; Immediately following the table insert text that encapsulates the strategic intent of the strategy regarding: <ul style="list-style-type: none"> Settlement planning Economic development Environmental protection 	To clearly articulate the purpose and intent of the Strategy.
13	Page 18 3.1.1 Townsites Objective 1	<p>Modify strategy (b) to read as follows:</p> <p><i>Encourage Provide 'fit for purpose' potable water and wastewater services to townsites future development, in accordance with applicable State policy.</i></p>	To be consistent with the draft Government Sewerage Policy.
14	Page 18 3.1.1 Townsites Objective 1	<p>Modify strategy (c) to state:</p> <p><i>To protect the local environment, only consider development within the Muchea townsite where it is demonstrated that development will not adversely affect the environment, in accordance with the Government Sewerage Policy.</i></p>	To ensure consistency with legislation and policy, while also providing flexibility for appropriate proposals.
15	Page 18 3.1.1 Townsites Objective 1	<p>Include the following additional action:</p> <p><i>v) Amend the scheme to reflect suitable lots sizes for future subdivision and development in the Muchea townsite consistent with State policy.</i></p>	To ensure consistency with legislation and policy, while also providing flexibility for appropriate proposals.
16	Page 20 3.1.2 Residential Objective 1	<p>Delete action (iii) and replace with the following:</p> <p><i>Support reconfiguration of the Maryville precinct to allow for residential development where supported by investigations to address urban water management, servicing, and bushfire management.</i></p>	Supports the provision of a community hub to service Maryville which is required to cater for a significant portion of the Shire's growth. Importantly, also provides incentive for connection to critical essential services as they become available.
17	Page 21 3.1.3 Rural living Objective 2	<p>Delete all under Objective 2 and replace with the following:</p> <p><i>Objective</i> <i>2) Provide for limited rural residential development outside of designated precincts only where it is of demonstrated benefit to the environment and improves bushfire management.</i></p>	To provide clarity on the matters being considered by the objective, which is to allow for rural living outside of the designated precincts only as it is depicted on the strategy map, and only where it facilitates the conservation of identified land parcels.

No.	Page & Section	Modification	Comment
		<p>Strategy</p> <p>a) Support the rezoning of land for ‘Rural Residential’ in locations indicated on the Local Planning Strategy Map (Figure 1) where it results in the provision of land for ‘Environmental Conservation’, and where road access for emergency services can be provided.</p> <p>Action</p> <p>i) Rural residential proposals which result in the rezoning of land for ‘Environmental Conservation’ as identified on the Local Planning Strategy Map (Figure 1) must include statutory requirements for ongoing protection, including conservation covenants.</p> <p>ii) Ensure that future rural residential development is accommodated within existing cleared areas.</p> <p>iii) Construction of access roads for bushfire safety will be required at the first stages of subdivision.</p>	
18	Page 22 3.2.2 Water supply and wastewater disposal Objective 1	<p>Include the following additional actions:</p> <p>iii) Implement Better Urban Water Management, including the preparation of Urban Water Management Plans (UWMP), for all new non-residential proposals.</p> <p>iv) Support and encourage land use proposals which seek to implement conservation and efficiency measures to reduce demand on surface and groundwater resources.</p>	To address submissions and ensure consistency with State policy.
19	Page 23 3.2.2 Water supply and wastewater disposal Objective 2	<p>Include the following additional action:</p> <p>iv) Support and encourage residential development with ‘fit for purpose’ infrastructure, provided it is in keeping with environmental, safety and public health standards.</p>	All development should seek to reduce its dependence on traditional water sources where possible. This new action is consistent with advice provided by the Department of Water and Environmental Regulation.
20	Page 24 3.3.1 Biodiversity conservation Objective 2	<p>Renumber, re-order and amend text, in accordance with the marked ‘tracked changes’ version of the advertised strategy, to address the status of the Local Biodiversity Strategy (2010) as being subject to review — and to include the following new strategies (a) and (b):</p> <p>a) Undertake a review of the Local Biodiversity Strategy to provide for the retention of high conservation value environments.</p>	In reference to the fact that the Shire intends to review the Local Biodiversity Strategy (2010), and to address submissions which note the high-level manner (desktop analysis) in which the Local Biodiversity Strategy was originally prepared.

No.	Page & Section	Modification	Comment
		b) Where supported by the Local Biodiversity Strategy (as updated), amend the scheme the provide protection for land with high conservation value.	
21	Page 27 3.3.4 Rural land use Objective 1	Include the following additional action: vi) Identify land to the west of the Muchea Industrial Park for 'agri-business', to capitalise on rural businesses that need good access to freight and logistics.	To address submissions and ensure that flexibility is provided to allow for appropriate 'agri-business' land uses to take place.
22	Page 29 3.3.5 Catchment management Objective 1	Amend action (vi) is to reference the "Muchea Regional Water Management Strategy" , and add new action (vii) as follows: vii) Amend the scheme to require subdivision in Muchea to accord with Government Sewerage Policy.	To address matters relating to the local water catchment, particularly in the vicinity of the Muchea townsite.
23	Page 30 3.3.6 Basic raw materials Objective 1	Modify action (ii) to read as follows: Amend the Local Planning Scheme No.6 by replacing removing the existing 'Basic Raw Materials' Special Control Area (SCA), and introduce new scheme with new controls for 'significant geological supplies'. areas that make reference to the Local Planning Strategy Map (Figure 1) and allow for the extraction of the resource prior to other development occurring.	To ensure no conflict with the strategies and actions for the development of the Muchea Industrial Park.
24	Page 30 3.3.6 Basic raw materials Objective 1	Include the following additional action: viii) establish a framework to resolve anomalies between 'significant geological supplies' mapping and 'on the ground' conditions	To ensure no conflict with the strategies and actions for the development of the Muchea Industrial Park.
25	Page 30 3.3.7 Mining Objective 1	Delete action (i) and replace with the following actions, and renumber all actions thereafter: i) Insert the land use term 'Mining Operations - minerals to owner' into the scheme and list as an 'X' use within all zones in the zoning table. ii) Insert the land use term 'Mining Operations – Mining Act 1978' into the scheme and list as an 'A' use within all zones in the zoning table. iii) Insert a clause under Part 4 - General Development Requirements of the scheme to clarify the Shire's intent, in considering proposals to commercially extract minerals, to exercise its discretion to inform the Minister for Mines 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.	<p>The Shire has been consistent in its approach to protecting its unique rural landscape qualities, particularly around the Chittering and foothills areas. Assigning 'mining operations – minerals to owner land' an 'X' use supports the Shires intent to reduce the ability for mining to impact the local landscape.</p> <p>Assigning 'Mining Operations' as an 'A' use does not prohibit mining on land where the Mining Act 1978 applies, but will provide the Shire to opportunity engage the both the Minister for Mines</p>

No.	Page & Section	Modification	Comment
			and Petroleum and the Minister for Planning where concerns arise.
26	Page 31 3.4 Economy	<p>Include the following text after the second paragraph: <i>Tourism is expected to become a more significant contributor to the local economy and is strongly supported by the Shire. To accommodate its growth and to encourage the creation of tourism related-businesses, land use controls will be made more flexible, particularly in the townsite of Bindoon and for complementary tourism-related land uses on rural land.</i></p> <p><i>It is important that LPS 6 (and future schemes) promotes flexibility and helps to facilitate the growth of the tourism sector.</i></p>	The Shire's objective to further tourism development is supported. Accordingly, the identification of tourism as a potential growth industry and economic driver and the Shire's support for the sector should be further detailed in the Strategy.
27	Page 31 3.4.1 Rural land Objective 1	Delete strategy (b).	Strategy more appropriately relates to part 3.3.2 – Industrial land use.
28	Page 32 3.4.1 Rural land Objective 2	<p>Amend Objective 2 statement as follows: <i>Preserve 'Rural' zoned land for rural and compatible non-rural land uses.</i></p>	To provide clarity, and ensure flexibility for the consideration of other uses on rural land — particularly tourism uses.
29	Page 32 3.4.1 Rural land Objective 2	Delete strategy (b).	Strategy more appropriately relates to part 3.3.1 - Biodiversity conservation.
30	Page 32 3.4.1 Rural land Objective 2	<p>Insert new strategy (b) as follows: <i>Promote the development of an agricultural industry precinct able to capitalise on strategic road and rail linkages.</i></p>	To allow for rail based industries connecting to the RAV10 road network in the vicinity of Muchea.
31	Page 32 3.4.1 Rural land Objective 2	Delete action (v).	The Shire has already undertaken this action.
32	Page 32 3.4.1 Rural land Objective 2	<p>Insert new action (v) as follows, and renumber all following actions: <i>Provide for limited industrial uses in the 'Agricultural Resource' zone where they are wholly related to primary production, or solely reliant on multimodal transport connections.</i></p>	To allow for rail based industries connecting to the RAV10 road network in the vicinity of Muchea.
33	Page 32 3.4.2 Industrial land use Objective 1	<p>Modify Strategy (a) as follows: <i>Make Muchea Industrial Park a focus for industrial development, and prevent it in other locations.</i></p>	To provide flexibility for the consideration of appropriate land uses, particularly 'agri-business' uses.

No.	Page & Section	Modification	Comment
34	Page 32 3.4.2 Industrial land use Objective 1	Insert new Strategy (b) as follows: <i>Provide opportunities for living and working on the same property by combining compatible rural enterprise uses and housing, provided the uses are carefully planned, in general proximity to settlement areas, serviced, and have design features that address buffers and amenity.</i>	To provide flexibility to consider proposals for 'rural enterprise' land uses into the future.
35	Page 32 3.4.2 Industrial land use Objective 1	Delete action (iv).	This action becomes redundant with the inclusion of new strategy (b) and new action (v).
36	Page 32 3.4.2 Industrial land use Objective 1	Include the following additional action: <i>v) Introduce the 'Rural Enterprise' zone to the scheme when a suitable site has been planned and identified.</i>	To provide flexibility to consider proposals for 'rural enterprise' land uses into the future.
37	Page 32 3.4.2 Industrial land use Objective 2	Delete Objective 2 and integrate with Objective 1.	The strategies and actions under this objective can be appropriately addressed under one single Objective.
38	Page 33 3.4.3 Tourism and recreation Objective 1	Modify the Strategy (b) as follows: <i>Encourage tourist uses within the 'Agricultural Resource' zone (i.e. chalets, hobby wineries, farmers markets etc) all zones, except industrial zones, where they can be compatible with surrounding uses.</i>	To provide flexibility to support tourism throughout the Shire.
39	Page 33 3.4.3 Tourism and recreation Objective 1	Add the following new Strategy (d): <i>Encourage diversification of agricultural activities by permitting ancillary and incidental uses, such as home businesses, farm stalls, cellar doors, farm stays, bed and breakfasts and tourism.</i>	To provide flexibility to support tourism throughout the Shire.
40	Page 33 3.4.3 Tourism and recreation Objective 1	Modify Action (i) to read as follows: <i>Amend the Local Planning Scheme No. 6 to support tourist developments in the 'Agricultural Resource' zone that are compatible with the landscape setting and take account of bushfire risks, servicing and environmental conditions.</i>	To provide flexibility to support tourism throughout the Shire consistent with modified strategy (b).
41	Page 33 3.4.3 Tourism and recreation Objective 1	Include the following additional action (iv) and renumber all thereafter:	Provides flexibility when considering tourism proposals on rural land.

No.	Page & Section	Modification	Comment
		<i>Rural zones should be flexible to accommodate appropriate tourism uses to enable farmers to diversify their activities to ensure sustainable development of the Shire.</i>	
42	Page 33 3.4.3 Tourism and recreation Objective 1	Delete Action (vi).	Consistent with Shire's recommended modifications, allowing for it to control tourism land uses through its own flexible means.
43	Page 34 3.4.3 Tourism and recreation Objective 2	Include new Strategy (b) as follows: <i>Encourage active and adventure based recreation and tourism proposals, including mountain bike riding and walking.</i>	To support the Shire's intent to encourage additional recreation opportunities.
44	Page 34 3.4 Economy	Insert new item 3.4.4 Local heritage as follows: Objective 1) <i>Recognise the importance of heritage to the tourism economy.</i> Strategy a) <i>In accordance with Schedule 2, Part 3, clause 8 of the Regulations, establish a list of places and areas of significance in which development will be subject to assessment in terms of its impact on the heritage values of the place or area.</i> b) <i>Recognise and take into account sites of Aboriginal heritage significance in the consideration of rezoning, subdivision and development in both the urban and rural locations.</i> c) <i>Apply design standards and guidelines to encourage retention and enhancement of local character that will contribute to a sense of place and community identity.</i> d) <i>Review relevant policies to ensure that they encourage appropriate, complementary and sustainable development.</i> Actions i) <i>Review the current local planning policies and design guidelines for heritage places</i> ii) <i>Explore opportunities to add tourism value to existing heritage structures, where appropriate and applicable.</i> iii) <i>Use placemaking strategies to help inform social heritage, places and themes.</i>	To address the submissions and recognise the importance of local heritage as an economic draw.

No.	Page & Section	Modification	Comment
45	Page 35 3.5.2 Bindoon Objective 1	Include new Strategy (f) as follows: <i>Encourage tourism and related developments in the Bindoon Townsite zone and adjacent areas.</i>	To provide flexibility to support tourism throughout the Shire.
46	Page 35 3.5.2 Bindoon Objective 1	Delete Action (ii) and replace with the following: <i>Prepare a Place Action Plan for Binda Place and the main street area in conjunction with the community to activate and improve the area.</i>	Consistent with the Shire's recommended modifications, which provide for a collaborative development approach with local community input.
47	Page 35 3.5.2 Bindoon Objective 1	Delete Action (ix).	Action refers to development along Great Northern Highway which, over time, is likely to be less severely impacted by road traffic due to the construction of the Bindoon Bypass. The action has been deemed unnecessary.
48	Page 36 3.5.3 Lower Chittering Objective 1	Delete Action (i) and replace with the following: <i>Support reconfiguration of the Maryville precinct to allow for residential development where supported by investigations to address urban water management, servicing, and bushfire management.</i>	Providing for the growth of the Maryville locality is logical acknowledging that the current scheme already facilitates the development of a small local centre. Increased density will facilitate the development of the centre and is supported by surrounding land uses, including the school. Proposals shall still be required to be supported by sufficient information to address bushfire and servicing.
49	Page 38 3.5.5 Muchea Industrial Park Objective 2	Include new strategy (b) as follows: <i>Seek to limit the introduction of sensitive land uses within the nominal one kilometre buffer shown on Figure 1 which could be affected by industrial development in the Muchea Industrial Park.</i>	Ensures that the intent to provide a buffer to industrial land uses is made clear, while also allowing for flexibility in its implementation.
50	Page 38 3.5.5 Muchea Industrial Park Objective 2	Amend action (i) as follows: <i>When At structure planning are prepared stage, identify regionally significant vegetation and environmental assets and provide for their its reservation in Local Planning Scheme No. 6.</i>	To provide clarity and ensure that all It is significant vegetation is considered as part of the planning process for the Muchea Industrial Park.
51	Page 38	Include the following as an additional action and renumber actions thereafter:	To ensure that industrial land uses are recognised as requiring protection from

No.	Page & Section	Modification	Comment
	3.5.5 Muchea Industrial Park Objective 2	iii) Ensure land use conflicts are avoided by implementing land use buffers in accordance with State Planning Policy 4.1 – Industrial Interface and Figure 1.	the encroachment of vulnerable land uses.
52	Page 38 3.5.6 Muchea townsite Objective 1	Move Action (i) and make Strategy (b).	This action is more appropriate as a higher level strategy outcome as it addresses the need for action to take place to protect the environment.
53	Page 38 3.5.6 Muchea townsite Objective 1	Replace Action (i) with the following: Rezone the Muchea townsite to provide for subdivision and development in keeping with Government Sewerage Policy to protect the environmental values of the locality.	This is consistent with the draft Government Sewerage Policy, reflecting the existing limitations for onsite sewerage to service the locality without detrimental on the environment and community health.
54	Page 38 3.5.6 Muchea townsite Objective 1	Delete Action (iii).	This action becomes redundant following modification item 53 (above).
55	Page 39 3.5.6 Muchea townsite Objective 2	Delete Action (v) and replace with the following: Plan and establish a functional drainage network for the Muchea townsite consistent with State Planning Policy 2.9 – Water Resources and better urban water management principles.	Ensures that better urban water management is a matter for consideration in the planning process if development is provided for in the future.
Part Two: Background and Analysis			
56	Page 53 3.4 Other State Government policies	Amend the text to provide the additional following “policies, plans and guidelines”: <ul style="list-style-type: none"> Guidance for the Assessment of Environmental Factors No. 3 – Separation Distances between Industrial and Sensitive Land Uses, and Guidelines for the Separation of Agricultural and Residential Land Use 	These guiding instruments are important to the consideration of planning proposals in the context of the locality.
57	Page 53-54 4.1.1 Population growth	Update text to reflect the latest population figures provided by the WA Tomorrow Population Report No.11, as marked in the ‘tracked changes’ version of the advertised strategy, and replace the population forecast graph with that provided.	To ensure population data and trend analysis is accurate.
58	Page 65 4.3.5 Wetlands and waterways	Insert the following text after the final paragraph: The Western Swamp Tortoise (<i>Pseudemydura umbrina</i>) is listed as endangered under the Commonwealth’s Environment Protection and Biodiversity Conservation Act 1999. The Environmental Protection Authority’s Environmental	To address comments provided by the Department of Water and Environmental Regulation.

No.	Page & Section	Modification	Comment
		<i>Protection (Western Swamp Tortoise Habitat) Policy 2011 was developed to protect the known habitat of the Western Swamp Tortoise but also affirms the commitment to the protection of habitat suitable for the reintroduction and survival of wild populations of the Western Swamp Tortoise and to prevent further degradation of that habitat. Their location within the Mogumber Lake Wannamal Nature Reserve has been identified as requiring identification and protection as shown in Figure 7.</i>	
59	Page 71 4.4.2 Water supply and wastewater disposal	Delete the final sentence of paragraph 7 and insert the following: <i>Accordingly, this strategy has been prepared on the basis that reticulated water and sewerage services will not be available to the townsite in the short to medium term.</i>	To back-up detail included to guide development of the Muchea townsite under Part 1 of the Strategy.
60	Page 77 4.7.2 Built heritage	Amend final paragraph as follows: <i>The Shire encourages residents and visitors to visit these places to learn about the region's history. The Shire's Municipal Heritage Inventory is the main reference document for the identification of places with heritage significance. Updating of the Shire's Municipal Heritage Inventory is ongoing. State Planning Policy 3.5 - Historic Heritage Conservation will be referenced in assessment and guidance for the identification, planning and management of places of historic heritage significance.</i>	To benefit readability and clarity, and to reflect the advice of DPLH – Heritage.
General amendments			
61	Throughout	Minor editorial changes as shown in the attached 'tracked changes' version of the advertised strategy to address: <ul style="list-style-type: none"> • consistency with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>; • consistency of themes, objectives, strategies and actions; • accuracy of information; • the responsibilities of the Shire vs. the responsibilities of developers and landowners; • clarity of wording; and • naming conventions. 	See track changed document.
62	Throughout	Re-number, re-order and remove duplication throughout the document as necessary, and where marked in the 'tracked changes' version of the advertised strategy.	See track changed document.
Strategy Maps/Figures			
63	All figures where relevant	Include the word indicative in the legend to refer to " indicative high conservation value area ".	To be consistent with the Local Biodiversity Strategy

No.	Page & Section	Modification	Comment
64	All figures where relevant	Delete “ proposed road ” and replace with the known alignment of the Great Northern Highway/Bindoon Bypass.	To be consistent with now know alignment.
65	Figure 1 Local Planning Strategy Map	Modify text in legend as follows: Rural Environmental Conservation	To ensure consistency with the model scheme text.
66	Figure 1 Local Planning Strategy Map	Amend the Strategy Map to depict the nominal 1000m industrial buffer to the Muchea Industrial Park.	To provide for future planning to limit the encroachment of sensitive land uses consistent with draft SPP 4.1.
67	Figure 4 Bushfire Risk Management	Show critical strategic bushfire linkage across Lot 9602 Guernsey Rise, Chittering	To ensure that the strategic importance of this linkage to allow for egress from Maryville in a bushfire emergency is identified.
68	Figure 9 Basic raw materials	Delete reference to ‘Clay’.	Clay is not the only material available for extraction from the locations indicated.
69	Figure 10 Mineral resources and rights	Delete the term “ Strategic mineral ” in the legend and replace with ‘ indicative mineral deposit ’.	To clarify the status of the minerals as known to exist rather than risk suggesting that they are of strategic importance.

DRAFT

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Executive Summary

The Shire of Chittering (the Shire) Local Planning Strategy establishes direction for future population growth and sets out broad strategies and actions for housing, industrial and business uses. It also outlines settlement pattern, as well as environmental protection and bushfire risk management (**Figure 1**).

It has been prepared to guide future land use planning and decision making, and to provide the rationale for land use and development controls to be included in the Shire's local planning scheme.

The Local Planning Strategy comprises two parts:

Part One – Local Planning Strategy sets the vision and strategic directions for land use and development, and outlines objectives, strategies, policies and actions to achieve the Shire's vision.

Part Two – Background Information and Analysis includes detailed background information and analysis to support the strategies and actions detailed in Part One.

The strategic intent of the Local Planning Strategy is to '*Conserve and Consolidate*'. That is, to '*conserve*' its natural areas and rural character, and to '*consolidate*' future development in areas where infrastructure and services are available.

The Strategy seeks to provide for the majority of development activity in Bindoon and south, and to consolidate the northern portion of the Shire for primary production.

Local Planning Strategy – Part 1 (the Strategy)

The need for the strategy – key issues

As one of the fastest growing peri-urban local governments, the Shire will continue to face a complex range of land use planning issues. These are :

Population and settlement

The Shire currently has three main population centres: Bindoon, Lower Chittering and Muchea (**Figure 2**). The Shire's population is approximately 5,526 (2016) and is projected to grow by as much as 2.3% per annum, to 7,610 people by 2031. . Most of the population growth can be accommodated within existing areas zoned for rural residential, residential and townsite purposes. The Local Planning Strategy does not factor growth in Muchea and seeks to provide additional land at Bindoon and Reserve Road to cater for expected growth.

Several sites have been identified as potentially suitable for rezoning to accommodate future housing, subject to more detailed planning.

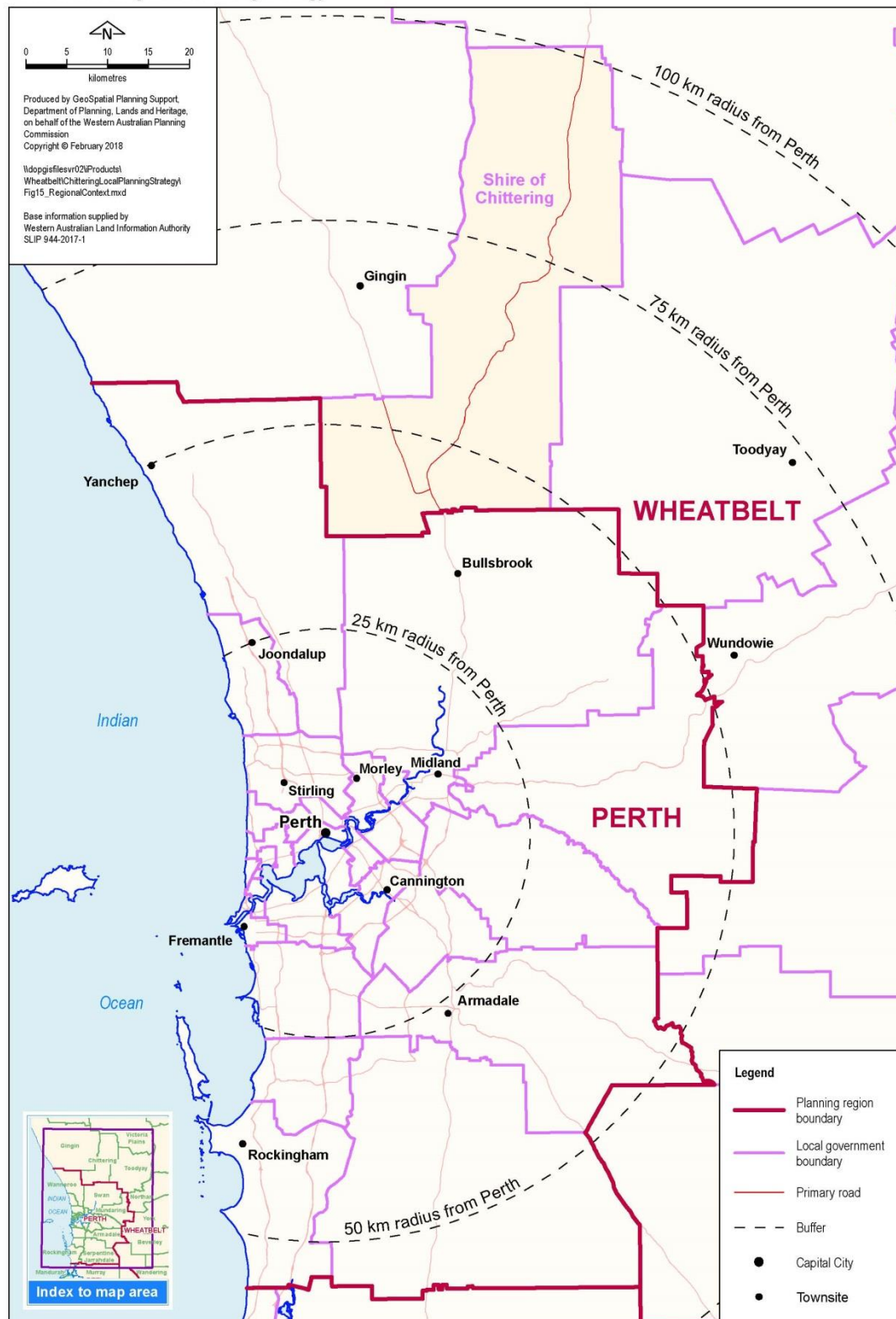
Planning is underway to establish a new residential area on Reserve Road for roughly 240 dwellings, north of Muchea, although the majority of future housing will be focused in the Bindoon townsite, connected to essential infrastructure and services. It is expected that smaller residential lots will be developed, to support the viability of infrastructure provided. Lower Chittering is anticipated to reach its capacity for rural living development in the next 10 years.

The development of a village centre in Maryville is intended to provide recreation, retail and tourism facilities in Lower Chittering. Ongoing upgrades to telecommunications infrastructure are planned to support lifestyle and commercial activities within the Shire.

The Muchea townsite is located near the Ellen Brook, with low lying areas crossed by minor tributaries and drains. There is no licensed water or sewerage service to the town, and over time, this has increased the nutrient load to the Ellenbrook catchment. Much of the town is designated as 'sewerage sensitive', meaning that the environment is fragile, and should not be subject to increased nutrient loads, typically from unsewered residential development and keeping of stock. In order to preserve the health of the local environment and water catchment, the strategy recommends that subdivision and development be limited, which is in accordance with the Government's sewerage policy.

Shire of Chittering draft Local Planning Strategy

Shire of Chittering Local Planning Strategy



Regional context

Figure 15

Figure 2: Regional context

Ageing population

The Shire has an ageing community. A statistical analysis has found that 20% of the Shire's ageing population (over 65 years) is located in Bindoon. This growing trend is typical across the Wheatbelt region, with one in three people being in the over 65 age group (WAPC, 2015).

An ageing population will increase the demand for social services and for services such as public transport, age-friendly recreation and leisure, and affordable housing and accommodation. Although there is a current shortfall in aged facilities and accommodation in the Shire, Bindoon has recently improved its facilities with the development of the Chittering Community Medical Centre, and additional aged accommodation and associated community facilities are to be built next to the medical centre.

The Local Planning Strategy seeks to encourage provision of aged persons accommodation and facilities, so that the aged community can remain in the Shire, and to as an attractor for people wishing to retire to the area. A lifestyle village is planned for the Bindoon townsite, as it has consolidated services and reduced vulnerability to bushfires.

Transport

The Shire comprises of mostly local roads, with the exception of Great Northern Highway, Brand Highway and Bindoon-Mooro Road, which are controlled by Main Roads Western Australia. Freight rail infrastructure extends in a north-south direction abutting Brand Highway in Muchea, which may provide for localised use by individual developers.

Three major State level transport projects are underway in the Shire: NorthLink – construction of a new dual carriageway highway from Morley to Muchea, with Stage 3 (Ellenbrook to Muchea) impacting on the Shire; Great Northern Highway upgrade – Perth to Darwin (Muchea to Wubin); and the Bindoon Bypass. It is envisaged these projects will increase the freight and logistics sectors, boosting economic opportunity.

The NorthLink project will reduce travel time between the north-eastern metropolitan area and the Shire, with an estimated travel time of twenty five minutes from Morley to Muchea. NorthLink is expected to stimulate industrial development in the Muchea Industrial Park and to reduce the commute time, attracting new residents looking for a tree-change from city living and to reside in more affordable areas closer to their place of work.

The deviation of Great Northern Highway around Bindoon on its western side will define a new western boundary for Bindoon's residential development. The reduced freight traffic through Bindoon will support development of a safer, more pedestrian-friendly precinct. However,

there is potential for the highway deviation to negatively impact on local businesses in Bindoon. Accordingly, both the *Bindoon Deviation Strategy* (2017) and the Bindoon Masterplan have been prepared by the Shire in an attempt to counteract some of the possible negative impacts on the Bindoon townsite and to encourage a more improved townsite for the future, such as tourism based opportunities. The Local Planning Strategy carries over these principles.

Biodiversity conservation

The Shire is rich in biological diversity, containing habitat for rare and threatened species and communities. Approximately, 10% of the Shire's native vegetation is formally protected in conservation reserves.

The Shire's Local Biodiversity Strategy, adopted by Council in 2010, identified areas of indicative high conservation value and associated targets to increase protection. Some private properties containing high conservation value areas may be suitable for future zoning to Environmental Conservation. Other areas may be a priority for acquisition by the State government, for the protection of nationally significant environmental values.

The high conservation value areas were identified via aerial imagery and desk-top analysis with the assistance of the Chittering Landcare Group. Where landowners are impacted by indicative high conservation value status areas and believe the designation to be inaccurate, site-specific investigations should be sought to confirm the presence of valuable ecological communities. Investigations should be undertaken prior to the submission of applications which result in significant land use change. However, where a change in the conservation designation does occur, this does not imply that rezoning, subdivision or development is suitable or consistent with this strategy.

Future development is to be located in existing cleared areas, to ensure the retention of as much native vegetation as possible. The Local Planning Strategy contains development incentives where proposals have a demonstrated conservation outcome. The Biodiversity Strategy is set to be reviewed in the 2018/19 financial year, ensuring the Local Planning Strategy is commensurate with the Shire's biodiversity values.

Catchment management

The Shire contains a large portion of the Ellen Brook and Brockman River Catchments, both major contributors of nutrients to the Swan River. Protecting the wetlands of the Palusplain and the Ellen Brook waterway, is a priority of the Local Planning Strategy. Impact from stock

is a major cause of introduction of nutrients to the catchment in parts of Lower Chittering and Muchea, and nutrient management should be encouraged in these sensitive areas.

An existing challenge for the Muchea precinct, which is classified as a *sewage sensitive locality* under the draft State Government sewerage policy, results from a traditionally high water table. The impact of on-site wastewater disposal, and the impacts that stock has on soil, water and vegetation, require careful attention and management. In particular, the keeping of stock needs to be restricted and managed in sensitive catchments, including around wetlands. Priority waterways and wetlands have been identified in the Strategy for special consideration when future land use and development proposals are being assessed.

Landscape protection

The Shire's natural and rural character is highly valued by the community. The Local Planning Strategy aims to protect rural and natural landscape character by recommending a number of planning measures that largely focus on the viewsheds (or visible land) seen from important travel routes used by the general community. These are areas where future development is more likely to have a significant visual impact.

The newly-defined viewsheds will replace the current Landscape Protection Special Control Areas in the local planning scheme. Future proposals should be accompanied by visual impact assessment information undertaken in accordance with State guidance. Consideration will need to be given to siting and screening developments that may be visible from Great Northern Highway and the Chittering tourist way, or located within the undulating landscape between these routes. Outside these areas, visual impact assessment will also be required for future proposals that are likely to have a significant visual impact. Measures to mitigate impacts could include siting and screening of development to minimise visibility from roads.

While views from the proposed Great Northern Highway bypass route need to be considered, this area is not as sensitive to community scrutiny as the other routes because it is intended for use primarily by heavy, commercial vehicles.

Bushfire risk management

The entire Shire has historically been designated as bushfire prone by the Fire and Emergency Services Commissioner. Planning for bushfires is complex and must occur at each stage of the planning process.

Biodiversity and bushfire management have both been identified as priorities for the Shire and

should be considered on balance. The Shire's recently-endorsed Bushfire Management Plan for the whole Shire aligns with its Local Biodiversity Strategy.

There are some sites that were previously zoned, where lot yields may need to be reduced in order to accommodate bushfire protection without impacting on native vegetation. Areas proposed for future zoning are located in areas that do not require clearing of native vegetation.

The strategy proposes rounding off the rural residential area in Lower Chittering to improve access for emergency evacuation. Vulnerable uses such as schools, aged accommodation and childcare, amongst others, are to be located within existing townsites. Contributions towards fire-fighting infrastructure, such as evacuation centres, community water tanks and fire-fighting equipment, could be considered for future development areas impacted by bushfire risk.

Water supply and wastewater disposal

Bindoon townsite is the only area in the Shire with a water supply scheme operated by the Water Corporation. While planning remains ongoing for the Reserve Road locality, existing potable water services are limited and there is no sewerage service in the Shire.

Most residents of the Shire, including some in Bindoon, are required to manage their own water supply and wastewater services through traditional means such as individual rainwater tanks, household bores, septic tanks and leach drains.

However, in some areas, traditional forms of servicing are no longer favoured as they may increase nutrient loads to sensitive environments. Parts of the Shire, such as Lower Chittering and Muchea, are prone to waterlogging, which in part is due to a high water table and poor soil profiles. Waterlogging can result in increased release of nutrients into waterways.

While there are no plans for reticulated sewerage services to the Shire in the foreseeable future, the Shire and development industry will need to be satisfied that alternative fit-for-purpose water and wastewater systems can be implemented without negatively affecting the environment or public health. All water supply and wastewater servicing is to be provided consistent with government legislation and policy.

Rural land and land uses

The Shire is predominantly rural, and its proximity to the Perth metropolitan region provides significant opportunities for agricultural production and value-adding. It is a productive agricultural producer, with established citrus, poultry, horticulture (including viticulture) and livestock industries. Rural land is a significant economic and cultural asset which the Local Planning Strategy seeks to preserve.

North of Bindoon, the strategy proposes to adopt a 'business as usual' approach, with an emphasis on retaining rural land for primary production, which includes a diverse range of land uses including cultivation, aquaculture, tree farms, and extractive industries.

The Local Planning Strategy therefore focusses on Bindoon and the area to its south. It deals with conversion of rural land industrialisation, rural living developments and diversification of land uses.

Where rural land is retained, the strategy seeks to promote the use of rural land in accordance with sustainable natural resource management practices, and primacy of primary production, with non-agricultural uses located in designated areas.

The existing 'Agricultural Resource' zone has the largest variety of permitted land uses of all the planning scheme zones. While this is deliberate, and seeks to diversify the Shire's economic base, the intention is to direct industrial uses to the Muchea Industrial Park, and promote a variety of land uses, such as tourism opportunities, agri-businesses, hobby farms, and land uses and developments that are related to, and compatible with, primary production.

Industrial land use

Historically, the Shire has had no significant land areas allocated for industrial/light industrial land uses. As a result, rural land has been used for industrial uses such as transport depots and warehouse/storage uses.

In 2011, the Western Australian Planning Commission released a structure plan for the Muchea Industrial Park (MIP) an area of approximately 1150ha of 'Agricultural Resource' land in Lower Chittering/Muchea at the junction of Great Northern Highway and Brand Highway. With Stage 1 of the MIP now zoned and with subdivision approval, the strategy seeks to direct industrial land uses to the Park, and preserve rural land for uses associated with primary production, while retaining the Shire's natural and rural landscape character and rural amenity.

In order to support development of the MIP, the strategy seeks to limit the introduction of further sensitive land uses within one kilometre of the MIP, to allow the Park to be developed

with a range of industrial uses, and to ensure that any amenity impacts from the MIP do not affect sensitive land uses. Detailed planning for the MIP, as well as construction of NorthLink is underway, which is expected to result in development of industrial operations within the MIP.

Tourism and recreation

The Local Planning Strategy seeks for the Shire's future economic development and growth to include tourism. The Shire has a picturesque rural landscape character that is close to major tourism markets in Perth, and with good access from an attractive State tourist drive. Citrus orchards and vineyards provide local produce in wayside stalls along major roads, and the Bindoon Bakehaus provides a popular lunch-time destination. The Shire benefits from its close proximity to the metropolitan area especially to the Swan Valley, and from its location along the route to New Norcia, a popular day-trip destination.

Rural retreat-style accommodation and facilities linked to vineyards and orchards attract visitors, and the Shire has developed a trails-network masterplan (2012) to link these.

The Local Planning Strategy supports tourism uses within all zones, where appropriate, except the industry zones. This shall be implemented via update of the Shire's planning scheme.

The strategy supports Eco-tourism focused development and 'paddock-to-plate' tourism, along with recreational tourism. There is potential for further tourist development that capitalises on the Shire's significant natural and rural assets. The provision of additional interpretive signage, walk-trails, lookouts and roadside stopping places would enhance tourists' visits to the Shire, encouraging a longer stay. In addition, opportunities are being explored relating to the use of the Bindoon Hill (also known as "Parkinson's Hill"; also known as "Red Hill") for tourism and other associated activities. The Shire's *Trails Master Plan 2013-2023* provides valuable guidance in this regard. Once the Bindoon heavy haulage bypass road has been constructed, Bindoon's town centre has the potential to become an attractive hub for the Chittering valley area.

Basic raw materials

The Shire's basic raw materials comprise of gravel for roads and sand and clay for construction. Clay deposits are confined to the Darling Scarp, and is commercially extracted in the southern part of the Shire.

The protection of basic raw materials is provided for under the Western Australian Planning Commission's State Planning Policy. In keeping with State policy, the Local Planning Strategy secures basic raw materials and provides for their extraction, where impacts can be managed.

Identification of basic raw materials does not presume that extraction will occur. The Local Planning Strategy provides for proposals for basic raw material extraction to be considered in relation to likely impacts on natural areas, residential amenity, compatibility with existing land uses, and impacts on landscape character.

Historically, land that had been previously extracted for basic raw materials has not been rehabilitated, resulting in large voids being left on agricultural land throughout the Shire. In addition to this, significant vegetation has been cleared to extract basic raw materials. Since the previous strategy was developed, the Shire has implemented a local planning policy on basic raw materials (LPP no.10) and Local Law (2014), however, further controls and guidance for basic raw material extraction is required to promote better outcomes.

Mining

The Shire contains important geological resources – mineral sands on the coastal plain, and bauxite on the Darling Plateau. This is shown on **Figure 10**. These resources are important contributors to the economy of the Shire and the State.

While mining is generally managed through the *Mining Act 1978* (the Mining Act), the Shire has a historical legacy that applies to minerals located on private land that was granted from the Crown before 1899. Commonly referred to as 'mineral to owner' land, there is potential for these proposals to be controlled via the the *Planning and Development Act 2005*.

At present, the Shire's established planning framework does not distinguish between the two different forms of mining. The Local Planning Strategy seeks to clarify the role of land use planning, and sets out to identify areas where 'mineral to owner' land is likely to exist.

1 Introduction

The Shire of Chittering Local Planning Strategy outlines Council's vision for the region (**Figure 1**). It has been prepared to guide land use planning and decision making, providing the Shire rationale for zoning, and land use and development controls, to be included in the Shire's local planning scheme.

Part One (this part) of the strategy sets the vision and strategic directions for land use and development and outlines the objectives, strategies and actions required to achieve the vision. Part Two of the strategy provides detailed background information and analysis to support the objectives, strategies and actions in Part One.

Local planning strategies are provided for under Part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations). In accordance with Regulation 11 clause 2, a Local Planning Strategy must:

- (a) Set out the long-term planning directions for the local government;
- (b) Apply any State or regional planning policy that is relevant to the strategy; and
- (c) Provide the rationale for any zoning or classification of land under the local planning scheme.

2 Vision & strategic intent of the strategy

The vision and strategic direction for the Local Planning Strategy have been adopted from the 2016 review of the Shire of Chittering's Strategic Community Plan, which outlines the local community's vision and aspirations to guide the Shire's decisions.

The vision for the Shire of Chittering is:

'Living, working and playing in our friendly, thriving, diverse and well-connected community, in harmony with our natural environment.'

To achieve this vision, Council is committed to a number of strategic directions linked to the outcome areas of: Our Community, Natural Environment, Built Environment, Economic Growth, and Strong Leadership. **Table 1** outlines the Strategic Community Plan outcome areas and strategic directions, and the corresponding sections in the Local Planning Strategy.

The strategic intent of the Local Planning Strategy is to ‘**Conserve and Consolidate**’. That is, to ‘**conserve**’ its natural areas and rural character, and to ‘**consolidate**’ future development in areas where infrastructure and services are available, and primary production to the north.

Table 1: Strategic Community Plan - outcome areas and strategic directions	Local Planning Strategy
1. Our Community: ‘An inclusive, active, safe and healthy community for all to enjoy.’	Planning Precincts
1.1 Active and supported community - Our communities will have services and facilities within their local community hubs. 1.2 Strong sense of community - Our communities will be cohesive and connected through engagement, interaction and participation. 1.3 Safe and healthy community - Our future generations will be healthy and feel safe in their community.	> Bindoon > Lower Chittering > Reserve Road > Lower Chittering
2. Natural Environment: ‘A protected and bio-diverse environment, which the community and tourists enjoy in a well-managed, respectful manner.’	Natural Resource Management
2.1 Protected environment - Our local diversity will be valued, protected and promoted as unique and valuable. 2.2 Sustainable resources - Energy and water are valued with a focus on improved water and energy use. - Waste is reduced and valued through recycling and reuse. 2.3 Protection of life and property - Bush fire management and mitigation is a high priority.	> Biodiversity conservation > Visual landscape protection > Rural land use > Catchment management > Bushfire management > Basic raw materials / mining
3. Built Environment: ‘Well planned built landscapes that are progressive, vibrant, diverse, and reflect the Shire’s unique country lifestyle.’	Settlement, Infrastructure
3.1 Development of local hubs - Development of town centres with improved access to housing, services and facilities. 3.2 Safe access - Diversity of transport modes. 3.3 Improved amenities - Focus on improved asset management.	> Townsites/precincts > New residential > Transport > Water supply and sewerage
4. Economic Growth: ‘Thriving, sustainable and diverse economic investments and employment opportunities, from cottage to large-scale industry.’	Economy

<p>4.1 Economic growth</p> <ul style="list-style-type: none"> - Provision of future local employment. - Maintain strong agriculture-core. <p>4.2 Local business growth</p> <ul style="list-style-type: none"> - Local businesses are supported. <p>4.3 Increased visitors</p> <ul style="list-style-type: none"> - Visitors are welcome to stay and recreate. - Improved environmental access as places to visit. 	<ul style="list-style-type: none"> > Rural land > Industrial land use > Tourism and recreation > Basic raw materials / mining
<p>5. Strong Leadership: 'A responsive and empowering Council, which values consultation, accountability and consistency.'</p>	<p>Vision and strategic direction</p>
<p>5.1 An engaged community</p> <ul style="list-style-type: none"> - The community feels actively involved. <p>5.2 Strong partnerships and relationships</p> <ul style="list-style-type: none"> - Working with stakeholders to build strong and sustainable relationships and to ensure the best use of Shire resources. <p>5.3 Accountable governance</p> <p>Good governance which supports efficient and effective service delivery.</p>	<ul style="list-style-type: none"> > Land use planning process

The Local Planning Strategy:

1. seeks for the majority of future residential development to occur in and around Bindoon and at 'Reserve Road'. Some development is provided for in Lower Chittering where it is 'rounding off' existing rural residential estates and where environmental and bushfire management benefits are demonstrated. No additional residences are planned for Muchea due to catchment management issues.
2. From an economic perspective, the strategy seeks to secure the northern portion of the Shire for primary production, and also activate rural areas with tourism development and diversified primary production land uses. The major economic and employment driver is the Muchea Industrial Park, which is expected to experience development in the life of the strategy.
3. From an environmental perspective, the strategy seeks to build on the Shire's Biodiversity strategy, and protect the iconic biodiversity assets of the Shire, which also securing important landscapes and rural amenity. Catchment management is also an important part of the strategy, particularly in and around the Ellen Brook and associated wetlands.

3 Objectives and actions of the strategy

This section outlines the Shire's planning strategies relating to the broad themes of settlement, natural resource management, infrastructure and economy. It also includes additional strategies for planning precincts around Bindoon townsite, Lower Chittering, Reserve Road, Muchea Industrial Park, and Muchea townsite, shown on Figure 11.

3.1 Settlement

The Shire's settlement strategies relate to the townsite of Bindoon, the new residential area planned for Reserve Road, and future planned rural living areas (Figure 3).

The Shire aims to accommodate most of its future population growth within the Bindoon townsite and Reserve Road precinct. Therefore, limited additional land has been identified, apart from areas identified in the Local Strategy Map (Figure 1).

3.1.1 Townsites

Objective

- 1) Focus residential development in areas with essential infrastructure and access to community facilities and services.

Strategy

- a) Focus growth in Bindoon townsite as the primary town centre in the Shire.
- b) Encourage 'fit for purpose' potable water and wastewater services to future development, in accordance with applicable State policy.
- c) To protect the local environment, only consider development within the Muchea townsite where it is demonstrated that development will not adversely affect the environment, in accordance with the draft Government Sewerage Policy.

Actions

- i) Maintain and expand the area in which density bonuses apply to incentivise higher density development within the 'Bindoon townsite water supply area' as shown on the Local Planning Strategy Map (Figure 1).
- ii) Support structure planning, subdivision and development of existing 'Townsite' zoned land within Bindoon.
- iii) Where consistent with State policy, support structure planning and rezoning of additional land within the 'Bindoon townsite expansion area' for residential purposes, as shown on the Local Planning Strategy Map (Figure 1).

- iv) Undertake investigations to identify 'fit for purpose' potable water and wastewater services, including alternative systems by licenced service providers.
- v) Amend the scheme to reflect suitable lots sizes for future subdivision and development in the Muchea townsite consistent with State policy.

Objective

- 2) Provide a range of housing options suitable for expected demographic changes.

Strategy

- a) Provide higher density residential lots to accommodate smaller households and low maintenance properties.
- b) Promote efforts to increase housing affordability and diversity of housing stock.
- c) Encourage greater rental accommodation and public housing.

Actions

- i) On the eastern side of Bindoon townsite, where the Local Planning Scheme allows for R10/30, seek connection to sewer or other similar package treatment facility to provide for density and manage wastewater disposal.
- ii) Progress the provision of lifestyle based housing in Bindoon.
- iii) Work with the agency responsible for public housing to improve supply in the Bindoon townsite.

Objective

- 3) Improve interconnectivity of the Bindoon townsite.

Strategy

- a) Improve connection between west and east sides of Bindoon townsite.
- b) Limit townsite development west of the Bindoon bypass.

Actions

- i) Progress planning for the Bindoon townsite to address improved pedestrian connections and streetscape design following completion of the Bindoon bypass.
- ii) Rezoning, subdivision and development of land for residential purposes will not be supported in areas alienated from the Bindoon townsite due to the alignment of the Bindoon bypass.

3.1.2 Residential

Objective

- 1) Provide future residential development in areas that have access to essential infrastructure and community facilities and services.

Strategy

- a) Direct future development to Bindoon townsite and Reserve Road precinct.

- b) New residential areas are to reflect the Shire's sense of place through design guidelines.
- c) Support community facilities and opportunities for the future development of small-scale commercial premises.

Actions

- i) Explore density bonuses to incentivise higher density development in future development areas identified on the Local Planning Strategy Map (**Figure 1**) where essential infrastructure and services can, and will be, provided.
- ii) Support the creation of residential lots in areas that can be serviced by water and wastewater infrastructure.
- iii) Support reconfiguration of the Maryville precinct to allow for residential development where supported by investigations to address urban water management, servicing, and bushfire management.
- iv) Explore partnerships between stakeholders to provide community facilities and services in new residential areas.

3.1.3 Rural living

Objective

- 1) Consolidate rural living development within the Bindoon, Lower Chittering, and Reserve Road precincts through 'rounding off' consistent with the Local Planning Strategy Map (**Figure 1**).

Strategy

- a) Consolidate existing rural living estates and provide for limited additional development, where proposals demonstrate and achieve improved environmental, bushfire and landscape outcomes.
- b) Provide for district level community facilities.

Actions

- i) Introduce a 'Rural Residential' coding mechanism and new schedule in the local planning scheme, including site-specific provisions that deal with vegetation, visual landscape, catchment management, bushfire risk etc.
- ii) Rezoning and subdivision of rural land for rural living purposes will only be supported in areas identified on the Local Planning Strategy Map (**Figure 1**).
- iii) Rural living development is to demonstrate appropriate means of on-site wastewater disposal, having regard to land capability (i.e. soil profiles and depth to groundwater) and sewage sensitive areas.
- iv) All new development is to be accommodated on existing cleared land and must not impact on bushland. The level of clearing required to minimise bushfire risk is to be consistent with the conservation intent of the Local Planning Strategy, as well as relevant State Planning Policies.

- v) Support the clustering of development (e.g. grouping of lots to minimise overall development footprint) as a means of reducing environmental impacts.
- vi) Future development is to contribute to the desired strategic road network, to support community bushfire safety in terms of access and egress (**Figure 4**).
- vii) Support the development of the proposed Maryville village centre in Lower Chittering, incorporating recreation, tourism and retail services, as identified on the Local Planning Strategy Map (**Figure 1**).

Objective

- 2) Provide for limited rural residential development outside designated precincts only where it is of demonstrated benefit to the environment and improves bushfire management.

Strategy

- a) Support the rezoning of land for 'Rural Residential' in locations indicated on the Local Planning Strategy Map (**Figure 1**) where it results in the provision of land for 'Environmental Conservation', and where road access for emergency services can be provided.

Actions

- i) Rural residential proposals which result in the rezoning of land for 'Environmental Conservation' as identified on the Local Planning Strategy Map (**Figure 1**) must include statutory requirements for ongoing protection, including conservation covenants.
- ii) Ensure that future rural residential development is accommodated within existing cleared areas.
- iii) Construction of access roads for bushfire safety will be required at the first stages of subdivision.

3.2 Infrastructure

The Shire's infrastructure strategies relate to transport, potable water and 'fit for purpose' wastewater supplies.

The Shire's existing transport network comprises road and rail (**Figure 5**). Great Northern Highway operates as the Shire's spine, extending from the City of Swan and continuing north past Wannamal. With the exception of Great Northern Highway, Brand Highway and Bindoon-Moorra Road, most roads within the Shire are locally controlled. With the introduction of NorthLink and other road upgrade projects, it is expected that the Shire will become more accessible, leading to increased demand for investment in the freight and logistics sector,

amongst associated industries.

At present there is no reticulated sewerage service in the Shire and scheme water is restricted to Bindoon. Drinking water is typically obtained from traditional water supplies, such as rainwater and household bores, and on-site wastewater is disposed of through primary and secondary means. The absence of essential services presents challenges for infill development.

3.2.1 Transport

Objective

- 1) Manage impacts of the upgraded road network by leveraging opportunities from improved network access to metropolitan centres.

Strategy

- a) Minimise the noise and visual impacts of key road projects through land use planning processes.

Actions

- i) Require planning proposals for land adjoining highways or significant viewing routes (Figures 2 and 6) to provide information on noise and visual impacts and propose measures to address these, such as through siting and vegetation screening.
- ii) Prepare and/or undertake planning studies to facilitate the establishment of improved access and infrastructure in Bindoon townsite.

3.2.2 Water supply and wastewater disposal

Objective

- 1) Ensure appropriate servicing in non-residential areas.

Strategy

- a) Facilitate industrial development that provides for a range of uses and improves environmental conditions.
- b) Serviced new development is to be commensurate with intended land use(s) and environmentally acceptable.

Actions

- i) Require planning proposals to demonstrate acceptable means of wastewater disposal, stormwater management and drainage, and water supply (including potable and non-potable).
- ii) Limit expansion of development where land use results in adverse impacts to biodiversity, groundwater and surface water values.
- iii) Implement Better Urban Water Management, including the preparation of Urban Water Management Plans (UWMP), for all new non-residential proposals.
- iv) Support and encourage land use proposals which seek to implement conservation and

efficiency measures to reduce demand on surface and groundwater resources.

Objective

- 2) Ensure appropriate servicing in residential areas.

Strategy

- a) Ensure connection to reticulated water and wastewater, where available.

Actions

- i) Residential proposals are to be connected to reticulated water and sewerage. Where it is demonstrated that services are not available, development is to be serviced by appropriate 'fit for purpose' systems in accordance with State policy.
- ii) Implement Better Urban Water Management, including the preparation of Urban Water Management Plans (UWMP), for all new residential proposals.
- iii) Amend the Local Planning Scheme's 'water supply' rainwater tank calculation to reflect WAPC rural guidelines.
- iv) Support and encourage residential development with 'fit for purpose' infrastructure, provided it is in keeping with environmental, safety and public health standards.

3.3 Natural resource management

The Shire of Chittering's natural resource management strategies relate to biodiversity conservation, visual landscape protection, bushfire risk management, rural land use, catchment management, and basic raw materials and mining.

3.3.1 Biodiversity conservation

Objective

- 1) Retain the Shire's natural character and sense of place.

Strategy

- a) Maximise the retention of native vegetation across the Shire.

Actions

- i) Future development is to be located in existing cleared areas to ensure the retention of as much native vegetation as possible.
- ii) Proposals to rezone vegetated areas for future development will not be supported, except where identified in the Local Planning Strategy Map ([Figure 1](#)).
- iii) Structure plans, subdivision and development applications are to address native vegetation retention for biodiversity conservation and amenity, including retention of individual trees at first stages.
- iv) Clustered style developments in existing developed areas are preferred.

- v) Where appropriate, retaining vegetation in road reserves and retaining slower speed limits where upgrading would entail widening and vegetation loss.

Objective

- 2) Formally protect areas of high conservation value, as provided for by the Local Biodiversity Strategy (2010) (as updated).

Strategies

- a) Undertake a review of the Local Biodiversity Strategy to provide for the retention of high conservation value environments.
- b) Where supported by the Local Biodiversity Strategy (as updated), amend the scheme to provide protection for land with high conservation value.
- c) Subject to on site investigations, protect high conservation value areas from proposals to clear vegetation (Figure 7).
- d) Encourage tourism based land-uses that are compatible with biodiversity conservation values.

Actions

- i) Reserves containing high conservation value areas (Figure 7) are to be reclassified specifically for conservation purposes in the local planning scheme and reserve management orders.
- ii) Introduce the model 'Environmental Conservation' zone to the Shire's Local Planning Scheme.
- iii) Where appropriate, ensure the formal protection of high conservation value areas by zoning for 'Environmental Conservation' and implementing land use control mechanisms such as conservation covenants.
- v) Planning proposals affecting native vegetation and containing 'indicative high conservation value areas' are to be assessed against the Biodiversity Strategy's biodiversity protection and retention targets (as updated).
- vi) Where appropriate, support the creation of suitably shaped lots within areas identified for 'Environmental Conservation' having regard to the adequacy of the lot size to retain significant conservation values in perpetuity, and suitability of the balance lot for continuation of rural land uses.
- vii) Acknowledge State government acquisition of properties containing high conservation value areas for future incorporation into conservation reserves and seek to add value to this process.
- viii) Provide information to landowners regarding opportunities to protect and manage high conservation value areas on private land, such as conservation covenants and the Land for Wildlife program.
- ix) Consider introducing programs for rate rebates and grants to support the voluntary protection and management of high conservation value areas on private land.

- x) Within high conservation value areas, development applications for basic raw materials extraction (including 'Significant Geological Supplies') will not be supported.
- xi) Explore opportunities for formal protection of high conservation value areas when considering applications for basic raw materials extraction on adjoining cleared land.

Objective

- 3) Conserve threatened species and communities, identified by the *Environmental Protection Biodiversity Conservation Act 1999* and *Wildlife Conservation Act 1950*.

Strategy

- a) Retain and protect habitat for threatened species and/or communities through land use planning processes.

Actions

- i) Planning proposals affecting native vegetation are to be accompanied by information from vegetation, flora, fauna and habitat surveys undertaken in accordance with Federal and State policy guidance.
- ii) Apply formal mechanisms for the retention and protection of threatened ecological communities and/or threatened species habitat in planning and decision making.
- iii) Habitat retention and protection requirements are to be determined at rezoning, or at the next stage of planning if land is already zoned for development.
- iv) Land that contains threatened species and/or communities is to be ceded for conservation at first stage of subdivision.

3.3.2 Visual landscape protection

Objective

- 1) Protect valued visual landscape character.

Strategy

- a) Protect rural and natural landscape character along important travel routes.
- b) Ensure development is carefully managed in significant viewsheds.

Actions

- i) Within mapped 'significant road viewsheds' and the 'Lower Chittering hills' (Figure 6), development is to be avoided if it will be visible or will dominate the landscape, depending on the type of development and the sensitivity of the location. Consideration will be given to the capacity of existing or proposed vegetation to screen development from view.
- ii) Planning proposals are to appropriately demonstrate potential visual impacts, assessed in accordance with State guidance.
- iii) In the Shire's Local Planning Scheme, delete the existing 'Landscape Protection' Special Control Area and introduce new scheme controls for visual landscape protection that

make reference to the Local Planning Strategy.

- iv) Introduce new controls including permissibility of non-agricultural uses, requirements for setbacks and screen planting, and avoidance of sensitive locations such as the skyline, ridgelines, ridge sides and other elevated areas.
- v) Develop a visual landscape protection local planning policy to provide guidance on location, siting and design, including mechanisms such as setbacks and screen planting, to protect rural landscape character.
- vi) Ensure continuity of approach between the City of Swan for the protection of scenic views along Chittering Valley Tourist Way, State tourist route no.395.
- vii) Outside of highlighted areas on **Figure 6**, rural character and amenity is not to be adversely impacted upon.

3.3.3 Bushfire risk management

Objective

- 1) Avoid development in areas of extreme bushfire risk.

Strategy

- a) Ensure that clearing required to manage bushfire risk is consistent with conservation intent of the Local Planning Strategy.
- b) Ensure subdivision design responds to site and landform conditions.

Actions

- i) Land use intensification will be considered only for areas shown on the Local Planning Strategy Map (**Figure 1**) and highlighted on the Bushfire Risk Management Map (**Figure 4**).
- ii) Lot yield and layout are to reflect bushfire risk, with future development located within existing cleared areas to avoid impacts on native vegetation. Clustering of smaller lots may be considered.
- iii) Planning proposals are to be accompanied by appropriate information addressing bushfire hazard and mitigation measures in accordance with State Policy.
- iv) Vulnerable land uses such as aged care housing are to be located within serviced settlement areas with low bushfire risk.
- v) Amend the Local Planning Scheme - Zoning Table - to exclude 'Family Day-care' from all zones except 'Townsite', 'Residential' and 'Rural Residential' and list as an 'A' use within these zones.
- vi) Remove local planning scheme provisions that duplicate Schedule 2 Part 10A of the Deemed Provisions.

Objective

- 2) Improve bushfire management infrastructure.

Strategy

- a) Guide planning for improved access and water supply arrangements to establish strategic fire-fighting operations.

Actions

- i) Planning proposals are to improve access and egress outcomes, as highlighted on the Bushfire Risk Management Map (**Figure 4**) and on advice from the Shire and the State department responsible for fire response and emergency services.
- ii) In consultation with landowners and the State department responsible for bushfire response and emergency services, develop strategic fire breaks in identified high-risk areas, to provide secondary emergency access and egress for 2WD vehicles.
- iii) Identify opportunities for development contributions towards upgrades and provision of bushfire management infrastructure when scheme amendments, structure plans and subdivisions are considered.

3.3.4 Rural land and land uses

Objective

- 1) Promote the sustainable use of rural land for a range of compatible uses.

Strategy

- a) Ensure rural land continues to cater for primary production.

Actions

- i) Normalise the 'Agricultural Resource' zone in the Local Planning Scheme to reflect the model 'Rural' zone provisions in the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).
- ii) Normalise the 'Rural Retreat', 'Rural Smallholdings' and 'Rural Conservation' zones in Local Planning Scheme No.6 to reflect the model zone provisions in the Regulations.
- iii) Update Local Planning Scheme No.6 by introducing 'Rural Home Business' as a permissible land use within the 'Agricultural Resource' zone.
- iv) Amend Local Planning Scheme No.6 to allow for 'Rural Pursuit/Hobby Farm' in the 'Agricultural Resource' zone, and change the permissibility of 'Cemetery' land use in the 'Agricultural Resource' zone from 'P' to 'A' use.
- v) Encourage activation of the rural zone by providing for tourism opportunities, consistent with State policies and local strategies.
- vi) Identify land to the west of the Muchea Industrial Park for 'Agri-business', to capitalise on rural businesses that need good access to freight and logistics.
- vii) Remove industrial uses, which are not compatible with primary production, out of the 'Agricultural Resource' zone.

Objective

- 2) Prevent the fragmentation and/or loss of agricultural land.

Strategy

- a) Limit further subdivision of rural land.

Actions

- i) Future rezoning to 'Rural Smallholdings' in order to facilitate subdivision of rural land will not be supported.
- ii) Rezoning of land zoned 'Agriculture Resource' to 'Rural Residential' or 'Residential' development will be considered only for suitable areas, as identified on the Local Planning Strategy Map (Figure 1).
- iii) Ensure appropriate buffers are maintained between rural and residential areas, in order to support the continuation of important rural land uses.

Objective

- 3) Promote sustainable agricultural land management.

Strategy

- a) Reduce nutrient export and land degradation by carefully managing land use in catchment areas.

Actions

- i) Amend Local Planning Scheme No.6 to include reference to land capability and stocking rates for development in the 'Rural Residential', 'Rural Smallholdings' and 'Rural Retreat' zones, to reflect State policy and guidelines.
- ii) Implement mechanisms to limit land degradation, including informing property owners of the need for development approval to keep livestock in rural living zones (Rural Pursuit/Hobby Farm).
- iii) The use of appropriate stock fencing may be a condition of approval where natural areas are to be retained and/or protected.
- iv) Review local planning policies relating to agricultural and rural land use, including Local Planning Policy No.24 'Stocking Rates and Keeping of Animals', to ensure consistency with this strategy.

3.3.5 Catchment management

Objective

- 1) Improve the health of Ellen Brook and Brockman river catchments.

Strategy

- a) Protect priority waterways and wetlands identified on the Local Planning Strategy Map (Figure 8).
- b) Manage nutrient export and land degradation.

Actions

- i) Identify opportunities to incorporate priority waterways and wetlands into the local reserve system.

- ii) Ensure appropriate setbacks of development from wetlands and waterways based on site-specific assessments undertaken in accordance with State guidelines.
- iii) Introduce provisions to Local Planning Scheme No.6 to control land use and development near priority waterways and wetlands and within priority catchments (Figure 8).
- iv) Review the boundaries, and identify ways to strengthen and consolidate provisions of the 'Ellen Brook Palusplain' Special Control Area (SCA) in Local Planning Scheme No.6. Consider expanding the SCA to include other parts of the Ellen Brook catchment.
- v) Within the Ellen Brook SCA, development should only be approved where it can be demonstrated that it does not add to the nutrient load in the catchment.
- vi) Implement recommendations of the Ellen Brook Catchment Water Quality Improvement Plan (2009), Muchea Employment Node Structure Plan (2011), Muchea Regional Water Management Strategy, and best available information, including monitoring of on-site wastewater disposal systems and management of stocking restrictions.
- vii) Amend the scheme to require subdivision in Muchea to accord with the draft Government Sewerage Policy.
- viii) Amend Local Planning Scheme No.6 to make 'Grouped Dwelling' a discretionary ('D') use in the Muchea 'Townsite' zone.
- ix) Review Local Planning Policy No.2 - 'Muchea Village', to ensure consistency with this strategy, Local Planning Scheme No.6, and best available information.
- x) Encourage innovative design for stormwater management in accordance with State guidelines.
- xi) Require the ceding of land for 'conservation' reserves, generally at first stages of subdivision.

3.3.6 Basic raw materials

Objective

- 1) Secure the extraction of basic raw materials, including 'significant geological supplies'.

Strategy

- a) Establish a clear framework guiding the extraction of basic raw materials.
- b) Minimise impacts of basic raw materials extraction on the Shire's natural areas and rural character.

Actions

- i. Protect significant geological supplies areas identified on the Local Planning Strategy Map (Figure 1) and Basic Raw Materials Map (Figure 9), unless technical information demonstrates that the resource is not of sufficient quality.
- ii. Amend the Local Planning Scheme by replacing the existing 'Basic Raw Materials'

- Special Control Area (SCA) with new controls for 'significant geological supplies'.
- iii. Identify land uses that would be appropriate within designated buffers to 'significant geological supplies' areas, to address amenity impacts.
 - iv. Outside of 'significant geological supplies' areas, basic raw materials extraction and associated infrastructure is not to be visible along significant travel routes, near Bindoon townsite, or other sensitive locations as identified by the Shire.
 - v. Ensure staged rehabilitation of extraction sites occurs, so that they are visually acceptable and able to be utilised for future rural purposes.
 - vi. Review the Shire's Extractive Industries Local Law and Local Planning Policy No. 10 to ensure consistency with this Strategy.
 - viii) establish a framework to resolve anomalies between SGS mapping and 'on the ground' conditions

3.3.7 Mining

Objective

- 1) Establish the Shire's mining jurisdiction by planning for and identifying 'mineral to owner' land (Figure 10).

Strategy

- a) Recognise the Shire's historic legacy of 'mineral to owner' land, and the ability for local planning schemes to control such mining operations.
- b) Maintain a general presumption against mining, petroleum and geothermal energy resources extraction within the Shire where provided for in legislation.

Actions

- i) Insert the land use term 'Mining Operations - minerals to owner land' into the scheme and list as an 'X' use within all zones in the zoning table.
- ii) Insert the land use term 'Mining Operations – Mining Act 1978' into the scheme and list as an 'A' use within all zones in the zoning table.
- iii) Insert a clause under Part 4 - General Development Requirements of the scheme to clarify the Shire's intent, in considering proposals to commercially extract minerals, to exercise its discretion to inform the Minister for Mines 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.
- iv) Continue to work with the State department responsible for mining to establish clear processes for identifying 'mineral to owner' land.

3.4 Economy

The agricultural sector is traditionally the backbone of the Shire's economy, making significant

contributions to the State food bowl and employing a large proportion of the Shire's residents. The Shire hosts the Western Australian Meat Industry Authority's Muchea Livestock Centre, which is one of the largest livestock selling facilities in Australia.

With its proximity to Perth, the Shire is logistically well-placed to expand value-adding industries. Emerging markets include tourism and industry – both of which are capable of being merged within the agricultural sector – while the Muchea Industrial Park in particular is anticipated to host a major employment hub for the north-east corridor.

Tourism is expected to become a more significant contributor to the local economy and is strongly supported by the Shire. To accommodate its growth and to encourage the creation of tourism related-businesses, land use controls will be made more flexible, particularly in the townsite of Bindoon and for complementary tourism-related land uses on rural land.

It is important that LPS 6 (and future schemes) promotes flexibility and helps to facilitate the growth of the tourism sector.

3.4.1 Rural land

Objective

- 1) Support the diversification of land uses within the rural zone.

Strategy

- a) Encourage activation of the rural zone.
- b)

Actions

- i) Future development is to be complementary to the agricultural intent and natural character of the rural zone.
- ii) Progress amendments to the local planning scheme to support tourism and agribusiness uses within the 'Agricultural Resource' and 'Rural Smallholdings' zones.
- iii) Where development is of a scale compatible with maintaining the amenity of a rural environment, explore suitable locations where people may live and also work.
- iv) Consider updating scheme arrangements to encourage a range of compatible rural uses, in particular explore the introduction of incidental ('I') uses within the Zoning Table.
- v) Encourage tourism and related land uses (such as 'Art and Craft Centre', 'Market', 'Reception Centre', 'Restaurant', 'Tourism Accommodation' and 'Winery/Brewery') on properties with established agricultural enterprises.
- vi) Support tourism development and 'paddock to plate' initiatives in appropriate locations along Great Northern Highway, the Chittering Valley Tourist Way, within the

‘Lower Chittering hills’ and near Bindoon townsite.

Objective

- 2) Preserve ‘Rural’ zoned land for rural and compatible non-rural land uses.

Strategy

- a) Recognise rural land as a key asset for the Shire, specifically land north of Bindoon townsite.
- b) Promote the development of an agricultural industry precinct able to capitalise on strategic road and rail linkages.

Actions

- i) Retain land identified as rural in the Local Planning Strategy Map (**Figure 1**) to provide for existing and future agricultural production.
- ii) Require that land use change from rural to all other uses be planned and provided for in the Local Planning Strategy Map (**Figure 1**).
- iii) Prevent the unplanned creation of new or smaller rural lots.
- iv) Recognise and accept the impacts that well-managed primary production has on rural amenity.
- v) Provide for limited industrial uses in the 'Agricultural Resource' zone where they are wholly related to primary production, or solely reliant on multimodal transport connections.

3.4.2 Industrial land use

Objective

- 1) Provide for and protect industrial land uses at strategic locations and limit ad-hoc industrial locations throughout the Shire.

Strategy

- a) Make Muchea Industrial Park a focus for industrial development.
- b) Appropriately zone established important industrial land uses to provide for their ongoing operation.
- c) Provide opportunities for living and working on the same property by combining compatible rural enterprise uses and housing, provided the uses are carefully planned, in general proximity to settlement areas, serviced, and have design features that address buffers and amenity.

Actions

- i) Promote and cater for a range of compatible uses within industrial zoned land and incorporate design features that address buffers and amenity, including fencing, vegetation buffers, open space and other compatible transitional uses.
- ii) Avoid ad-hoc industrial development outside Muchea Industrial Park.

- iii) Investigate potential for pre-funding and/or cost-sharing arrangements for local road construction and other essential infrastructure.
- iv) Promote planning studies to facilitate the establishment of industrial uses in the Muchea Industrial Park.
- v) Introduce the 'Rural Enterprise' zone to the scheme when a suitable site has been planned and identified.
- vi) Rezone Lot M1261 (722) Brand Highway, Muchea (Tronox) to reflect its industrial use.
- vii) Sensitive land uses should only be approved where it can be demonstrated they will not limit the existing or potential operations.

3.4.3 Tourism and recreation

Objective

- 1) Encourage and facilitate opportunities for tourism within the Shire.

Strategy

- a) Promote the Shire as a convenient day trip and overnight destination for visitors.
- b) Encourage tourist uses within all zones, except industrial zones, where they can be compatible with surrounding uses.
- c) Develop a strategy for enhancing visitors' experience of the valley landscape (e.g. through roadside pullover bays along scenic routes, interpretive signage, picnic areas and additional walk trails).
- d) Encourage diversification of agricultural activities by permitting ancillary and incidental uses, such as home businesses, farm stalls, cellar doors, farm stays, bed and breakfasts and tourism.

Actions

- i) Amend the Local Planning Scheme to support tourist developments that are compatible with the landscape setting and take account of bushfire risks, servicing and environmental conditions.
- ii) Establish tourism linkages between the Shire and wider region, including Swan Valley and New Norcia by identifying suitable pop-up and wayside stalls, as well as boutique ancillary businesses along identified scenic routes.
- iii) Identify a site for a future caravan park in Bindoon to provide for visitor short-term accommodation.
- iv) Rural zones should be flexible to accommodate appropriate tourism uses to enable farmers to diversify their activities to ensure sustainable development of the Shire.
- v) Encourage nature-based and 'active' uses in the Shire, where bushfire risk, servicing and environmental matters can be appropriately addressed.
- vi) Plan for the development, promotion and sustainable management of trails as identified in the Shire's *Trails Network Masterplan 2013-2023*.

Objective

- 2) Promote opportunities and facilities for recreation.

Strategy

- a) Improve access to active and passive recreation facilities for local residents and visitors.
- b) Encourage active and adventure based recreation and tourism proposals, including mountain bike riding and walking.

Actions

- i) Plan for the provision of community recreation and tourism facilities at Maryville village centre, as shown on the Local Planning Strategy Map (Figure 1).
- ii) Explore opportunities to create a network of adventure based tourism within Bindoon and expand recreational facilities in the north-east portion of the Muchea townsite.
- iii) Plan for the provision of district level community and recreation facilities in the Reserve Road precinct.
- iv) Provide active recreation options on established Shire reserves.
- v) Improve the public open space network within settlement areas, through green linkages, footpaths, street activation, and tree planting, as examples.

3.4.4 Local heritage

Objective

- 1) Recognise the importance of heritage to the community and local economy.

Strategy

- a) In accordance with Schedule 2, Part 3, clause 8 of the Regulations, establish a list of places and areas of significance in which development will be subject to assessment in terms of its impact on the heritage values of the place or area.
- b) Recognise and take into account sites of Aboriginal heritage significance in the consideration of rezoning, subdivision and development in both the urban and rural locations.
- b) Apply design standards and guidelines to encourage retention and enhancement of local character that will contribute to a sense of place and community identity.
- c) Review relevant policies to ensure that they encourage appropriate, complementary and sustainable development.

Actions

- i) Review the current local planning policies and design guidelines for heritage places.
- ii) Explore opportunities to add tourism value to existing heritage structures, where appropriate and applicable.
- iii) Use placemaking strategies to help inform social heritage, places and themes.

3.5 Planning precincts

The following strategies have been developed for specific planning precincts across the Shire (Figure 11). From the northeast to southwest; the planning precincts are:

- (a) Northern rural precinct
- (b) Bindoon
- (c) Lower Chittering
- (d) Reserve Road
- (e) Muchea Industrial Park
- (f) Muchea

3.5.1 Northern rural precinct

Objective

- 1) Protect valued rural land for sustainable primary production and other rural land uses (Figure 11).

Strategy

- a) Provide support for continued operation and expansion of primary production enterprises where rural amenity and environmental impacts can be effectively managed.
- b) Provide for the protection of rural and natural landscape values, including remnant vegetation, water sources, waterways and wetlands.

Actions

- i) Ensure sensitive land uses are not introduced to areas that could limit established and future primary production.
- ii) Ensure development is compatible with a reasonable standard of rural amenity.
- iii) Where development is proposed, seek to manage impacts within property boundaries, and where this is not possible ensure potential off-site impacts can be effectively managed.
- iv) Support identification and future reservation of environmental corridors.
- v) Ensure that planning decision-making has due regard to the protection of water sources and waterways and their dependent environments.

3.5.2 Bindoon

Objective

- 1) Promote Bindoon as the primary population centre in the Shire and focus development

within (Figure 11).

Strategy

- a) Subject to servicing, support higher density development within the 'Townsite' and 'Residential' zones.
- b) Consolidate development within the 'Bindoon water supply area', as identified on the Local Planning Strategy Map (Figure 1).
- c) Provide incentives for owners to activate vacant buildings and spaces in Binda Place.
- d) Encourage mixed housing types to accommodate public housing and aged accommodation.
- e) Bindoon Bypass to form the western boundary of the Greater Bindoon area. Any other uses west of the Bindoon Bypass are to be consistent with the 'Agricultural Resource' zone.
- f) Encourage tourism and related developments in the Bindoon Townsite zone and adjacent areas.

Actions

- i) Consider potential for re-subdivision of 'Rural Residential' zoned land in Bindoon and explore potential 'upcoding' to 'Residential' zoned land, subject to connection to reticulated water and appropriate wastewater treatment.
- ii) Prepare a Place Action Plan for Binda Place and the main street area in conjunction with the community to activate and improve the area.
- iii) Encourage mixed-use sites in Binda Place.
- iv) Support the development of a caravan park in Bindoon townsite.
- v) Develop design guidelines for higher density residential development within Bindoon Vista subdivision.
- vi) Retain a combination of a vegetated backdrop to the Binda Place business district with vistas across the valley, along view corridors between buildings.
- vii) Support the provision of affordable housing options within Bindoon.
- viii) Establish partnerships with stakeholders to provide additional aged care and public housing.

3.5.3 Lower Chittering

Objective

- 1) Consolidate existing estates in Lower Chittering and provide for their 'rounding off' where conservation and/or bushfire management benefits can be demonstrated (Figure 11).

Strategy

- a) Investigate options for future expansion of the existing private school in the Maryville village centre.

- b) Provide facilities and services for residents and visitors in Lower Chittering e.g. community centre, convenience store.
- c) Improve community activity within Lower Chittering by promoting walking trails and active recreation.
- d) Support local and home businesses and the development of neighbourhood commercial centres.

Actions

- i) Support reconfiguration of the Maryville precinct to allow for residential development where supported by investigations to address urban water management, servicing, and bushfire management.
- ii) Provide for future 'Rural Residential' development in appropriate places in accordance with the Local Planning Strategy Map ([Figure 1](#)).
- iii) Prepare a structure plan for the proposed Maryville Village centre in conjunction with the landowner.
- iv) Consider visual impacts and development orientation for special use site 'SU1' so that future development fronts Muchea East Road and Santa Gertrudis Drive.
- v) Discourage planning proposals which may have a negative impact on the Chittering Valley Tourist Way or Lower Chittering Hills viewsheds ([Figure 6](#)).
- vi) Encourage space and plan activation in Maryville, and promote opportunities for recreational facilities, including off-road use.
- vii) Encourage landholders with development potential to improve strategic access/egress to existing subdivision configurations.
- viii) Amend the Local Planning Scheme to allow for a variety of home businesses utilising the National Broadband Network.

3.5.4 Reserve Road

Objective

- 1) Support future serviced residential development and associated facilities in the Reserve Road precinct ([Figure 11](#)).

Strategy

- a) Support appropriate linkages with existing subdivisions.
- b) Plan for provision of additional community facilities and services for the future population within Reserve Road precinct.

Actions

- i) Consider the potential extension of the residential area northward following development of Lot 2 Reserve Road where water provision and protection of native vegetation is achieved.
- ii) Prepare and implement design guidelines for future development of Reserve Road.

- iii) Ensure all future development takes into account bushfire risk to avoid potential threats to people, property and infrastructure.
- iv) Support the development of community facilities and services.

3.5.5 Muchea Industrial Park

Objective

- 1) Promote industrial development within the Muchea Industrial Park (Figure 11).

Strategy

- a) Encourage landowners to progress planning arrangements for the Muchea Industrial Park.
- b) Maximise efforts to realise economic flow-on effects generated by State infrastructure projects, including NorthLink.

Actions

- i) Direct all future industrial development to the Muchea Industrial Park.
- ii) Support planning arrangements for Restricted Access Vehicles.
- iii) Investigate Federal and State Government funding for local road construction.
- iv) Ensure suitable infrastructure arrangements are made for roads, drainage, water and wastewater infrastructure to support development of the Muchea Industrial Park.
- v) Promote the endorsed prospectus for the Muchea Industrial Park.

Objective

- 2) Respect the rural amenity and environmental values in the design and development of the Muchea Industrial Park.

Strategy

- a) Protect and conserve areas environmental values within the site.
- b) Seek to limit the introduction of sensitive land uses within the nominal one kilometre buffer shown on Figure 1 which could be affected by industrial development in the Muchea Industrial Park.

Actions

- i) When structure plans are prepared, identify significant vegetation and environmental assets and provide for their reservation in the Local Planning Scheme.
- ii) At subdivision stage, regionally significant vegetation sites to be ceded to the responsible authority, generally at the first stage of subdivision.
- iii) Ensure land use conflicts are avoided by implementing land use buffers in accordance with State Planning Policy 4.1 – Industrial Interface and Figure 1.
- iv) Consider the use of restrictive covenants to protect environmental and amenity values.
- v) Have primary regard for the Ellen Brook catchment, including water quality, in planning for industrial land uses

- vi) Ensure that 324 hectares of vegetation, identified in the Muchea Industrial Park is reserved for conservation.

3.5.6 Muchea townsite

Objective

- 1) Seek to ensure that development at Muchea does not adversely impact environmental conditions (Figure 11).

Strategy

- a) Ensure that nutrient export and land degradation is not increased.
- b) Implement planning approaches which respond to the existing environmental conditions present in the townsite.

Actions

- i) Rezone the Muchea townsite to provide for subdivision and development in keeping with Government Sewerage Policy to protect the environmental values of the locality.
- ii) Support the preparation of a business case to facilitate the provision of reticulated services should funding become available.
- iii) Ensure appropriate setbacks of development from wetlands and waterways based on site-specific assessments.
- iv) Monitor and enforce stocking of land in accordance with local and State policy and guidelines.
- v) Review the boundaries and strengthen and consolidate scheme provisions of the Ellen Brook Palusplain Special Control Area.

Objective

- 2) Maintain Muchea as a contained village fostering a rural community lifestyle in a healthy living environment.

Strategy

- a) Improve existing community facilities located in Muchea.

Actions

- i) Ensure that all planning proposals demonstrate appropriate on-site wastewater disposal means which take into account depth to groundwater, soil profiles and nutrient export.
- ii) Establish a wastewater management regime, including regular reporting, monitoring and maintenance of individual household on-site wastewater disposal systems.
- iii) Improved connection across Brand Highway between townsite (west) and retail (east).
- iv) Ensure the appropriate siting and design of development to improve streetscape design and amenity.
- v) Plan and establish a functional drainage network for the Muchea townsite consistent

with *State Planning Policy 2.9 – Water Resources* and better urban water management principles.

4 Monitoring and review

Part 6 of the Regulations provides local authorities with guidance on the preparation and implementation of local planning schemes.

In particular, Clause 65(2) states that if a local planning scheme was gazetted more than five years before the gazettal of the new Regulations (as is the case for Shire of Chittering Local Planning Scheme No. 6), the local government must carry out a review of the local planning scheme within three years of the Regulations coming into operation.

Clause 66 requires that a review report approved by Council be provided to the WAPC within six months of this date, which translates to the end of February 2019 for the Shire of Chittering. The report is to outline the dates that the local planning scheme and all of its amendments were gazetted.

The Strategy conversely is designed to provide a vision for anticipated land use and development in the Shire. However, as new information is likely to come to hand, or land use issues and pressures affecting the Shire will change over time, the Strategy remains capable of further review or amendment.

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6177 Great Northern Highway
PO Box 70 Bindoon WA 6502
T: 08 9576 4600 F: 08 9576 1250
E: chatter@chittering.wa.gov.au
www.chittering.wa.gov.au

Office hours: Monday to Friday
8.30am - 4.30pm

Local Planning Strategy – Part 2 (Background)

1 Overview of the Shire of Chittering

The Shire is located on the northern boundary of the Perth metropolitan region, approximately 56 km from the Perth CBD. The Shire shares its boundaries with the City of Swan (south), City of Wanneroo (southwest), Shire of Gingin (northwest), Shire of Victoria Plains (north) and Shire of Toodyay (east). The Shire covers an area of 1,220km² and contains the towns and localities of Bindoon, Muchea, Lower Chittering, Mooliabeenee and Wannamal. Muchea townsite lies approximately 10 km north of Bullsbrook townsite, and Bindoon townsite is situated about 35 km east of Gingin townsite (Figure 2).

The majority of the Shire's population is located in Bindoon, Lower Chittering and Muchea. North of Bindoon townsite the Shire is dominated by agriculture, and opportunities for land use change, subdivision and development are limited. The Strategy seeks to provide for the majority of development activity in Bindoon and south, and to consolidate the northern portion of the Shire for primary production.

2 Introduction

The Shire of Chittering Local Planning Strategy outlines a vision for anticipated land use and development within the Shire. It has been prepared to guide land use planning over the next ten years, and provides the rationale for land use and development controls in the Shire's local planning scheme.

The Local Planning Strategy is:

- (a) a public document which provides the opportunity for the community and government agencies to have input into the Shire's strategic planning;
- (b) a plan that provides strategies for the future zoning of land for various land uses and guidance for the future subdivision and development of land; and
- (c) a dynamic document that can be amended in response to changes in policy and factors influencing the Shire's growth and development.

The Local Planning Strategy comprises two parts. **Part One** summarises the key planning and development issues that are relevant to the Shire of Chittering, and sets out a vision and strategic direction for the Shire, as well as land use planning actions required to achieve the vision over the next ten years. **Part Two** (this document) includes background information, analysis and detail required to support the high level strategies and actions in **Part One**.

The overall strategy map depicts existing and proposed land uses between 2017 and 2027. Longer term (10-50 years) land use and development strategies are addressed within the body of the report.

Requirements for a Local Planning Strategy

Local planning strategies are provided for under Part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations). According to r. 11 clause 2, a local planning strategy must:

- (a) set out the long-term planning directions for the local government;
- (b) apply any State or regional planning policy that is relevant to the strategy; and
- (c) provide the rationale for any zoning or classification of land under the local planning scheme.

The Local Planning Strategy has a very important role in land use planning as it guides decision making on scheme amendments (including rezoning of land) and the subdivision and development of land within the local government area.

Unlike local planning policies adopted by Council, a local planning strategy is endorsed by the Western Australian Planning Commission (WAPC) and therefore holds significant weight in the planning decision making process.

The Regulations introduced a track-based system for local planning scheme amendments (Part 5) whereby 'an amendment that is not consistent with a local planning strategy' is defined as a 'complex amendment' and requires the local government to seek the support of the WAPC prior to it being advertised for public comment.

Part 3 of the Regulations outlines the process of developing a local planning strategy, including certification of the draft strategy by the WAPC, advertising of the draft strategy for public

comment, consideration of public submissions, endorsement of the final strategy by the WAPC, publication of the endorsed strategy, and amendments to the local planning strategy.

Background to the Local Planning Strategy

The Shire of Chittering Local Planning Strategy 2001-2015 was endorsed by the WAPC on 29 June 2004. The Shire had been experiencing considerable pressure for the subdivision of rural land and a strategic plan was required. The local planning strategy proposed the rezoning of extensive areas of the Shire for rural lifestyle purposes, with priority given to land within a 'priority development area' (PDA).

On 2 April 2008, the WAPC resolved to: (i) instruct the Shire to review aspects of its local planning strategy; and (ii) advise that it would not support amendments for rezoning outside the strategy's PDA, and that the amendments must be justified in terms of proximity to existing development, services and infrastructure and impacts on environmental values. On 28 October 2008, the WAPC sought to clarify the treatment of previously submitted scheme amendments, and resolved to continue to progress amendments to rezone land located within the PDA from 'Agricultural Resource' zone to 'Rural Residential', 'Rural Retreat' and 'Rural Smallholdings'.

The WAPC also resolved at its 28 October 2008 meeting: (i) to request that the Shire not initiate any amendments located on land outside the PDAs to rezone land from 'Agricultural Resource' to 'Rural Residential', 'Rural Retreat' or 'Rural Smallholdings' prior to the review of the local planning strategy; and (ii) that the Shire formally request assistance from the former Department of Planning to review its local planning strategy (2004).

Around the same time, the Shire was also developing its Local Biodiversity Strategy (2010), with the assistance of the Western Australian Local Government Association (WALGA) Perth Biodiversity Project. The draft local biodiversity strategy was released for public comment in 2008, and the final was endorsed by Council in April 2010. The local biodiversity strategy identified that rural residential development was having an adverse impact on native vegetation, and supported the review of the Shire's local planning strategy.

The Shire's draft revised local planning strategy was prepared with the assistance of the Rowe Group, and was released for public comment in July 2014. The public submissions received highlighted a number of outstanding issues to be addressed, including clarification on the intent of the 'indicative high conservation value areas' depicted on the strategy map.

At its meeting on 18 November 2015, Council resolved to place a moratorium on any future proposed amendments to the local planning scheme to rezone land, with the exclusion of land located within the Muchea Employment Node Structure Plan Area (2011), effective from 29 February 2016. This moratorium was implemented to avoid any further potential delays to the finalisation of the local planning strategy.

This revised draft local planning strategy has been prepared with technical assistance from the Department of Planning, Lands and Heritage to guide land use planning over the next ten years. Future planning and development within the Shire is to be consistent with the Local Planning Strategy. The success of implementation of the Local Planning Strategy lies in its acceptance by the local community and a commitment from the Shire to implement its objectives, strategies and actions.

3 Local Planning Context

The Shire's mission is to work with and for the community to:

- > protect our natural environment
- > enhance our rural lifestyle
- > develop quality services and facilities
- > facilitate suitable development and employment opportunities

Council's long-term ambition for the Shire is:

'By the year 2026 we will achieve diverse and cooperative sustainable communities dedicated to protecting and enhancing the rural character and natural attributes of the Shire'.

The Shire will achieve this through the development of sustainable economic management; sustainable rural production and tourism.

Personified in this vision is the Shire's core values, which are:

- > excellence
- > integrity
- > consistency
- > communication
- > customer focus
- > respect

- > valuing our staff
- > continuous improvement

4 Local overview

This section considers the current composition of the Shire's residents, analyses key economic drivers, and outlines future land supply demands and likely growth requirements.

4.1 Demographic trends

4.1.1 Population growth

The Shire of Chittering had an estimated resident population of 5,525 in 2016. Over the decade 2006-2016 the Shire recorded an average annual population growth rate of 5.1%. This is considerably higher than the average growth rates recorded for the State at 2.2%, and the Wheatbelt region at 0.4%.

The WA Tomorrow (WAPC 2019) projected population forecasts shows possible growth or decline in population, based on variables such as birth rate, death rate and net migration (including inter/intrastate and overseas). Taking into account WA Tomorrow's moderate predicted growth forecast 'Band C', it is expected the Shire's population will reach 6,460 people by 2031 (**Figure 12**). This represents an average growth rate of 1.06%, which is significantly lower than the Shire's growth over the period 2006-2016 (5.1%), though remaining higher than the projected growth of the Wheatbelt region as a whole (0.4%) for the same period.

Achieving this population from the 2016 baseline will require an average annual population increase of 62 people. This equates to approximately 22 dwellings per year.

The *Wheatbelt Regional Investment Blueprint* (Wheatbelt Development Commission, 2015) aspires to a higher rate of population growth, envisaging a population of 180,000 by 2050. This would represent an average annual growth rate of 2.6% from 2016.

Shire of Chittering draft Local Planning Strategy

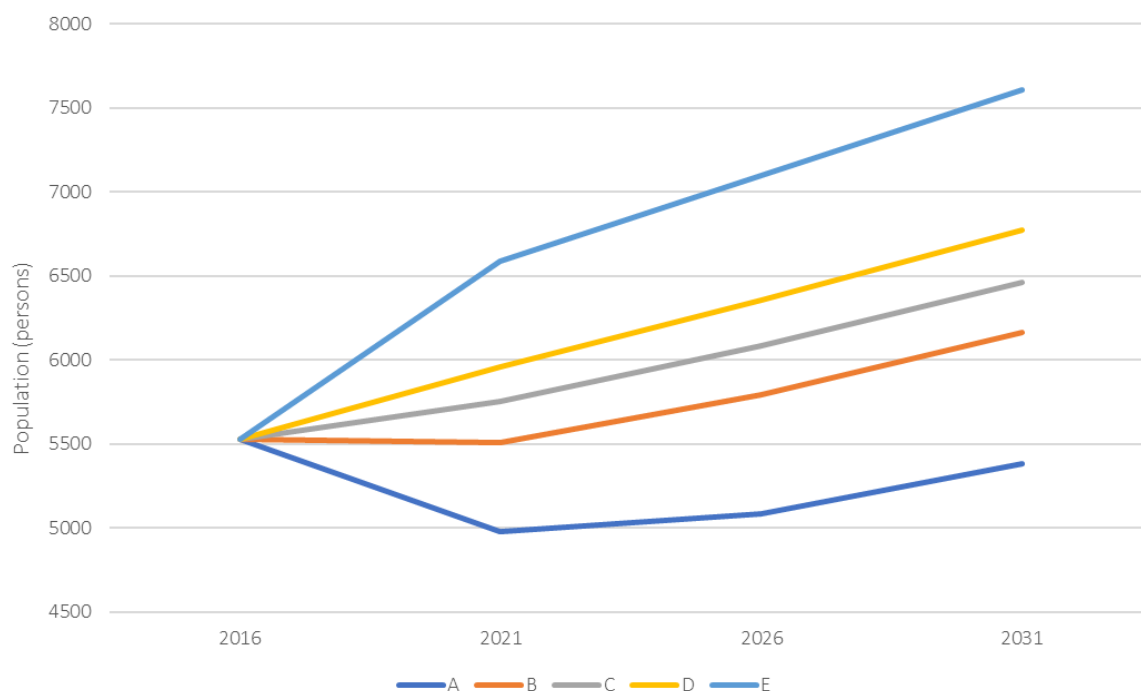


Figure 12: Population forecast

Source: Western Australia Planning Commission (2019) *Western Australia Tomorrow Population Report No.11*

4.1.2 Population profile

The Shire's demographic profile is expected to change significantly by 2026. The age cohorts that are anticipated to experience the greatest change are persons aged 20 to 29 years and 80 to 84 years.

The Shire is the Wheatbelt region's second most populous local government, accounting for approximately 7.4% of the Wheatbelt's total population at the 2016 Census.

At the 2016 Census, the median age of residents in the Shire was 43 years, which is significantly older than Western Australia's median age of 36 years and the nation's median age of 38 years.

The Shire is under-represented by people between 20 and 29 years (8%, which is significantly less than Western Australian average of 14%). This trend is typical for many regional areas in the State, and can be attributed to young adults leaving the area for employment and higher education opportunities. Muchea Industrial Park may assist in retaining younger people by providing increased employment opportunities (**Figure 13**).

At the 2016 Census there were 1,183 people in Bindoon, 2,126 people in Lower Chittering and 968 people in Muchea. While the population age cohorts remain relatively constant across the

Shire's living precincts, Bindoon had significantly more people aged 65 years and over (22%), compared with Lower Chittering (10.5%), Muchea (14.9%) and Western Australia as a whole (12.3%).

At present, Bindoon has the only aged person's accommodation. The nearest regional hospitals are located within 60 minutes from town in Joondalup and Midland. Adding to the growing transport woes, Chittering residents do not qualify for the State Government Patient Assistance Transport Scheme (PATS) for medical appointments, which often creates additional financial burden due to additional transport costs.

By 2026 the projected increase of residents aged over 70 years in the Shire of Chittering will be close to 200%. The Shire's *Age Friendly Community Plan 2016-2019* (2017) identifies the need for additional local health and medical services, public transport, and soft infrastructure. The Shire continues to investigate accessible, affordable and diverse housing options. To help satisfy short to medium term demand, an aged persons' facility is proposed as part of a joint venture between the Shire and a private developer on land adjacent to Binda Place.

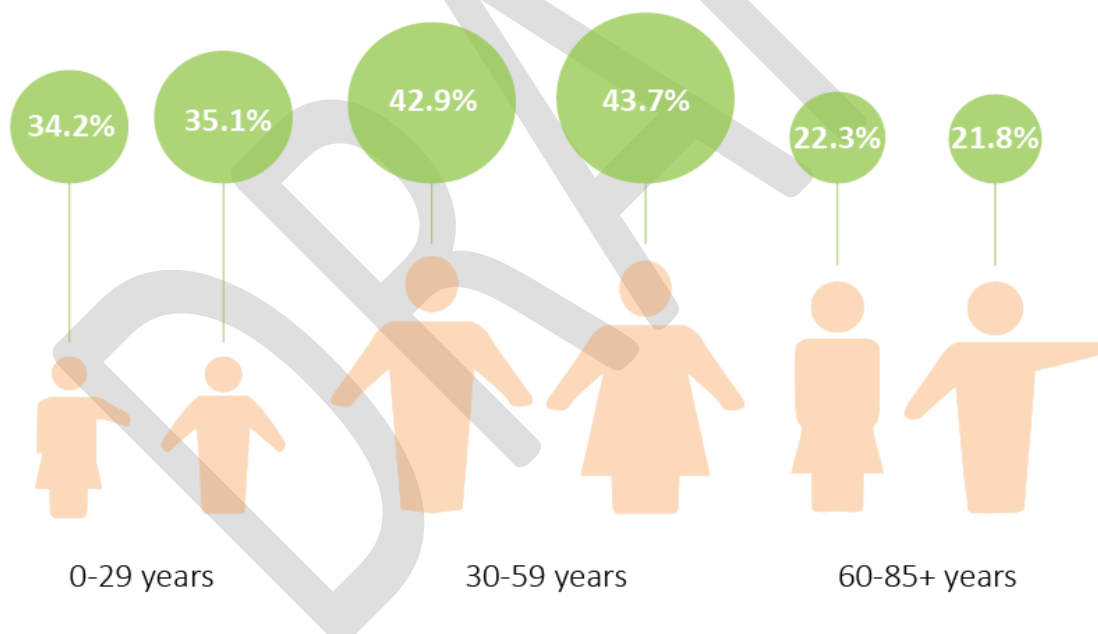


Figure 13: Age profile

Source: ABS Census data (2016) *People - demographics and education*

4.1.3 Education and employment

To increase employment opportunities and diversify local industry, irrigated horticulture and land for industry need to be expanded. This will have positive flow-on effects to the construction, retail and other service-based industries within the Shire.

The Shire makes an important contribution to the State's economy, producing an estimated \$29.5 million of agricultural products in 2010-2011. Significant areas of citrus planting are established in the Shire, specialising in oranges, limes and mandarin trees. There is also extensive planting of avocados, and stone fruit trees are common.

The Shire hosts the Western Australian Meat Industry Authority (WAMIA) Muchea Livestock Centre, which is the largest dual species, undercover livestock selling facility in Australia.

At the 2016 Census, 29.1% of people in the Shire were attending an educational institution. Of these, 33.4% were in primary school, 29.6% in secondary school and 9.8% in a tertiary or technical institution. Approximately 23% of residents possessed a tertiary certificate, 8% possessed a tertiary diploma and 7% held a university degree.

The Shire experienced a declining labour force participation rate at the 2016 Census with unemployment at 6% - having almost doubled since 2011 (3.5%) - a growing State-wide trend (4.7% and 7.8% respectively). In part, this is due to the significant proportion of older people in the Shire, many of whom are semi or fully retired.

In 2016 2,346 people reported being in the labour force. Of these, 57.9% were employed full time, while 29.4% were part-time.

The Shire's employment composition has remained stable since 2011. The most common occupations typically comprise service-based and administration occupations such as technicians and trades workers (19.6%), managers (16.2%), clerical and administrative workers (13.5%) and labourers (13%).

The *Central Midlands Sub-Regional Economic Strategy* (Wheatbelt Development Commission, 2014) states that the Shire's economy is underlined by an employment self-sufficiency rate of 57% (in 2011). This, coupled with a moderate unemployment rate, indicates that there are fewer jobs in the Shire than employed persons, highlighting the trend towards people commuting to Perth.

Employment opportunities are expected to be lost on larger agricultural properties as economic viability declines and traditional farming loses the capacity to support higher employment. More intense perennial agriculture is expected to have a marginal and seasonal impact on employment due to the trend towards higher mechanisation. However, value adding of primary production is in its infancy and has the potential to add significantly to agriculturally related employment.

There is a growing need for an industrial estate to provide local services and accommodate industries relocating from the metropolitan area. Muchea Industrial Park is planned to grow into a major employment hub for the north-east corridor, with key industries likely to be established there. Rough estimates suggest that the industrial park will provide approximately 800 to 1,000 jobs once fully developed.

A challenge to the Shire's economy outlined within the *Wheatbelt Regional Investment Blueprint* and explored above, is the tendency of young adults to leave the area for further education and better employment prospects. This is a result of limited local employment and training opportunities and long-driving commutes. Solutions to employment difficulties for the Shire's youth will rely on collaborative and innovative solutions, improved public transport and an enhanced focus on their needs.

4.1.4 Key issues summary

The Shire has experienced a change in the composition of its population and economy in recent years, and this process is expected to continue.

Tourism is identified as an emerging generator of investment and employment. The Shire's proximity to the Perth metropolitan region, together with the upgrading of key transport routes presents opportunities for growth and investment.

While the Shire's established agricultural sector will continue to positively contribute to the local economy, an increase in local industry such as transport depots, agriculture-related industries, fabrication, warehousing and other general commercial uses is likely to stimulate investment and create jobs.

Consolidation of development around townsites and existing settlements, and investment in new industrial areas such as Muchea Industrial Park, will boost economic drivers.

The Local Planning Strategy Map does not identify areas for future commercial purposes, however will ultimately provide for tourism based industries upon the finalisation of associated tourism strategies and masterplans. While this will likely include townsites, there is an existing supply of townsite-zoned land that is sufficient to address the short and medium term demand for commercial land.

4.2 Settlements

4.2.1 Distribution

The Bindoon town centre, approximately 85 kilometres north of Perth, is the Shire's commercial and administrative centre and houses 22% of the Shire's population. The majority (39%) of the Shire's residents lived in Lower Chittering at the 2016 Census, with 18% in Muchea and 17% lived in Chittering (region) (Figure 3).

Standard single housing is predominantly located in the two main townships of Bindoon and Muchea. The Country Club, Hideaway and Chittering Heights rural residential subdivisions are supported by Bindoon, while the Peters Road development is supported by Muchea townsite. Other large rural housing estates are concentrated in the precincts of Maryville and Wandena, with a future 250 lot residential estate planned off Reserve Road. The remainder of housing is located in traditional farming areas.

The Shire of Chittering, as part of a joint venture with the State department responsible for housing, provides rental housing for people on low incomes. The Shire has six rental units in Bindoon for community members on low incomes. Eight other rental units in Bindoon are for seniors on low incomes. As limited spaces are available, eligible applicants are placed on a waiting list.

4.2.2 Housing demand

At the 2016 Census 2,206 private dwellings were recorded in the Shire, with an occupancy rate of 86%, a rate which is comparable to the dwelling occupancy rate recorded for the State. Areas with higher occupancy rates are mostly zoned rural residential, while lower occupancy rates were recorded in the less populated northern part of the Shire.

Much of the newer dwelling growth is located in Lower Chittering, reflecting the recent growth of rural residential estates in the region.

The strategy seeks for the majority of growth to occur in Bindoon, and to a lesser extent, Chittering and Lower Chittering, as essential services, such as water and waste water, become available.

There is a sufficient stock of land identified to meet population growth into the long term. The strategy has an estimated land supply of 22 years has the capacity to support nearly 10,500 people (WAPC, 2018).

4.2.3 Settlement composition

Rural living development, comprising land zoned 'Rural Residential', 'Rural Smallholdings' and 'Rural Retreat', has been popular in the Shire over the last decade, with approximately 7,420 hectares of land zoned for rural living purposes, creating 367 rural living lots compared to just 76 residential lots (WAPC, 2018).

While rural living development has provided much of the Shire's settlement composition to date, this development has often been to the detriment of the environment.

The Local Planning Strategy seeks to consolidate future rural living developments around Bindoon, Chittering and Lower Chittering, where new proposals will need to demonstrate improved environmental, bushfire and landscape outcomes. Protecting areas of remnant vegetation by limiting future development to existing cleared areas is a priority of the Local Planning Strategy.

The Shire's Local Planning Scheme No. 6 includes two 'residential' zones; 'Residential' and 'Townsite'. In comparison to rural living zones, these two zones make up a small share of the Shire's residential land supply.

Approximately 730 hectares of land in the Shire is zoned for residential purposes, of which approximately 55% is considered to be undeveloped (WAPC, 2018).

Access to potable scheme water is limited to the Bindoon townsite so most infill residential development is directed here.

There is limited capacity for residential expansion of the Muchea townsite due to adverse environmental impacts and servicing constraints.

In the Shire, land zoned for industrial purposes covers approximately 170 hectares, the majority (88%) of which is within Muchea Employment Node (WAPC, 2018).

4.2.4 Key issues summary

The majority of the Shire's residents live in the suburb of Lower Chittering, within established rural residential estates. Recognising the absence of reticulated water and wastewater services, together with a lack of community facilities, the Local Planning Strategy sets out to concentrate the majority of future growth in Bindoon, where services and facilities are readily available, and to a lesser extent Lower Chittering and Chittering region.

Rural living developments have been popular over the last decade within the Shire, with

approximately 7,420ha of land zoned for rural living purposes. However, as rural living estates can often be an inefficient means of accommodating people, the Shire is keen to 'draw-back' on rural living expansion, and instead, promote low density forms of residential development with appropriate servicing. There is a sufficient stock of land identified to meet population growth into the long term.

4.3 Natural resource management

4.3.1 Biodiversity profile

The Shire of Chittering is situated within the Southwest Australia eco-region, an internationally recognised biodiversity hotspot due to its high levels of species endemism and human-induced threats. The Shire contains significant biodiversity assets, including threatened vegetation complexes, ecological communities and species, all of which require special attention in strategic planning for land use and development ([Figure 7](#)).

The Shire lies within three major biogeographic sub-regions - the Swan Coastal Plain, the Dandaragan Plateau and the Northern Jarrah Forest - which contain unique mosaics of landforms and soils that define vegetation communities.

Approximately 39,000 hectares (30%) of the original (pre-European) extent of native vegetation remains in the Shire. Of this, 1,695 hectares are, 2,035 hectares are in State forest and other State managed areas, 10,950 hectares are in State government water supply areas, and 2,226 hectares are on Commonwealth land. Over 22,000 hectares of natural areas exist outside formally protected areas – these are referred to as 'local natural areas' and are the focus of the Shire's local biodiversity strategy, which was prepared with the assistance of WALGA's Local biodiversity program and adopted by Council in 2010. Notably, these facts and figures will be analysed within the anticipated Biodiversity Strategy review.

All native vegetation in the Shire can be categorised into 30 vegetation complexes, mapped by Heddle et al. (1980) for the Swan Coastal Plain, and Matiske and Havel (1998) for the Jarrah Forest. Some of the mapped vegetation complexes have been heavily cleared and few representative areas remain at the regional (bioregion) or local (local government) scale.

A number of vegetation complexes within the Shire can be considered 'regionally significant'. Vegetation complexes in which less than 30% of their original extent remains across their natural range, and less than 10% is formally protected in conservation reserves, are: Bindoon, Michibin, Noonung, Reagan, Wannamal, Williams, Yanga vegetation complexes. Less than 10% is formally protected in conservation reserves, but more than 30% of the original extent

remains, within the Coonambidgee, Cullula, Mogumber, Mogumber South, Moondah, Reagan and Wannamal vegetation complexes.

Of these, the Nooning and Mogumber South vegetation complexes are the highest priorities for protection. They are largely endemic to the Shire, with 99% (Nooning) and 69% (Mogumber South) of their total pre-European extents occurring within the Shire.

Four other vegetation complexes (Coolakin, Murray, Pindalup and Yalanbee 5) are considered 'locally significant'. Although more than 30% remains and more than 10% is protected at the regional scale, less than 30% of the pre-European extent remains within the Shire.

4.3.2 Threatened Species and Ecological Communities

The Shire provides important habitat for a number of rare and threatened species and ecological communities, including Carnaby's black cockatoo, Banksia woodland communities, and three subspecies of Grevillea (refer to the Shire's Local Biodiversity Strategy for more information).

In 2016 the 'Banksia woodlands of the southern Swan Coastal Plain' was listed as a threatened community under the Federal *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and has since been mapped as occurring within the Shire. Site specific studies will be required to determine whether local examples of Banksia woodland correspond with this ecological community (refer to EPBC conservation advice). The highest priority habitat for the Carnaby's black cockatoo includes existing nesting and roosting sites, as well as foraging habitat within mapped buffers around confirmed nesting sites, trees with hollows, and trees that have potential to develop hollows (refer to EPBC referral guidelines).

The *Draft Perth and Peel Green Growth Plan for 3.5 million* (2015) identified 'priority areas for acquisitions' that occur within the Shire. These areas are broadly consistent with the 'Indicative High Conservation Value Areas' identified in the Shire's Local Biodiversity Strategy, and may become the focus for State government acquisition for inclusion in future conservation areas.

Chittering Landcare Centre provides environmental support and advice to the Shire, its residents and future developers. A key focus of the Centre is protection of the Ellen Brook and Brockman River catchments.

4.3.3 Visual landscape

Chittering valley is popular for weekend sightseeing, which frequently includes purchasing fruit from local orchards. Other attractions include vistas from roads that wind through the narrow,

steep-sided valley of the Brockman River; lakes and wetlands in the valley; mature, roadside trees; and commercial tourist attractions such as wineries. Extensive rural residential developments occupy much of the high, gently undulating landscape to the west of the Brockman River, with some distant views across the coastal plain. Both visitors and local residents appreciate the natural and rural character of the area (Figure 6).

The existing Great Northern Highway route is traditionally the major northern gateway to/from the metropolitan region, for long-distance tourists as well as people on day trips to New Norcia and the Chittering district. After heavy vehicles have been diverted to the planned Bindoon bypass, the tourism significance of the existing alignment is likely to increase.

‘Chittering Valley Tourist Way’, designated as State tourist route No.359, is of State level significance. The route is partly within the City of Swan. At its launch by the Tourism Minister in 1993, the route was said to ‘herald the region as an area of scenic interest’ with its orchards and vineyards, linking tourist routes in the Swan Valley and the mid-west. It is assumed that the majority of sightseers using this road do so in one direction, returning to Perth via a different route to create a loop drive, using minor roads and the highway. With its narrow and winding character, the tourist route is used at a lower speed than Great Northern Highway. A number other routes in Chittering are also used for tourism purposes: State level Flora Roads (Blue Plains Road and Maddern Road) and drive trails comprising other wildflower roads, a wine trail and a sculpture trail.

Due to its proximity to Perth and position at the start of Great Northern Highway, which is the main travel route to the State’s north, there are increasing demands on the Chittering area for a range of purposes which would alter the character of the landscape. These uses include telecommunications towers, transport depots, industrial premises, basic raw material extraction and land-fill. The strategy aims to concentrate these within the Muchea Industrial Park where appropriate and elsewhere to avoid locating them within the viewsheds of travel routes shown in Figures 2 and 6. By excluding these uses from view, tourists and local residents can continue to experience the natural and rural character of Chittering’s landscape, despite the increasing use of the area for development that would detract from the landscape if it was visible from these routes.

High level advice on methods for assessing the visual impact of development is available in the WAPC's *Visual Landscape Planning Manual* (2007). Replacing the Landscape Protection Special Control Area with a landscape protection local planning policy is intended as a more flexible, targeted and practical approach.

4.3.4 Bushfire risk management

The Shire is significantly impacted by the threat of bushfire, due to areas of dense vegetation and steep terrain. As annual temperatures rise and rainfall decreases, the threat of bushfire is increasing across the State.

The Shire supports ongoing commitments to reducing bushfire vulnerability. Planning proposals impacted by bushfire risk and designated bushfire prone are to be consistent with State policy to ensure coordinated and holistic bushfire management measures are achieved. To this end, bushfire risk management is to be applied to all levels of statutory planning, including strategic proposals, subdivision and development applications.

The Shire, with assistance from the State department responsible for fire response and emergency services, has undertaken a strategic risk assessment of all assets within the local government area, and prepared a bushfire map highlighting key upgrades (Figure 4). The lack of vehicular access to and from existing rural living estates was identified as a significant constraint to future development.

In analysing the existing road network's likely effectiveness in a bushfire emergency a number of gaps were identified. These include the north-eastern portion of the 'Rosa Park' rural residential subdivision in Lower Chittering, which has been identified as an area that would benefit from improved access and egress, to assist bushfire emergency response. In particular, upgrades to the strategic firebreak along the rear of existing properties should be maintained as a formal access way, providing continuous and unobstructed vehicle access along property boundaries.

Future planning proposals for properties identified on the Local Planning Scheme Map (Figure 1) for future rural living should be supported by appropriate bushfire attack level (BAL) assessment information, including provisions requiring road connections between existing and new subdivision areas, is required. In particular, this includes:

- > Lot 5 (No. 251) Morley Road; road connection to the rear of Lot 123 (No. 298) Turtledove Drive to the east.
- > Lot M1942 (No. 293) Morley Road; extension of Thornbill Place and Bronzewing Court to the south.
- > Lot 8 (No. 100) Buckthorn Drive; road connection between Buckthorn Drive to the north and Navelina Drive to the east.

To strike a balance between biodiversity conservation and bushfire mitigation measures, lot

sizes and yields may need to be adjusted, so that building protection requirements can be accommodated without the need to clear native vegetation.

4.3.5 Wetland and waterways

The Shire has several Nationally Important Wetlands under the *Environmental Protection and Biodiversity Conservation Act 1999*) – Chandala Swamp, Chittering-Needonga Lakes, and the Wannamal Lake System, which is situated within the Shire boundary ([Figure 8](#)).

The Ellen Brook catchment is the largest sub-catchment of the Swan-Canning estuary on the Swan coastal plain. The brook discharges into the upper Swan River and is winter flowing and summer dry. The catchment contributes 6% of the total water input into the Swan River estuary, and it is the single largest contributor of nutrients entering the estuary.

The Ellen Brook and Brockman River catchments form the Ellen Brockman sub-region of the Swan Catchment. Together they cover 2,240km² of water catchment that flows into the Swan River. Local government authorities within the catchments comprise the Shires of Chittering, Gingin, Victoria Plains and Toodyay, and the City of Swan.

The Brockman River Catchment is the largest within the Swan-Avon Catchment, covering 1,520km². The Brockman River follows the Darling Scarp, flowing southward through the scenic Chittering valley to enter the Swan-Avon River 40 kilometres upstream of Perth. The greatest part of the catchment lies within the Shire of Chittering. Land use in the north of the catchment mainly comprises sheep and cattle grazing, and cropping of cereals, canola, lupins and hay. The main agricultural land use in the south is horticulture such as citrus and grapes.

The catchment's natural resource base is already deteriorating due to widespread clearing of native vegetation, increased economic pressure for agricultural land to be more productive, and subdivision for lifestyle blocks. The nutrient impact from stocking and agricultural practices has the highest nutrients of all sub-catchments in the Swan Canning Catchment, contributing 28% of the total nitrogen and 39% of the total phosphorus entering the Swan Canning river system. The Ellen Brook catchment is identified as a priority catchment and is the subject of a local water quality improvement plan.

The Muchea townsite continues to release significant levels of nutrients largely due to the low rates of soil permeability and phosphorous retention. Key sources of nutrients comprise on-site wastewater, livestock, garden fertiliser, and agricultural pursuits.

The Western Swamp Tortoise (*Pseudemydura umbrina*) is listed as endangered under the

Commonwealth's Environment Protection and Biodiversity Conservation Act 1999. The Environmental Protection Authority's *Environmental Protection (Western Swamp Tortoise Habitat) Policy 2011* was developed to protect the known habitat of the Western Swamp Tortoise but also affirms the commitment to the protection of habitat suitable for the reintroduction and survival of wild populations of the Western Swamp Tortoise and to prevent further degradation of that habitat. Their location within the Mogumber Lake Wannamal Nature Reserve has been identified as requiring identification and protection as shown in Figure 7.

4.3.6 Basic raw materials

Basic raw materials (BRM) are predominately used in the construction industry for works such as road construction, housing, site preparation and concrete. Materials include sand, limestone, limesand, clay, hard-rock and gravel aggregate.

On private freehold land, the extraction of BRM is subject to the *Planning and Development Act 2005*, and is typically controlled by the development approval process. At present, the Shire's Local Planning Scheme provides for the extraction of BRM on rural and industrial land.

There are a total of 27 BRM quarries and deposits within the Shire (Figure 9) for clay, sand and gravel resources, with 16 classified as operating; 5 proposed for sand and gravel extraction; 1 classified as undeveloped; and 5 classified as decommissioned.

There are currently 9 extractive industry licences for clay, sand and gravel in operation. Advice from the State department responsible for mining indicates there are 9 crown reserves for the purpose of BRM within the Shire.

BRM requires protection from forms of development which would potentially sterilise their extraction. Sequential land use planning, whereby extraction and appropriate rehabilitation can take place on a programed basis in advance of longer-term use and development is supported. Figure 9 identifies 'Significant Geological Supplies', which are State-significant resources. The Shire maintains the position that this land is not to be developed for other purposes until the resource is extracted, is demonstrated to be of insignificant quality, or unless development is compatible with the future extraction of the resource.

Historically, land that had been extracted for BRM has not been appropriately rehabilitated, resulting in large voids being left on rural land. In addition to this, significant vegetation has been cleared in the process of doing so.

Since the previous strategy was developed in 2004, the Shire has implemented a local planning policy on BRM and extractive industry, Local Law (2014). However, further controls and guidance to BRM extraction are required.

Potential impacts include noise, dust, environmental degradation (including impact on local water sources), visual impact and vibration. To address these, decision makers are to consider the application of buffers between BRM extraction sites and nearby sensitive land uses.

The Shire's Local Planning Policy No. 10 should be reviewed to identify specific areas appropriate for extraction in accordance with local context and State guidance. This should be undertaken as a priority of the Local Planning Strategy, to ensure that BRM development assists in the Shire's growth rather as a reaction to key infrastructure upgrades such as the Great Northern Highway and Bindoon Bypass upgrades.

The clearing of indicative high conservation value vegetation to extract BRM will generally not be supported.

4.3.7 Mining

The Shire contains important geological resources, ranging from mineral sands on the coastal plain, and bauxite on the Darling Plateau.

Mining can occur under one of three pieces of legislation - the *Mining Act 1978*, State Agreements Act, and the *Planning and Development Act 2005*. In Western Australia the extraction of minerals is generally governed by the *Mining Act 1978*. However, in some cases, minerals (with the exclusion of 'royal metals') located on privately owned land granted before 1899 remain the property of the landowner. Commonly referred to as 'mineral to owner' land, landowners have the right to mine and sell these minerals subject to planning requirements and other law.

The Shire has a unique historical legacy of extensive 'mineral to owner' land, which originates from the establishment of the Midland Railway - Perth to Dongara railway in 1894. As part of the railways construction, the Midland Railway Company was permitted to select up to 12,000 acres of land for every mile of railway completed, but the land had to be within a 40 mile radius of the railway corridor. This gave rise to large land title grants, which included private mineral rights as it pre-dated contemporary mining legislation.

While some private mineral rights have reverted back to the Crown - which is noted by inclusion of an 'M' in the Lot number - where private mineral rights still exist, the *Planning and*

Development Act 2005 acts as the principal governing legislation. In this case, a local planning scheme provides the basis for local government decision-making via typical norms such as land use permissibility and development approval.

The Shire's Local Planning Scheme No. 6 does not reflect the two forms of mining tenure - *Mining Act 1978* and 'mineral to owner'. **Figure 10** of the Local Planning Strategy recognises that 'mineral to owner' land is likely to occur within the Shire, and sets out to clarify this matter by reflecting mineral prospectivity (i.e. bauxite and titanium-zircon mineral deposits) over possible 'mineral to owner' land.

Figure 10 is based off historic 'parent' land title grants, which comprise of Swan Location 1371, Swan Location 1372, Swan Location 1351 and Swan Location 1352. These areas reflect much of present-day Bindoon, Chittering and Lower Chittering and total approximately 765km² of land within the Shire.

Best available information identifies Waldeck East Road, Bindoon as forming part of the northern extent of original land grants. **Figure 10** identifies land south of Waldeck East Road and removes identified 'M-lots' where exclusive mineral rights are likely to have extinguished. Further investigation is needed for land north of this area.

Care should be taken in interpretation as, over time, private mineral rights may have been extinguished through either the creation of M-lots or later subdivision of M-Lots, in which the 'M' notation is removed. It is important that when considering mining operations on private land that due diligence is carried out to confirm mineral ownership, as well as land tenure.

A local planning scheme may differentiate between those mining operations on 'mineral to owner' land in which the local government has a direct role in the decision making process, and other land where the *Mining Act 1978* applies. Reviewing Local Planning Scheme No.6 to capture 'mineral to owner land' is a necessity. The Shire will include 'mineral to owner' land as a separate land use permissibility, and retain its long-standing position against mineral extraction as a permitted land use on 'mineral to owner' land. Council's position in relation to mining also applies to proposals for shale gas, fracking or petroleum exploration activities in the district. Applications for such industries are made through the relevant State mining body in accordance with the Mining Act.

Where the Mining Act applies, the Shire intends to explore options where updating scheme arrangements can aid clarity to discretionary powers that exist under section 120(2) of the Mining Act, which prompts Ministerial intervention.

There are currently 12 known undeveloped mineral deposits within the Shire for bauxite, heavy mineral sands and illimanite/kyanite. The heavy mineral sands and illimanite/kyanite deposits are on rural land and warrant consideration in the Local Planning Strategy for long-term protection from conflicting uses.

There are 19 granted mining tenements and 5 pending mining tenements under the *Mining Act 1978*, wholly or partly, within the Shire, but no active State Agreements. Most mining companies are targeting bauxite associated with lateritic deposits east of the Darling Fault. Within the Perth Basin, tenements are targeting heavy mineral sands.

By comparison, there is 1 granted petroleum title and 1 pending petroleum application within the Shire, and no geothermal energy titles.

To maintain legislative controls, ongoing discussion with State government is required. This will establish a robust and transparent referral and approval process.

4.3.8 Key issues summary

The Shire is rich in biological diversity, containing habitat for rare and threatened species and communities. Ongoing commitment is required to realise the benefits of the Shire's local biodiversity strategy by establishing a greater link with planning decision making. The tracking of implementation targets is an ongoing priority, as well as applying best practice methods such as viewshed mapping and stocking rates in decision making.

The risk of bushfires pose an ongoing threat to the Shire and community. Recognising the need for ongoing commitment, it is critical that decision making takes into account a range of bushfire management measures at all stages of the planning system. To this end, the Shire will continue to pursue improvements within the legislative framework to better understand and mitigate bushfire risk with the agency responsible for bushfire and emergency services.

With respect to mining, the Shire's unique history provides the Shire with a direct role in the decision making process for mining proposals on 'mineral to owner' land. Additional work is required to clarify the existing local planning framework in relation to 'mineral to owner' land, and in doing so, differentiate between typical mining operations governed under the Mining Act.

In determining proposals for extractive industries, the Shire is to have regard for impacts including clearing of vegetation, lifespan and nature of operations (including rehabilitation of closed pits), noise, dust, visual amenity and vibration.

4.4 Infrastructure

4.4.1 Community facilities

The Shire is currently under-resourced with community facilities. However, the Shire's population growth and the expansion of planned townsites and settlement precincts will provide the impetus for improving community facilities and services across the Shire. This in turn will attract and retain further residents, workers and their families, helping to build a stronger sense of community.

The generation of waste will increase, putting pressure on available landfill space. Greater consideration needs to be placed on the Shire's landfill space and efforts made to utilise it efficiently. The Shire currently operates landfill sites at Bindoon and Muchea. Both are Category 64 - Class 2 Putrescible landfill sites.

4.4.2 Water supply and wastewater disposal

Within the Shire, only the Bindoon townsite has access to reticulated water supply. Other residents rely on traditional forms of drinking water, such as private bores and self-sustaining roof catchments and rain water tanks. Under existing scheme arrangements, all buildings for residential use within the rural residential zones require a water tank with a capacity of 120,000kl. However, as weather conditions become hotter and drier, rainwater tanks are unlikely to be able to provide a sufficient sustainable water supply.

The Water Corporation manages water supply for Bindoon townsite. Water is sourced from a borefield located north of Teatree Road, on the outskirts of the Bindoon townsite. Water is then transported to the Bindoon water treatment plant, where it is processed before being supplied to residents.

A private, reticulated potable water supply system is required to service a proposed 250-lot residential development on Reserve Road, Chittering. Discussion about the potential to extend the capacity of this pipeline to ultimately serve the northern portion of Muchea Industrial Park is currently underway.

Water demand in the Shire is expected to increase as a result of residential growth and industrial expansion. Water resource within the Shire is constrained, largely due to groundwater resources being fully allocated. There is limited availability in the surficial and fractured rock aquifers, although the quality and yield is variable and yet to be fully known. The viability of groundwater as a potable and non-potable water source will need to be verified by

on-site investigations.

Alternative water sources and supply solutions will need to be investigated, given the Shire's anticipated population growth. Obtaining additional water allocation through water trading with an existing licence holder may be an option, depending on market viability.

The ability to manage wastewater typically depends on land capacity, which includes soil profiles and depth to groundwater. In Muchea the ability of the soil to manage nutrients is low, and the water table is high. Traditional forms of on-site wastewater disposal, such as septic tanks and leach drains, are to be avoided and retrofitted with nutrient stripping Aerobic Treatment Units upon new development. Recognising development constraints, applications for development approval should be accompanied by a site and soil assessment to validate the carrying capacity of the land and ability to appropriately deal with on-site wastewater disposal. Proactive steps should also be taken to improve existing drainage infrastructure by investigating the construction of biofilters at outlets and revegetating existing drainage corridors to improve water quality of stormwater.

There is no known prospect in the foreseeable future for a reticulated water or sewerage service to the Muchea townsite. This is largely due to the anticipated closure of the nearby Bullsbrook Waste Water Treatment Plant in 2020, and the townsite's close proximity to the Gnangara groundwater mound, which presents significant servicing challenges to the broader Perth-Peel Integrated Water Supply Scheme (IWSS). Accordingly, this strategy has been prepared on the basis that reticulated water and sewerage services will not be available to the townsite in the short to medium term.

While engineering solutions may exist, the probability of essential services being driven by State-Government investment is seen to be dependent on capital and the long-term planning of the IWSS.

4.4.3 Key issues summary

Access to potable scheme water is limited to the Bindoon townsite and there is no reticulated sewerage in the Shire. The absence of essential servicing is seen as a major limitation to the development potential of several areas within the Shire.

Intensification of residential land uses in areas identified in the Local Planning Strategy Map (Figure 1) as a way of leveraging investment for the development of essential services continues to be supported.

As the Shire develops, alternative "fit for purpose" water and wastewater services are continued to be investigated. The Shire is committed to establishing sustainable development practices to improve public health, social and environmental outcomes.

4.5 Transport

4.5.1 Roads

The existing transport network within the Shire comprises both road and rail infrastructure (Figure 5). Most roads located within the Shire are currently controlled by the local government, with the exception of Great Northern Highway, Brand Highway and Bindoon-Moorra Road, which are controlled by Main Roads Western Australia. There are three major changes proposed to Chittering's current road network, as follows:

- > NorthLink - connecting northern metropolitan region to Great Northern Highway.
- > Great Northern Highway - Muchea to Wubin - upgrade of the existing road between Chittering Road House and Muchea.
- > Bindoon Bypass - connecting Wannamal to Muchea.

These upgrades will improve the strategic freight network within the Shire and increase its connectivity to the Perth Metropolitan region and the State's north.

Bindoon and Muchea are situated on, or close to the existing Great Northern Highway alignment. To the south, Great Northern Highway connects the Shire to the City of Swan and thereafter the City of Perth. To the north, this road passes through New Norcia *en route* to the Mid-West and Pilbara. This makes it the most important stretch of road traversing the Shire, for residents, visitors and industry.

Main Roads Western Australia's (MRWA) \$1.02 billion NorthLink project will provide a direct transport link between Morley and Muchea, reducing travel times and traffic congestion. The section from Ellenbrook to Muchea will involve construction of a grade-separated interchange over Muchea South Road and the railway line, and ultimately another grade-separated interchange at the junction with Brand Highway, which will ultimately service Muchea Industrial Park.

The Great Northern Highway - Muchea to Wubin upgrade involves road widening, construction of additional passing lanes and geometry improvements. A new road train assembly area in proximity to the Muchea interchange is concurrently being constructed with the highway upgrade.

At present, triple road trains must break down into double road trains at the road train assembly areas in Wubin; approximately 180km north of the Bindoon townsite. A move to Muchea would have positive flow-on effects for the growing freight and logistics sector.

To coincide with upgrades to Great Northern Highway, MRWA has announced the Bindoon Bypass project, which will resolve long-standing challenges to freight movement due to the steep slopes of Bindoon Hill, north of the townsite. It will also limit the number of heavy vehicles passing through the Bindoon townsite.

Planning for the Bypass is underway and funding options for future construction are being explored. Future work is likely to impact on land west of Bindoon townsite, as it will bisect Gray Road and Teatree Road.

The *Bindoon Deviation 'for Heavy Haulage Vehicles' Strategy* (2017) outlines the Shire's research into the likely effects that a bypass would have on the town of Bindoon and local businesses. The research undertaken within this strategy suggests that in towns with populations of 2,500 residents or more, the adverse economic impacts are likely to be short term and towns usually ultimately benefit from a bypass. However, Bindoon's current population of 1,183 places it at risk, warranting specific efforts to address likely issues. The Shire is thus undertaking studies and implementing a masterplan for economic and social activation of the town, which includes alternative accommodation and active tourism proposals.

The Shire's proximity to Midland as a major service centre may cause local and visitor traffic to bypass Bindoon in order to access greater services present in Midland.

The Shire recognises the need to focus on strategies that will ensure that Bindoon continues to be a place to stop, as well as promoting the Shire as a whole as a growing day and overnight destination for visitors.

The Shire has prioritised stakeholder consultation and marketing. The Local Planning Strategy has identified the need for better signage in the Shire, to advertise the different towns, and a gateway entry to Bindoon.

MRWA intends to transfer management of the bypassed section of Great Northern Highway to the Shire, once the bypass is complete. Should the current alignment be handed to the Shire, strategies to help cover the costs of maintaining such a road will need exploring.

4.5.2 Regional infrastructure

Regional infrastructure including the Dampier to Bunbury natural gas pipeline and the grain freight railway line provide external links and are of regional significance.

The Shire borders the City of Swan, which houses the Department of Defence RAAF Pearce Airfield Base. To maintain aircraft safety, maximum height requirements apply. The Local Planning Strategy does not propose any changes to current scheme arrangements.

4.5.3 Key issues summary

The Shire is keen to explore the opportunities presented by NorthLink and other road and rail based projects. These projects were not intended to provide a basis for subdivision and development, but rather, they were designed to provide for the safe and uninterrupted passage of traffic, enhancing freight efficiency and capacity by reducing travel time and improving traffic safety. However, developing new transport routes also presents the challenge of promoting the Shire's retail services to commuters travelling south into the Perth Metropolitan region.

The Local Planning Strategy recognises the impact of the altered road network, and makes provision for the Bindoon Bypass to act as the new western boundary of the Bindoon townsite.

4.6 Tourism

4.6.1 Paddock to plate and recreation

The Shire's vision to support and grow tourism is through the connection and promotion of local businesses and attractions across the Shire. Although the Shire is currently not primarily a tourist destination, it attracts an increasing number of tourists, particularly day visitors, to the region (according to the Chittering Visitor Centre statistical data).

The main attractions are:

- > close proximity to Perth and to other tourist locations including Avon Valley, Gingin-Moore River Region, Toodyay, New Norcia and the Swan Valley;
- > picturesque hills and valleys with citrus, vineyards and other horticulture uses; and
- > various regional/community events run throughout the year.

While there is no one specific draw card, there are a number of places to visit and activities to participate in while in Chittering. Opportunities also exist for the creation of new tourism

activities such as a mountain biking track on the eastern side of the Bindoon townsite.

The existing 'Agricultural Resource' zone allows for a number of tourism uses such as repurposed farm sheds used for wedding receptions and 'paddock to plate' initiatives. These need to be encouraged within existing rural land and major settlements. Such land use initiatives are encouraged and promoted.

The Shire also promotes boutique tourism enterprises, such as taverns, bus tours, and wedding planning, in addition to establishing entry statements and signage along key scenic routes.

The Shire supports extending Chittering Valley Tourist Drive to connect Bindoon with New Norcia Tourist Drive. Boosting visitor numbers to the Shire's north will assist in 'opening up' rural land to broader tourism and food related compatible enterprises.

4.6.2 Visitor accommodation

The Shire's vision to support and grow the regions tourism industry requires innovative thinking, creative ideas and diverse opportunities. A key driver to promote tourism and 'transition' to an overnight destination hinges on providing accommodation, support facilities and infrastructure that are low-cost, user-friendly and accessible.

There are several accommodation options for people to stay within the Shire that include farm stays, holiday house, bed and breakfast and chalets. In addition, the Shire is keen to promote traditional forms of short-term accommodation, such as caravan parks and campgrounds to improve self-drive experiences along major touring routes, such as Great Northern Highway, and increase visitor participation to the Shire. The Shire supports the establishment of a new caravan park and expanded amenities within the Bindoon townsite that offers traditional camping facilities and short-term chalets.

The Shire's *Chittering Visitor Centre Strategic Plan 2016-2019* recognises the regions picturesque environment as presenting opportunities to expand tourism partnerships. The Shire supports the establishment of eco-based tourism ventures where proposals demonstrate and achieve vegetation retention, servicing, and bushfire risk (including access) outcomes.

Increasing visitor participation with affordable short-term accommodation throughout the Shire accords with Tourism Western Australia *Caravan and Camping Action Plan 2013-2018*. The Shire continues to work with Tourism WA and the Chittering Tourist Association to promote the region as a prime destination for visitors and tourists.

4.6.3 Key issues summary

Additional re: building upon SPP 2.5

The Shire's natural environment and short commute to Perth provides growing opportunity to market and develop tourism industries to support longer stays and enjoyable experiences in the region. Together with expanding traditional forms of short-term accommodation, the Shire promotes the expansion of boutique businesses and 'paddock to plate' style initiatives. Planning is also underway to identify and expand upon 'active tourism' opportunities primarily geared towards the Bindoon townsite, where established community facilities and services exist.

4.7 Heritage

4.7.1 Aboriginal heritage

Land within or adjacent to the Shire is home to the Whadjuk People and Yued People.

There are several areas of Aboriginal significance within the Shire ([Figure 14](#)). These include:

- > Bindoon Hill (Heritage Place 3422)
- > Chandala Brook (Registered Aboriginal Site 21620)
- > Ellen Brook: Upper Swan (Registered Aboriginal Site 3525)
- > Ellen Brook: Muchea 1 (Registered Aboriginal Site 3565)
- > Ellen Brook: Muchea 2 (Registered Aboriginal Site 3566)
- > Gingin Brook Waggy Site (Registered Aboriginal Site 20008)
- > Mooliabeenee Reed Site (Registered Aboriginal Site 3381)
- > Moore River Waugal (Registered Aboriginal Site 20749)
- > Swan River (Registered Aboriginal Site 3536)

Typically, sites align to the Ellen Brook river and supporting tributaries, and provide important places of history and culture, which are to be protected and maintained for future generations.

Planning proposals which may impact registered Aboriginal sites are required to comply with the *Aboriginal Heritage Act 1972*.

4.7.2 Built heritage

The Shire has many heritage places and contains a number of historic buildings dating back to the late 1800s, including:

- > Holy Trinity Church (1886)
- > St Benedict's Church (1908)
- > Bindoon Catholic Agricultural College (1940)
- > The Old Well

The Shire encourages residents and visitors to visit these places to learn about the region's history. The Shire's Municipal Heritage Inventory is the main reference document for the identification of places with heritage significance. Updating of the Municipal Heritage Inventory is ongoing. State Planning Policy 3.5 - Historic Heritage Conservation will be referenced in assessment and guidance for the identification, planning and management of places of historic heritage significance.

4.8.3 Key issues summary

The Shire has a diverse history, containing places of Aboriginal and European heritage. In the context of growth and development, the Shire's heritage values are to be conserved.

5 State and Regional Planning Context

The Local Planning Strategy has been prepared within the context of State and regional planning provisions relevant to the local government area. The relevance of these documents to the Local Planning Strategy is set out below.

5.1 State Planning Framework

The State Planning Strategy (WAPC 2014) **Strong and resilient regions** is a key strategic goal of the State Planning Strategy, with the priorities being a diverse economy, creating places where people want to live and work, and inter-regional collaborations to harness the competitive advantage of each region. These key priorities have been developed further in the *Wheatbelt Regional Planning and Infrastructure Framework* (2015) and they guide the Local Planning Strategy.

The State Planning Strategy plans for a doubling of the State's population by 2056 and supports interconnected, vibrant and resilient communities with strong recognition of the importance of regional development.

The Shire of Chittering is located within the Wheatbelt Region of Western Australia. The State

Planning Strategy's vision for the Wheatbelt Region is summarised as follows:

- > key townships linked by strategic freight networks; and
- > encourage innovative practices with agriculture and environmental management, including the rehabilitation and protection of productive agriculture.

The Shire of Chittering will play an important part implementing and actioning some of the visions of the State Planning Strategy through the following:

- > Protecting prime agricultural land and natural resources from incompatible development;
- > Protecting the natural landscape;
- > Facilitating the development of a range of different lifestyles; and
- > Facilitating the development of an improved transport network.

5.2 WAPC policies

5.2.1 State Planning Policy 1 - State Planning Framework

State Planning Policy 1 - State Planning Framework (SPP1) provides the basis for decision making across the State, and general principles for land use planning, by bringing together existing policies, strategies and plans approved by the WAPC.

The Local Planning Strategy is consistent with SPP1 as it is based on State planning policies.

5.2.2 State Planning Policy 2 - Environment and Natural Resources Policy

State Planning Policy 2 - Environment and Natural Resources Policy (SPP2) is a broad policy that deals with natural resources and environment. This policy is designed to support sustainable decision making by supplementing more specific policies and providing guidance on water resources; air quality and emissions; soil and land quality; landscape; biodiversity; agriculture and rangelands; minerals and resources; aquaculture and energy efficiency.

The Local Planning Strategy seeks to build on the guiding principles of SPP2 by avoiding and minimising any adverse impact, directly or indirectly, on areas of biodiversity as a result of land use change and development, and by maintaining the rural and natural character of the landscape viewed from key travel routes.

5.2.3 State Planning Policy 2.2 - Gnamptara Groundwater Protection

State Planning Policy 2.2 - Gnamptara Groundwater Protection (SPP2.2) expands on the overarching objective of preserving existing and future public drinking water supplies by managing development and land use change within the Gnamptara mound area.

This policy relates to the Groundwater Protection Area and Public Drinking Water Supply Area located to the west of Muchea.

5.2.4 State Planning Policy 2.5 - Rural Planning

State Planning Policy 2.5 - Rural Planning (SPP2.5) is the primary guide to rural development and the development of rural living estates. SPP2.5 incorporates policy measures related to the extraction of basic raw materials in areas outside the Perth and Peel regions, specific to the Shire.

Highlighting the need for diversification, SPP2.5 supports rural zones being highly flexible with the ability to cater for a range of land uses related to primary production and rural based light industries where appropriate.

Recognising the importance of rural land for economic, natural resource, food production and environmental and landscape values, SPP2.5 aims to protect and preserve rural land for rural uses. Consistent with this intent, the Local Planning Strategy consolidates future development in and around existing urban and rural living areas to avoid encroaching on incompatible uses.

5.2.5 State Planning Policy 2.7 - Public Drinking Water Source

State Planning Policy 2.7 - Public Drinking Water Source (SPP2.7) is designed to protect public water priority drinking areas by ensuring that water resources are conserved and their quality protected.

The Local Planning Strategy seeks to implement the following objectives:

- > Protecting public drinking water through appropriate statutory provisions including special control areas; and
- > Managing changes to land use and development in priority source protection areas that have the potential to cause detriment to public drinking water supply.

5.2.6 State Planning Policy 2.9 - Water Resources

State Planning Policy 2.9 - Water Resources (SPP2.9) expands on water resource management

by providing additional guidance to planning decision-makers.

The policy aims to protect, conserve and enhance water resources that have significant economic, social, cultural and/or environmental values.

5.2.7 State Planning Policy 3 - Urban Growth and Settlement

State Planning Policy 3 - Urban Growth and Settlement (SPP3) focuses on appropriate measures for creating sustainable communities, while managing strategic urban growth across Western Australia.

The Local Planning Strategy implements the overarching principles of SPP 3 by establishing a long-term settlement pattern and planning for the future growth and profile of the Shire for years to come.

5.2.8 State Planning Policy 3.7 - Planning in Bushfire Prone Areas

Together with the *Guidelines for Planning in Bushfire Prone Areas*, *State Planning Policy 3.7 - Planning in Bushfire Prone Areas* (SPP3.7) provides the overarching policy framework to guide and implement effective-risk based land use planning. Key to this, SPP3.7 seeks to preserve life and reduce the impact of bushfire on property and infrastructure.

Building on the Shire's Local Biodiversity Strategy, the Local Planning Strategy identifies bushfire management and biodiversity protection as key priorities. Recognising these synergies, the Strategy directs future development to cleared areas, to avoid areas of biodiversity and bushfire risk.

To demonstrate bushfire protection requirements, planning proposals should be accompanied by a level of information relevant to the proposals' scale and nature. Where bushfire management measures (i.e. clearing of vegetation) conflict with environmental protection, the proposal will generally not be supported.

5.2.9 Draft State Planning Policy 4.1 - Industrial Interface

Draft State Planning Policy 4.1 - Industrial Interface (SPP4.1) seeks to avoid land use conflict between industrial uses and essential service infrastructure and sensitive land uses.

As development progresses at Muchea Employment Node, it is anticipated that buffers and separation distances will be employed to assist in managing potential land use conflicts between sensitive land uses, such as surrounding residential and rural residential precincts.

The Local Planning Strategy adopts these principles in planning for the future growth and development of Muchea Industrial Park.

5.2.10 State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning

State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning (SPP5.4) promotes mutual compatibility between sustainable land use and transport. The objective of this policy is to protect people against unreasonable levels of noise created through transport, particularly around major transport corridors and strategic freight routes.

This policy is relevant to the Shire as key infrastructure projects, including NorthLink, proceed to development. The Local Planning Strategy establishes a broad framework which addresses likely amenity impacts, consistent with the key principles of SPP5.4.

5.2.11 Development Control Policy 1.1 - Subdivision of Land - General Principles

Development Control Policy 1.1 - Subdivision of Land - General Principles (DC 1.1) outlines the general principles used by the WAPC in determining applications for the subdivision of land. DC 1.1 outlines the WAPC's basic requirements for the creation of new lots and the procedures it follows when processing subdivision applications. Decision makers are to have regard to key considerations when determining planning proposals.

5.2.12 Development Control Policy 1.2 - Development Control - General Principles

Development Control Policy 1.2 - Development Control - General Principles (DC 1.2) establishes the general principles for determining development applications. While DC 1.2 focusses on metropolitan areas, the relevant planning considerations of this policy extend to development within the Shire. To ensure consistent decision-making, regard should be given to this policy.

5.2.13 Development Control Policy 2.3 - Public Open Space in Residential Areas

The basic component of *Development Control Policy 2.3 - Public Open Space in Residential Areas* (DC 2.3) is the requirement that the subdivider should give up 10% of the gross subdivisible area of a conditional subdivision, free of cost, for public open space.

The policy reflects the conclusion that while the 10% requirement should continue to be applied, there may be some flexibility in particular circumstances. DC 2.3 is closely related to existing policies which deal with the subdivision of residential land and with coastal management issues.

The principles of DC 2.3 will apply within the Shire's residential zones.

5.2.14 Development Control Policy 3.4 - Subdivision of Rural Land

Development Control Policy 3.4 - Subdivision of Rural Land (DC 3.4) outlines the principles that will be used by the WAPC in determining applications for the subdivision of rural land. The policy is consistent with the objectives of SPP 2.5, which establishes the state-wide policy framework for rural land use planning in Western Australia.

The Local Planning Strategy applies the principles of DC 3.4 by restricting the creation of new rural lots to planned exceptional circumstances.

5.2.15 Draft Development Control Policy 4.3 - Planning for High-Pressure Gas Pipelines

Draft Development Control Policy 4.3 - Planning for High-Pressure Gas Pipelines (Draft DC 4.3) establishes the WAPC's position regarding development along high-pressure gas pipelines. The policy seeks to protect people from unacceptable levels of risk from high-pressure gas pipelines by ensuring that high-pressure gas pipelines are not subject to unregulated encroachment. The principles of Draft DC 4.3 apply to the Shire, partly due to the alignment of the Dampier to Bunbury Natural Pipeline, which straddles Brand Highway in the Muchea/Lower Chittering region.

5.2.16 Government Sewerage Policy

The draft *Government Sewerage Policy* (GSP) is the principle policy that deals with matters relating to wastewater disposal in the State. While its core objectives are to protect the environment, public health, and amenity by requiring reticulated sewerage for all new development, it establishes discretionary provisions relating to on-site wastewater disposal systems. The GSP is particularly relevant to the Shire due to the reliance on traditional forms of wastewater disposal to service new and existing development. Decision makers are to have due regard to key considerations when determining all planning proposals.

5.3 Regional Strategies

5.3.1 Wheatbelt Planning and Infrastructure Framework

The *Wheatbelt Planning and Infrastructure Framework* (2015) (WPIF) is a regional strategic planning document that provides an overview of regional planning issues and priorities. The key objectives established in the framework are: effective infrastructure and service delivery; a diversified and adaptive economy; and management of natural amenity to support social, cultural and economic development.

The Local Planning Strategy builds on opportunities identified in the framework as being particularly relevant to the Shire, such as:

- > A focus on employment growth and regional services and facilities, such as for health and education;
- > Given its soil and water resources and location relative to the metropolitan area, potential opportunities exist to establish additional horticulture sites within the Shire, with a particular focus on citrus production;
- > Commerce and industry is a key focus, with the establishment of the Muchea Industrial Park in Muchea;
- > Development of the tourism market based on the Shire's landscape and biodiversity values and the identification of the existing Chittering Valley Wine Region.
- > Identification of clay resources of State significance in the Muchea-Chittering area; and
- > Possible future water trading in areas with restricted water access.

A number of these objectives from the WPIF have been included as actions within the Local Planning Strategy.

5.3.2 North-East Corridor Extension Strategy

The *North-East Corridor Extension Strategy* (2003) applies to the Shire and the City of Swan, with the two main settlements being Bullsbrook and Muchea. The Shire was identified as the site of a future industrial node and a future town to help support growth within the north-east corridor.

Since 2003 the Muchea Industrial Park, an industrial node, has been progressed to the structure plan stage. This is the major economic focus of the Shire and supports the objectives of the North-East Corridor Extension Strategy.

The Chittering New Town concept was envisaged to fall within a long-term timeframe. However, as a result of the Greater Perth growth indicators, the need or otherwise of this concept will be reconsidered as part of the review of this Strategy. In the interim, the Shire should allow and continue with the current rural uses, provided that any change of land use does not compromise long-term urban development viability.

5.3.3 North-East Sub-regional Planning Framework

The North-East Sub-regional Planning Framework is one of three frameworks prepared for the outer sub-regions of Perth and Peel — North-West, North-East and South Metropolitan Peel (including Metropolitan South-West, Metropolitan South-East and Peel sectors). Combined with the draft Central Sub-regional Planning Framework, they establish a long-term, integrated planning framework for land use and infrastructure provision.

The framework proposal identifies and supports a future regional transportation network, with an emphasis on providing service infrastructure, including:

- > protecting areas with regional conservation and landscape value;
- > strengthening key activity centres and employment nodes to meet the future needs of industry, commerce and the community;
- > promoting employment opportunities; and
- > improving regional roads and freight.

5.4 Other State Government policies

The following policies, plans and guidelines also apply:

- > Better Urban Water Management Guidelines;
- > Visual Landscape Planning Manual;
- > Strategic Assessment of Perth and Peel;
- > Bindoon-Chittering Water Reserve Drinking Water Source Protection Plan;
- > Guidance for the Assessment of Environmental Factors No. 3 – Separation Distances between Industrial and Sensitive Land Uses; and
- > Guidelines for the Separation of Agricultural and Residential Land Use.

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Figures

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