



DEVELOPMENT SERVICES ATTACHMENTS  
ORDINARY MEETING OF COUNCIL  
WEDNESDAY 13 DECEMBER 2023

REPORT NUMBER	REPORT TITLE AND ATTACHMENT DESCRIPTION	PAGE NUMBER(S)
DS01 – 12/23	<b>Final Adoption Scheme Amendment No.70</b>  <b>Attachments</b> 1. EPA Advice 2. Schedule of Submissions 3. Modified Scheme Amendment 70 Document	1 – 24

Our Ref: APP-0000075  
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Mr Matthew Gilfellon  
Chief Executive Officer  
Shire of Chittering  
PO Box 70  
**BINDOON WA 6502**

Dear Mr Gilfellon

**DECISION UNDER SECTION 48A(1)(a)**  
***Environmental Protection Act 1986***

<b>SCHEME</b>	<b>Shire of Chittering Local Planning Scheme 6 Amendment 70</b>
<b>LOCATION</b>	<b>Lots 30 &amp; 202 Great Northern Highway and Lots 3 &amp; 201 Muchea East Road, Muchea</b>
<b>RESPONSIBLE AUTHORITY</b>	<b>Shire of Chittering</b>
<b>DECISION</b>	<b>Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. No Advice Given. (Not Appealable)</b>

Thank you for referring the above scheme to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) and that it is not necessary to provide any advice or recommendations. I have attached a copy of the Chair's determination of the scheme.

Please note the following:

- For the purposes of Part IV of the EP Act, the scheme is defined as an assessed scheme. In relation to the implementation of the scheme, please note the requirements of Part IV Division 4 of the EP Act.
- There is no appeal right in respect of the EPA's decision to not assess the scheme.

A copy of the Chair's determination will be made available to the public via the EPA website.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M. Tonts', with a long horizontal flourish extending to the right.

**Prof. Matthew Tonts**  
**Chair of the Environmental Protection Authority**

11 October 2022

Encl. Chair's Determination

GOVERNMENT OF  
WESTERN AUSTRALIA

S48A Referrals

## Environmental Protection Authority

**Title:** Shire of Chittering Local Planning Scheme 6 Amendment 70

**Location:** Lots 30 & 202 Great Northern Highway and Lots 3 & 201 Muchea East Road, Muchea

**Description:** The amendment proposes to rezone the subject lots from 'Agricultural Resource' to 'General Industry' and remove Additional Uses No. 7 and No. 20 from Schedule 3 of the Local Planning Scheme. The proposed amendment is to facilitate future industrial development within the Muchea Industrial Park consistent with *Shire of Chittering Local Planning Strategy (2019)* and the *Muchea Industrial Park Structure Plan (2022)*.

**Ref ID:** APP-0000075

**Date Received:** 28/09/2022      **Date Sufficient Information Received:** 28/09/2022

**Responsible Authority:** Shire of Chittering PO Box 70, BINDOON WA 6502

**Contact:** Isaac Parfrey

**Preliminary Environmental Factors:** Flora and Vegetation and Inland Waters.


**Potential Significant Effects:** Future clearing of scattered mature trees and industrial development within the Ellenbrook Floodplain Multiple Use Wetland.

**Management:** Potential impacts can be managed by existing scheme text and future planning processes.

**Determination:** **Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of EP Act. No Advice Given. (Not Appealable)**

The Environmental Protection Authority (EPA) has carried out some investigations and inquiries before deciding not to assess this scheme. In deciding not to formally assess schemes, the EPA has determined that no further assessment is required by the EPA.

This Determination is not appealable.

Chair's Initials: 

Date: 11 October 2022

## SCHEDULE OF SUBMISSIONS – SCHEME AMENDMENT 70

AGENCY SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
<b>Department of Planning, Lands &amp; Heritage – Aboriginal Heritage Conservation</b>	<p>A review of the Register of Places and Objects as well as the Department of Planning, Lands and Heritage's Aboriginal Heritage Database confirms that the lots depicted in the map attached to your email intersects with the public, but not actual (restricted) boundary of registered Aboriginal Heritage site ID 3525 (Ellen Brook: Upper Swan).</p> <p>As there is no intersection with the actual boundary of this site, we have no comment to make on the proposed scheme amendment relevant to the <i>Aboriginal Heritage Act 1972</i>. However, I encourage you to communicate with the Whadjuk Aboriginal Corporation via the South West Land and Sea Council should you wish to better understand the Aboriginal cultural heritage of the wider area.</p>	Noted	Noted.
<b>Department of Water and Environmental Regulation</b>	<p>The Department of Water and Environmental Regulation (DWER) has considered the proposal and reviewed our Contaminated Sites database and would like to provide the following advice:</p> <ul style="list-style-type: none"> <li>• The DWER can confirm that the subject site is not on our contaminated sites data base;</li> <li>• The DWER has no records of any previous contaminating land use, any decommissioning or underground fuel tanks;</li> <li>• The DWER has no objections to the proposal and further investigations into contaminated sites should be considered at the Development Application stage;</li> <li>• The DWER will provide further advice on contaminated sites at the Development Application stage.</li> </ul>	Noted	The Scheme Amendment has been adjusted accordingly to require a site assessment of Lot 30 prior to any development being approved on this lot.
<b>Department of Biodiversity, Conservation &amp; Attractions</b>	The Parks and Wildlife Service of the Department of Biodiversity, Conservation and Attractions has no comments with regards to the above application.	Noted	Noted.
<b>Department of Primary Industries &amp; Regional Development</b>	DPIRD does not object to the proposal as this amendment to rezone the subject sites from 'Agricultural Resource' to 'General Industry', is consistent with the objectives of Councils Local Planning Strategy, the Muchea Employment Node Structure Plan and the draft Muchea Industrial Park Structure Plan.	Noted	Noted.
<b>Department of Fire &amp; Emergency Services</b>	<p>I refer to your email dated 8 November 2022 regarding the submission of a Bushfire Management Plan (BMP) (Version V1.1), prepared by Smith Bushfire Consultants Pty Ltd and dated 9 February 2022, for the above proposal.</p> <p>This advice relates only to <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas</i> (SPP 3.7) and the <i>Guidelines for Planning in Bushfire Prone Areas</i> (Guidelines). It is the responsibility of the proponent to ensure the proposal complies with all other relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining necessary approvals that may apply to the proposal including planning, building, health or any other approvals required by a relevant authority under other written laws.</p> <p><b>General Comments</b> High level consideration of bushfire risk is one of the most effective means of preventing inappropriate development in bushfire prone areas.</p> <p>DFES urges the Shire to ensure that further consideration is given to the bushfire protection at subsequent planning stages to reduce the vulnerability of dwellings and residents from the impact of a bushfire, and to ensure continued compliance with SPP 3.7 and the Guidelines.</p>	The site is mapped as Bushfire Prone, as is all land within the Shire of Chittering. The site is located within the Muchea Industrial Park Special Control Area (MIPSCA). The provisions of the Shire Local Planning Scheme No.6 (LPS6) require the lodgement of a Development Application (DA) for any development of land within the MIPSCA. A DA will require assessment against the requirements of SPP3.7 for any proposed use, this includes the provisions of water for fire fighting purposes as detailed in element 4 table 7 of the SPP3.7 guidelines. The guidelines are a living document and there may be future changes that will require consideration in the assessment of any DA.	Shire officers are satisfied that the information provided is suitable for this stage of the planning process. Further Bushfire Attack Level Assessments and Bushfire Management Plans will be required to accompany future development applications which will provide specific bushfire management solutions for the specific developments.

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The following assessment is intended to guide the current and subsequent planning stages.

**Assessment**

- It is noted the BMP has been prepared in accordance with v1.3 of the Guidelines, which has now been rescinded. DFES have assessed the BMP against version 1.4 of the Guidelines.
- Further clarification is required within the BMP of the requirements of SPP 3.7, and the supporting Guidelines as outlined in our assessment below.

**1. Policy Measure 6.3 a) (ii) Preparation of a BAL Contour Map**

Issue	Assessment	Action
<b>BAL Contour Map</b>	The indicative BAL ratings cannot be validated. The relevant inputs, in particular slope, needs to be included in the BMP to demonstrate the methodology applied to determine the BAL outputs within the Contour Map.	Modification to the BMP is required.
	While slopes are noted on page 16, they do not reflect the contours provided in figure 5.	
<b>Vegetation Exclusion</b>	<p>Evidence to support the exclusion of portions of Plot 1 (specifically the area around Photo ID 2 and Photo ID 7 as well as verge areas surrounding the site) and road reserve as managed to low threat in accordance with AS3959 is required.</p> <p>Specifically:</p> <ul style="list-style-type: none"> <li>• Plot 1: The areas noted above contain grassland that is outside of the lot area and is greater than 100mm in height. It is unclear how this area is to be managed to low threat in perpetuity.</li> <li>• Muchea East Road and Great Northern Highway Road Reserve - Images are not provided to support the classification of 'managed to low threat'. Evidence has not been provided to validate management of the reserve by the responsible authority.</li> </ul> <p>Alternatively, the vegetation should be classified as per AS3959, or the resultant BAL ratings may be inaccurate.</p>	<p>Clarification required.</p> <p>The decision maker to be satisfied with the vegetation exclusions and vegetation management proposed.</p>

SCHEDULE OF SUBMISSIONS – SCHEME AMENDMENT 70

2. Policy Measure 6.3 c) Compliance with the Bushfire Protection Criteria			
Element	Assessment	Action	
Location and Siting and design	<b>A1.1 and A2.1 – not demonstrated</b> The BAL ratings cannot be validated, as the vegetation classification inputs require modification as per the above table.	Modification required. Resolve issues in the table above to ensure compliance to Element 1.	
Water	<b>A 4.2 – not demonstrated</b> The BMP states that domestic/commercial and firefighting water supply will be developed in accordance with the Shires requirements. It is unclear if a dedicated firefighting water supply will be provided at future stages of development in accordance with Element 4 and Table 7.	Modification required. Please demonstrate compliance, or provide substantiated evidence of a performance principle-based solution.	
<p><b>Recommendation – not supported modification required</b></p> <p>DFES has assessed the Local Planning Scheme Amendment report and accompanying BMP. Several issues that need to be addressed prior to support of the proposal (refer to the tables above). It is noted that the changes above are generally minor however as they have the potential to impact the BAL ratings on the site, and the availability of a designated firefighting water source, the changes should be made prior to the decision maker endorsing the BMP/Scheme Amendment.</p> <p>In addition to the BMP updates, DFES recommends amendments to the proposed Scheme Amendment report, consistent with any future modifications to the BMP. The proposed changes should include comments regarding the requirements for all future development to be in areas 3 of BAL-29 or lower as well as vegetation management within the lots and the provision of water to meet the requirements of SPP3.7 and Guidelines at all stages of the development.</p>			
<b>Chittering Landcare</b>	<p>The Ellen Brockman Integrated Catchment Group in collaboration with the Chittering Landcare Group submit the following comments for consideration to the above Scheme Amendment No 70 within TPS6.</p> <ol style="list-style-type: none"> <li>1. Lot 30, the site of the old service station would still have the underground fuel tanks beneath, although we have no evidence that they were not removed when it was used by the plumbing business. Despite this, it would be incumbent on any developers of the site that it is still a contaminated site, registered or not, and would require special consideration.</li> <li>2. Waste water considerations. As the lots are in a sewerage sensitive area of the Ellen Brook palusplain, any effluent disposal will be Secondary Treatment Systems (STS). This would include any stormwater runoff from hardstands that may be contaminated. All stormwater runoff from hardstands should be captured and treated in some manner. These capture systems will need to be of a capacity to cope with rain events of 100 mm or more that occur in short periods of time. The necessity for STSs should be written into the Scheme Amendment rather than being left until development approval is sought. The size and type can then be determined as part of the Development Application.</li> </ol>	<p>The site is located within the MIPSCA and any development will require the lodgement of a development application. The items raised are all items that require consideration by the Shire when assessing a development application under clause 67 of the Local Planning Regulations 2015 (Deemed Provisions). This is standard Planning practice and procedure.</p>	<p>The Scheme Amendment has been proposed to be modified to address the concerns raised.</p>

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	<p>3. Lot 201 was filled some time ago without Shire approval with the consequence that flash flooding occurred twice onto Lot 3. A Stormwater Management Plan is required before any approvals are considered and should also be in the Scheme Amendment. Planning proposals to ensure that flash flooding will be minimized or avoided altogether can be expanded in Development Applications. This will ensure no damage to properties and Shire drainage systems by flooding</p> <p>While the Livestock Centre installed an additional small dam and contour banks at the time, this does not preclude damage from future flash flooding and contaminated water flowing directly into the Ellen Brook through the drainage system along Granary Road.</p>		
<p><b>Department of Health</b></p>	<p>The DoH has no objections subject to the following:</p> <p><b>Wastewater Management</b></p> <ul style="list-style-type: none"> <li>• Ensure all existing onsite wastewater treatment systems used for residential dwellings and purposes are decommissioned and approval is given by local government.</li> <li>• All other existing onsite wastewater treatment systems will be required to be upgraded as part of this change of purpose to meet the requirements of the Government Sewerage Policy (GSP).</li> <li>• If secondary treatment systems with effluent disposal areas have already been installed, ensure all minimum setback distances are achieved to lot boundaries. If future development occurs within each assigned lot, the onsite systems need to remain within those lots unless the lots are amalgamated.</li> <li>• The zoning and redevelopment lot sizes for onsite wastewater management will be required to meet the GSP requirements. This may be an issue for Lot 3.</li> <li>• A specific Site and Soil Evaluation (SSE) report should be undertaken by a qualified consultant that is conducted during the wettest seasonal time of the year only, as per the requirements of AS/NZS 1547:2012.</li> <li>• The documentation has highlighted that parts of the lot may become inundated during winter months, these areas should not be filled with land fill nor used as effluent disposal areas. Other areas may require fill up to 1.5 metres to ensure separation is met from the highest winter water levels to the base of the effluent disposal sources.</li> <li>• As the proposal is located within a sewage sensitive area, secondary treatment systems will be required and potential landowners should be made aware of this.</li> <li>• If industrial wastewater sources such as a wash down bay is intended, a separate wastewater treatment system will be required as a separate application.</li> <li>• Plans detailing the proposed building envelopes, all trafficable areas, parking bays and land application area/s with setbacks, exclusion zones and measurements shown will be required for future development.</li> </ul> <p><b>Drinking Water Management</b></p> <ul style="list-style-type: none"> <li>• Any future development to ensure a potable water quality as specified under the <i>Australian Drinking Water Quality Guidelines 2011</i>.</li> <li>• Any future development will need to ensure any bore used for potable water supply meets setback distances from any onsite wastewater system as per the requirements of the Government Sewerage Policy (GSP).</li> </ul> <p><b>Medical Entomology</b></p> <p>The Shire of Chittering locality is generally considered low risk from mosquitoes and mosquito-borne disease. Human cases of Ross River virus disease occur sporadically every few years, but there are no known productive mosquito breeding sites within proximity to the subject land.</p>	<p>All development of lots within the MIPSAs requires the lodgement of a Development Application (DA). The requirements of DOH and the Government Sewerage Policy 2019 are an obligatory part of the assessment process by the Shire for any proposed Development.</p>	<p>Noted.</p>



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	<p>It is best practice for the proponent to ensure that onsite works activities and water holding infrastructure including constructed wetlands and stormwater drainage do not contribute to or support mosquito breeding onsite.</p>														
<p><b>Main Roads WA (Late submission)</b></p>	<p>Main Roads Wheatbelt Region has reviewed the information provided and have identified that there is potential for significant access/egress issues for Lot 30 (3614) Great Northern Hwy, being the former service station. The current RAV network through this area is RAV 7 which allows for vehicles up to 36.5m in length. There is potential, once the Muchea Industrial Park is further developed, that there may be a need for the surrounding network to be upgraded to RAV 10 which allows for vehicles up to 53.5m in length.</p> <p>Lot 30, at its longest extremities is 50m wide from east to west and 32m long from north to south, along its eastern boundary. It is clear that this lot does not have sufficient room for even one heavy vehicle, let alone any other development on the lot to support a future use of the site. Many of the permitted and permissible Uses within the General Industry Zone are not suitable for Lot 30 due to its restrictive size and close proximity to the signalised intersection.</p> <p>Given the above identified issues, please be advised that Main Roads WA, generally has no objection to the subject sites being rezoned from Agricultural Resource to General Industry, which complements the overall plan for the area as an industrial park, and the removal of Additional Uses 7 &amp; 20, subject to provision being made within <i>Shire of Chittering Local Planning Scheme No. 6 District Zoning Scheme, Schedule 4 – Restricted Uses</i> for controls over future development of Lot 30 (3614) Great Northern Hwy, Muchea as follows:</p> <table border="1" data-bbox="409 982 1531 1696"> <thead> <tr> <th colspan="4">SCHEDULE 4 – RESTRICTED USES</th> </tr> <tr> <th>No.</th> <th>Description of Land</th> <th>Restricted Use</th> <th>Conditions</th> </tr> </thead> <tbody> <tr> <td>R1</td> <td>Lot 30 (3614) Great Northern Highway, Muchea</td> <td>All permitted and permissible uses within General Industry Zone</td> <td> <ol style="list-style-type: none"> <li>1. Developers shall initiate contact with Main Roads WA prior to lodgement of a development application to seek pre-application in-general support for the development.</li> <li>2. All development and use shall be subject to an application for development approval.</li> <li>3. An application for development approval shall be accompanied by a Transport Impact Assessment prepared by a suitably qualified traffic engineer.</li> <li>4. All development applications shall be referred to Main Roads WA for review and comment.</li> <li>5. Development must comply with Main Roads WA Driveway Policy.</li> </ol> </td> </tr> </tbody> </table>	SCHEDULE 4 – RESTRICTED USES				No.	Description of Land	Restricted Use	Conditions	R1	Lot 30 (3614) Great Northern Highway, Muchea	All permitted and permissible uses within General Industry Zone	<ol style="list-style-type: none"> <li>1. Developers shall initiate contact with Main Roads WA prior to lodgement of a development application to seek pre-application in-general support for the development.</li> <li>2. All development and use shall be subject to an application for development approval.</li> <li>3. An application for development approval shall be accompanied by a Transport Impact Assessment prepared by a suitably qualified traffic engineer.</li> <li>4. All development applications shall be referred to Main Roads WA for review and comment.</li> <li>5. Development must comply with Main Roads WA Driveway Policy.</li> </ol>		<p>The access restrictions for Lot 30 are acknowledged. It is further agreed that any future development for Lot 30 would not be able to support a development that is associated with heavy vehicles due to the size of the lot. The insertion of the ‘restricted use’ provisions are not considered necessary as existing provisions (Clause 4.14) of LPS6 provide mechanisms for future development on this lot to be referred to Main Roads WA for comment. It would be standard practice for any future development applications on Lot 30 to be referred to Main Roads WA given this property has frontage to Great Northern Highway.</p> <p>Additionally, any future development on this Lot will require Development Approval as there are no exemptions for Development Approval within the Muchea Industrial Park Special Control Area under LPS6.</p>
SCHEDULE 4 – RESTRICTED USES															
No.	Description of Land	Restricted Use	Conditions												
R1	Lot 30 (3614) Great Northern Highway, Muchea	All permitted and permissible uses within General Industry Zone	<ol style="list-style-type: none"> <li>1. Developers shall initiate contact with Main Roads WA prior to lodgement of a development application to seek pre-application in-general support for the development.</li> <li>2. All development and use shall be subject to an application for development approval.</li> <li>3. An application for development approval shall be accompanied by a Transport Impact Assessment prepared by a suitably qualified traffic engineer.</li> <li>4. All development applications shall be referred to Main Roads WA for review and comment.</li> <li>5. Development must comply with Main Roads WA Driveway Policy.</li> </ol>												

## SCHEDULE OF SUBMISSIONS – SCHEME AMENDMENT 70

PUBLIC SUBMISSIONS			
Submitter	Comment	Proponent Response	Shire Officer Response
Tallangatta Beef, Muchea	<p>Tallangatta Beef Pty Ltd, owners of 3488 Great Northern Hwy (Lot M1456 on Diagram 6680) and Lot 50 Great Northern Hwy, Muchea (Lot 50 on Diagram 12338), have been invited to comment on the Proposed Scheme Amendment No. 70 as being a nearby landowner to the subject land.</p> <p>Tallangatta Beef Pty Ltd are in Support of the Proposed Scheme Amendment from Agricultural Resource to General Industry allowing the future growth and industrial development within the Muchea Industrial Park which is considered to be appropriate for the site and surrounding area.</p>	Noted	Noted.
CLE Town Planning	<p>Thank you for the opportunity to comment on Amendment No. 70 to the Shire of Chittering's Local Planning Scheme No. 6 (LPS 6). CLE Town Planning + Design have prepared this submission on behalf of our Client, Harvis who are the proponent for Muchea Industrial Park (MIP).</p> <p>Whilst we understand that the Amendment No. 70 area is strategically planned for industrial purposes, we are concerned that the proposed rezoning to 'General Industry' does not suitably demonstrate that the land is capable of being developed for the broad range of land uses that can occur within the 'General Industry' zone without the need to undertake further technical investigations or preparation of management plans. Further, Amendment No. 70 does not propose any updates to the LPS 6 text to establish the requirements necessary to coordinate future development or subdivision, as has occurred for other rezoning proposals within the MIP specifically, Precinct 1A and Precinct 3 within the Muchea Employment Node Special Control Area.</p> <p>As demonstrated by Local Structure Plan 1 (LSP 1) for the MIP, Harvis have followed a detailed sequential planning process to progress their land to enable subdivision and development for general industrial purposes, guided by the development requirements detailed in Schedule 11 of LPS 6. Whilst we appreciate that a full structure planning process is not necessary given the limited size of the amendment area, similar scheme text requirements should be applicable to Amendment No. 70 to ensure that development for the full suite of uses that may be approved under the 'General Industry' zone is suitably coordinated and managed by the necessary technical investigations and management plans.</p> <p>We have provided a summary of our specific concerns regarding the proposed amendment under the proceeding sections below.</p> <p><b>Response to LPS 6 requirements</b></p> <p>Whilst Clause 5.7.2.4 of LPS 6 exempts the Amendment No. 70 area from the requirement to prepare a structure plan, the rezoning proposal should contain sufficient information to assess the site conditions and confirm the suitability of the land for general industrial purposes. This would also assist to determine whether additional scheme text is required to inform the future preparation and assessment of subdivision and/or development applications.</p> <p><i>Clause 5.7.2.3 LPS 6 requires zoning proposals to be assessed for suitability on the basis of:</i></p> <ol style="list-style-type: none"> <li><i>their location relative to sensitive land uses;</i></li> <li><i>the environmental suitability of the site; and</i></li> <li><i>the potential impact of proposed drainage and wastewater treatment and disposal systems on the environment."</i></li> </ol> <p>Further, Clause 5.7.2.2 of LPS 6 requires the objectives and requirements of the WAPC's MIP Structure Plan to be considered and addressed for 'General Industry' zoning proposals which include:</p>	<p>There is a significant difference in the scale of the amendment and the Harvis development area. There is a well-established planning principle that the level of detail is to be commensurate with this scale of the proposal. The scheme amendment provides a level of information commensurate with its size. This principal is supported by the Shire Scheme clause 5.7.2.4 which does not require the preparation of a Structure Plan for Lots 700, 701, 352, 102 M1606, 22, 30, 202, 3 and 201. (Lots 30,202,3 and 201 are the subject of this scheme amendment.)</p> <p>The lots the subject of this amendment are all existing lots ranging in size from 1234m2 to 3.1067Ha and an Industrial subdivision is not required as the lots are already created. There is a significant difference between the lots the subject of the Scheme Amendment and the other lots within the Muchea Industrial Park, not specifically referenced in LPS6 as not requiring a Structure Plan. The provisions of clauses 4.9 and 5.7 of LPS6 provide suitable planning control mechanisms for the subject sites in regard to future development.</p> <p>LPS6 requires the lodgement of a DA for any development on lots contained within the SCA. The Industrial Subdivision of lots within Precincts 1A, 3 and the precincts within the Muchea Industrial Area Structure Plan have been identified as requiring the provision of a Structure Plan. The Structure Plans are required guide the provision of services, coordinate the new roads and ensure the establishment of a RAV access networks. This process requires the coordinated development of certain lots. The lots the subject of this amendment have not been identified to not require a Structure Plan. The lots do however like all lots within the SCA require the lodgement of a DA, supported by relevant technical documents, prior to any development occurring. This requirement of LPS6 will ensure that any required technical reports required to support a specific land use for each lot are suitably considered by the Shire and any relevant referral authority prior to approval.</p>	<p>The comments of CLE Town Planning are noted. The Scheme Amendment has been significantly modified to restrict the number and type of land uses permitted on the land based on the limited services available to the land. These recommended modification have occurred following the advertising period.</p>

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	<p>a) “details of how the proposal will manage stormwater run-off and wastewater disposal with specific reference to potential impacts on water quality and quantity and the nutrient load of the Ellen Brook which may include studies, commensurate with the scale of the proposal, in accordance with State Policy and the Better Urban Water Management Guidelines;</p> <p>b) details of potential impacts on flora and vegetation, fauna and habitat which may include the need for studies undertaken in accordance with Environmental Protection Authority guidance and consideration of matters of national environmental significance;</p> <p>c) details of potential impacts to, and proposed buffers from, waterways and wetlands which may include the need for studies in accordance with State Policy and technical guidance;</p> <p>d) a land capability assessment demonstrating that the site is capable of assimilating nutrients and disposing of wastewater without an adverse impact on ecosystem health;</p> <p>e) a desktop Aboriginal heritage assessment; and</p> <p>f) any other matters relevant to the site, such as access and egress and basic raw materials.”</p> <p>The proposal does not include the level of technical information necessary to demonstrate that the above matters can be addressed and managed including stormwater management, wastewater disposal and potential impacts on environmental features.</p> <p>Further to the general provisions above, Schedule 11 of LPS 6 contains a range of requirements that are intended to ensure that relevant matters are appropriately addressed at each stage of the planning process within the MIP.</p> <p>The scope of Amendment No. 70 is limited to changes to the scheme map only i.e. no additional or specific scheme requirements are proposed to coordinate future development of the land for general industrial purposes which is contrary to the established process for other precincts within the MIP. Whilst the amendment area includes four separate lots and is smaller than other landholdings, this does not preclude the need to coordinate matters such as drainage, earthworks, vehicle access and servicing. The amendment area should not be exempt from the technical investigations and preparation of management plans required in other precincts of the MIP to ensure high quality planning outcomes and management of environmental constraints. This information is required prior to the land being rezoned in order to demonstrate that the land is capable of being developed for all uses that may be considered within the “General Industry’ zone.</p> <p>Further discussion regarding the specific information necessary to support Amendment No. 70 is set out below.</p> <p><u>Local Water Management Strategy (LWMS)</u></p> <p>A Local Water Management Strategy (LWMS) should be prepared to manage the potential impacts of industrial development on surface water and groundwater. This information is critical for the MIP, given its proximity to sensitive environments and minimal clearance to groundwater. Pursuant to clause 5.7.2.2 a) of LPS 6, all zoning proposals for ‘General Industry’ must provide “details of how the proposal will manage stormwater run-off and wastewater disposal with specific reference to potential impact on water quality and quantity...”. Further, clause 5.7.3 d) of LPS 6 requires development applications to demonstrate the management of surface water and groundwater in accordance with the water management plans for the area however, Amendment No. 70 is not accompanied by a local water management strategy (or similar) to inform future processes. Further, given the already fragmented nature of the amendment area, development is likely to proceed</p>	<p>DBCA, DWER and DPLH submissions have assessed the proposal in relation to all of these matters and have raised no objections.</p> <p>Schedule 11 references Structure Plans and as we have previously outlined the lots the subject of this amendment have been specifically identified in the LPS6 as not requiring a Structure Plan. The provisions of LPS6 and the matter listed in clause 67 of the deemed provisions ensure that all relevant matters are considered for any proposed development on the lots.</p> <p>The lots the subject of amendment have been identified in the Scheme as not requiring a Structure Plan, this makes them significantly different to the lots identified in Schedule 11. The planning provisions required for the rezoning of lots within the MIP is to be commensurate with the scale of the development and there is no industrial subdivision proposed. Schedule 11 is only relevant to lots that require the preparation of a Structure Plan. LPS6 and the relevant Local Planning Policy’s associated with the development of Industrial zones lots and specifically lots within the MIPSCA provide the suitable planning mechanisms for the proper and orderly planning of all proposed future development. The area has been identified for industrial land uses and the existing planning tools are suitable to ensure proposed land uses on lots are suitable to the location and any site constraints once the scheme amendment has occurred. The location has been identified in a hierarchy of planning documents and studies for Industrial land uses and adding another layer to this process is not required or adding anything to the planning outcomes.</p> <p>DWER, the Agency responsible for reviewing Local Water Management Strategies, have not require one for this proposal. Local Planning Policy 33 requires the provision of stormwater management details with the lodgement of a DA. All development in the SCA requires a DA. Clause 4.2.3 of LPP33</p>	
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SCHEDULE OF SUBMISSIONS – SCHEME AMENDMENT 70

<p>without further subdivision, meaning that there will not be the opportunity to require an Urban Water Management Plan as a standard condition of subdivision.</p> <p>An LWMS (or similar) will enable potential water impacts to be identified and a suitable management response assessed and approved by the Shire and the Department of Water and Environmental Regulation (DWER).</p> <p><i>Servicing</i></p> <p>An LWMS at rezoning stage is required to demonstrate access to a reticulated water supply and determine the ability to accommodate on-site wastewater treatment.</p> <p>As per clause 5.7.2.6 a) of LPS 6, a reticulated water supply from a licensed provider is required for all general industry land within the MIP. This is consistent with the servicing requirements for general industrial land and is necessary to ensure the land can be used for its intended purposes.</p> <p>Notwithstanding the requirement for a reticulated water supply, the Amendment Report states that water will be secured via existing bores. We note that the Department of Water’s (DOW) online ‘Water Register’ confirms that there are no groundwater licenses for lots 30, 201 and 202. We also observe that the groundwater license associated with lot 3 is linked to extraction bores and a groundwater license on a separate property, being lot 102 (No. 30) Muchea East Road to the south. Our Client has advised that lot 3 recently transferred ownership and so the continued access to groundwater for lot 3 needs to be confirmed. It is recommended that the Shire verify and confirm that suitable arrangements are in place for each of the four lots to have legal access to groundwater. This should be confirmed prior to considering whether bores are a suitable water supply for general industrial development. At the very least, an LWMS (or other suitable study) is needed to demonstrate an alternative water supply that can support development of the land for general industry purposes.</p> <p>Additionally, the Amendment Report states that “the progressive development of the site to the north will extend the reticulated water supply to the north-eastern boundary allowing future land uses to connect as required’. Our Client - as developer of the land to the north – confirms that there is no intention to extend the water network to the boundary of the subject property in the foreseeable future, if at all. Further, our Client advises that the water supply allocation to the reticulated network is completely allocated to proposed developments within Harvis’ land and no allowance has or can be made to service the subject property(s).</p> <p>Clause 5.7.2.2 c) of LPS 6 requires rezoning proposals to detail potential impacts on waterways and wetlands whilst 5.7.2.2 d) requires a land capability assessment to demonstrate that the land is capable of accommodating on-site wastewater disposal. We note that two of the lots within the amendment area do not meet the minimum lot size of 1 hectare required for onsite effluent disposal as per the Government Sewerage Policy 2019. As the lots do not meet the minimum lot size for onsite effluent disposal under Government policy yet are proposed to be zoned ‘General Industry’, the amendment must be supported by the requisite technical investigations demonstrating the ability to manage wastewater on-site in accordance with the Government Sewerage Policy 2019. If necessary as a result of these technical investigations, further management plans may need to be prepared with this requirement established via additional scheme text provisions for the Amendment No. 70 area.</p> <p><b>Traffic</b></p> <p>A Traffic Impact Assessment is necessary to determine the suitability and capacity of the road network to accommodate the additional traffic that could be generated by the intensification in</p>	<p>outlines the “Acceptable Development Criteria” and point ii) “All stormwater management is to be constructed and maintained in accordance with an approved urban water management plan (UWMP)”. As has been previously detailed, LPS6 and associated relevant planning policies enable suitable consideration of future development applications.</p> <p>Clause (A) of 5.7.2.6 relates to an “industrial subdivision”, there is no subdivision proposed for the lots within the Scheme Amendment. As has been previously outlined the scale of the Harvis industrial subdivision is significantly different to the proposed rezoning of four existing lots. The industrial subdivision requires the coordination of services.</p> <p>Clause 4.9 (d) restricts any industrial development to ‘dry industry’ if it is not connected to reticulated sewerage. Clause 4.1 (iii) of LPP33 further outlines that development can occur for a site which is not connected to a licensed reticulated water supply, but the land uses are limited. The details of future servicing will be part of any development application for the lots.</p> <p>The current comments from CLE on behalf of these clients are noted, but they also only reflect the current view and planning is a dynamic process. The reluctance or inability of Harvis to allow reticulated water to lots to the south of their property is unfortunate. This means that alternative water sources like bores or harvesting roof water will be required. Provision of reticulated water may limit the proposed land uses for the lots but does not inhibit their development for suitable industrial land uses as has occurred on Lot 22.</p> <p>The Department of Health has not objected to the proposed Scheme amendment.</p> <p>The traffic volumes on the Great Northern Highway have significantly reduced with the opening of the North Link. Traffic reports have been completed as part of the Muchea Structure plan and the future development of the RAV network in the SCA.</p>	
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SCHEDULE OF SUBMISSIONS – SCHEME AMENDMENT 70

	<p>land use that would be enabled by the proposed 'General Industry' zoning. With specific reference to the amendment area's context, a TIA would ensure that the ultimate intersection treatments on Great Northern Highway are considered, including any potential access restrictions associated with the land's proximity to GNH.</p> <p>The TIA would also estimate additional traffic volumes that could be generated by the proposed rezoning and identify any infrastructure upgrades necessary to accommodate the increased demand.</p> <p><b>Landscape Screen Planting</b></p> <p>A key objective of the MIP is the retention of the rural character and the landscape values as viewed from Great Northern Highway (GNH) and Muchea East Road (MER). As a result, Harvis' LSP1 includes specific requirements for landscape screening in the areas closest to Muchea East Road. As the amendment area has a direct frontage to both GNH and MER, it is reasonable to conclude that it has a greater potential to impact on landscape values of the land as viewed from these public areas. As there is no ability to include specific requirements in a structure plan, additional scheme text provisions should be included to ensure that screen planting is required to address the objectives of the MIP in the same manner in which clause 5.3.2 of LSP 1 operates.</p> <p><b>Summary</b></p> <p>As outlined above, we understand the strategic intent for the land to be progressed for general industrial purposes however, the amendment does not demonstrate that the land can be developed for general industrial purposes without further technical investigations or management plans. LPS 6 sets out the general information required to support rezoning proposals for 'General Industry' as well as specific matters relevant to the environmental constraints that exist within the MIP. Additional information should be required to accompany the rezoning proposal to demonstrate the suitability of the land and inform any potential scheme text provisions necessary to guide future subdivision and/or development proposals.</p> <p>Thank you for the opportunity to provide this submission. We would welcome the opportunity to discuss our comments in further detail or provide any additional information as required.</p>	<p>The lodgement of a development application, which is required for all development, will enable the consideration of the proposed use in regards to the previously prepared reports and is required the provision of a TIA for the proposed land use.</p> <p>Landscaping is a standard DA condition. LPP33 clause 4.2.8 details the landscaping requirements for the Muchea Industrial Park.</p>	
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\*Note: Comments are as per original submission received by the Shire.

**SHIRE OF CHITTERING**  
**LOCAL PLANNING SCHEME N<sup>o</sup> 6**  
**AMENDMENT N<sup>o</sup> 70**

**An Amendment to rezone Lots 30 & 202 Great Northern Hwy and Lots 3 & 201 Mueha East Road, Mueha from 'Agricultural Resource' to 'Light Industry', to remove 'Additional Uses' 7 and 20 and to amend the Scheme Map and Text accordingly**

**PLANNING AND DEVELOPMENT ACT 2005**  
**RESOLUTION DECIDING TO ADOPT AMENDMENT**  
**TO LOCAL PLANNING SCHEME**  
**SHIRE OF CHITTERING**  
**LOCAL PLANNING SCHEME N<sup>o</sup> 6**  
**AMENDMENT N<sup>o</sup> 70**

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

- i) Rezoning Lots 30 on Deposited Plan 92433 & 202 on Deposited Plan 60290 Great Northern Highway and Lots 3 on Deposited Plan 20433 & 201 on Deposited Plan 60290 Muchea East Road, Muchea from 'Agricultural Resource' to 'General Industry';
- ii) Remove Additional Uses 7 & 20 from Schedule 3; and
- iii) Amending the Scheme Map accordingly.

The Amendment is standard under the provisions of the Planning and Development (Local Planning Scheme) Regulations 2015 for the following reasons:

- i) The amendment is consistent with the Shire of Chittering Local Planning Strategy (2019) which, in relation to the Muchea Industrial Park, within which this site is located, seeks to:
  - a) Promote industrial development within the Muchea Industrial Park; and
  - b) Encourage landowners to progress planning arrangements for the Muchea Industrial Park.
- ii) The amendment is consistent with the Muchea Employment Node Structure Plan (2011).
- iii) The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
- iv) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

## SCHEME AMENDMENT REPORT

1.	<b>LOCAL AUTHORITY</b>	:	SHIRE OF CHITTERING
2.	<b>DESCRIPTION OF LOCAL PLANNING SCHEME</b>	:	LOCAL PLANNING SCHEME N <sup>o</sup> 6
3.	<b>TYPE OF SCHEME</b>	:	DISTRICT ZONING SCHEME
4.	<b>SERIAL N<sup>o</sup> OF AMENDMENT</b>	:	70
5.	<b>PROPOSAL</b>	:	<ul style="list-style-type: none"> <li>i) REZONING LOTS 30 ON DEPOSITED PLAN 92433 &amp; 202 ON DEPOSITED PLAN 60290 GREAT NORTHERN HIGHWAY AND LOTS 3 ON DEPOSITED PLAN 20433 &amp; 201 ON DEPOSITED PLAN 60290 MUCHEA EAST ROAD, MUCHEA FROM 'AGRICULTURAL RESOURCE' TO 'GENERAL INDUSTRY';</li> <li>ii) REMOVE ADDITIONAL USES 7 &amp; 20 FROM SCHEDULE 3; AND</li> <li>iii) AMENDING THE SCHEME MAP ACCORDINGLY.</li> </ul>

## REPORT

### 1.0 INTRODUCTION

Lots 30, 202, 3 & 201 (subject site) total 6.0766ha. They contain dwellings, outbuildings and hardstand on Lots 202 & 3, an old service station on Lot 30, and Lot 201 is a vacant paddock. The subject site is bordered by roads to the west, south and east and a General Industry zoned property to the north.

The purpose of this amendment is to rezone the subject site from 'Agricultural Resource' to 'General Industry', consistent with the objectives of Councils Local Planning Strategy, the Muchea Employment Node Structure Plan and the draft Muchea Industrial Park Structure Plan.

### 2.0 BACKGROUND

#### Location

The subject site is located on the NE corner of Great Northern Hwy and Muchea East Rd.



#### Site Area

The subject site is 6.0766ha in area.

#### Ownership

Each of the 4 lots is owned by different parties. These are:

- Lot 30 – SMJ United Pty Ltd
- Lot 202 – Dave Riches Pty Ltd & Matt Riches Pty Ltd
- Lot 3 – Lorraine Elizabeth Mauritz
- Lot 201 – Dingo Corporation Pty Ltd

#### Current & Surrounding Land Uses

Current land uses for each property are:

- Lot 30 – Closed service station
- Lot 202 - Transport depot
- Lot 3 – Dwelling, outbuilding and hardstand
- Lot 201 – Vacant paddock

To the north is a 'General Industry' zoned 2ha property (currently being developed) that separates the western portion of the subject site from the approved Local Structure Plan 1 that covers 149ha, 'Industrial Development' zoned Lot 102 of Precinct 1 north A. To the west, on the other side of Great Northern Hwy, a road train assembly area is under development. The land on the south side of Muchea East Road is a transport depot and rural properties and to the east on the other side of Gulliente Rd is a poultry farm.

#### Physical Characteristics

As discussed above, the subject site is cleared, with a number of buildings reflecting the current mix of land uses. Topographically the overall site is relatively level, grading gently (approx. 1-3 degrees) upwards from the Great Northern Hwy eastwards.

#### Infrastructure

The subject site is serviced by reticulated power. Reticulated water and sewer are not available. On-site supply of water and disposal of wastewater will be required.

The site is serviced by Great Northern Hwy on the western side, which is managed by Main Roads. The southern and eastern edges of the site are Muchea East Rd and Gulliente Rd respectively. All road frontages are sealed. Preliminary RAV Road network designs have been done and the rezoning will not prejudice these designs. There are no roads proposed to go through the subject site.

### **3.0 LOCAL PLANNING CONTEXT**

#### State & Regional Planning Context

The *State Planning Strategy* seeks to balance competing demands on land use. It lists 6 interrelated and interdependent principles:

- Community
- Economy

- Environment
- Infrastructure
- Regional Development
- Governance

In recognizing these it "...places a priority on economic and population growth as the key drivers of land use and land development." ("Delivery Culture") The current proposal is an important step towards the growth of an important economic activity in the Shire of Chittering.

The *State Planning Framework* utilizes the same principles, sans Governance. The proposed amendment will clearly satisfy the Community and Economic aspects by providing employment opportunities and economic growth through private sector investment. It will provide an industrial development opportunity on a different scale to the current large scale industrial development to the north (Local Structure Plan 1) and not create any negative impacts on the environment.

#### Local Planning Strategy

The Shire of Chittering Local Planning Strategy seeks to promote growth in the Muchea Industrial Park. Further, it encourages landowners to progress planning arrangements to achieve this objective. Rezoning the subject site is a significant step in this direction and will introduce some more small lots bringing with them greater and more diverse development opportunities.

#### Muchea Employment Node Structure Plan

In 2011 the Muchea Employment Node (MEN) Structure Plan was adopted. It places the subject site within Precinct 1 north A. A Local Structure Plan has been approved for the majority of this precinct. It did not, however include the subject site as these lots are able to be developed without subdivision. This rezoning is the next Planning step towards achieving that development.

#### Draft Muchea Industrial Park Structure Plan

In late 2020 the draft Muchea Industrial Park (MIP) Structure Plan was released for public comment. It will be an update of the 2011 MEN Structure Plan that takes into account a number of changes in the Planning framework and the early completion of Northlink. In relation to the site the subject of this Scheme Amendment it retains its identification as a General Industry area.

#### Local Planning Scheme No.6 (LPS6)

LPS6 clause 5.7.2.4 outlines that the subject site proposed for rezoning does not require a Structure Plan.

The subject site is located in the following Special Control Area and as outlined in the relevant sections of the scheme requires development approval for any development.

- Muchea Employment Node
- Military Consideration
- Water Prone

The purpose and intent in the Muchea Employment Node is for the development of an Industrial Estate in accordance with the MEN.

## **4.0 PROPOSAL**

The proposal is to rezone the subject site to 'General Industry' to enable development to occur consistent with the MEN Structure Plan and the draft MIP Structure Plan. Matters for consideration that are specific to this site are discussed below.

#### Ground and Site Conditions

A review of ground conditions from geotechnical investigation conducted in the area combined with a desktop review of regional mapping indicate the following soil conditions. The west of the site is Silty SAND, fine to coarse grained, loose to medium dense to approximately 700-800mm below natural ground over Sandy CLAY with some angular subangular gravel, the interface with the clay soils resulted in locations of water seepage. The eastern portion of the site is typically dry silty SAND to approximately 1800-2000mm.

The topography of the site is a very gentle incline of 1-3 degrees from east to west towards the Ellen Brook/Chandala Brook floodplain located over 450m west of the site.

#### Wetlands and Waterways

The subject sites, like the majority of precinct 1 are mapped as "multiple use" Geomorphic wetlands, these are described as "wetlands with few remaining important attributes and functions". This classification as has been determined through the rezoning of the land to the north is not a limitation in a use as "General Industry". The management objectives of the category are "Use, development and management should be considered in the context of ecologically sustainable development and best management practice catchment planning through landcare". Any development at the subject site will require the lodgement of a development application and details of how stormwater management will occur on the site. The Shire may as a condition of approval require the preparation of an environmental management plan detailing the management of stormwater to ensure nutrient and sediment is managed onsite.

#### Groundwater

A review of the available groundwater contours for the site from the Department of Water Groundwater Map indicates that the mapped maximum groundwater has a AAMGL of 59m AHD in the east and 52m AHD in the west. The separation to the groundwater ranges from 3m in the east to 1m in the west.

The subject sites, like all the majority of the land in Precinct 1 North A, are all located in the "water prone area – Ellen Brook Palusplain" and any future development is required to comply with the Shire of Chittering LPS6 clause 5.3. The Draft Muchea Industrial Park Structure Plan and the Precinct 1A's Structure Plan have outlined that groundwater in location in Precinct 1A are near the surface and that "Geo-technical investigation should be undertaken prior to subdivision and development to confirm underlying soil conditions and site capability".

The subject sites are not identified as flood prone from either a minor or major flooding event and the mapping confirms the ground water flow is in a westerly direction away for the site towards the Ellen Brook. Studies undertaken for the Muchea Regional Water Management Strategy (MRWMS) identified the site as "restricted" for use of onsite effluent disposal systems as it is located in a sewerage sensitive area and the depth to groundwater is within 2.5m. The Strategy did not identify any other constraints on the subject site, due to waterways or flooding.

The subject sites are intended to be used for transport orientated land uses and no excavation would be required for these type of land uses. The use of fill may be required to manage separation from the groundwater and in these locations subsoil drains should be used at the

Average Annual Maximum Ground Water level (AAMGL) to allow water to be directed to the roadside drainage swales.

#### Contaminated Sites

The Department of Water and Environmental Regulation (DWER) contaminated site data base shows no record of any sites on the subject site.

Historical Landgate aerial images shows that Lot 201 has since 1965 been used for agricultural land uses. Lots 3 and 202 since 1965 have historically been cleared with each contain a residential dwelling, the remaining land has on these lots has been used for a variety of agricultural land uses. The Shire has identified that Lot 3 has previously been used as a service station and may be potentially contaminated. The rear portion of this lot has been sealed with a concrete slab. The proposed rezoning is 'General Industry' and the groundwater flow at the site is from east to west. Lot 3 may require further investigations as part of a future Development Application.

#### Existing Residential Land Uses

LPS6 clause 5.7.2.1 outlines that no residential land uses or caretakers dwellings will be approved in the Muchea Employment Node. The subject site currently contains existing residential land uses. The lodgement of a development application for any lots within the "General Industry" zone will require any residential land use on the lot to cease.

#### Water

The subject sites, where development has occurred, currently use bores for the provision of water. This will continue to be used as the method for providing water to each site, as subdivision is not proposed. The intent is for the land uses to be "Dry Industries". The progressive development of the site to the north will extend the reticulated water supply to the north-eastern boundary allowing future land uses to connect as required.

Potable water use within the subject site will as outlined in the MRWMS be provided from roof catchment and were demonstrated as viable through groundwater extraction. Its use will be limited to consumption for domestic use in toilets, bathrooms and break rooms.

#### Wastewater Management

The Government Sewerage Policy (2019) requires the discharge point of on-site effluent disposal systems in sewage sensitive areas to have 1.5m minimum clearance from the maximum groundwater level. This can be achieved under the policy by filling but not by drainage.

The groundwater mapping indicates that there is typically approximately 1-3m between the AAMGL ground water and the ground surface across the site. The ground water has been observed in Muchea Employment Node at the ground surface in low lying areas. The requirements of the Government Sewerage Policy can be achieved through the provision of fill at locations to be used for effluent disposal

The development and location of the onsite effluent disposal will be determined as part of the Development Application for each individual lot as the nature of each specific proposal will establish the requirements.

#### Bushfire Management

The site is mapped as being bushfire prone and in accordance with SPP3.7 a Bushfire Management Plan (BMP) has been prepared and submitted in support of this Scheme

Amendment. The BMP acknowledges that the proposed rezoning is for 'General Industry' and that under building legislation, bushfire related construction requirements do not apply to class 4 to 9 buildings in designated bushfire prone areas. Clause 5.8.3 of SPP3.7 guidelines relates to class 4 to 9 building and the BAL contour plan in the BMP confirms that there are suitable locations on each lot for future development. The proposed rezoning can achieve the requirements of SPP3.7

## **5.0 CONCLUSION**

The proposed amendment is consistent with Councils Local Planning Strategy, the MEN Structure Plan and the draft updated MIP Structure Plans stated intentions and objectives to encourage industrial development without any negative environmental impacts. It is the next step in the Planning process to enable this to occur.

**PLANNING AND DEVELOPMENT ACT 2005**  
**RESOLUTION TO AMEND LOCAL PLANNING SCHEME**  
**SHIRE OF CHITTERING**  
**LOCAL PLANNING SCHEME N<sup>o</sup> 6**  
**AMENDMENT N<sup>o</sup> 70**

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

- i) Rezoning Lots 30 on Deposited Plan 92433 & 202 on Deposited Plan 60290 Great Northern Highway and Lots 3 on Deposited Plan 20433 & 201 on Deposited Plan 60290 Muchea East Road, Muchea from 'Agricultural Resource' to 'Light Industry';
- ii) Inserting development provisions into Schedule 11 as follows:

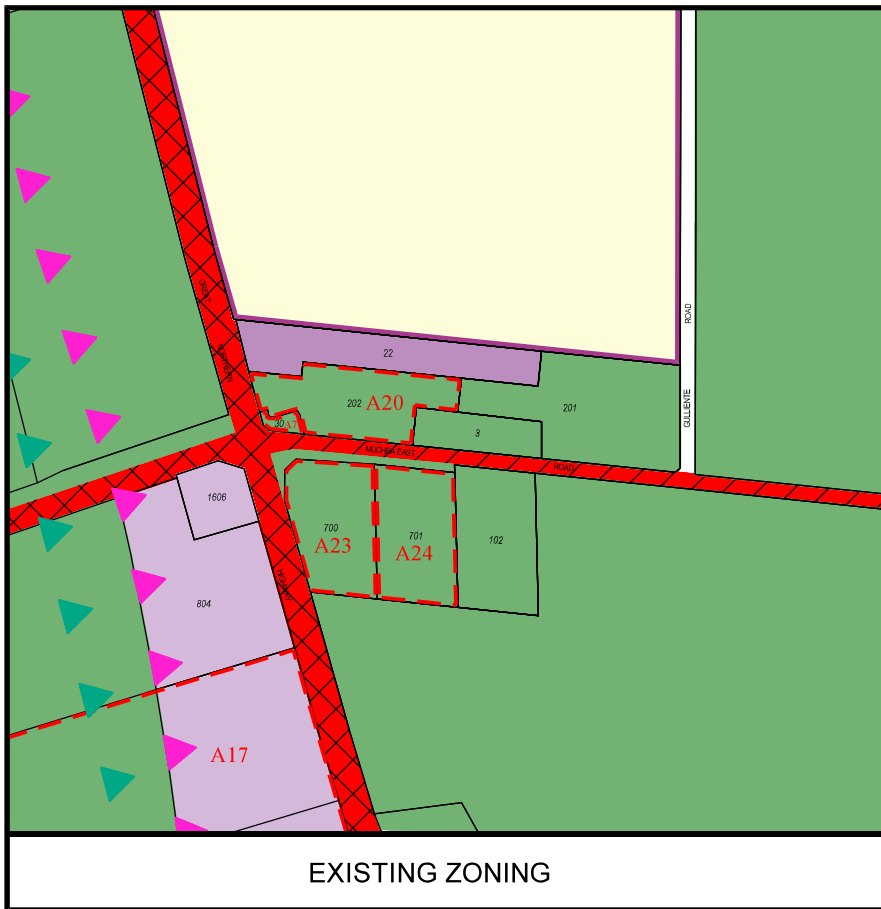
No.	Description of Land	Conditions
3	Precinct 1 North A of the Muchea Industrial Park Structure Plan– Lots 30 & 202 Great Northern Hwy and Lots 3 & 201 Muchea East Rd, Muchea	<p>General planning matters applicable to the Muchea Industrial Park are set out in clause 4.9, 4.20 and 5.7 of the Scheme. The purpose of this schedule is to identify more detailed planning matters relevant to the subject lots.</p> <p><b>1.0 Development</b></p> <p><b>1.1</b> Notwithstanding the provisions of Schedule 2 – Zoning Table, in the event that a reticulated water supply provided by a licensed provider is not available, land uses shall be limited to the following permitted (P) uses:</p> <ul style="list-style-type: none"> <li>– Transport Depot</li> <li>– Warehouse / Storage</li> <li>– Landscape Supplies</li> </ul> <p><b>1.2</b> Development applications are required to demonstrate that:</p> <ul style="list-style-type: none"> <li>- The proposed use / development has an adequate and sustainable water supply to service the day to day operational needs of the land use on an ongoing basis.</li> <li>- Wastewater can be disposed of in a manner consistent with the requirements of the Government Sewerage Policy 2019;</li> <li>- Traffic impacts of the proposal can be accommodated on the surrounding road network;</li> </ul>

		<ul style="list-style-type: none"><li>- Stormwater can be suitably managed on site to the Shire's Policy requirements and specifications.</li></ul> <p><b>1.3</b> Prior to development on Lot 30 a site contamination assessment conducted by a suitably qualified professional shall be undertaken to the relevant standards of the Department of Water and Environmental Regulation. Should this assessment demonstrate that contamination exists, evidence is to thereafter be provided that the site has been decontaminated prior to approval being granted for any development on the property.</p>
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- iii) Remove Additional Uses 7 & 20 from Schedule 3; and
- iv) Amending the Scheme Map accordingly.

SHIRE OF CHITTERING  
TOWN PLANNING SCHEME No. 6

Planning and Development Act 2005







EXISTING ZONING

LEGEND

LOCAL SCHEME RESERVES




-  HIGHWAY
-  MAJOR ROAD

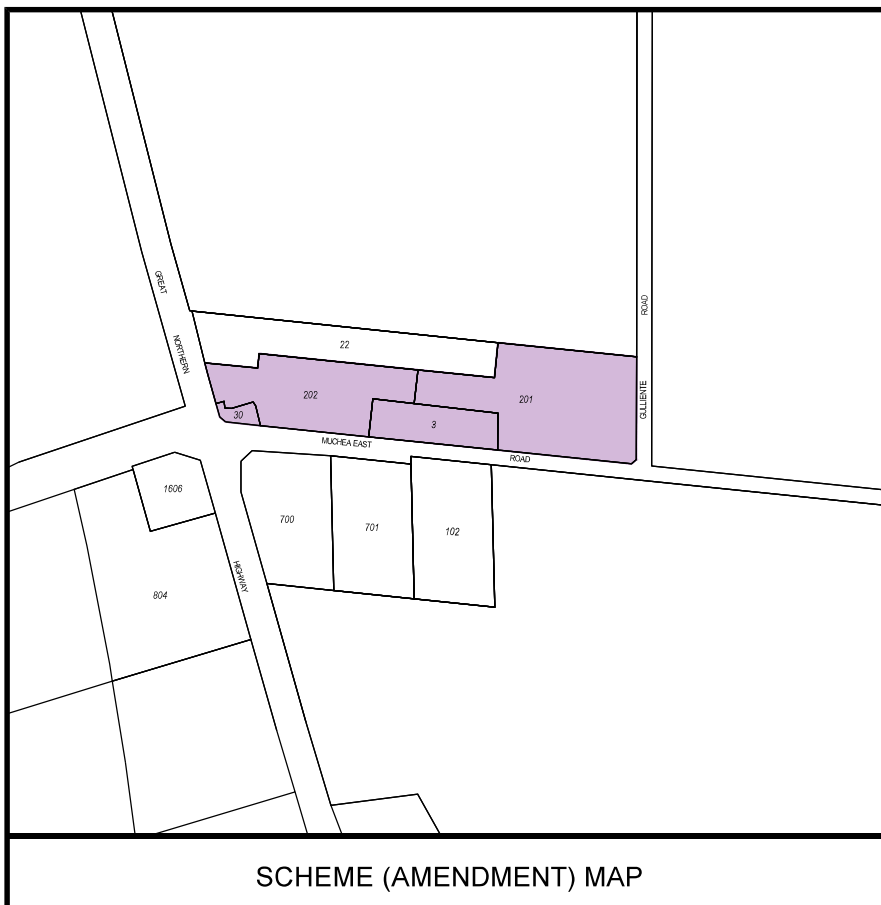
LOCAL SCHEME ZONES

-  AGRICULTURAL RESOURCE
-  GENERAL INDUSTRY
-  INDUSTRIAL DEVELOPMENT
-  LIGHT INDUSTRY

OTHER CATEGORIES

(see scheme text for additional information)

-  A7 ADDITIONAL USES
-  MUCHEA EMPLOYMENT NODE
-  MILITARY CONSIDERATIONS



SCHEME (AMENDMENT) MAP

N

SCALE: 1:10 000  
DATE: 28.11.2023

Amendment No. 70



**ADOPTION**

This Standard Amendment was adopted by resolution of the Council of the Shire of Chittering at the Ordinary Meeting of the Council held on the     day of             20

\_\_\_\_\_  
**SHIRE PRESIDENT**

\_\_\_\_\_  
**CHIEF EXECUTIVE OFFICER**

**COUNCIL RECOMMENDATION**

This Amendment is recommended for support / not to be supported (delete as applicable) by resolution of the Shire of Chittering at the Ordinary Meeting of the Council held on the     day of             20     and the Common Seal of the Shire of Chittering was hereunto affixed by the authority of a resolution of the Council in the presence of:

\_\_\_\_\_  
**SHIRE PRESIDENT**

\_\_\_\_\_  
**CHIEF EXECUTIVE OFFICER**

**WAPC ENDORSEMENT (r.63)**

\_\_\_\_\_  
**DELEGATED UNDER S.16 OF  
THE P&D ACT 2005**

\_\_\_\_\_  
**DATE**

**APPROVAL GRANTED**

\_\_\_\_\_  
**MINISTER FOR PLANNING**

\_\_\_\_\_  
**DATE**