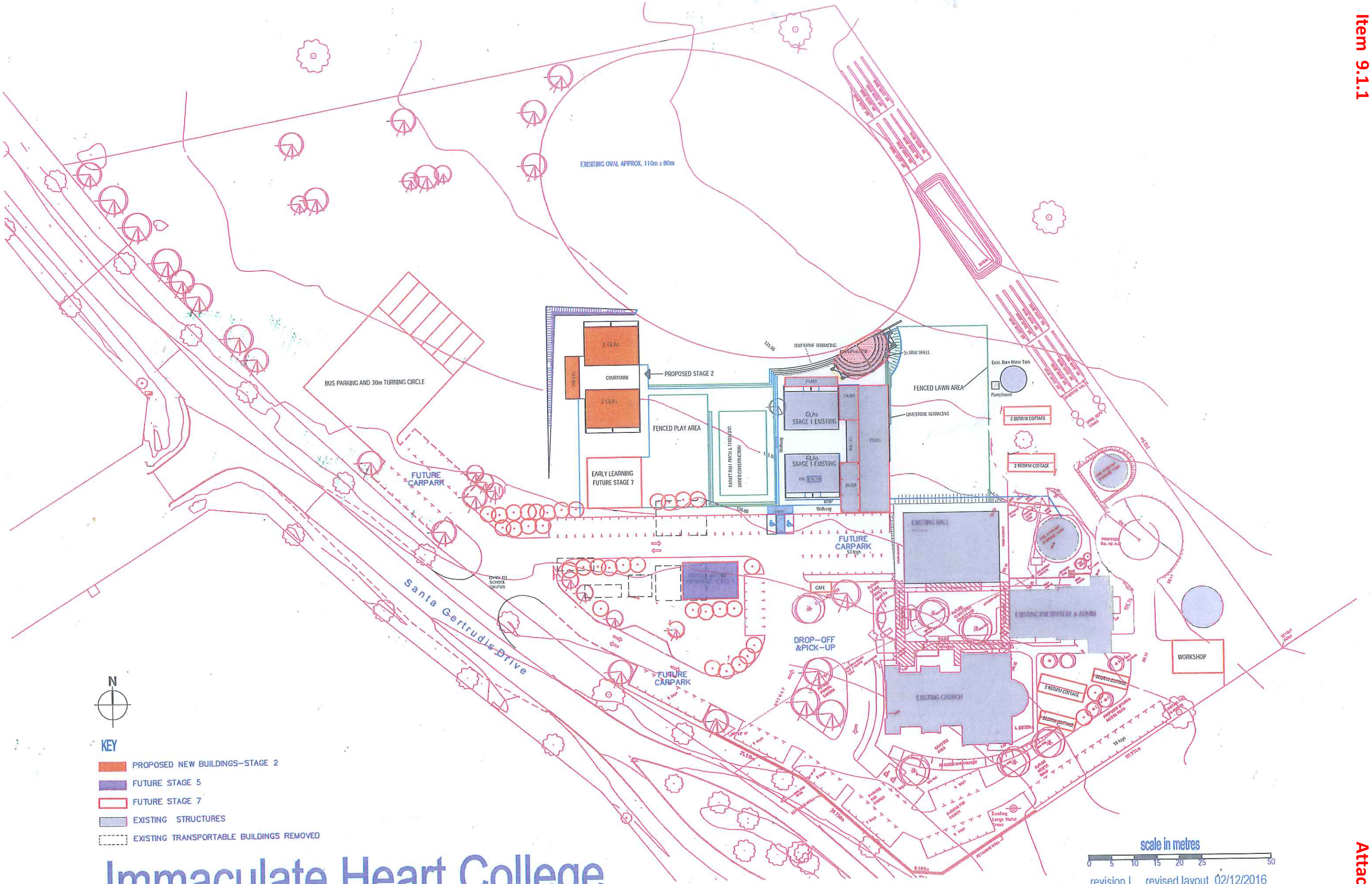
Development Services Attachments
Wednesday, 14 December 2016

REPORT NUMBER	REPORT TITLE AND ATTACHMENT DESCRIPTION	PAGE NUMBER(S)
9.1.1	**Proposed Workers' Accommodation, Design technology Workshop and Ablution Blocks; Request for Extension to Temporary Approval of Demountable Classrooms and Ablution Blocks; and Amendment to Overall Masterplan: Lot 1 Santa Gertrudis Drive, Lower Chittering** 1. Masterplan 2. Applicant's cover letter (dated 25 November 2016) 3. Applicant's Building Plan 2017 – 2021 4. Proposed Demountable Workers' Homes	1 – 7
9.1.2	**Section 70A Notification Authorisation: Freehold (Green Title) subdivision of Lot 50 (RN 2035) Chittering Road, Lower Chittering** 1. Section 70A Notification Document 2. Deposited Plan	8 – 13
9.1.3	**Amendment to Proposed Scheme Amendment No. 62: Resolution to Apply the Deemed to Comply Provisions of Planning and Development (Local Planning Schemes) Regulations 2015** 1. Scheme Amendment Resolution Report of 18 May 2016 2. Correspondence from Department of Planning	14 – 36
9.1.4	**Proposed Fencing Local Law 2017** 1. Draft Fencing Local Law 2017	37 – 46



Immaculate Heart College

BLOCK PLAN approx. scale 1:500 @ A1 1:1000 @ A3

Lot 1 Santa Gertrudis Drive, Lower Chittering

VISITATION PARISH OF GINGIN-CHITTERING

34 Santa Gertrudis Drive, Lower Chittering WA 6084

PO Box 8, Bullsbrook WA 6084

Tel: (08) 9571 8068 Fax: (08) 9571 8124

25 November 2016

Mr Peter Stuart,

Senior Planning Officer

Shire of Chittering

PO Box 70, Bindoon WA 6502

PLANNING APPLICATION

Dear Peter, following on from the Tuesday 22 November meeting at Council Chambers and after further discussion with you, I would like to provide some further explanations of our Application for Planning Approval of the Cottages and Workshop on site at 24 Santa Gertrudis Drive, Lower Chittering.

The plan for the cottages is firstly to replace the existing dongas (accommodation units) at the entrance to the site, and secondly to house workers engaged in completing the Church. These include the Architect & family, Carpenter and family and other artisans who will be completing works of art, such as sculptures, mosaics, painting and other works to embellish and complete the Church.

The cottages will be very attractive and durable in construction and will harmonize with the traditional architecture on site. In the long-term, once the Church is complete, they could be used by parishioners who wish to live close to the Church and also for families looking for affordable housing close to the Church.

The workshop will be required for artisans working on the Church and also in the short-term will be used for Design Technology for IHC students.

The additional Septic Tanks and Leach drains will provide sufficient capacity for the additional residents and for the workshop.

Please contact me if you require any further information.

Yours faithfully,

[redacted]

Fr Paul Fox

Parish Priest

IMMACULATE HEART COLLEGE

Through Mary to Jesus: "The Way, the Truth and the Life"

John 14:6

BUILDING PLAN 2017-2021

College History

Immaculate Heart College (IHC) is an Independent, co-educational school that teaches the Catholic Faith. It is a member of the Association of Independent Schools in Western Australia (AISWA). In 2011, Emeritus Archbishop Hickey gave his approval for the school to be opened under the auspices of a Catholic school and the College commenced in 2012, with Kindergarten to Year Three and has progressed to a fully-fledged Primary School with classes from Kindergarten to Year 6 in 2015. In December of 2015, the **Stage 1** classrooms were officially opened. In August of 2016, Hon. Peter Collier, the Minister for Education granted the College Advance Determination and the Director General approved our Application for a Change of Registration to High School. The Minister of Education has advised the College that IHC needs to be operating as a K-12 school by 2021. The College currently has 104 students and has 132 enrolments on paper, with an expected 140 enrolled students by the end of the year.

The College remains committed to offering an educative programme of excellence to its students. This will be achieved through a strong focus on improved literacy and numeracy skills throughout all mandated Learning Areas of the Australian Curriculum and the complimentary WA Curriculum. The personalised Tutorial System further enhances and supports the teaching and learning on offer. Most importantly, however, the holistic education of each and every student, as well as the shaping of each student's moral character is the main focus of every member of staff at the College. Through regular Religious Education lessons, the Pastoral Care Time allocated in the weekly timetable, and regular attendance at Mass, all students are receiving and will continue to receive a well-rounded education in the Catholic Faith, becoming knowledgeable and familiar with the Christian virtues, and learning how to apply them to their daily life experiences.

2017

- Stage 2, please see attached plans with Redink.

2018

- Year's 7, 8 and 9 move into Stage 2.
- Stage 3 is constructed on Angus Way; this is the intended High School Campus.

2019

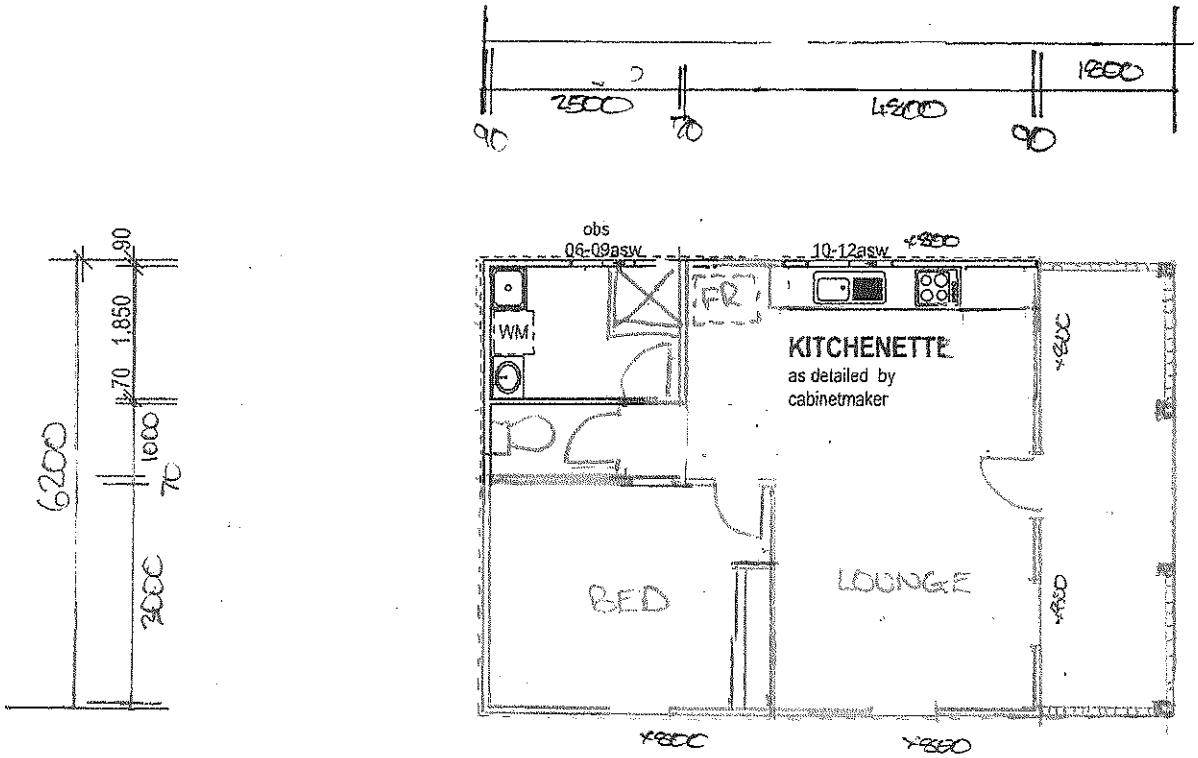
- Year's 7, 8, 9 and 10 move across the road to Angus Way and K, PP, Year's 1 and 2 move into Stage 2.
- Administration demountables are removed and administration moves into demountable classrooms.
- Stage 4, the construction of a new Administration Building.
- Stage 5, the construction of 4 new classrooms on Angus Way.

2020

- Year's 7, 8, 9, 10 and 11 are operating on Angus Way.
- Stage 6, the construction of Science Laboratories.
- Stage 7, the construction of a Design and Technologies Facility.

2021

- K-12 in operation on both campus'.
- Stage 8, Administration Building on Angus Way.



FLOOR PLAN 1:100

PRELIMINARY DRAWING FOR CLIENT APPROVAL

DRAWN :
ISSUE :

FILE :
DATE :

KITOME

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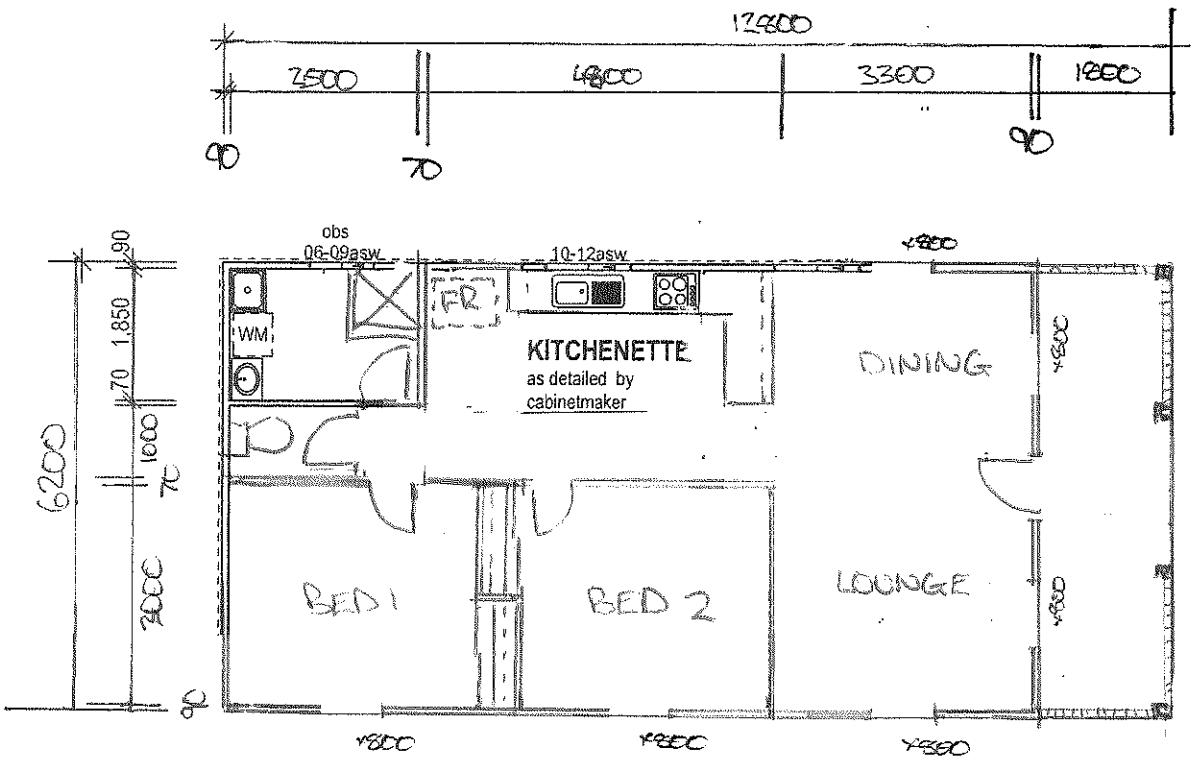

FLOOR PLAN **1:100**

PRELIMINARY DRAWING FOR CLIENT APPROVAL

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DATE :

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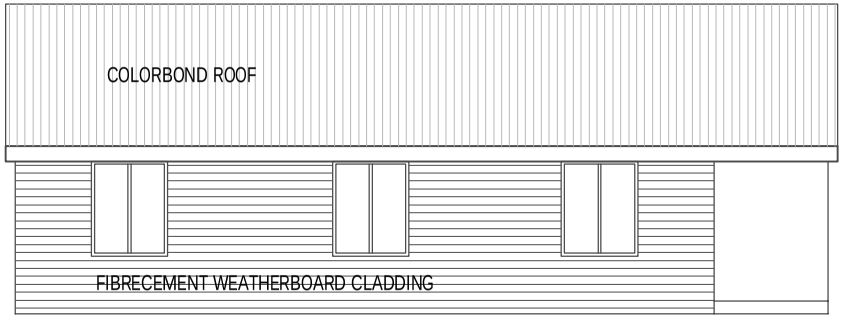
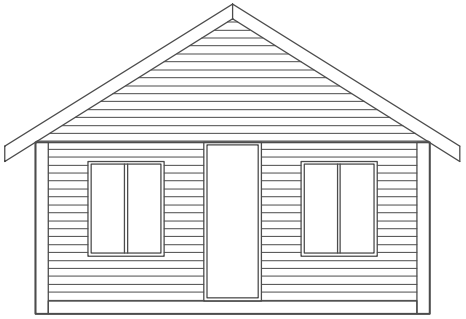
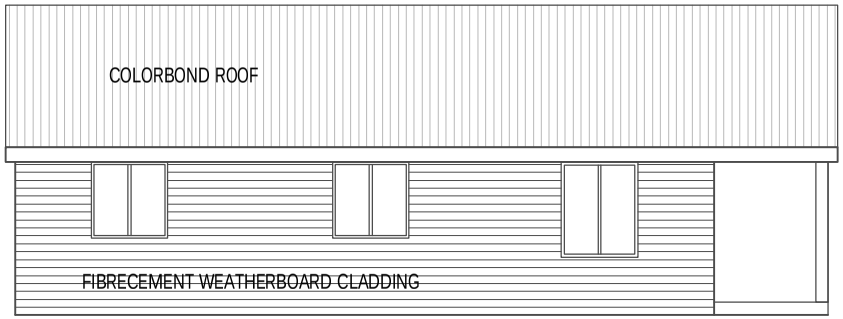


SOUTH ELEVATION

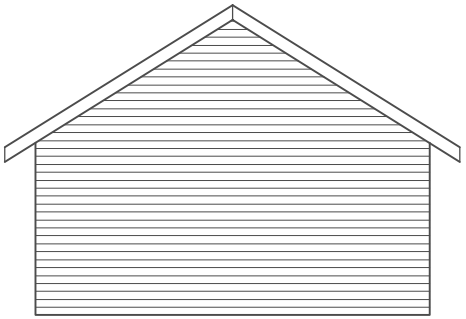


EAST ELEV

COLORBOND ROOF



NORTH ELEVATION



WEST ELEV

WESTERN AUSTRALIAN PLANNING COMMISSION
FILE No. 153528

TO: REGISTRAR OF TITLES
REGISTRAR OF DEEDS AND TRANSFERS

NOTIFICATION

PLANNING AND DEVELOPMENT ACT 2005

THE LAND SET OUT IN THE
SCHEDULE IS LAND TO WHICH SECTION 165 OF
THE *PLANNING AND DEVELOPMENT ACT 2005* APPLIES

SCHEDULE

DESCRIPTION OF LAND (Note 1)	EXTENT	VOLUME	FOLIO
Lot 100 and Lot 101 on Deposited Plan 408022	Whole		

REGISTERED PROPRIETOR OF LAND (Note 2)

Joanne Gunn and Peter Charles Gunn both of 2035 Chittering Road, Lower Chittering

HAZARDS OR OTHER FACTORS SERIOUSLY AFFECTING THE LAND

This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and may be subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land.

Dated this day of Year

EXECUTION BY WESTERN AUSTRALIAN PLANNING COMMISSION (Note 3)

For: WESTERN AUSTRALIAN PLANNING COMMISSION

INSTRUCTIONS

1. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the persons signing this document and their witnesses.
2. If insufficient space in any section, Additional Sheet Form B1 should be used with appropriate headings. The boxed sections should only contain the words "See Annexure".
3. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by parties.

NOTES

1. **DESCRIPTION OF LAND**
   Lot and Diagram/Plan/Strata/Survey-Strata Plan number or Location name and number to be stated.
   Extent - Whole, part or balance of the land comprised in the Certificate of Title to be stated.
   The Volume and Folio number to be stated.
2. **REGISTERED PROPRIETOR**
   State full name and address of the Registered Proprietors as shown on the Certificate of Title and the address / addresses to which future Notices can be sent.
3. **ATTESTATION OF RESPONSIBLE AUTHORITY**
   To be attested in the manner prescribed by the Local Government Act or as prescribed by the Act constituting the Public Authority.

EXAMINED

OFFICE USE ONLY

NOTIFICATION

Planning & Development Act 2005
Section 165

LODGED BY

ADDRESS

PHONE No.

FAX No.

REFERENCE No.

ISSUING BOX No.

PREPARED BY

ADDRESS

PHONE No. FAX No.

REFERENCE No.

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY

TITLES, LEASES, DECLARATIONS ETC LODGED HEREWITH

1. _____ Received Items
2. _____ Nos.
3. _____
4. _____
5. _____ Receiving Clerk
6. _____

Registered pursuant to the provisions of the *TRANSFER OF LAND ACT 1893* as amended on the day and time shown above and particulars entered in the Register.

FORM N1

WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893 AS AMENDED

NOTIFICATION UNDER SECTION 70A

DESCRIPTION OF LAND (Note 1)	EXTENT	VOLUME	FOLIO
Lot 100 and Lot 101 on Deposited Plan 408022	Whole		

REGISTERED PROPRIETOR (Note 2)

JOANNE GUNN and PETER CHARLES GUNN both of 2035 Chittering Road, Lower Chittering

LOCAL GOVERNMENT / PUBLIC AUTHORITY (Note 3)

SHIRE OF CHITTERING

FACTOR AFFECTING USE OR ENJOYMENT OF LAND (Note 4)

1. A mains potable water supply is not available to the Lot.
2. A reticulated sewerage service is not available to the Lot.

Dated this day of Year

LOCAL GOVERNMENT/PUBLIC AUTHORITY ATTESTATION (Note 5)	REGISTERED PROPRIETOR/S SIGN HERE (Note 6)
	Signed in the presence of Signed in the presence of

INSTRUCTIONS

1. If insufficient space in any section, Additional Sheet Form B1, should be used with appropriate headings. The boxed sections should only contain the words "see page....."
2. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by the parties.
3. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialed by the persons signing this document and their witnesses.

NOTES

1. **DESCRIPTION OF LAND**
   Lot and Diagram/Plan/Strata/Survey-Strata Plan number or Location name and number to be stated.
   Extent - Whole, part or balance of the land comprised in the Certificate of Title to be stated.
   The Volume and Folio number to be stated.
2. **REGISTERED PROPRIETOR**
   State full name and address of the Registered Proprietors as shown on the Certificate of Title and the address / addresses to which future Notices can be sent.
3. **LOCAL GOVERNMENT / PUBLIC AUTHORITY**
   State the name of the Local Government or the Public Authority preparing and lodging this notification.
4. **FACTOR AFFECTING THE USE AND ENJOYMENT OF LAND**
   Describe the factor affecting the use or enjoyment of land.
5. **ATTESTATION OF LOCAL GOVERNMENT / PUBLIC AUTHORITY**
   To be attested in the manner prescribed by the Local Government Act or as prescribed by the Act constituting the Public Authority.
6. **REGISTERED PROPRIETOR'S EXECUTION**
   A separate attestation is required for every person signing this document. Each signature should be separately witnessed by an Adult Person. The full name, address and occupation of the witness must be stated. Execution by a corporation or body corporate must be in accordance with the Corporation Act

Landgate

EXAMINED

OFFICE USE ONLY

NOTIFICATION

LODGED BY

ADDRESS

PHONE No.

FAX No.

REFERENCE No.

ISSUING BOX No.

PREPARED BY

ADDRESS

PHONE No. FAX No.

REFERENCE No.

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY

TITLES, LEASES, DECLARATIONS ETC LODGED HEREWITH

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

Received Items

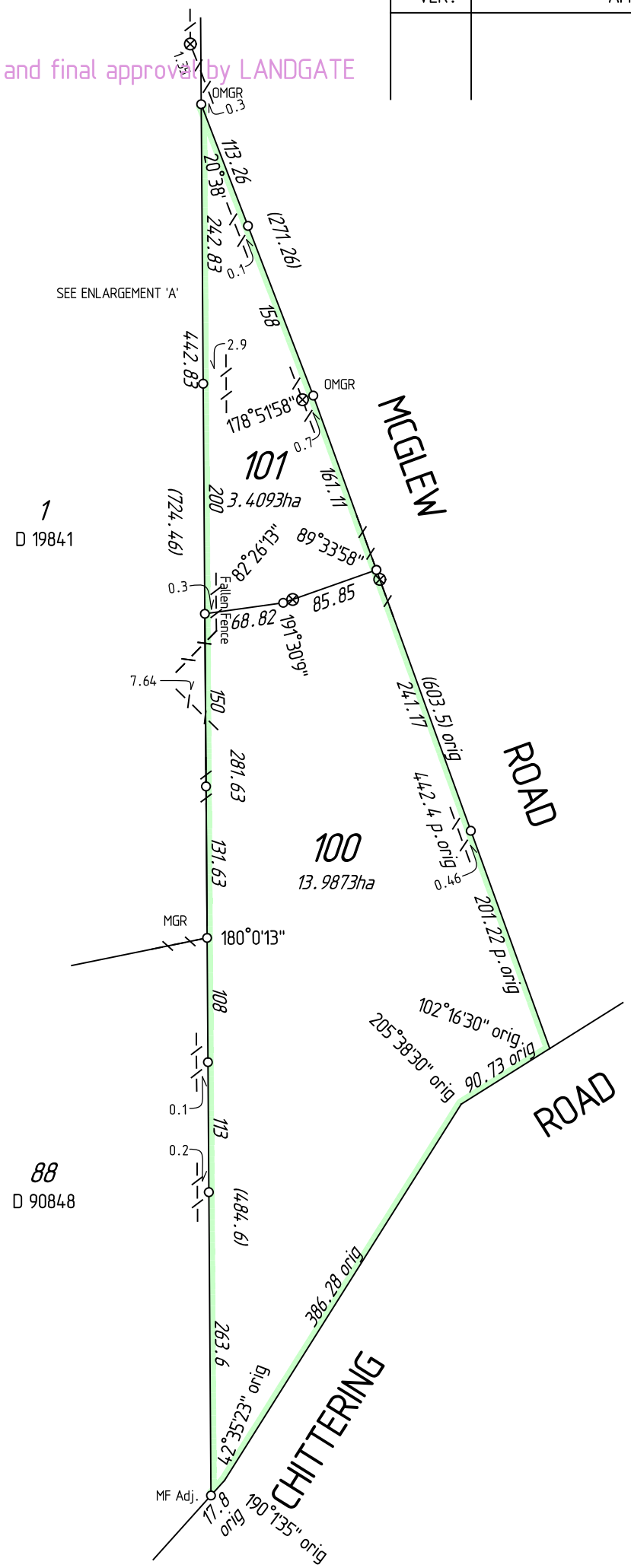
Nos.

Receiving Clerk

Lodged pursuant to the provisions of the *TRANSFER OF LAND ACT 1893* as amended on the day and time shown above and particulars entered in the Register.

This plan has not been lodged and is subject to examination and final approval by LANDGATE

VER.	AMENDMENT	AUTHORISED BY	DATE



SEE SHEET 2 FOR INTERESTS AND NOTIFICATIONS

7A Rothschild Place
Midvale, WA 6056
(08) 9374 7777
cadastral@wkc.com.au
www.wkc.com.au
ABN 68 074 363 741
Email : cadastral@wkc.com.au
DRG No: C2010-12674-D002 Rev A

50 0 50 100 150 200m

SCALE 1:5000 AT A3 SIZE
ALL DISTANCES ARE IN METRES
HELD BY LANDGATE IN DIGITAL FORMAT ONLY

TYPE FREEHOLD S.S.A. ~~YES~~/NO

PURPOSE SUBDIVISION

PLAN OF

LOTS 100 & 101

FORMER TENURE

LOT 50 ON D 13202 CT1127/598

LOCAL AUTHORITY

SHIRE OF CHITTERING

LOCALITY

LOWER CHITTERING

D.O.L. FILE

FIELD RECORD 133297

SURVEYOR'S CERTIFICATE - REG 54

I, BRIAN FRANCIS NAISMITH
hereby certify that this plan is accurate and is a correct representation of the -
(a) *survey, and/or
(b) *calculations from measurements recorded in the field records,
[* delete if inapplicable]
undertaken for the purposes of this plan and that it complies with the relevant written law(s) in relation to which it is lodged.

LICENSED SURVEYOR DATE

LODGED

DATE FEE PAID ASSESS No.

I.S.C.

EXAMINED

DATE

WESTERN AUSTRALIAN PLANNING COMMISSION
FILE 153528

Delegated under S.16 P&D Act 2005 DATE

IN ORDER FOR DEALINGS

SUBJECT TO

FOR INSPECTOR OF PLANS AND SURVEYS DATE

APPROVED

INSPECTOR OF PLANS AND SURVEYS DATE
(S. 18 Licensed Surveyors Act 1909)

GOVERNMENT OF WESTERN AUSTRALIA

Landgate

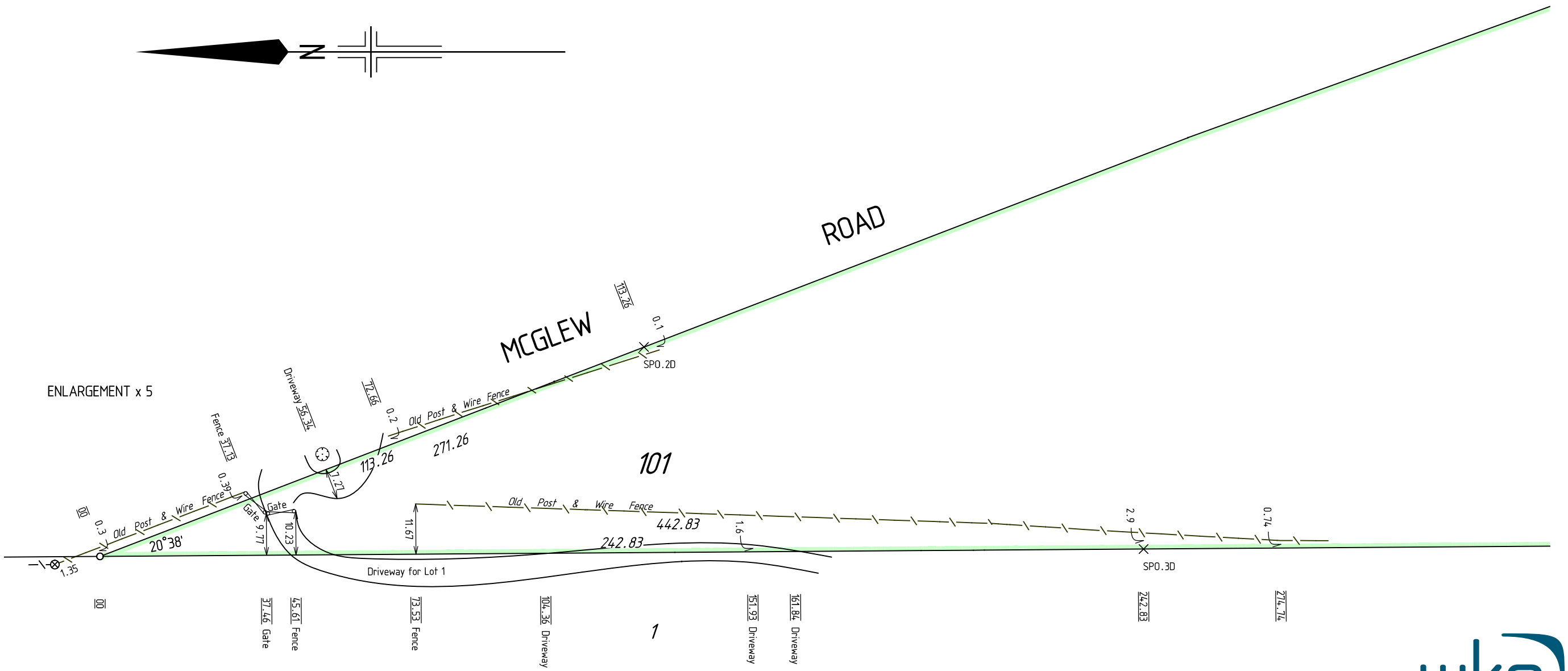
DEPOSITED PLAN
408022
SHEET 1 OF 2 SHEETS
VERSION 1

Item 9.1.2

Attachment 2

This plan has not been lodged and is subject to examination and final approval by LANDGATE

Item 9.1.2



wkc spatial
7A Rothschild Place
Midvale, WA 6056
(08) 9374 7777
cadastral@wkc.com.au
www.wkc.com.au
ABN 68 074 363 741
Email : cadastral@wkc.com.au

DRG No: C2010-12674-D002 Rev A

HELD BY LANDGATE IN DIGITAL FORMAT ONLY

INTERESTS AND NOTIFICATIONS

SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENT
	NOTIFICATION NOTIFICATION	SEC 70A OF THE TLA SEC 165 OF THE P & D ACT	DOC DOC	LOTS 100 & 101 LOTS 100 & 101		A RETICULATED SEWERAGE SERVICE IS NOT AVAILABLE TO THE LOTS A MAINS POTABLE WATER SUPPLY IS NOT AVAILABLE TO THE LOTS THE LOTS MAY BE SUBJECT TO A FIRE MANAGEMENT PLAN

LICENSED SURVEYOR DATE

GOVERNMENT OF WESTERN AUSTRALIA

Landgate

DEPOSITED PLAN
408022
SHEET 2 OF 2 SHEETS
VERSION 1

Attachment 2

9.1.4 Proposed Scheme Amendment No. 62: Resolution to Apply the Deemed to Comply Provisions of Planning and Development (Local Planning Schemes) Regulations 2015*

Report date	18 May 2016
Applicant	Shire of Chittering
File ref	18/02/33
Prepared by	Adrian Ortega, Senior Planning Officer
Supervised by	Bronwyn Southee, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Scheme Amendment Resolution Report

Executive Summary

Council is requested to consider proposed Amendment No. 62 to *Town Planning Scheme No. 6* to align the scheme with the deemed provisions contained in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the regulations) and to provide an overview of the regulations.

Background

Section 256 of the Planning and Development Act provides for the Minister for Planning to make regulations in regard to planning schemes.

Planning and Development (Local Planning Schemes) Regulations 2015 (the regulations) came into effect on 19 October 2015. They replace the *Town Planning Regulations 1967* and associated Model Scheme Text (MST). The regulations are a major part of the planning reform agenda being undertaken by the State Government.

The regulations consist of three elements being:

- Regulations that govern the preparation and amendment of local planning strategies and schemes, and the review of local planning schemes;
- Model Scheme Provisions (Schedule 1) that should be followed in all local planning schemes; and
- Deemed Provisions (Schedule 2) that automatically apply in every operational local planning scheme in Western Australia.

Local Planning Strategies and Schemes

The processes for adopting local planning strategies and schemes are consistent with those contained in the previous regulations.

Scheme amendments

The regulations introduce a track based approach to local planning scheme amendments that enables amendments to be classified as either a basic, standard or complex amendment.

The amendment types are defined in r34, and can be summarised as follows:

Basic: an amendment of an administrative nature including:

- correction of an administrative error
- incorporating model provisions
- compliance with the deemed provisions
- compliance with an Act or State Planning Policy
- zoning of land that is consistent with an approved structure plan, where the zones exist within the schemes

Standard: an amendment that is:

- consistent with a zone or reserve
- consistent with a local planning strategy
- consistent with a structure plan but the zones do not exist within the scheme
- considered to have minimal impact on surrounding land
- not basic or complex

Complex: an amendment that is:

- not consistent with a local planning strategy
- not addressed in a local planning strategy
- to be made at the direction of the Minister
- for a development contribution area or development contribution plan
- of a scale that is significant relative to development in the locality.

The classification of an amendment in turn influences the consultation requirements and timeframes in which the amendment must be dealt with. The public consultation requirements have been amended, in addition to timeframes now being imposed on both the local government and the Western Australian Planning Commission (WAPC) for processing of the amendment, as outlined in the table below:

Scheme Amendment type	Advertising	Local government consideration period (post advertising)	WAPC timeframe to make recommendation to Minister
Basic	No advertising required Amendment to be provided to WAPC within 21 days of Council resolution to prepare or adopt	Not applicable	42 days
Standard	42 days	60 days post end date of submission period	60 days
Complex	60 days *WAPC approval required prior to advertising	90 days post end date of submission period	90 days

A local government can apply to the WAPC for an extension of the consideration period. The WAPC can extend their timeframe to make a recommendation to the Minister subject to the approval of the Minister or an authorised person. There are no timeframes imposed on the Minister to make a decision.

A Council resolution will still be required to prepare or adopt a scheme amendment and the resolution will need to specify the classification of the amendment and an explanation as to why the amendment type is appropriate.

Model Provisions

The model provisions are to be used when new planning schemes are being prepared. They contain the scheme provisions in regard to matters such as the zones and reserves, objectives, land use permissibility, development standards and special control areas. The model provisions can be varied, subject to the approval of the Minister.

Deemed Provisions

Section 257B of the *Planning and Development Act 2005* provides the ability for deemed provisions to be enforced as part of each local planning scheme to which they apply.

From the 19 October 2015, the deemed provisions contained in Schedule 2 of the regulations, form part of *Town Planning Scheme No. 6.* Where there is a conflict or inconsistency between the provisions of *Town Planning Scheme No 6*., and the deemed provisions, the deemed provisions prevail. The Shire is required to comply with, and where appropriate, enforce the deemed provisions, as they form part of the Scheme.

The deemed provisions deal primarily with administrative matters of the scheme, including information to be submitted with a development application, advertising of applications, matters to be considered when determining applications and the determination of development applications.

The deemed provisions do also detail when development approval is not required (exempt development).

The deemed provisions cannot be varied. Supplemental provisions can be approved by the Minister, including additional exemptions from development approval.

Amendment No. *62* proposes to delete provisions which are inconsistent with the prevailing deemed provisions and amend others to ensure consistency with the deemed provisions.

Supplementary Provisions

There is one point which is important for Council to be aware of, which is, there are two processes required to amend the scheme to be consistent with the new 2015 Regulations. The first process is the subject of this report and covers the majority of the changes required.

The second process is a standard scheme amendment to cover specific supplemental requirements that are specific to our Shire. For example the new deemed provisions remove the requirement for a single dwelling to require planning approval unless it is located in a Special Control Area or proposes variations to the R-codes, the challenge here is that second hand transportable (demountable/dongas) are included in this definition, therefore, Council would have no control on 'repurposed' dwellings, i.e. mining dongas converted to houses. It is therefore advised that once we have progressed the deemed provisions Officers progress a standard scheme amendment for the likes of a 'repurposed dwelling' to ensure that dongas can't just be placed on lots and be approved as houses without of any of the standard design requirements being imposed.

Amendment Classification

In respect to Amendment No. 62 it is recommended that it be classified by Council as a basic amendment pursuant to Regulation 34(c), given that it proposes to delete provisions of the Scheme which have been superseded by the deemed provisions.

In respect to the form which Council's resolution to prepare the amendment must take, new Regulation 35(1) requires that this be in a form approved by the WAPC. The DoP has published a Form 2A for this purpose, and this report's recommendation is provided to be consistent with this form.

The next steps in the procedure for a basic amendment requires:

- the amendment to be forwarded to the WAPC within 21 days of passing of the resolution to prepare the amendment;
- the amendment to be referred to the Environmental Protection Authority to determine whether it needs to be assessed under the Environmental Protection Act.

Consultation
No advertising is required as this is a basic Scheme Amendment.

Statutory Environment
State: *Planning and Development (Local Planning Schemes) Regulations 2015*
The Scheme Amendment is considered to be basic under the planning Regulations.

Policy Implications
Local: *1.5 Execution of documents*

Financial Implications
Nil

Strategic Implications
Nil

Site Inspection
Not applicable

Triple Bottom Line Assessment
Economic implications
There are no known significant economic implications associated with this proposal.

Social implications
There are no known significant social implications associated with this proposal.

Environmental implications
There are no known significant environmental implications associated with this proposal.

Concluding comments and recommendations
It is imperative that the Shire's *TPS6* be amended to align with the regulations so that applicants and officers have access to accurate information when preparing and assessing applications of different types. The proposed amendment will also provide a linkage to recent bushfire reform that has taken place in Western Australia.

9.1.4 OFFICER RECOMMENDATION – COUNCIL RESOLUTION 050516
Moved Cr Gibson / Seconded Cr King
That Council:

1. In pursuance of Section 75 of the *Planning and Development Act 2005*, resolves to amend *Shire of Chittering Town Planning Scheme No. 6* by:

a. Deleting the following clauses from the Scheme Text, as they have been superseded by the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2*:
5.11.1, 5.11.2, 5.11.4, 5.11.5, 5.11.6, 5.11.7, 5.11.8, 5.14, 5.19, Parts 7, 8, 9, 10 and 11 in their entirety

b. Insert reference to the deemed provisions and supplemental provisions in Part 1.4 by inserting new sub-clauses (b) and (c) and renumbering the sub-clauses accordingly:
"1.4(b) the deemed provisions (set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2;
1.4(c) the supplemental provisions contained in Schedule A; and"

c. Removing the following clauses from the Scheme Text and inserting them into Schedule A – Supplemental Provisions:
8.2(c), (g), (h) and (i)

d. Inserting the following provisions into Schedule A – Supplemental Provisions:
Clause 61(1):
"(k) The signage and advertisements contained in Schedule 5 of this Scheme, except in respect of a place included on the Heritage List or which in the opinion of Council will affect such a place.
(l) the erection or extension of a single house on a lot if a single house is a permitted ("P") use in the zone (where the R Codes do not apply) in which that lot is located, where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
(i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or
(ii) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or
(iii) included on a heritage list prepared in accordance with this Scheme; or
(iv) within an area designated under the Scheme as a heritage area; or
(v) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29;
(vi) the proposal requires access from an unconstructed road
(vii) the proposal is located within a designated Bushfire hazard area as identified in Schedule 14 – Bushfire Hazard Areas of the Scheme
(m) the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted ("P") in the zone (where the R Codes do not apply) where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
(i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or
(ii) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or
(iii) included on a heritage list prepared in accordance with this Scheme; or
(iv) within an area designated under the Scheme as a heritage area; or

(v) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29;
(vi) the fencing is in a vegetation protection area, identified in an approved environmental management plan or structure plan.
(vii) the proposal requires access from an unconstructed road
(viii) the proposal is located within a designated Bushfire hazard area as identified in Schedule 14 – Bushfire Hazard Areas of the Scheme"

e. Delete the following definitions from Schedule 1, as they have been superseded by the definitions in the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2*:
"Advertisement, amenity, cultural heritage significance"

f. Amend the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2*:
3.4, 4.3.2, 4.4.2.

g. Delete reference to the following terms and replace them with the corresponding term throughout the scheme:
i. *residential planning codes* with *residential design codes*
ii. *planning application* with *development application*
iii. *council* with *local government*
iv. *detailed area plan* with *local development plan*

h. Update the following clauses and definitions as detailed below:
i. *5.8.8 – delete the words 'an adopted structure plan using' and replace with 'structure plan adopted'*
ii. *Schedule 2 – Zoning table:-*
- *delete the words 'In accordance with an approved structure plan' from the column Industrial Development zone and replace it with 'see note 2''*
- *Insert the following as note 2 under the zoning table:*
'Note 2 – If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for the land within the zone, have due regard to any following plans that apply to the land-
(a) a structure plan
(b) an activity centre plan
(c) a local development plan'

i. Modify the zoning table to make Ancillary Accommodation a 'P' use in the Residential zone;

j. Renumber the scheme provisions and schedules sequentially and update any cross referencing to the new clause numbers as required.

2. Resolves, pursuant to the Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (The Regulations), that Amendment 62 is a basic amendment in accordance with r.34(c) of The Regulations as it proposes to amend the Scheme text to delete provisions that have been superseded by the deemed provisions in Schedule 2 of The Regulations.

3. Authorise Council officers to prepare the scheme amendment documentation.

4. Authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to and endorse the signing of the amendment documentation.

5. Pursuant to Section 81 of the *Planning and Development Act 2005*, refers Amendment 62 to the Environmental Protection Authority.

Western Australian Planning Commission

Your ref: 01672116, 18/02/33
Our ref: TPS/1843
Enquiries: Rowena Rodrigues ([redacted]

Chief Executive Officer
Shire of Chittering
PO Box 70
BINDOON WA 6502

Transmission via electronic mail to: chatter@chittering.wa.gov.au

Dear Sir

LOCAL PLANNING SCHEME No. 6
AMENDMENT No. 62

MINISTERIAL DECISION FOR LOCAL PLANNING SCHEME AMENDMENT - MODIFICATION

Pursuant to clause 87(2) of the *Planning and Development Act 2005* (the Act), the Minister for Planning requires the amendment to be modified in accordance with the Schedule of Modifications before final approval is given.

In accordance with clause 62(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the amendment documents are required to be modified in accordance with the Minister's decision, and returned to the Western Australian Planning Commission within 42 days of this letter being received.

In order for the amendment documents to be finalised in a timely manner, please ensure following:

- that maps in the modified document accurately reflect the intentions of the amendment as detailed in the amending text;
- in carrying out modification to the amendment document, previous Council resolutions pursuant to clauses 35(1), 41(3) and/or 50(3) are not be modified

Please email the final modified text of the amendment, in word version, to schemes@planning.wa.gov.au to assist in the reduction of Government Gazette publishing costs.

Postal address: Locked Bag 2506 Perth WA Street address: 140 William Street Perth WA 6000
Tel: (08) 655 19000 Fax: (08) 655 19001 corporate@planning.wa.gov.au www.planning.wa.gov.au
ABN 35 482 341 493

Please forward all correspondence directly to our Perth Office to alleviate any delays in the processing of the amendment.

Yours sincerely

Kerrine Blenkinsop
Secretary
Western Australian Planning Commission

3 August 2016

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

SHIRE OF CHITTERING

TOWN PLANNING SCHEME NO.6
AMENDMENT NO.62

RESOLVED that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above local planning scheme by:

Delete Amendment No 62 and replace it with the following:

1. Inserting reference to the deemed provisions and supplemental provisions in Part 1.4 by inserting new sub-clauses (b) and (c) and renumbering the sub-clauses accordingly:
   1.4(b) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2;
   1.4(c) the supplemental provisions contained in Schedule A; and
   1.4(d) the Scheme Map.

2. Correcting Schedule references as follows:

   - Clause 4.2.4: Schedule 10
   - Clause 5.6.1: Schedule 6
   - Clause 5.17.1 and 5.17.3: Schedule 10
   - Clause 5.20 'Development Contribution Area' and 'Development Contribution Plan': Schedule 9
   - Clause 5.20.4 'Development Contribution plan part of scheme': Schedule 9
   - Clause 6.7.1(c): Schedule 9
   - Clause 6.7.2.4: Schedule 11
   - Clause 6.7.2.5: Schedule 9

3. Deleting the following clauses from the Scheme Text, as they have been superseded by the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2:

   - Parts 2, 7, 8, 9, 10 and 11 in their entirety
   - Clauses 5.11.1, 5.11.2, 5.11.4, 5.11.5, 5.11.6, 5.11.7, 5.11.8, 5.14, 5.19
   - Schedules 7, 8, 9 and 10.

4. Removing the following clauses from the Scheme Text, as they have been inserted into Schedule A – Supplemental Provisions:

   - Clauses 8.2(b)(ii), 8.2(c), 8.2(g), 8.2(h), 8.2(f), 8.2(b)(v), 8.2(b)(vii), 5.8.4, 8.2(i)

5. Inserting Schedule A and the following provisions into Schedule A – Supplemental Provisions:

Clause 61 (1)

(k) the signage and advertisements contained in Schedule 6 of this scheme, except in respect of a place included on the Heritage List, or which in the opinion of the local government will affect such a place.

(l) the erection or extension of a single house on a lot if a single house is a permitted ("P") use in the zone (where the R Codes do not apply) in which that lot is located, and where the development standards set out in the scheme (including the schedules) for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:

(i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or

(ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or

(iii) included on a heritage list prepared in accordance with this Scheme; or

(iv) within an area designated under the Scheme as a heritage area; or

(v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29; or

(vi) the proposal requires access from an unconstructed road; or

(vii) the proposal is located within a designated bushfire hazard area, as identified in Schedule 10 - Bushfire Hazard Areas of the Scheme.

(m) the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted ("P") use in the zone (where the R Codes do not apply) and where the development standards set out in the scheme (including the schedules) for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:

(i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or

(ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or

(iii) included on a heritage list prepared in accordance with this Scheme; or

(iv) within an area designated under the Scheme as a heritage area; or

(viii) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29; or

(ix) in a vegetation protection area, identified in an approved environmental management plan or structure plan; or

(x) the proposal requires access from an unconstructed road; or

(xi) the proposal is located with a designated bushfire hazard area, as identified in Schedule 10 - Bushfire Hazard Areas of the Scheme.

(n) the demolition of any building or structure except where the building or structure is:

(i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*; or

(ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or

(iii) included on the Heritage List prepared in accordance with the Scheme; or

(iv) located in a heritage area designated under the Scheme.

(o) the erection, construction, maintenance, improvement or alteration of a rural boundary fence or wall, or other means of boundary enclosure.

(p) the erection of windmills, the sinking of bores and wells and associated water tanks in Agricultural Resource zone.

(q) the installation of service ducts, cables, pipes or conduits, for domestic or rural purposes.

6. Delete the following definitions from Schedule 1, as they have been superseded by the definitions in the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2:

- Advertisement
- Amenity
- Cultural heritage significance
- Local government
- Local Planning Strategy
- Owner
- Place
- Premises
- Residential Planning Codes
- Substantially commenced
- Zone
- Storage
- Warehouse
- Rural Pursuit

7. Amend the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2:

- Clause 3.4.1(b): Part 7 of the deemed provisions
- Clause 3.4.2(a): clause 67 of the deemed provisions
- Clause 4.3 Note No.3: clause 67 of the deemed provisions
- Clause 4.2.4b): Part 4 of the deemed provisions
- Clause 4.3.2 'A': clause 64 of the deemed provisions
- Clause 4.4.2(b): clause 64 of the deemed provisions
- Clause 4.8(c): clause 80 of the deemed provisions
- Clause 4.9.2: clause 64 of the deemed provisions
- Clause 5.4.2: clause 64 of the deemed provsions
- Clause 5.5.2(a): clause 64 of the deemed provisions
- Clause 5.4.3(a): clause 67 of the deemed provisions
- Clause 5.8.1: Part 4 of the deemed provisions
- Clause 5.8.8: Part 4 of the deemed provisions
- Clause 5.20.13.3(i): clause 61 of the deemed provisions
- Clause 6.7.2.3: Part 4 of the deemed provisions
- References in Schedule 2 footnote: Clause 64 of the deemed provisions
- References in Schedule 15: No.1(2.1): Part 4 of the deemed provisions
- References in Schedule 15: No.1(2.2.1): Part 4 of the deemed provisions
- References in Schedule 15: No.1(2.2.2): Part 4 of the deemed provisions
- References in Schedule 15: No.1(2.2.3): Part 4 of the deemed provisions
- References in Schedule 15: No.1(2.2.4): Part 4 of the deemed provisions

8. Delete reference to the following terms and replace them with the corresponding term throughout the scheme:

- 'residential planning codes' replaced with 'Residential Design Codes';
- 'planning application' replaced with 'development application';
- 'planning approval' replaced with 'development approval';
- 'council' replaced with 'local government';
- 'detailed area plan' replaced with 'Local Development Plan';

9. Insert clause 18(7) of the Model Provisions as new clause 3.4.3 of the model provisions to ensure guidance is provided for when considering application within the Industrial Development Zone.

10. Insert under the clause 4.2.1 heading 'Townsite Zone' the following text, identify the points below as a) to d) and delete repeated 'to':

'The objectives of the Townsite zone are to:'

11. Insert under the clause 4.2.5 heading ‘Agricultural Resource Zone’ the following text, identify the points below as a) to d) and delete repeated ‘to’:

    ‘The objectives of the Agricultural Resource zone are to:’

12. Insert under the clause 4.2.6 heading ‘Rural Smallholdings Zone’ the following text, identify the points below as a) to c) and delete repeated ‘to’:

    ‘The objectives of the Rural Smallholdings zone are to:’

13. Insert under the clause 4.2.7 heading ‘Rural Retreat Zone’ the following text, identify the points below as a) to c) and delete repeated ‘to’:

    ‘The objectives of the Rural Retreat zone are to:’

14. Insert under the clause 4.2.8 heading ‘Rural Residential Zone’ the following text, identify the points below as a) to c) and delete repeated ‘to’:

    ‘The objectives of the Rural Residential zone are to:’

15. Insert under the clause 4.2.9 heading ‘Rural Conservation Zone’ the following text, identify the points below as a) to e) and delete repeated ‘to’:

    ‘The objectives of the Rural Conservation zone are to:’

16. Insert under the clause 4.2.10 heading ‘Residential R2 Zone’ the following text, identify the points below as a) to c) and delete repeated ‘to’:

    ‘The objectives of the Residential R2 zone are to:’

17. Modify the Zoning Table to make 'Ancillary Accommodation a 'P' use in the 'Residential zone'.

18. Delete the words 'in accordance with an approved Local Structure Plan' in the 'Industrial Development Zone' within the Zoning Table and replace it with 'in accordance with clause 3.4.3'.

19. Schedule 15 No.1 clause 2.2 replace 'Local Government' with 'Western Australian Planning Commission'.

20. Modify the Zoning Table to make 'Ancillary Accommodation a 'P' use in the 'Townsite zone'.

21. Delete the words within the Zoning Table 'in accordance with an approved Local Structure Plan' in the 'Industrial Development Zone' and replace it with 'in accordance with clause 3.4.3'.

22. Schedule 15 No. 1 clause 2.1 second paragraph starting with “An approved Structure Plan ….. the Structure Plan”: Delete the remainder of the paragraph

and replace with “The zones designated in the Structure Plan and the permissibility of uses within those zones shall be given due regard when determining applications within the structure plan area”.

23. Schedule 15 No.1 clause 2.2 replace 'Local Government' with 'Western Australian Planning Commission'.

24. Amending Schedule 15 No.1(2.3) to " A Transport Assessment and Management Strategy may also be required as an additional detail of a structure plan, as determined by the Western Australian Planning Commission'.

25. Amending Clause 5.8.8 to 'Areas of Vegetation Protection identified on a Structure Plan adopted under Part 4 of the deemed provisions shall not be cleared, felled or removed except where necessary in the following situations:'.

26. Schedule 3 Additional Uses A14:
Modify the text ‘in general accordance with Structure Plan adopted by Council’ to read ‘in general accordance with an approved Structure Plan’
Delete “Prior to Council determining the Structure Plan, the plan is to be:” and all of (a) and (b).
Replace with the following text: ‘The Structure Plan is to be prepared and adopted in accordance with Part 4 of the deemed provisions.’

27. Delete the following text in Schedule 12: No.1(1) ‘adopted by Council and endorsed by the Western Australian Planning Commission’ and replace with ‘adopted in accordance with Part 4 of the deemed provisions’.

28. Renumbering the scheme provisions and schedules sequentially and updating any cross referencing to the new clause numbers and deemed provisions as required and updating the Table of Contents.

29. Insert the definition for 'Warehouse/Storage' and 'Rural Pursuit/ hobby farm' within Schedule 1 - Dictionary of Defined Words and Expressions - Land Use Definitions:

- "Warehouse/Storage means premises including indoor or outdoor facilities used for -
(a) the storage of goods, equipment, plant or materials; or
(b) the display or sale by wholesale of goods;

- "Rural Pursuit/hobby farm" means any premises, other than premises used for agriculture - extensive or agriculture - intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household -
(a) the rearing, agistment, stabling or training of animals;
(b) the keeping of bees;
(c) the sale of produce grown solely on the premises;

Dated this day of 20

CHIEF EXECUTIVE OFFICER

AMENDMENT REPORT

Purpose

The amendment removes scheme provisions and definitions that are superseded by the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) coming into effect on 19 October 2015.

The deletion of the provisions from the scheme will ensure that provisions that may, or may be seen to conflict, with the deemed provisions are removed. The deletion of the provisions will also assist in the day to day administration of the scheme by removing provisions which are no longer required.

The Regulations provide for supplementation provisions to be included for a number of the deemed provisions. The amendment introduces the supplemental provisions schedule and moves provisions into this schedule.

A number of the provisions being deleted are cross referenced elsewhere in the scheme. The amendment updates these cross references to reference the deemed provisions. Terms referred to in the scheme also require updating throughout the scheme.

With the deletion and movement of a number of the scheme provisions, those provisions which remain in the scheme will need to be renumbered to assist in the Scheme amendments.

Amendment Type

The amendment is a basic amendment, in accordance with part (c) of the basic amendment definition contained in Regulation 34.

PLANNING AND DEVELOPMENT ACT 2005

CITY/TOWN/SHIRE OF

TOWN/DISTRICT/CITY/LOCAL PLANNING SCHEME NO.

AMENDMENT NO.

The City/Town/Shire of under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above local planning scheme by:

Delete Amendment No 62 and replace it with the following:

1. Inserting reference to the deemed provisions and supplemental provisions in Part 1.4 by inserting new sub-clauses (b) and (c) and renumbering the sub-clauses accordingly:
   1.4(b) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2;
   1.4(c) the supplemental provisions contained in Schedule A; and
   1.4(d) the Scheme Map.

2. Correcting Schedule references as follows:

   - Clause 4.2.4: Schedule 10
   - Clause 5.6.1: Schedule 6
   - Clause 5.17.1 and 5.17.3: Schedule 10
   - Clause 5.20 'Development Contribution Area' and 'Development Contribution Plan': Schedule 9
   - Clause 5.20.4 'Development Contribution plan part of scheme': Schedule 9
   - Clause 6.7.1(c): Schedule 9
   - Clause 6.7.2.4: Schedule 11
   - Clause 6.7.2.5: Schedule 9

3. Deleting the following clauses from the Scheme Text, as they have been superseded by the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2:

   - Parts 2, 7, 8, 9, 10 and 11 in their entirety
   - Clauses 5.11.1, 5.11.2, 5.11.4, 5.11.5, 5.11.6, 5.11.7, 5.11.8, 5.14, 5.19
   - Schedules 7, 8, 9 and 10.

4. Removing the following clauses from the Scheme Text, as they have been inserted into Schedule A – Supplemental Provisions:

   - Clauses 8.2(b)(ii), 8.2(c), 8.2(g), 8.2(h), 8.2(f), 8.2(b)(v), 8.2(b)(vii), 5.8.4, 8.2(i)

5. Inserting Schedule A and the following provisions into Schedule A – Supplemental Provisions:

Clause 61 (1)

(k) the signage and advertisements contained in Schedule 6 of this scheme, except in respect of a place included on the Heritage List, or which in the opinion of the local government will affect such a place.

(l) the erection or extension of a single house on a lot if a single house is a permitted ("P") use in the zone (where the R Codes do not apply) in which that lot is located, and where the development standards set out in the scheme (including the schedules) for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:

(xii) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or

(xiii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or

(xiv) included on a heritage list prepared in accordance with this Scheme; or

(xv) within an area designated under the Scheme as a heritage area; or

(xvi) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29; or

(xvii) the proposal requires access from an unconstructed road; or

(xviii) the proposal is located within a designated bushfire hazard area, as identified in Schedule 10 - Bushfire Hazard Areas of the Scheme.

(m) the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted ("P") use in the zone (where the R Codes do not apply) and where the development standards set out in the scheme (including the schedules) for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:

(v) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or

(vi) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or

(vii) included on a heritage list prepared in accordance with this Scheme; or

(viii) within an area designated under the Scheme as a heritage area; or

(xix) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29; or

(xx) in a vegetation protection area, identified in an approved environmental management plan or structure plan; or

(xxi) the proposal requires access from an unconstructed road; or

(xxii) the proposal is located with a designated bushfire hazard area, as identified in Schedule 10 - Bushfire Hazard Areas of the Scheme.

(n) the demolition of any building or structure except where the building or structure is:

(v) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*; or

(vi) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or

(vii) included on the Heritage List prepared in accordance with the Scheme; or

(viii) located in a heritage area designated under the Scheme.

(o) the erection, construction, maintenance, improvement or alteration of a rural boundary fence or wall, or other means of boundary enclosure.

(p) the erection of windmills, the sinking of bores and wells and associated water tanks in Agricultural Resource zone.

(q) the installation of service ducts, cables, pipes or conduits, for domestic or rural purposes.

6. Delete the following definitions from Schedule 1, as they have been superseded by the definitions in the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2:

- Advertisement
- Amenity
- Cultural heritage significance
- Local government
- Local Planning Strategy
- Owner
- Place
- Premises
- Residential Planning Codes
- Substantially commenced
- Zone
- Storage
- Warehouse
- Rural Pursuit

7. Amend the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2:

- Clause 3.4.1(b): Part 7 of the deemed provisions
- Clause 3.4.2(a): clause 67 of the deemed provisions
- Clause 4.3 Note No.3: clause 67 of the deemed provisions
- Clause 4.2.4b): Part 4 of the deemed provisions
- Clause 4.3.2 'A': clause 64 of the deemed provisions
- Clause 4.4.2(b): clause 64 of the deemed provisions
- Clause 4.8(c): clause 80 of the deemed provisions
- Clause 4.9.2: clause 64 of the deemed provisions
- Clause 5.4.2: clause 64 of the deemed provsions
- Clause 5.5.2(a): clause 64 of the deemed provisions
- Clause 5.4.3(a): clause 67 of the deemed provisions
- Clause 5.8.1: Part 4 of the deemed provisions
- Clause 5.8.8: Part 4 of the deemed provisions
- Clause 5.20.13.3(i): clause 61 of the deemed provisions
- Clause 6.7.2.3: Part 4 of the deemed provisions
- References in Schedule 2 footnote: Clause 64 of the deemed provisions
- References in Schedule 15: No.1(2.1): Part 4 of the deemed provisions
- References in Schedule 15: No.1(2.2.1): Part 4 of the deemed provisions
- References in Schedule 15: No.1(2.2.2): Part 4 of the deemed provisions
- References in Schedule 15: No.1(2.2.3): Part 4 of the deemed provisions
- References in Schedule 15: No.1(2.2.4): Part 4 of the deemed provisions

8. Delete reference to the following terms and replace them with the corresponding term throughout the scheme:

- 'residential planning codes' replaced with 'Residential Design Codes';
- 'planning application' replaced with 'development application';
- 'planning approval' replaced with 'development approval';
- 'council' replaced with 'local government';
- 'detailed area plan' replaced with 'Local Development Plan';

9. Insert clause 18(7) of the Model Provisions as new clause 3.4.3 of the model provisions to ensure guidance is provided for when considering application within the Industrial Development Zone.

10. Insert under the clause 4.2.1 heading 'Townsite Zone' the following text, identify the points below as a) to d) and delete repeated 'to':

'The objectives of the Townsite zone are to:'

11. Insert under the clause 4.2.5 heading ‘Agricultural Resource Zone’ the following text, identify the points below as a) to d) and delete repeated ‘to’:

    ‘The objectives of the Agricultural Resource zone are to:’

12. Insert under the clause 4.2.6 heading ‘Rural Smallholdings Zone’ the following text, identify the points below as a) to c) and delete repeated ‘to’:

    ‘The objectives of the Rural Smallholdings zone are to:’

13. Insert under the clause 4.2.7 heading ‘Rural Retreat Zone’ the following text, identify the points below as a) to c) and delete repeated ‘to’:

    ‘The objectives of the Rural Retreat zone are to:’

14. Insert under the clause 4.2.8 heading ‘Rural Residential Zone’ the following text, identify the points below as a) to c) and delete repeated ‘to’:

    ‘The objectives of the Rural Residential zone are to:’

15. Insert under the clause 4.2.9 heading ‘Rural Conservation Zone’ the following text, identify the points below as a) to e) and delete repeated ‘to’:

    ‘The objectives of the Rural Conservation zone are to:’

16. Insert under the clause 4.2.10 heading ‘Residential R2 Zone’ the following text, identify the points below as a) to c) and delete repeated ‘to’:

    ‘The objectives of the Residential R2 zone are to:’

17. Modify the Zoning Table to make 'Ancillary Accommodation a 'P' use in the 'Residential zone'.

18. Delete the words 'in accordance with an approved Local Structure Plan' in the 'Industrial Development Zone' within the Zoning Table and replace it with 'in accordance with clause 3.4.3'.

19. Schedule 15 No.1 clause 2.2 replace 'Local Government' with 'Western Australian Planning Commission'.

20. Modify the Zoning Table to make 'Ancillary Accommodation a 'P' use in the 'Townsite zone'.

21. Delete the words within the Zoning Table 'in accordance with an approved Local Structure Plan' in the 'Industrial Development Zone' and replace it with 'in accordance with clause 3.4.3'.

22. Schedule 15 No. 1 clause 2.1 second paragraph starting with “An approved Structure Plan ….. the Structure Plan”: Delete the remainder of the paragraph

and replace with “The zones designated in the Structure Plan and the permissibility of uses within those zones shall be given due regard when determining applications within the structure plan area”.

23. Schedule 15 No.1 clause 2.2 replace 'Local Government' with 'Western Australian Planning Commission'.

24. Amending Schedule 15 No.1(2.3) to " A Transport Assessment and Management Strategy may also be required as an additional detail of a structure plan, as determined by the Western Australian Planning Commission'.

25. Amending Clause 5.8.8 to 'Areas of Vegetation Protection identified on a Structure Plan adopted under Part 4 of the deemed provisions shall not be cleared, felled or removed except where necessary in the following situations:'.

26. Schedule 3 Additional Uses A14:
Modify the text ‘in general accordance with Structure Plan adopted by Council’ to read ‘in general accordance with an approved Structure Plan’
Delete “Prior to Council determining the Structure Plan, the plan is to be:” and all of (a) and (b).
Replace with the following text: ‘The Structure Plan is to be prepared and adopted in accordance with Part 4 of the deemed provisions.’

27. Delete the following text in Schedule 12: No.1(1) ‘adopted by Council and endorsed by the Western Australian Planning Commission’ and replace with ‘adopted in accordance with Part 4 of the deemed provisions’.

28. Renumbering the scheme provisions and schedules sequentially and updating any cross referencing to the new clause numbers and deemed provisions as required and updating the Table of Contents.

29. Insert the definition for 'Warehouse/Storage' and 'Rural Pursuit/ hobby farm' within Schedule 1 - Dictionary of Defined Words and Expressions - Land Use Definitions:

- "Warehouse/Storage means premises including indoor or outdoor facilities used for -
(c) the storage of goods, equipment, plant or materials; or
(d) the display or sale by wholesale of goods;

- "Rural Pursuit/hobby farm" means any premises, other than premises used for agriculture - extensive or agriculture - intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household -
(d) the rearing, agistment, stabling or training of animals;
(e) the keeping of bees;
(f) the sale of produce grown solely on the premises;

ADOPTION

Adopted by resolution of the Council of the City/Town/Shire of at the Meeting of the Council held on the day of 20 and the Common Seal of the City / Town / Shire of was hereunto affixed by the authority of a resolution of the council in the presence of:

.....

MAYOR/SHIRE PRESIDENT

.....

CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Approval

.....

DELEGATED UNDER S.16 OF
THE PD ACT 2005

DATE.....

Approval Granted .....

MINISTER FOR PLANNING

DATE.....

PART 1—PRELIMINARY

1.1 Citation
This local law is cited as the *Shire of Chittering Fencing Local Law 2017*.

1.2 Commencement
This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Application of local law
This local law applies throughout the district.

1.4 Repeal
N/A.

1.5 Definitions
In this local law, unless the context requires otherwise—

AS 2870	means Australian Standard 2870:2011—Residential slabs and footings, published by Standards Australia and amended from time to time;
AS/NZS 3016	means Australian/New Zealand Standard 3016:2002—Electrical Installations—Electricity security fences, published by Standards Australia and amended from time to time;
AS 3700	means Australian Standard 3700:2011 - The design of unreinforced and reinforced masonry structures of all kinds, published by Standards Australia and amended from time to time;
barbed wire	means a wire or strand of wires having small pieces of sharply pointed wire twisted around it at short intervals;
boundary fence	means a fence that separates the lands of different owners whether the fence is on the common boundary of adjoining lands or on a line other than the common boundary;
CEO	means the Chief Executive Officer of the local government;
commercial lot	means a lot where a commercial use— (a) is or may be permitted under the town planning scheme; and (b) is or will be the predominant use of the lot;
dangerous	in relation to any fence means— (a) an electrified fence other than a fence in respect of which an approval under Part 4 of this local law has been issued and is current; (b) a fence containing barbed wire other than a fence erected and maintained in accordance with this local law; (c) a fence containing exposed broken glass, asbestos fibre, razor wire or any other potentially harmful projection or material; or (d) a fence which is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause;
district	means the district of the local government;
dividing fence	has the same meaning as a boundary fence;
electrified fence	means a fence carrying or designed to carry an electric charge;
fence	means any structure, including a retaining wall, used or functioning as a barrier, irrespective of where it is located and includes any gate;
footpath	has the meaning of an area that is open to the public that is designated for, or has as one of its main uses, use by pedestrians, as given to it by the *Road Traffic Code 2000;*
front boundary	means— (a) the boundary line between a lot and the thoroughfare upon which that lot abuts; or (b) in the case of a lot abutting on more than one thoroughfare, the boundary line between the lot and the primary thoroughfare, as determined by the property owner and approved by the City;
front setback area	means the area between the building line of a lot and the front boundary of that lot;
height	in relation to a fence means the vertical distance between— (a) the top of the fence at any point; and (b) the natural ground level or, where the ground levels on each side of the fence are not the same, the higher natural ground level, immediately below that part of the fence;
industrial lot	means a lot where an industrial use— (a) is or may be permitted under the town planning scheme; and

(b) is or will be the predominant use of the lot;

local government means the Shire of Chittering;

local government property means anything except a thoroughfare—
(a) which belongs to the local government;
(b) of which the local government is the management body under the *Land Administration Act 1997*; or
(c) which is an "otherwise unvested facility" under section 3.53 of the *Local Government Act 1995*;

lot has the meaning given to it in and for the purposes of the *Planning and Development Act 2005*;

natural ground level means—
(a) where there is no difference to the original ground level, the level of that ground; and
(b) if the site is retained on the boundary with a retaining wall, the natural ground level is deemed to be the top of the retaining wall; or
(c) the higher of the two levels if no retaining wall is in-situ.

notice of breach means a notice referred to in clause 6.1(1);

occupier has the meaning given to it in the *Local Government Act 1995*;

open construction means a visually permeable fence comprising of—
(a) continuous gaps at least 50mm wide which in aggregate occupy at least one third of the length of the fence; or
(b) continuous gaps less than 50mm wide which in aggregate occupy at least half of the length of the fence;
provided that the gaps are evenly distributed along the length of the fence.

owner has the meaning given to it in the *Local Government Act 1995*;

prescribed has the meaning given to it in the *Interpretation Act 1984*;

razor wire means a coiled strong wire with pieces of sharp cutting edges set across it at close intervals;

repair means to make the necessary repairs to a fence to ensure it complies with the requirements of a sufficient fence as prescribed by this local law;

residential lot means a lot where a residential use—
(a) is or may be permitted under the town planning scheme; and
(b) is or will be the predominant use of the lot;

retaining wall means any structure which prevents the movement of soil in order to allow ground levels of different elevations to exist adjacent to one another;

rural lot means a lot where a rural use—
(a) is or may be permitted under the town planning scheme; and
(b) is or will be the predominant use of the lot;

Schedule means a Schedule to this local law;

setback area has the meaning given to it for the purposes of the town planning scheme;

Special Residential lot means a lot where a special residential use—
(a) is or may be permitted under the local planning scheme; and
(b) is or will be the predominant use of the lot;

Special Rural lot means a lot where a special rural use—
(a) is or may be permitted under the local planning scheme; and
(b) is or will be the predominant use of the lot

Standards Australia means Standards Australia Limited ACN 087 326 690;

Structural Engineer means a qualified engineer trained to understand and calculate the stability, strength and rigidity of built structures for buildings and non-building structures;

sufficient fence means a fence described in clause 2.1;

thoroughfare has the meaning given to it in the *Local Government Act 1995*, but does not include a private thoroughfare which is not under the management and control of the local government;

town planning scheme means a town planning scheme of the local government made under the *Planning and Development Act 2005*; and

unsightly means having an appearance that, because of the way in which the land is used, does not conform with the general appearance of other land in the locality.

1.6 Relationship with other laws

(1) Anything allowed under any Act, Regulation or town planning scheme, is not affected by any prohibition, requirement or restriction under this local law.

(2) In the event of any inconsistency with any Act, Regulation or town planning scheme, the provisions of those Acts, Regulations or town planning scheme are to prevail.

1.7 Approval fees and charges

All approval fees and charges applicable under this local law shall be as determined by the local government from time to time in accordance with section 6.16 of the *Local Government Act 1995*.

PART 2—FENCES

2.1 Sufficient fences

(1) A person shall not erect a dividing fence or a boundary fence that is not a sufficient fence unless otherwise granted approval by the local government under clause 2.9.

(2) Subject to sub-clauses (3) and (4), and any provision contained in a town planning scheme, a sufficient fence—

(a) on a residential lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of the Schedule 2;

(b) on a commercial lot or an industrial lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of the Schedule 3; and

(c) on a rural lot, a special rural lot or a special residential lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of the Schedule 4.

(3) Where a fence is erected on or near the boundary between—

(a) a residential lot and an industrial lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of the Schedule 2;

(b) a residential lot and a commercial lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of the Schedule 2;

(c) a residential lot and a rural lot or a special rural lot or a special residential lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of the Schedule 4;

(d) a rural lot and an industrial lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of the Schedule 3;

(e) a rural lot and a special rural lot or a special residential lot, is a sufficient fence constructed and maintained in accordance with the specifications and requirements of the Schedule 4; and

(f) a special rural lot and a special residential lot, is a sufficient fence constructed and maintained in accordance with the specifications and requirements of the Schedule 4.

(4) An application must be made to the local government for grant of consent to any variation to the specifications in Schedules 2, 3 and 4.

(5) Unless the local government specifies otherwise, a sufficient fence on a boundary between lots other than those specified in subclause (3) is a dividing fence constructed in accordance with the specifications and requirements of the Schedule 2.

(6) Notwithstanding any other provisions in this local law, a fence constructed of stone, masonry or concrete shall be a sufficient fence only if it is designed by a structural engineer and constructed in accordance with that design, where—

(a) it is greater than 1200mm in height; or

(b) the local government requires an approval.

(7) Notwithstanding any other provision in this local law, a dividing fence or boundary fence shall not exceed 1800 millimetres in height unless the approval of the local government has been obtained for such a fence.

2.2 Gates in fences

(1) A person shall not erect a gate in a fence which does not—

(a) open into the lot, if the gate is providing access to a thoroughfare; or

(b) open by sliding parallel and on the inside of the fence, which it forms part of; when closed.

2.3 Depositing fencing material on public place

A person shall not deposit or permit the deposit of any materials whatsoever used in the construction or maintenance of any fence, on any thoroughfare, public place or local government property without the approval of the local government.

2.4 Fences on a rural lot or special rural lot

A person shall not without the written consent of the local government, erect a fence on a rural lot or a special rural lot, within 7.5 metres of a thoroughfare of a height exceeding 1500 mm.

2.5 Fences on a residential lot

A person shall not without the written consent of the local government, erect a fence on a residential lot of a height exceeding 1800 mm. For the erection of a fence in the front setback area, see clause 2.2.

2.6 Fences within the district

All fences within the district must comply with the provisions of the town planning scheme and its policies.

2.7 Maintenance of fences

(1) An owner and occupier of a lot on which a fence is erected shall maintain the fence in good condition and so as to:

(a) prevent it from becoming dangerous, dilapidated, or unsightly; and

(b) prevent the trespass of stock onto a public thoroughfare.

(2) A person shall not fill or excavate behind a fence so as to undermine the structural integrity of the fence.

2.8 Fences across rights-of-way, public access ways or thoroughfares

A person must not, without the approval of the local government, erect or maintain a fence or obstruction of a temporary or permanent nature across any right-of-way, public access way or thoroughfare so as to impede or prevent use of those facilities in the manner for which they are intended and constructed.

2.9 General discretion of the local government

(1) Notwithstanding clause 2.1, the local government may approve the erection or repair of a fence which is not a sufficient fence where all of the owners of the lots to be separated by the dividing fence make an application for that purpose.

(2) In determining whether to grant its consent to the erection or repair of any fence, the local government may consider, in addition to any other matter that it is authorised to consider, whether the erection or retention of the fence would have an adverse effect on—

(a) the safe, secure or convenient use of any land;

(b) the safety, security or convenience of any person; or

(c) the amenity of the locality.

PART 3—FENCING MATERIALS

3.1 General fencing materials

(1) A person shall only construct a fence on a residential lot from brick, stone, concrete, wrought iron, tubular steel framed, timber, corrugated fibre reinforced cement sheeting, pre-painted steel sheeting, or a material approved by the local government and only of new materials unless in accordance with subclause (3).

(2) A person shall only construct a fence on a commercial lot or an industrial lot from brick, stone, concrete, wrought iron, tubular steel framed, timber, plastic coated or galvanised link mesh, corrugated fibre reinforced cement sheeting, pre-painted steel sheeting or a material approved by the local government and only of new materials unless in accordance with subclause (3).

(3) Where the local government approves the use of pre-used materials in the construction of a fence under subclause (1) or (2), that approval shall be conditional on the pre-used materials being in keeping with the general amenity of the area and if required by the local government, the applicant painting or treating the pre-used material as directed by the local government.

3.2 Barbed wire and spiked or jagged materials

(1) This clause does not apply to a fence constructed wholly or partly of razor wire.

(2) An owner or occupier of a residential lot or a commercial lot shall not erect or affix to any fence on such a lot any barbed wire or other material with spiked or jagged projections, unless the prior written approval of the local government has been obtained.

(3) An owner or occupier of an industrial lot shall not erect or affix on any fence bounding that lot any barbed wire or other materials with spiked or jagged projections unless the bottom row of wire or other materials is not nearer than 2000mm from the ground level.

(4) If the posts which carry the barbed wire or other materials referred to in subclause (3) are angled towards the outside of the lot bounded by the fence the face of the fence must be set back from the lot boundary a sufficient distance to ensure that the angled posts, barbed wire or other materials do not encroach on adjoining land.

(5) An owner or occupier of a lot shall not affix or allow to remain as part of any fence or wall, whether internal or external, on that lot any broken glass.

(6) An owner or occupier of a rural lot, a special rural lot or a special residential lot, shall not place or affix barbed wire upon a fence on that lot where the fence is adjacent to a thoroughfare or other public place unless the barbed wire is fixed to the side of the fence posts furthest from the thoroughfare or other public place.

3.3 Electrified and razor wire fences

(1) An owner or occupier of a lot shall not—

(a) construct or use an electrified fence on that lot without obtaining the approval of the local government; or

(b) construct a fence wholly or partly of razor wire on that lot without obtaining the approval of the local government.

(2) On a rural lot or industrial lot, an electrified fence shall—

(a) comply with AS/NZS 3016—Electrical Installations—Electric Security Fences (as amended from time to time);

(b) comply with any requirements of Western Power;

(c) be inoperable during hours of business; and

(d) be designed to integrate with the colours, materials and specification of a sufficient fence.

(3) The local government shall not approve an application for the purpose of subclause (1)(b)—

(a) if the fence is within 3000 millimetres of the boundary of the lot; or

(b) where any razor wire used in the construction of the fence is less than 2000 millimetres or more than 2400 millimetres above the ground level.

(4) An application for approval for the purpose of subclauses (1)(a) or (1)(b) shall be made by the owner of the lot on which the fence is or is to be erected, or by the occupier of the lot with the written consent of the owner.

3.4 Prohibited fencing materials

(1) A person shall not—

(a) use broken glass in the construction of any fence; or

(b) make repairs to a fence using, or reusing, any materials that contain asbestos whether from the existing fence or sourced from another location, unless in accordance with the *Health (Asbestos) Regulations 1992*.

(2) Failure to comply with sub-clause (1)(b) may constitute a breach of the *Health (Asbestos) Regulations 1992*.

3.5 Disposal of asbestos materials

(1) The disposal of asbestos fencing materials is to comply with the requirements of the *Health (Asbestos) Regulations 1992* and *Environmental Protection (Controlled Waste) Regulations 2004*.

(2) Failure to comply with sub-clause (1) may constitute a breach of the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2004*.

PART 4—APPROVALS

4.1 Application for approval

(1) Where a person is required to obtain the approval of the local government under this local law, that person shall apply for approval in accordance with subclause (2).

(2) An application for approval under this local law shall—

(a) be in the form determined by the local government;

(b) be signed by the applicant and the owner of the lot;

(c) provide the information required by the form; and

(d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with section 6.19 of the *Local Government Act 1995*.

(3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for approval.

(4) The local government may refuse to consider an application for approval which is not in accordance with subclauses (2) and (3).

4.2 Decision on application for approval

(1) The local government may—

(a) approve an application for approval unconditionally or subject to any conditions; or

(b) refuse to approve an application for approval.

(2) If the local government approves an application for approval, it is to issue to the applicant an approval in the form determined by the local government.

(3) If the local government refuses to approve an application for approval, it is to give written notice of that refusal to the applicant.

(4) Where a clause of this local law refers to conditions which may be imposed on an approval or which are to be taken to be imposed on an approval, the clause does not limit the power of the local government to impose other conditions on the approval under subclause (1)(a).

4.3 Compliance with approval

Where an application for approval has been approved, the applicant and the owner or occupier of the lot to which the approval relates, shall comply with the terms and any conditions of that approval.

4.4 Duration of approval

Unless otherwise stated in the form of approval, an approval granted under this local law—

(a) runs with the lot to which it relates;

(b) may be relied upon by any subsequent occupier or owner of the lot; and

(c) may be enforced by the local government against a subsequent occupier or owner of the lot.

4.5 Cancellation of an approval

Subject to Division 1 Part 9 of the *Local Government Act 1995*, the local government may cancel an approval issued under this Part if—

(a) the fence no longer satisfies the required specifications; or

(b) the owner or occupier breaches any condition upon which the approval has been issued.

PART 5—MISCELLANEOUS

5.1 False or misleading statement

A person shall not make a false or misleading statement in connection with any application, requirement or request under this local law.

PART 6—NOTICES OF BREACH

6.1 Notices of Breach

(1) Where a breach of any provision of this local law has occurred in relation to a fence on a lot, the local government may give a notice in writing to the owner or occupier of that lot ('notice of breach').

(2) A notice of breach shall—

(a) specify the provision of this local law which has been breached;

(b) specify the particulars of the breach; and

(c) state that the owner or occupier of the lot is required to remedy the breach within the time specified in the notice.

(3) Should an owner fail to comply with a notice of breach, the local government may, by its employees, agents or contractors enter upon the lot to which the notice relates and remedy the breach, and may recover the expenses of so doing from the owner of the lot in a court of competent jurisdiction.

(4) The provisions of this clause are subject to section 3.25 and item 12 of Division 1 of Schedule 3.1 of the *Local Government Act 1995* and any entry on to land will be in accordance with Part 3, Division 3 of that Act.

PART 7—OFFENCES

7.1 Offences and penalties

(1) An owner or occupier who fails to comply with a notice of breach commits an offence and is liable upon conviction to a maximum penalty of not less than $250 and not exceeding $5000 and, if the offence is a continuing offence, a maximum daily penalty of $500.

(2) A person who fails to comply with or who contravenes any provision of this local law commits an offence and is liable to a maximum penalty of not less than $100 and not exceeding $5000 and, if the offence is a continuing offence, a maximum daily penalty of $500.

7.2 Modified penalties

(1) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the *Local Government Act 1995*.

(2) The amount appearing in the final column of Schedule 1, directly opposite a prescribed offence in that Schedule, is the modified penalty for that prescribed offence.

7.3 Form of notices

For the purposes of this local law—

(a) an infringement notice issued under this local law referred to in section 9.17 of the *Local Government Act 1995* is to be in a form prescribed by the local government, as amended from time to time;

(b) a notice referred to in section 9.20 of the *Local Government Act 1995* is to be in a form prescribed by the local government, as amended from time to time.

PART 8—OBJECTIONS AND REVIEW

8.1 Objections and review

When the local government makes a decision as to whether it will grant a person an approval or renew, vary or cancel an approval under this local law, the provisions of Division 1 of Part 9 of the *Local Government Act 1995* and regulation 33 of the *Local Government (Functions and General) Regulations 1996* shall apply to that decision.

SCHEDULE 1
Offences and modified penalties

[clause 7 2(2)]

Item	Clause No.	Nature of offence	Modified penalties $
1	2.1(1)	Erect a fence which is not a sufficient fence without approval of the local government	200
2	2.2(1)	Erect a fence greater than 1200mm in height within a front setback area of a residential lot without approval of the local government	200
3	2.3(1)(a)	Erect a gate in a fence not opening into the lot, if the gate is providing access to a thoroughfare	100
4	2.3(1)(b)	Erect a gate in a fence not sliding parallel and inside a fence	100
5	2.5	Erect a fence on a rural or special rural lot, within 7.5 metres of a	100

Item	Clause No.	Nature of offence	Modified penalties $
		thoroughfare of a height exceeding 1500mm without approval of the local government	
6	2.6	Erect a fence on a residential lot or special residential lot of a height exceeding 1800mm without approval of the local government	100
7	2.8(1)	Failure to maintain a fence in good condition to prevent the fence becoming dangerous, dilapidated or unsightly	100
8	2.8(2)	Filling or excavating behind a fence so as to undermine the structural integrity of the fence	100
9	2.9	Erect or maintain a fence or obstruction of temporary or permanent nature across a right-of way, public access way or thoroughfare without approval of the local government	200
10	3.1(2)	Construct a dividing fence on a residential lot from pre-used materials without approval of the local government	150
11	3.1(3)	Construct a dividing fence on a commercial or an industrial lot from pre-used materials without approval of the local government	150
12	3.2(2)	Erect or affix to a fence using barbed wire or material with spiked or jagged projections in the fence construction without approval of the local government	200
13	3.2(3)	On an industrial lot, erect or affix on any fence bounding that lot any barbed wire or other materials with spiked or jagged projections, in which the bottom row of wire or other materials is nearer than 2000mm from the ground level	200
14	3.2(5)	Affix or allow to remain as part of any fence or wall, whether internal or external, on that lot any broken glass	200
15	3.3(1)(a)	Electrify a fence without approval of the local government	200
16	3.3(1)(b)	Construct, erect or use razor wire in a fence without approval of the local government	200
17	4.3	Failure to comply with terms or conditions of approval	200
18	7.1(1)	Failure to comply with notice of breach	250

SCHEDULE 2
Specifications for a sufficient boundary fence on a residential lot

[clause 2.1(2)(a)]

Each of the identified categories in this Schedule is a sufficient fence on a residential lot—

1. Timber fence

(a) corner posts to be 125mm x 125mm x 2400mm and intermediate posts to be 125mm x 75mm x 2400mm spaced at 2400mm centres;
(b) corner posts to be strutted two ways with 100mm x 50mm x 450mm sole plates and 75mm x 50mm struts;
(c) all posts to have tops with a 60mm weather cut and to be sunk at least 600mm into the ground;
(d) rails to be 75mm x 50mm with each rail spanning 2 bays of fencing double railed or bolted to each post with joints staggered;
(e) the fence to be covered with 75mm x 20mm sawn pickets, 1800mm in height placed 75mm apart and affixed securely to each rail; and
(f) the height of the fence to be 1800mm except with respect to the front setback area for which there is no minimum height but which is subject to clause 2.2.

2. Corrugated fence

A fence constructed of corrugated fibre reinforced pressed cement or steel sheeting constructed to manufacturer's specifications or which satisfies the following specifications—

(a) a minimum in-ground length of 25 per cent of the total length of the sheet, but in any case shall have a minimum in-ground depth of 600mm;
(b) the total height and depth of the fence to consist of a single continuous fibre reinforced cement or steel sheet;
(c) the sheets to be lapped and capped with extruded "snap-fit" type capping in accordance with the manufacturers written instructions; and
(d) the height of the fence to be 1800mm except with respect to the front setback area for which there is no minimum height but which is subject to clause 2.2.

3. Brick, stone or concrete fence

A fence constructed of brick, stone or concrete, which satisfies the following requirements and specifications—

(a) a site classification is to be provided by a professional engineer in accordance with AS 2870, as amended from time to time;
(b) the footing is to be designed in accordance with AS 2870, as amended from time to time;
(c) expansion joints in accordance with the manufacturer's written instructions; and
(d) the height of the fence to be 1800mm except with respect to the front setback area for which there is no minimum height but which is subject to clause 2.2.

4. Composite fence

A composite fence which satisfies the following specifications for the brick construction—

(a) brick piers of minimum 345mm x 345mm at either 1800mm or 2700mm centres, bonded to a minimum height base wall of 540mm;
(b) each pier shall be reinforced with R10 galvanised starting rod (one rod for 1800mm centred brick piers, two for 2700mm brick piers), 1500mm high with a 250mm horizontal leg bedded into a 500mm x 500mm x 200mm concrete footing and set 65mm above the base of the footing. The top of the footing shall be 1 course (85mm) below ground level;
(c) the minimum ultimate strength of brickwork shall by 20MPa. Mortar shall be a mix of 1 part cement, 1 part lime and 6 parts sand;
(d) the ground under the footings is to be compacted to 6 blows per 300mm and checked with a standard falling weight penetrometer;
(e) control joints in brickwork shall be provided with double piers at a maximum of 6 metre centres; and
(f) the height of the fence to be 1800mm except with respect to the front setback area for which there is no minimum height but which is subject to clause 2.2.

SCHEDULE 3

Specifications for a sufficient boundary fence on a commercial lot or an industrial lot

[Clause 2.1(2)(b)]

Each of the following is a sufficient fence on a commercial lot and an industrial lot—

1. Galvanised or PVC fence and gate

A fence constructed of galvanised or PVC coated non-rail link mesh, chain mesh or steel mesh which satisfies the following specifications—

(a) corner posts to be minimum 50mm nominal bore x 3.5mm and with footings of a 225mm diameter x 900mm;

(b) intermediate posts to be minimum 37mm nominal bore x 3.15mm at maximum 3500mm centres and with footings of a 225mm diameter x 600mm;

(c) struts to be minimum 30mm nominal bore x 3.15mm fitted at each gate and 2 at each corner post and with footings 225mm x 600mm;

(d) cables to be affixed to the top, centre and bottom of all posts and to consist of 2 or more 3.15mm wires twisted together or single 4mm wire;

(e) non-rail link, chain or steel mesh is to be to a height of 2000mm on top of which are to be 3 strands of barbed wire carrying the fence to a height of 2400mm in accordance with the requirements and standards of the town planning scheme; and

(f) galvanised link mesh wire to be 2000mm in height and constructed of 50mm mesh 2.5mm galvanised iron wire and to be strained, neatly secured and laced to the posts and affixed to cables. Vehicle entry gates shall provide an opening of not less than 3.6m and shall be constructed of 25mm tubular framework with 1 horizontal and 1 vertical stay constructed of 20mm piping and shall be covered with 50mm x 2.5mm galvanised link mesh strained to framework. Gates shall be fixed with a drop bolt and locking attachment.

2. Other fences

(a) a fence of cement sheet or steel sheeting constructed to the minimum specifications referred to in Schedule 2 (2) Corrugated fence;

(b) a fence constructed of aluminium sheeting when supported on posts and rails provided that it is used behind a building line and is of a minimum height of 1800mm but no greater than 2400mm; or

(c) a fence of timber, brick, stone or concrete constructed to the minimum specifications referred to in Schedule 2 (3) Brick, stone or concrete fence.

SCHEDULE 4

Specifications for a sufficient boundary fence on a rural lot, rural smallholdings lot and a rural retreat lot:

[Clause 2.1(2)(c)]

Each of the identified categories in this Schedule, with minimum and maximum specifications where stated is a sufficient fence on a rural lot, a special rural lot and a special residential lot—

1. Non-electrified fence

(a) wire shall be high tensile wire and not less than 2.5mm. A minimum of 5 wires shall be used, generally with the lower wires spaced closer together than the higher wires so as to prevent smaller stock passing through, and connected to posts in all cases.

(b) posts shall be of indigenous timber or other suitable material including—

(i) timber impregnated with a termite and fungicidal preservative;

(ii) standard iron star pickets; or

(iii) concrete;

(c) cut not less than 1800mm long x 50mm diameter at small end if round or 125mm x 60mm if split or sawn timber;

(d) posts to be set minimum 600mm in the ground and 1200mm above the ground; and

(e) strainer posts shall be not less than 2250mm long and 150mm diameter at the small end (tubular steel to be 50mm in diameter) and shall be cut from indigenous timber or other suitable material.

These shall be placed a minimum of 1000mm in the ground.

2. Electrified fence

(a) An electrified fence having 4 wires is a sufficient fence if constructed generally in accordance with a non-electrified fence and the requirements of clause 3.3.

The Common Seal of the Shire of Chittering was }
affixed by authority of a resolution of the Council }
in the presence of: }

.....
G HOUSTON, Shire President

.....
A SHERIDAN, Chief Executive Officer