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<b>6.2</b>	<b>REPLACEMENT REPORT: Endorsement of advertised and modifications to Shire of Chittering Draft Local Planning Strategy 2019</b> 1. Draft Local Planning Strategy and Mapping (as advertised) 2. Schedule of Modifications 3. Schedule of Submissions (public distribution version with names redacted)	1 – 154



# Local Planning Strategy 2018

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## Executive Summary

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

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

The Local Planning Strategy comprises two parts:

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

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

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

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

# Summary of key planning issues & implications

As one of the fastest growing peri-urban local governments, the Shire will continue to face a complex range of land use planning issues (Figure 2). These are summarised as:

## Population and settlement

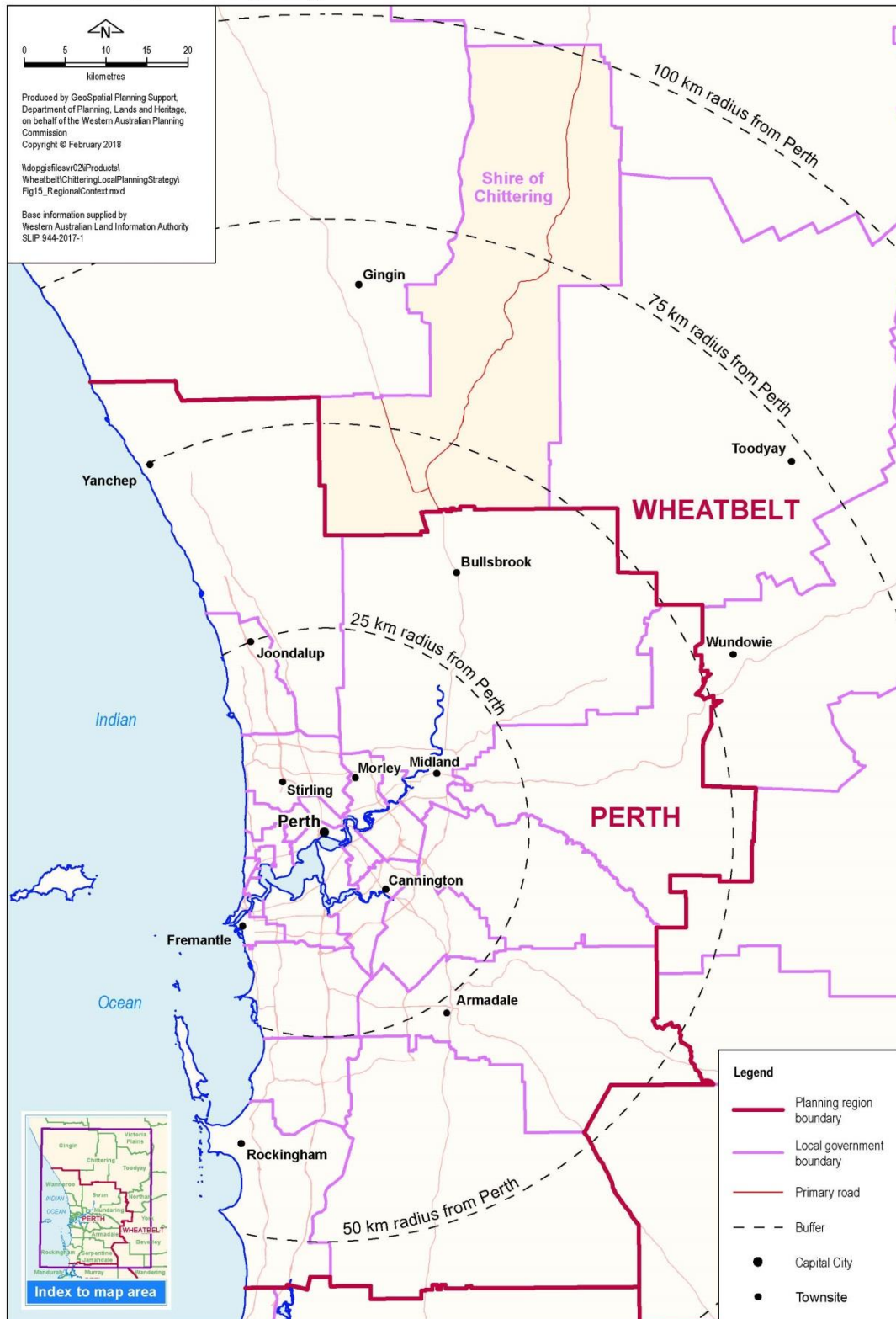
The Shire currently has three main population centres: Bindoon, Lower Chittering and Muchea. The Shire's population is approximately 5,472 (2016) and is projected to grow by up to 4.5% per annum, to 7,570 people by 2026. Most of the population growth can be accommodated within existing areas zoned for rural residential, residential and townsite purposes. The Local Planning Strategy does not factor growth in Muchea and seeks to provide additional land at Bindoon and Reserve Road to cater for expected growth.

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

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

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

Shire of Chittering Local Planning Strategy



Regional context

Figure 15

Figure 2: Regional context



## Ageing population

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

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

The Local Planning Strategy seeks to encourage provision of aged persons accommodation and facilities, so that the aged community can remain in the Shire. This is planned for the Bindoon townsite, as it has consolidated services and reduces vulnerability to bushfires.

## Transport

The Shire comprises of mostly local roads, with the exception of Great Northern Highway, Brand Highway and Bindoon-Moora Road, which are controlled by Main Roads Western Australia.

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

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

The deviation of Great Northern Highway around Bindoon on its western side will define a new western boundary for Bindoon's residential development. The reduced freight traffic through Bindoon will support development of a safer, more pedestrian-friendly townsite. However, there is potential for the highway deviation to negatively impact on local businesses in Bindoon. Accordingly, both the *Bindoon Deviation Strategy* (2017) and the

Bindoon Masterplan have been prepared by the Shire in an attempt to counteract some of the possible negative impacts on the Bindoon townsite and to encourage a more improved townsite for the future, such as tourism based opportunities. The Local Planning Strategy carries over these principles.

## Biodiversity conservation

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

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

Future development is to be located in existing cleared areas, to ensure the retention of as much native vegetation as possible. The Local Planning Strategy contains development incentives where proposals have a demonstrated conservation outcome.

The Biodiversity Strategy is set to be reviewed in the 2018/19 financial year, ensuring the Local Planning Strategy is commensurate with the Shire's biodiversity values.

## Landscape protection

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

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

Measures to mitigate impacts could include siting and screening of development to minimise visibility from roads.

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

## Bushfire risk management

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

Biodiversity and bushfire management have both been identified as priorities for the Shire and should be considered on balance. The Shire's recently-endorsed Bushfire Management Plan for the whole Shire aligns with its Local Biodiversity Strategy.

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

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

## Water supply and wastewater disposal

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

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

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

While there are no plans for reticulated sewerage services to the Shire in the foreseeable future, the Shire and development industry will need to employ alternative fit-for-purpose water and wastewater systems to accommodate existing and future population growth.

## Rural land use

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

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

South of Bindoon, the Local Planning Strategy addresses competing demands on rural land, including industrialisation, rural living developments and privatisation of water licences resulting in a monopolisation of local water resources.

The Local Planning Strategy seeks to reinstate the use of rural land in accordance with natural resource management and primary production, with non-agricultural uses located in designated areas.

The existing 'Agricultural Resource' zone has the largest variety of permitted land uses of all the planning scheme zones. The intention is to prevent quasi-industrial uses and restrict further subdivision of rural land into smaller lots by promoting a variety of land uses, such as tourism opportunities, agri-businesses, hobby farms, and land uses and developments that are related to, and compatible with, primary production.

## Industrial land use

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

In 2011, the Western Australian Planning Commission released a structure plan for the Muchea Industrial Park (MIP) an area of approximately 1150ha of 'Agricultural Resource' land in Lower Chittering/Muchea at the junction of Great Northern Highway and Brand Highway.

The Local Planning Strategy shows the MIP separated from residential areas by a 1km buffer. This provides a transition area for compatible land uses. Detailed planning for the MIP, as well as construction of NorthLink is underway, with the northeast portion (Stage 1) of the MIP set to be developed in the near future.

The Local Planning Strategy seeks to contain the Shire's industrial activity within the MIP, thereby retaining rural land for primary production and natural resource management, while retaining the Shire's natural and rural landscape character and rural amenity.

## Tourism and recreation

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

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

The Local Planning Strategy encourages supportive tourism uses within the rural zones and designated townsites.

Eco-tourism focused development and 'paddock-to-plate' tourism, along with recreational tourism are the focus of this strategy. There is potential for further tourist development that capitalises on the Shire's significant natural and rural assets. The provision of additional interpretive signage, walk-trails, lookouts and roadside stopping places would enhance

tourists' visits to the Shire, encouraging a longer stay. In addition, opportunities are being explored relating to the use of the Bindoon Hill (also known as "Parkinson's Hill"; also known as "Red Hill") for tourism and other associated activities. The Shire's *Trails Master Plan 2013-2023* provides valuable guidance in this regard. Once the Bindoon heavy haulage bypass road has been constructed, Bindoon's town centre has the potential to become an attractive hub for the Chittering valley area.

## Catchment management

The Shire contains a large portion of the Ellen Brook and Brockman River Catchments, both major contributors of nutrients to the Swan River. Protecting the wetlands of the Palusplain and the Ellen Brook waterway, is a priority of the Local Planning Strategy. Impact from stock is a major cause of introduction of nutrients to the catchment in parts of Lower Chittering and Muchea, and nutrient management should be encouraged in these sensitive areas.

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

## Basic raw materials

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

The protection of basic raw materials is provided for under the Western Australian Planning Commission's *State Planning Policy 2.5 - Rural Planning*. In keeping with State policy, the Local Planning Strategy secures basic raw materials and provides for their extraction, where appropriate.

Historically, land that had been previously extracted for basic raw materials has not been rehabilitated, resulting in large voids being left on agricultural land throughout the Shire. In addition to this, significant vegetation has been cleared to extract basic raw materials. Since the previous strategy was developed, the Shire has implemented a local planning policy on

basic raw materials (LPP no.10) and Local Law (2014), however, further controls and guidance for basic raw material extraction is required to promote better outcomes.

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

## Mining

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

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

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

# 1 Introduction

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

The Local Planning Strategy focuses on consolidation by providing for the majority of development activity in Bindoon and south, and to secure the northern portion of the Shire for primary production.

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

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

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

## 2 Vision & strategic direction

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

The vision for the Shire of Chittering is:

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



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

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

Strategic Community Plan - outcome areas and strategic directions	Local Planning Strategy
1. <b>Our Community:</b> ‘An inclusive, active, safe and healthy community for all to enjoy.’	<b>Planning Precincts</b>
<p><b>1.1 Active and supported community</b> - Our communities will have services and facilities within their local community hubs.</p> <p><b>1.2 Strong sense of community</b> - Our communities will be cohesive and connected through engagement, interaction and participation.</p> <p><b>1.3 Safe and healthy community</b> - Our future generations will be healthy and feel safe in their community.</p>	<ul style="list-style-type: none"> <li>&gt; Bindoon</li> <li>&gt; Lower Chittering</li> <li>&gt; Reserve Road</li> <li>&gt; Lower Chittering</li> </ul>
2. <b>Natural Environment:</b> ‘A protected and bio-diverse environment, which the community and tourists enjoy in a well-managed, respectful manner.’	<b>Natural Resource Management</b>
<p><b>2.1 Protected environment</b> - Our local diversity will be valued, protected and promoted as unique and valuable.</p> <p><b>2.2 Sustainable resources</b> - Energy and water are valued with a focus on improved water and energy use. - Waste is reduced and valued through recycling and reuse.</p> <p><b>2.3 Protection of life and property</b> - Bush fire management and mitigation is a high priority.</p>	<ul style="list-style-type: none"> <li>&gt; Biodiversity conservation</li> <li>&gt; Visual landscape protection</li> <li>&gt; Rural land use</li> <li>&gt; Catchment management</li> <li>&gt; Bushfire management</li> <li>&gt; Basic raw materials / mining</li> </ul>
3. <b>Built Environment:</b> ‘Well planned built landscapes that are progressive, vibrant, diverse, and reflect the Shire’s unique country lifestyle.’	<b>Settlement, Infrastructure</b>
<p><b>3.1 Development of local hubs</b> - Development of town centres with improved access to housing, services and facilities.</p> <p><b>3.2 Safe access</b> - Diversity of transport modes.</p>	<ul style="list-style-type: none"> <li>&gt; Townsites</li> <li>&gt; New residential</li> <li>&gt; Transport</li> <li>&gt; Water supply and sewerage</li> </ul>

<p><b>3.3 Improved amenities</b> - Focus on improved asset management.</p>	
<p>4. <b>Economic Growth:</b> 'Thriving, sustainable and diverse economic investments and employment opportunities, from cottage to large-scale industry.'</p>	<p><b>Economy</b></p>
<p><b>4.1 Economic growth</b> - Provision of future local employment. - Maintain strong agriculture-core.</p> <p><b>4.2 Local business growth</b> - Local businesses are supported.</p> <p><b>4.3 Increased visitors</b> - Visitors are welcome to stay and recreate. - Improved environmental access as places to visit.</p>	<ul style="list-style-type: none"> <li>&gt; Rural land</li> <li>&gt; Industrial land use</li> <li>&gt; Tourism and recreation</li> <li>&gt; Basic raw materials / mining</li> </ul>
<p>5. <b>Strong Leadership:</b> 'A responsive and empowering Council, which values consultation, accountability and consistency.'</p>	<p><b>Vision and strategic direction</b></p>
<p><b>5.1 An engaged community</b> - The community feels actively involved.</p> <p><b>5.2 Strong partnerships and relationships</b> - Working with stakeholders to build strong and sustainable relationships and to ensure the best use of Shire resources.</p> <p><b>5.3 Accountable governance</b> Good governance which supports efficient and effective service delivery.</p>	<ul style="list-style-type: none"> <li>&gt; Land use planning process</li> </ul>

## 3 Shire-wide Strategy

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

### 3.1 Settlement

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

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

#### 3.1.1 Townsites

##### Objective

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

##### Strategy

- a) Focus growth in Bindoon townsite as the primary town centre in the Shire.
- b) Provide 'fit for purpose' potable water and wastewater services to townsites.
- c) Limit development within Muchea townsite until reticulated water and sewerage services become available.

##### Actions

- i) Maintain and expand the area in which density bonuses apply to incentivise higher density development within the 'Bindoon townsite water supply area' as shown on the Local Planning Strategy Map (Figure 1).
- ii) Progress structure planning, subdivision and development of existing 'Townsite' zoned land within Bindoon.
- iii) Support structure planning and rezoning of additional land within the 'Bindoon townsite expansion area' for residential purposes, as shown on the Local Planning Strategy Map (Figure 1).
- iv) Undertake investigations to identify 'fit for purpose' potable water and wastewater services, including alternative systems by licenced service providers.

**Objective**

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

**Strategy**

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

**Actions**

- i) On the eastern side of Bindoon townsite, where Local Planning Scheme No. 6 allows for R10/30, seek connection to sewer or other similar package treatment facility to provide for density and manage wastewater disposal.
- ii) Progress the provision of lifestyle based housing in Bindoon.
- iii) Work with the agency responsible for public housing to improve supply in the Bindoon townsite.

**Objective**

- 3) Improve interconnectivity of the Bindoon townsite.

**Strategy**

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

**Actions**

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

### 3.1.2 Residential

**Objective**

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

**Strategy**

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

**Actions**

- i) Explore density bonuses to incentivise higher density development in future development areas identified on the Local Planning Strategy Map (**Figure 1**) where essential infrastructure and services can, and will be, provided.
- ii) Support the creation of smaller rural living lots in areas that can be serviced by water and wastewater infrastructure.
- iii) Explore converting the existing 'Townsite' zone to 'Residential' zone and apply R-Coding to ensure new developments have higher standard of development.
- iv) Explore partnerships between stakeholders to provide community facilities and services in new residential areas.

**3.1.3 Rural living****Objective**

- 1) Consolidate rural living development within existing precincts (**Figure 1**) by 'rounding off'.

**Strategy**

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

**Actions**

- i) Introduce a 'Rural Residential' coding mechanism and new schedule in the local planning scheme, including site-specific provisions that deal with vegetation, visual landscape, catchment management, bushfire risk etc.
- ii) Rezoning and subdivision of rural land for rural living purposes will only be supported in areas identified on Local Planning Strategy Map (**Figure 1**).
- iii) Rural living development is to demonstrate appropriate means of on-site wastewater disposal, having regard to land capability (i.e. soil profiles and depth to groundwater) and sewage sensitive areas.
- iv) All new development is to be accommodated on existing cleared land and must not impact on bushland. The level of clearing required to minimise bushfire risk is to be consistent with the strategic intent of the Local Planning Strategy.
- v) Support the clustering of development (e.g. grouping of lots to minimise overall development footprint) as a means of reducing environmental impacts.
- vi) Future development is to contribute to the desired strategic road network, to support community bushfire safety (**Figure 4**).

- vii) Support the development of the proposed Maryville village centre in Lower Chittering, incorporating recreation, tourism and retail services, as identified on the Local Planning Strategy Map (Figure 1).

**Objective**

- 2) Provide for limited rural living development where there is a demonstrated benefit.

**Strategy**

- a) Support rezoning for 'Rural Conservation' where environmental benefit and road access for emergency services can be demonstrated.

**Actions**

- i) Consider rezoning land identified on the Local Planning Strategy Map (Figure 1) to 'Rural Conservation' and include statutory requirements for ongoing protection, including conservation covenants.
- ii) Ensure that future 'Rural Conservation' development is accommodated within existing cleared areas.
- iii) Require road construction, generally at first stages of subdivision.

## 3.2 Infrastructure

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

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

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

### 3.2.1 Transport

#### Objective

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

#### Strategy

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

#### Actions

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

### 3.2.2 Water supply and wastewater disposal

#### Objective

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

#### Strategy

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

#### Actions

- i) Require planning proposals to demonstrate acceptable means of wastewater disposal, stormwater management and drainage, and water supply (including potable and non-potable).
- ii) Limit expansion of development where land use results in adverse impacts to biodiversity, groundwater and surface water values.

#### Objective

- 2) Ensure appropriate servicing in residential areas.

#### Strategy

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

#### Actions

- i) Residential proposals are to be connected to reticulated water and sewerage. Where it is demonstrated that services are not available, development is to be serviced by appropriate 'fit for purpose' systems in accordance with State policy.

- ii) Implement Better Urban Water Management, including the preparation of Urban Water Management Plans (UWMP), for all new residential proposals.
- iii) Amend Local Planning Scheme No. 6 'water supply' rainwater tank calculation to reflect WAPC rural guidelines.

### 3.3 Natural resource management

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

#### 3.3.1 Biodiversity conservation

##### Objective

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

##### Strategy

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

##### Actions

- i) Future development is to be located in existing cleared areas to ensure the retention of as much native vegetation as possible.
- ii) Proposals to rezone vegetated areas for future development will not be supported, except where identified in the Local Planning Strategy Map (Figure 1).
- iii) Structure plans, subdivision and development applications are to address native vegetation retention for biodiversity conservation and amenity, including retention of individual trees at first stages.
- iv) Clustered style developments in existing developed areas are preferred.
- v) Where appropriate, retaining vegetation in road reserves and retaining slower speed limits where upgrading would entail widening and vegetation loss.

##### Objective

- 2) Formally protect high conservation value areas, in keeping with the aims and objectives of the Local Biodiversity Strategy (2010) (as updated).

##### Strategies

- a) Protect high conservation value areas from proposals to clear vegetation (Figure 7).
- b) As proposals arise, and where appropriate, secure high conservation land via State-acquisition.
- c) Encourage tourism based land-uses that are compatible with biodiversity conservation values.



**Actions**

- i) Reserves containing high conservation value areas (Figure 7) are to be reclassified specifically for conservation purposes in the local planning scheme and reserve management orders.
- ii) Where appropriate, ensure the formal protection of 'high conservation value areas' on land identified for 'Rural Conservation' on the Local Planning Strategy Map (Figure 1) through conservation covenants and other mechanisms.
- iii) Introduce a model 'environmental conservation' zone to Local Planning Scheme No. 6.
- iv) Update the Shire's Local Biodiversity Strategy, including formal protection of high conservation value areas on public and private land, as shown on the Local Planning Strategy Map (Figure 1).
- v) Planning proposals affecting native vegetation and containing 'high conservation value areas' are to be assessed against the Biodiversity Strategy precinct's retention requirements and demonstrate implementation of protection targets contained in Appendix 5 of the Biodiversity Strategy.
- vi) Support the creation of appropriately shaped rural-conservation lots, having regard to the adequacy of the lot size to retain significant conservation values in perpetuity, and suitability of the balance lot for continuation of rural land uses.
- vii) Acknowledge State government acquisition of properties containing 'high conservation value areas' for future incorporation into conservation reserves and seek to add value to this process.
- viii) Provide information to landowners regarding opportunities to protect and manage 'high conservation value areas' on private land, such as conservation covenants and the Land for Wildlife program.
- ix) Consider introducing programs for rate rebates and grants to support the voluntary protection and management of 'high conservation value areas' on private land.
- x) Within 'high conservation value areas', development applications for basic raw materials extraction (including 'Significant Geological Supplies') will not be supported.
- xi) Explore opportunities for formal protection of 'high conservation value areas' when considering applications for basic raw materials extraction on adjoining cleared land.

**Objective**

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

**Strategy**

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

**Actions**

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

**3.3.2 Visual landscape protection****Objective**

- 1) Protect valued visual landscape character.

**Strategy**

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

**Actions**

- i) Within mapped 'significant road viewsheds' and the 'Lower Chittering hills' (Figure 6), development is to be avoided if it will be visible or will dominate the landscape, depending on the type of development and the sensitivity of the location. Consideration will be given to the capacity of existing or proposed vegetation to screen development from view.
- ii) Planning proposals are to appropriately demonstrate potential visual impacts, assessed in accordance with State guidance.
- iii) In the Shire's Local Planning Scheme No. 6, delete the existing 'Landscape Protection' Special Control Area and introduce new scheme controls for visual landscape protection that make reference to the Local Planning Strategy.
- iv) Introduce new controls including permissibility of non-agricultural uses, requirements for setbacks and screen planting, and avoidance of sensitive locations such as the skyline, ridgelines, ridge sides and other elevated areas.
- v) Develop a visual landscape protection local planning policy to provide guidance on location, siting and design, including mechanisms such as setbacks and screen planting, to protect rural landscape character.
- vi) Ensure continuity of approach between the City of Swan for the protection of scenic views along Chittering Valley Tourist Way, State tourist route no.395.
- vii) Outside of highlighted areas on Figure 6, rural character and amenity is not to be adversely impacted upon.

### 3.3.3 Bushfire risk management

#### Objective

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

#### Strategy

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

#### Actions

- i) Land use intensification will be considered only for areas shown on the Local Planning Strategy Map (Figure 1) and highlighted on the Bushfire Risk Management Map (Figure 4).
- ii) Lot yield and layout are to reflect bushfire risk, with future development located within existing cleared areas to avoid impacts on native vegetation. Clustering of smaller lots may be considered.
- iii) Planning proposals are to be accompanied by appropriate information addressing bushfire hazard and mitigation measures in accordance with State Policy.
- iv) Vulnerable land uses such as aged care housing are to be located within serviced settlement areas with low bushfire risk.
- v) Amend the Local Planning Scheme No. 6 - Zoning Table - to exclude 'Family Day-care' from all zones except 'Townsite', 'Residential' and 'Rural Residential' and list as an 'A' use within these zones.
- vi) Remove local planning scheme provisions that duplicate Schedule 2 Part 10A of the Deemed Provisions.

**Objective**

- 2) Improve bushfire management infrastructure.

**Strategy**

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

**Actions**

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

### 3.3.4 Rural land use

**Objective**

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

**Strategy**

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

**Actions**

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

**Objective**

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

**Strategy**

- a) Limit further subdivision of rural land.

**Actions**

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

**Objective**

- 3) Promote sustainable agricultural land management.

**Strategy**

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

**Actions**

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

### 3.3.5 Catchment management

**Objective**

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

**Strategy**

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

**Actions**

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

**3.3.6 Basic raw materials****Objective**

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

**Strategy**

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

**Actions**

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

- ii. Amend Local Planning Scheme No.6 by removing the existing 'Basic Raw Materials' Special Control Area (SCA), and introduce new scheme controls for 'significant geological supplies' areas that make reference to the Local Planning Strategy Map (Figure 1) and allow for the extraction of the resource prior to other development occurring.
- iii. Identify land uses that would be appropriate within designated buffers to 'significant geological supplies' areas, to address amenity impacts.
- iv. Outside of 'significant geological supplies' areas, basic raw materials extraction and associated infrastructure is not to be visible along significant travel routes, near Bindoon townsite, or other sensitive locations as identified by the Shire.
- v. Ensure staged rehabilitation of extraction sites occurs, so that they are visually acceptable and able to be utilised for future rural purposes.
- vi. Review the Shire's Extractive Industries Local Law and Local Planning Policy No. 10 to ensure consistency with this Strategy.

### 3.3.7 Mining

#### Objective

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

#### Strategy

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

#### Actions

- i) Update scheme arrangements to introduce a separate land use for 'mineral to owner' land, and list as an 'X' use. Update existing scheme arrangement to align with the Regulations and Western Australian Planning Commission's policy by assigning 'Mining Operations' an 'A' use and including a land use reference to section 120 of the Mining Act to establish a clear link to the 'planning-arm' by establishing a trigger for Ministerial involvement.
- ii) Continue to work with the State department responsible for mining to establish clear processes for identifying 'mineral to owner' land.

## 3.4 Economy

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

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

### 3.4.1 Rural land

#### Objective

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

#### Strategy

- a) Encourage activation of the rural zone.
- b) Provide opportunities for living and working on the same property by combining compatible rural enterprise uses and housing, provided the uses are carefully planned, in general proximity to settlement areas, serviced, and have design features that address buffers and amenity.

#### Actions

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



**Objective**

- 2) Preserve rural for rural uses.

**Strategy**

- a) Recognise rural land as a key asset for the Shire, specifically land north of Bindoon townsite.
- b) Undertake a review of the Local Biodiversity Strategy to ensure retention of indicative high conservation value areas within the rural areas.

**Actions**

- i) Retain land identified as rural in the Local Planning Strategy Map (Figure 1) to provide for existing and future primary production.
- ii) Require that land use change from rural to all other uses be planned and provided for in the Local Planning Strategy Map (Figure 1).
- iii) Prevent the unplanned creation of new or smaller rural lots.
- iv) Recognise and accept the impacts that well-managed primary production has on rural amenity.
- v) Avoid industrialisation of productive rural land by amending Local Planning Scheme No.6 to change the permissibility of 'Transport Depots' and 'Warehouse/Storage' to 'X' uses in the 'Agricultural Resource' zone.

**3.4.2 Industrial land use****Objective**

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

**Strategy**

- a) Make Muchea Industrial Park a focus for industrial development, and prevent it in other locations.

**Actions**

- i) Promote and cater for a range of compatible uses within industrial zoned land and incorporate design features that address buffers and amenity, including fencing, vegetation buffers, open space and other compatible transitional uses.
- ii) Avoid ad-hoc industrial development outside Muchea Employment Node.
- iii) Investigate potential for pre-funding and/or cost-sharing arrangements for local road construction and other essential infrastructure.
- iv) Provide for limited industrial uses in the 'Agricultural Resource' zone where they are wholly related to primary production.
- v) Promote or undertake planning studies to facilitate establishment of industrial uses in identified node.

**Objective**

- 2) Protect strategic industrial land uses.

**Strategy**

- a) Appropriately zone established important industrial land uses to provide for their ongoing operation.

**Actions**

- i) Clarify planning arrangements for Lot M1261 (722) Brand Highway, Muchea (Tronox).
- ii) Sensitive land uses should only be approved where it can be demonstrated they will not limit the existing or potential operations.

**3.4.3 Tourism and recreation****Objective**

- 1) Provide opportunities for tourism within the Shire.

**Strategy**

- a) Promote the Shire as a convenient day trip and overnight destination for visitors.
- b) Encourage tourist uses within the 'Agricultural Resource' zone (i.e. chalets, hobby wineries, farmers markets etc.) where they can be compatible with surrounding uses.
- c) Develop a strategy for enhancing visitors' experience of the valley landscape (e.g. through roadside pullover bays along scenic routes, interpretive signage, picnic areas and additional walk trails).

**Actions**

- i) Amend Local Planning Scheme No. 6 to support tourist developments in the 'Agricultural Resource' zone that are compatible with the landscape setting and take account of bushfire risks, servicing and environmental conditions.
- ii) Establish tourism linkages between the Shire and wider region, including Swan Valley and New Norcia by identifying suitable pop-up and wayside stalls, as well as boutique ancillary businesses along identified scenic routes.
- iii) Identify a site for a future caravan park in Bindoon to provide for visitor short-term accommodation.
- iv) Encourage nature-based and 'active' uses in the Shire, where bushfire risk, servicing and environmental matters can be appropriately addressed.
- v) Plan for the development, promotion and sustainable management of trails as identified in the Shire's *Trails Network Masterplan 2013-2023*.
- vi) Explore updating scheme arrangements to include a 'Tourism' zone, such that tourism is the dominant land use that precedes all other.

**Objective**

- 2) Provide opportunities and facilities for recreation.

**Strategy**

- a) Improve access to active and passive recreation facilities for local residents and visitors.

**Actions**

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

## 3.5 Planning precincts

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

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

### 3.5.1 Northern rural precinct

**Objective**

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

**Strategy**

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

**Actions**

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

**3.5.2 Bindoon****Objective**

- 1) Promote Bindoon as the primary population centre in the Shire and focus development within (Figure 11).

**Strategy**

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

**Actions**

- i) Consider potential for re-subdivision of 'Rural Residential' zoned land in Bindoon and explore potential 'upcoding' to 'Residential' zoned land, subject to connection to reticulated water and appropriate wastewater treatment.
- ii) Develop a 'Place Strategy' for Binda Place in conjunction with a greater Bindoon Masterplan to boost a 'sense of place'.
- iii) Encourage mixed-use sites in Binda Place.
- iv) Support the development of a caravan park in Bindoon townsite.
- v) Develop design guidelines for higher density residential development within Bindoon Vista subdivision.
- vi) Retain a combination of a vegetated backdrop to the Binda Place business district with vistas across the valley, along view corridors between buildings.

- vii) Support the provision of affordable housing options within Bindoon.
- viii) Establish partnerships with stakeholders to provide additional aged care and public housing.
- ix) Promote a high standard of amenity and potentially limit development affected by the road.

### 3.5.3 Lower Chittering

#### Objective

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

#### Strategy

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

#### Actions

- i) Explore land swap opportunities with the existing private school site in Lower Chittering, with a portion of the public open space to be used for a multi-user facility for recreational purposes.
- ii) Provide for future 'Rural Residential' development in appropriate places in accordance with the Local Planning Strategy Map (Figure 1).
- iii) Prepare a structure plan for the proposed Maryville Village centre in conjunction with the landowner.
- iv) Consider visual impacts and development orientation for special use site 'SU1' so that future development fronts Santa Gertrudis Drive.
- v) Discourage planning proposals which may have a negative impact on the Chittering Valley Tourist Way or Lower Chittering Hills viewsheds (Figure 6).
- vi) Encourage space and plan activation in Maryville, and promote opportunities for recreational facilities, including off-road use.
- vii) Encourage landholders with development potential to improve strategic access/egress to existing subdivision configurations.
- viii) Amend Local Planning Scheme No. 6 to allow for a variety of home businesses utilising the National Broadband Network.

### 3.5.4 Reserve Road

#### Objective

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

#### Strategy

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

#### Actions

- i) Consider the potential extension of the residential area northward following development of Lot 2 Reserve Road where water provision and protection of native vegetation is achieved.
- ii) Prepare and implement design guidelines for future development of Reserve Road.
- iii) Ensure all future development takes into account bushfire risk to avoid potential threats to people, property and infrastructure.
- iv) Support the development of community facilities and services.

### 3.5.5 Muchea Industrial Park

#### Objective

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

#### Strategy

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

#### Actions

- i) Direct all future industrial development to be located within the Muchea Industrial Park.
- ii) Support planning arrangements for Restricted Access Vehicles.
- iii) Investigate Federal and State Government funding for local road construction.
- iv) Investigate options for trunk infrastructure (i.e. road, drainage, water and wastewater supply infrastructure) to support the development of the Muchea Industrial Park.
- v) Prepare a prospectus for the Muchea Industrial Park.

#### Objective

- 2) Protect the rural amenity and environmental values that currently exist in the Muchea Industrial Park.

#### Strategy

- a) Protect and conserve areas of high environmental value with the site

**Actions**

- i) At structure planning stage, identify regionally significant vegetation and provide for its reservation in Local Planning Scheme No. 6.
- ii) At subdivision stage, regionally significant vegetation sites to be ceded to the responsible authority, generally at the first stage of subdivision.
- i) Consider the use of restrictive covenants to protect environmental and amenity values.
- ii) Have primary regard for the Ellen Brook catchment, including water quality, in planning for industrial land uses
- iii) Ensure that 324 hectares of vegetation, identified in the MIP is reserved for conservation.

**3.5.6 Muchea townsite****Objective**

- 1) Ensure that any development at Muchea has a net improvement to environmental conditions (Figure 11).

**Strategy**

- a) Ensure that nutrient export and land degradation is not increased.

**Actions**

- i) Implement planning approaches to respond to environmental conditions.
- ii) Prepare a business case to support provision of reticulated services should funding become available.
- iii) Review planning arrangements to restrict further residential development and subdivision.
- iv) Ensure appropriate setbacks of development from wetlands and waterways based on site-specific assessments.
- v) Monitor and enforce stocking of land in accordance with local and State policy and guidelines.
- vi) Review the boundaries and strengthen and consolidate scheme provisions of the Ellen Brook Palusplain Special Control Area.

**Objective**

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

**Strategy**

- a) Improve existing community facilities located in Muchea.

**Actions**

- i) Ensure that all planning proposals demonstrate appropriate on-site wastewater disposal means which take into account depth to groundwater, soil profiles and nutrient export.
- ii) Establish a wastewater management regime, including regular reporting, monitoring and maintenance of individual household on-site wastewater disposal systems.
- iii) Improved connection across Brand Highway between townsite (west) and retail (east).
- iv) Ensure the appropriate siting and design of development to improve streetscape design and amenity.
- v) Implement revegetation of minor waterway and improve existing drainage infrastructure by constructing biofilters at outlets and revegetating existing drainage corridors to improve water quality.

## 4 Monitoring and review

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

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

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

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



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# 1 Introduction

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

The Local Planning Strategy is:

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

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

Section references are provided in **Part One** to relevant background details in **Part Two** to assist with interpretation and implementation. The overall strategy map depicts existing and proposed land uses between 2017 and 2027. Longer term (10-50 years) land use and development strategies are addressed within the body of the report.

## 1.1 Requirements for a Local Planning Strategy

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

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

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

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

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

Part 3 of the Regulations outlines the process of developing a local planning strategy, including certification of the draft strategy by the WAPC, advertising of the draft strategy for public comment, consideration of public submissions, endorsement of the final strategy by the WAPC, publication of the endorsed strategy, and amendments to the local planning strategy.

## 1.2 Background to the Local Planning Strategy

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

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

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

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

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

At its meeting on 18 November 2015, Council resolved to place a moratorium on any future proposed amendments to the local planning scheme to rezone land, with the exclusion of

land located within the Muchea Employment Node Structure Plan Area (2011), effective from 29 February 2016. This moratorium was implemented to avoid any further potential delays to the finalisation of the local planning strategy.

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

### 1.3 Overview of the Shire of Chittering

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

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

## 2 Local Planning Context

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

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

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

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

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

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

- > excellence
- > integrity
- > consistency
- > communication
- > customer focus
- > respect
- > valuing our staff
- > continuous improvement

## 3 State and Regional Planning Context

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

### 3.1 State Planning Framework

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

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

The Shire of Chittering is located within the Wheatbelt Region of Western Australia. The State Planning Strategy's vision for the Wheatbelt Region is summarised as follows:

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

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

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

## 3.2 WAPC policies

### 3.2.1 State Planning Policy 1 - State Planning Framework

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

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

### 3.2.2 State Planning Policy 2 - Environment and Natural Resources Policy

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

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

### 3.2.3 State Planning Policy 2.2 - Gngangara Groundwater Protection

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

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

### 3.2.4 State Planning Policy 2.5 - Rural Planning

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

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

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

### 3.2.5 State Planning Policy 2.7 - Public Drinking Water Source

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

The Local Planning Strategy seeks to implement the following objectives:



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

### 3.2.6 State Planning Policy 2.9 - Water Resources

*State Planning Policy 2.9 - Water Resources* (SPP2.9) expands on water resource management by providing additional guidance to planning decision-makers.

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

### 3.2.7 State Planning Policy 3 - Urban Growth and Settlement

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

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

### 3.2.8 State Planning Policy 3.7 - Planning in Bushfire Prone Areas

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

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

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

### 3.2.9 Draft State Planning Policy 4.1 - State Industrial Buffer

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

As development progresses at Muchea Employment Node, it is anticipated that buffers and separation distances will be employed to assist in managing potential land use conflicts between sensitive land uses, such as surrounding residential and rural residential precincts. The Local Planning Strategy adopts these principles in planning for the future growth and development of Muchea Industrial Park.

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

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

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

### 3.2.11 Development Control Policy 1.1 - Subdivision of Land - General Principles

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

### 3.2.12 Development Control Policy 1.2 - Development Control - General Principles

*Development Control Policy 1.2 - Development Control - General Principles (DC 1.2)* establishes the general principles for determining development applications. While DC 1.2 focusses on metropolitan areas, the relevant planning considerations of this policy extend to

development within the Shire. To ensure consistent decision-making, regard should be given to this policy.

### 3.2.13 Development Control Policy 2.3 - Public Open Space in Residential Areas

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

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

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

### 3.2.14 Development Control Policy 3.4 - Subdivision of Rural Land

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

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

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

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

### 3.2.16 Government Sewerage Policy

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

## 3.3 Regional Strategies

### 3.3.1 Wheatbelt Planning and Infrastructure Framework

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

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

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

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

### 3.3.2 North-East Corridor Extension Strategy

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

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

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

### 3.3.3 North-East Sub-regional Planning Framework

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

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

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

## 3.4 Other State Government policies

The following policies, plans and guidelines also apply:

- > Better Urban Water Management Guidelines;
- > Visual Landscape Planning Manual;
- > Strategic Assessment of Perth and Peel; and
- > Bindoon-Chittering Water Reserve Drinking Water Source Protection Plan.

# 4 Local overview

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

## 4.1 Demographic trends

### 4.1.1 Population growth

The Shire of Chittering had an estimated resident population of 5,472 in 2016. Over the last decade the Shire recorded an average annual population growth rate of 4.2%. This is considerably higher than the average growth rates recorded for the State at 2.2%, and the Wheatbelt region at 0.4%.

The WA Tomorrow (WAPC 2015) projected population forecasts shows possible growth or decline in population, based on variables such as birth rate, death rate and net migration (including inter/intrastate and overseas). Taking into account WA Tomorrow's moderate predicted growth forecast 'Band C', it is expected the Shire's population will reach 7,300 people by 2026 (Figure 12). This represents an average growth rate of 4.1%, which is lower than the Shire's growth over the period 2004-2014 (5.8%), but significantly higher than the projected growth of the Wheatbelt region as a whole (0.4%) for the same period.

Achieving this population from the 2011 baseline will require an average annual population increase of 187 people, or an average annual growth rate of 3.2%.

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

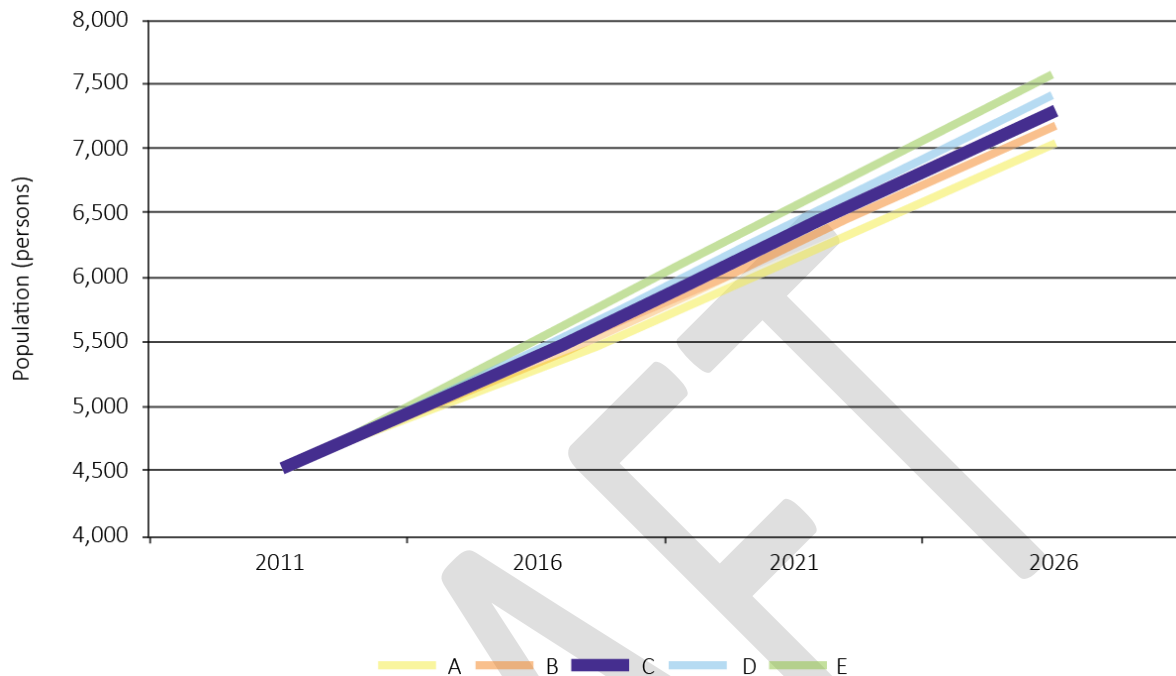


Figure 12: Population forecast

Source: Western Australia Planning Commission (2015) *Western Australian Tomorrow Population Report No.10*

### 4.1.2 Population profile

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

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

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

The Shire is under-represented by people between 20 and 29 years (8%, which is significantly less than Western Australian average of 14%). This trend is typical for many regional areas in the State, and can be attributed to young adults leaving the area for employment and higher

education opportunities. Muchea Industrial Park may assist in retaining younger people by providing increased employment opportunities (Figure 13).

At the 2016 Census there were 1,183 people in Bindoon, 2,126 people in Lower Chittering and 968 people in Muchea. While the population age cohorts remain relatively constant across the Shire's living precincts, Bindoon had significantly more people aged 65 years and over (22%), compared with Lower Chittering (10.5%), Muchea (14.9%) and Western Australia as a whole (12.3%).

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

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

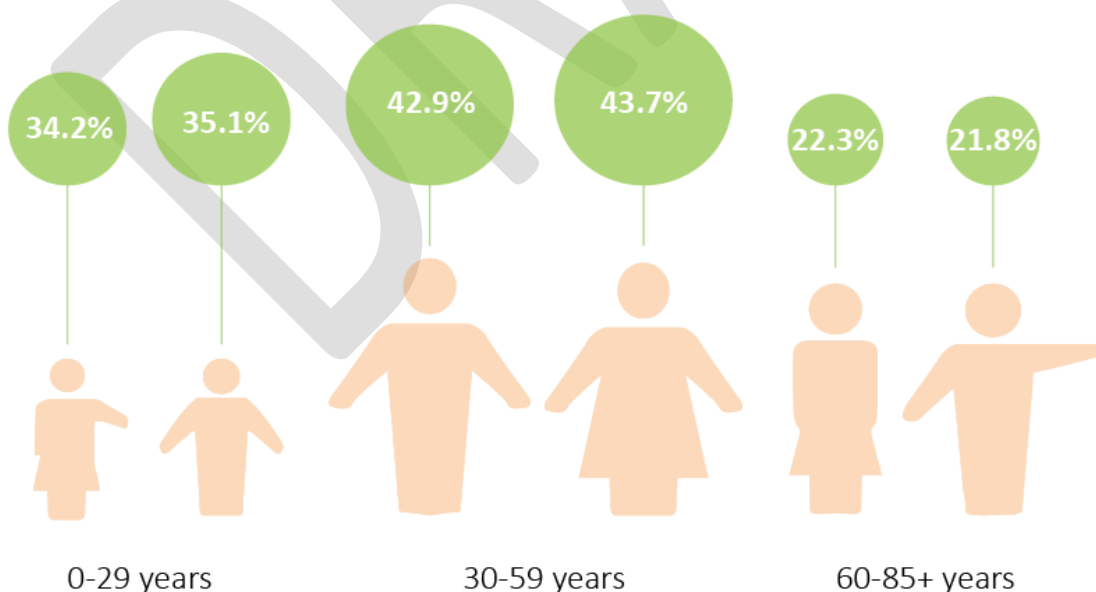


Figure 13: Age profile

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



### 4.1.3 Education and employment

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

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

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

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

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

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

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

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

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

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

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

#### 4.1.4 Key issues summary

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

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

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

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

The Local Planning Strategy Map does not identify areas for future commercial purposes, however will ultimately provide for tourism based industries upon the finalisation of

associated tourism strategies and masterplans. While this will likely include townsites, there is an existing supply of townsite-zoned land that is sufficient to address the short and medium term demand for commercial land.

## 4.2 Settlements

### 4.2.1 Distribution

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

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

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

### 4.2.2 Housing demand

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

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

The development outlook indicates that the majority of growth is expected to occur in Bindoon, and to a lesser extent, Chittering and Lower Chittering, as essential services, such as water and waste water, become available.

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

### 4.2.3 Settlement composition

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

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

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

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

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

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

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

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

#### 4.2.4 Key issues summary

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

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

### 4.3 Natural resource management

#### 4.3.1 Biodiversity profile

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

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

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

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

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

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

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

### 4.3.2 Threatened Species and Ecological Communities

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

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

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

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

### 4.3.3 Visual landscape

Chittering valley is popular for weekend sightseeing, which frequently includes purchasing fruit from local orchards. Other attractions include vistas from roads that wind through the narrow, steep-sided valley of the Brockman River; lakes and wetlands in the valley; mature, roadside trees; and commercial tourist attractions such as wineries. Extensive rural residential developments occupy much of the high, gently undulating landscape to the west of the Brockman River, with some distant views across the coastal plain. Both visitors and local residents appreciate the natural and rural character of the area (Figure 6).

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

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

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

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

#### 4.3.4 Bushfire risk management

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

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

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



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

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

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

To strike a balance between biodiversity conservation and bushfire mitigation measures, lot sizes and yields may need to be adjusted, so that building protection requirements can be accommodated without the need to clear native vegetation.

#### 4.3.5 Wetland and waterways

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

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

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

The Brockman River Catchment is the largest within the Swan-Avon Catchment, covering 1,520km<sup>2</sup>. The Brockman River follows the Darling Scarp, flowing southward through the scenic Chittering valley to enter the Swan-Avon River 40 kilometres upstream of Perth. The greatest part of the catchment lies within the Shire of Chittering. Land use in the north of the catchment mainly comprises sheep and cattle grazing, and cropping of cereals, canola, lupins and hay. The main agricultural land use in the south is horticulture such as citrus and grapes.

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

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

#### 4.3.6 Basic raw materials

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

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

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

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

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

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

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

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

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

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

### 4.3.7 Mining

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

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

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

While some private mineral rights have reverted back to the Crown - which is noted by inclusion of an 'M' in the Lot number - where private mineral rights still exist, the *Planning and Development Act 2005* acts as the principal governing legislation. In this case, a local planning scheme provides the basis for local government decision-making via typical norms such as land use permissibility and development approval.

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

**Figure 10** is based off historic 'parent' land title grants, which comprise of Swan Location 1371, Swan Location 1372, Swan Location 1351 and Swan Location 1352. These areas reflect much of present-day Bindoon, Chittering and Lower Chittering and total approximately 765km<sup>2</sup> of land within the Shire.

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

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

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

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

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

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

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

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

### 4.3.8 Key issues summary

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

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

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

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

## 4.4 Infrastructure

### 4.4.1 Community facilities

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

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

#### 4.4.2 Water supply and wastewater disposal

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

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

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

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

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

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

infrastructure by investigating the construction of biofilters at outlets and revegetating existing drainage corridors to improve water quality of stormwater.

There is no known prospect in the foreseeable future for a reticulated water or sewerage service to the Muchea townsite. This is largely due to the anticipated closure of the nearby Bullsbrook Waste Water Treatment Plant in 2020, and the townsite's close proximity to the Gngangara groundwater mound, which presents significant servicing challenges to the broader Perth-Peel Integrated Water Supply Scheme (IWSS). Nevertheless, a fully serviced town remains the optimum approach in the long term.

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

#### 4.4.3 Key issues summary

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

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

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

## 4.5 Transport

### 4.5.1 Roads

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



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

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

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

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

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

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

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

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

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

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

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

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

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

#### 4.5.2 Regional infrastructure

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

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

### 4.5.3 Key issues summary

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

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

## 4.6 Tourism

### 4.6.1 Paddock to plate and recreation

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

The main attractions are:

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

While there is no one specific draw card, there are a number of places to visit and activities to participate in while in Chittering. Opportunities also exist for the creation of new tourism activities such as a mountain biking track on the eastern side of the Bindoon townsite.

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

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

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

#### 4.6.2 Visitor accommodation

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

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

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

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

#### 4.6.3 Key issues summary

The Shire's natural environment and short commute to Perth provides growing opportunity to market and develop tourism industries to support longer stays and enjoyable experiences in the region. Together with expanding traditional forms of short-term accommodation, the Shire promotes the expansion of boutique businesses and 'paddock to plate' style initiatives.

Planning is also underway to identify and expand upon 'active tourism' opportunities primarily geared towards the Bindoon townsite, where established community facilities and services exist.

## 4.7 Heritage

### 4.7.1 Aboriginal heritage

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

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

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

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

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

### 4.7.2 Built heritage

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

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

The Shire encourages residents and visitors to visit these places to learn about the region's history. Updating the Shire's Municipal Heritage Inventory is ongoing.

#### 4.8.3 Key issues summary

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

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## References

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Figures

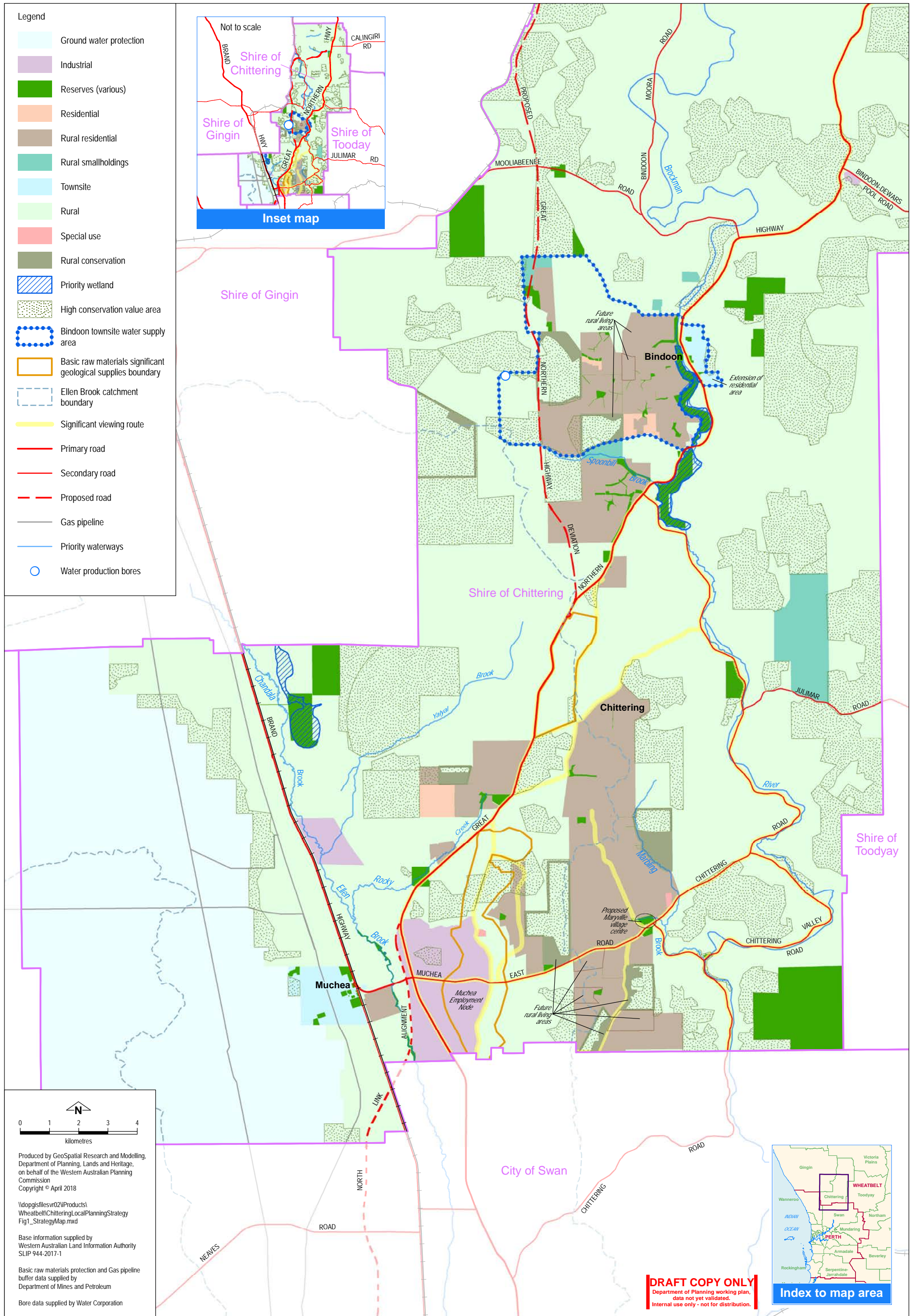
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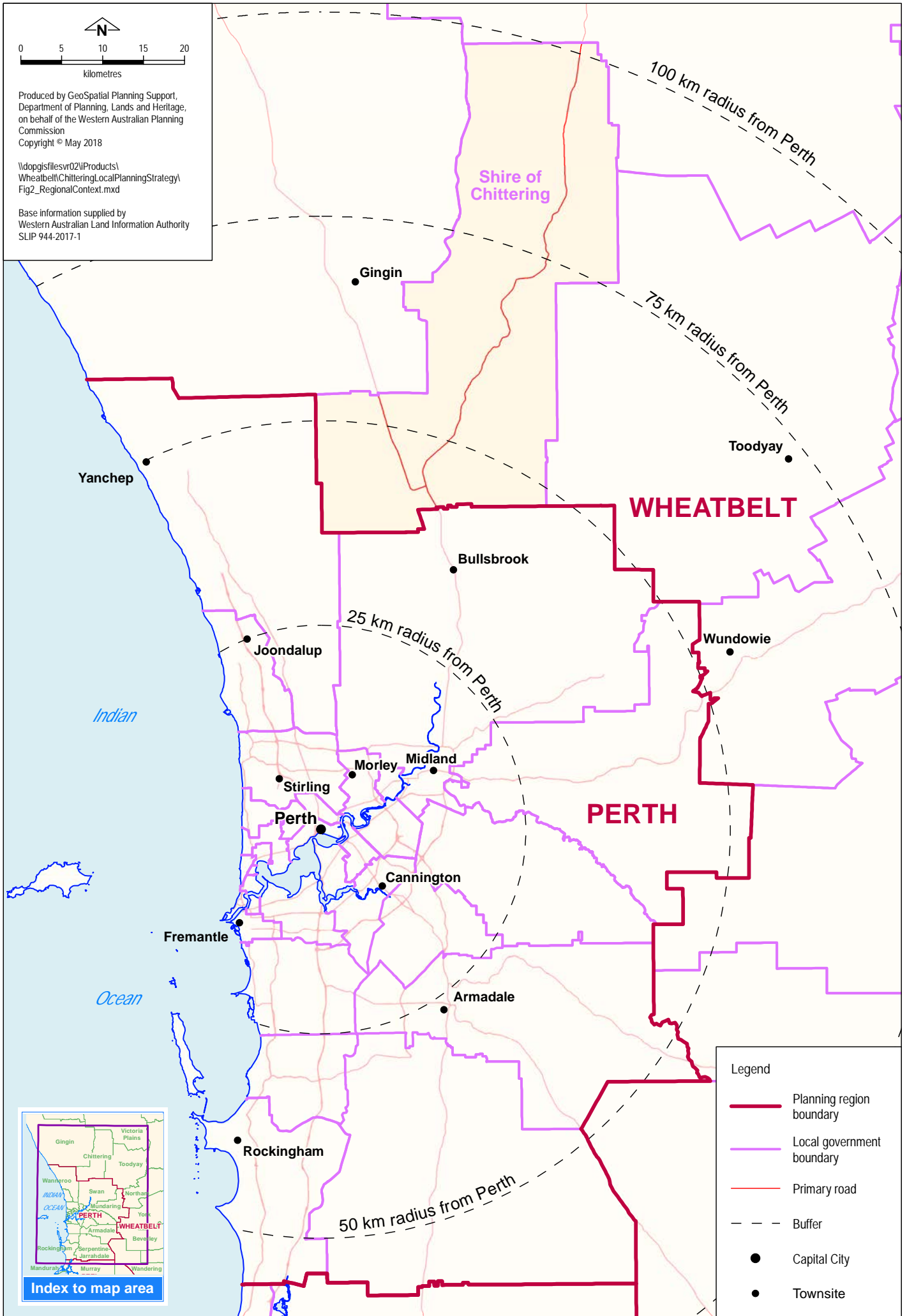




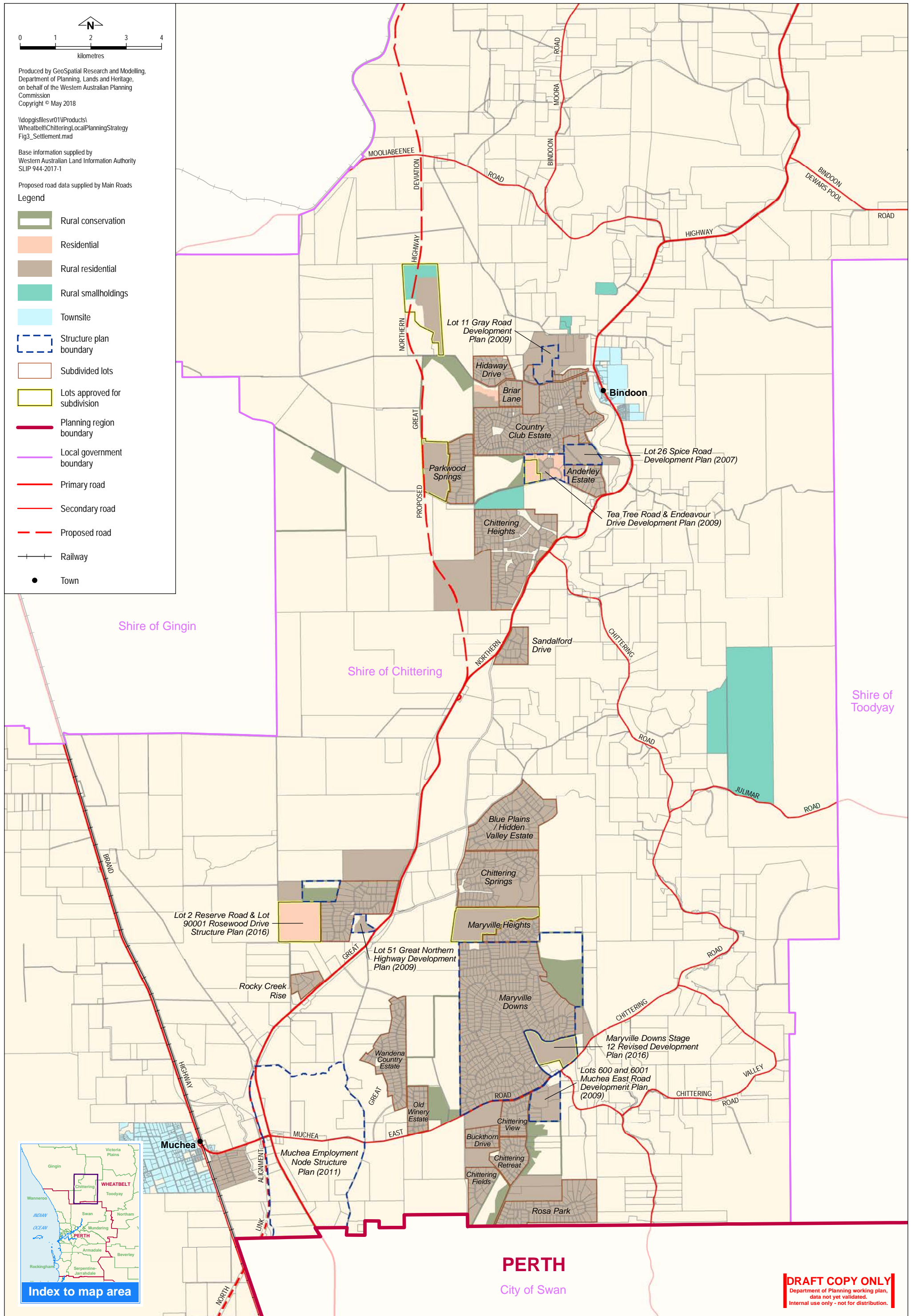
Shire of Chittering Local Planning Strategy



Shire of Chittering Local Planning Strategy

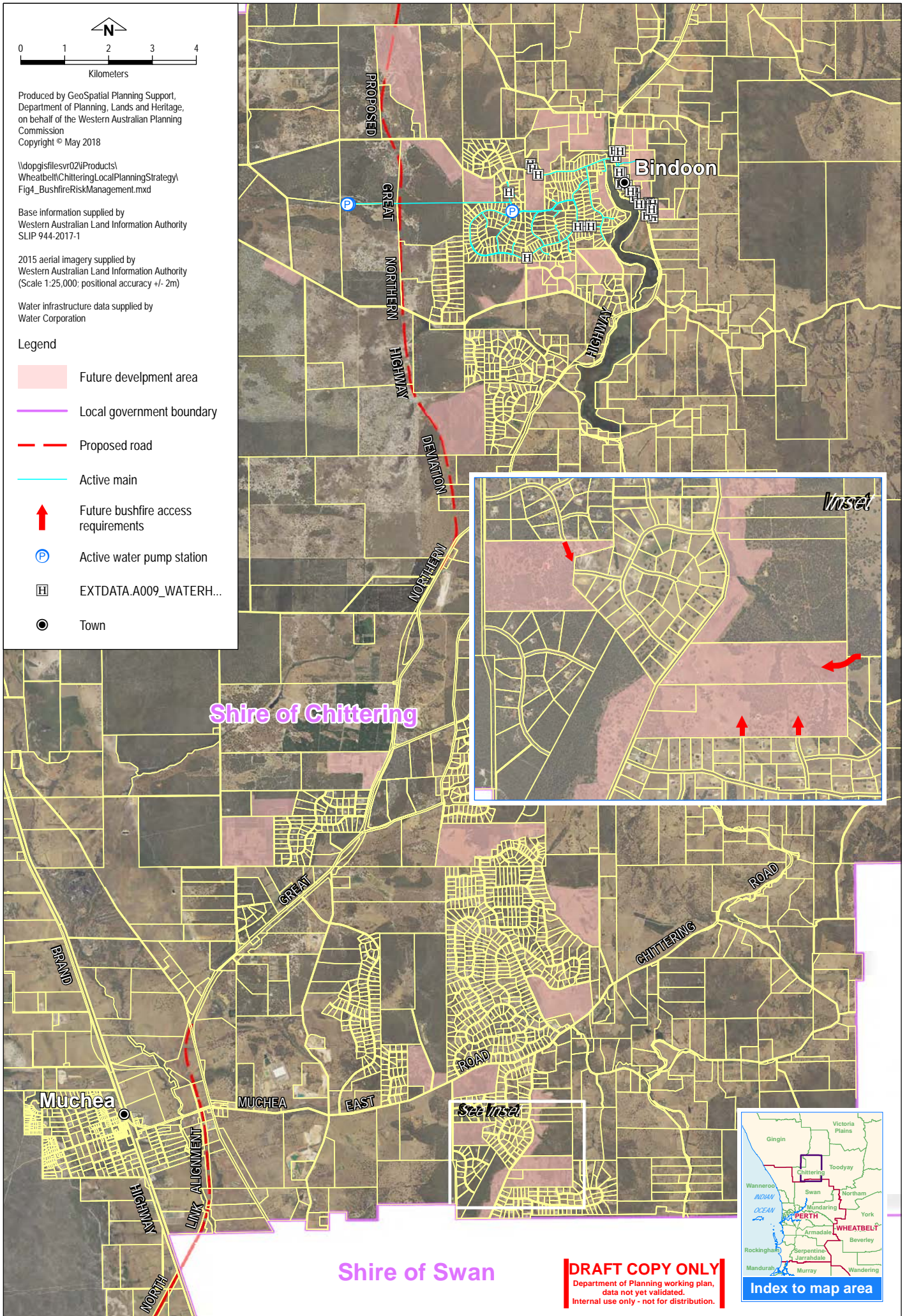


Shire of Chittering Local Planning Strategy

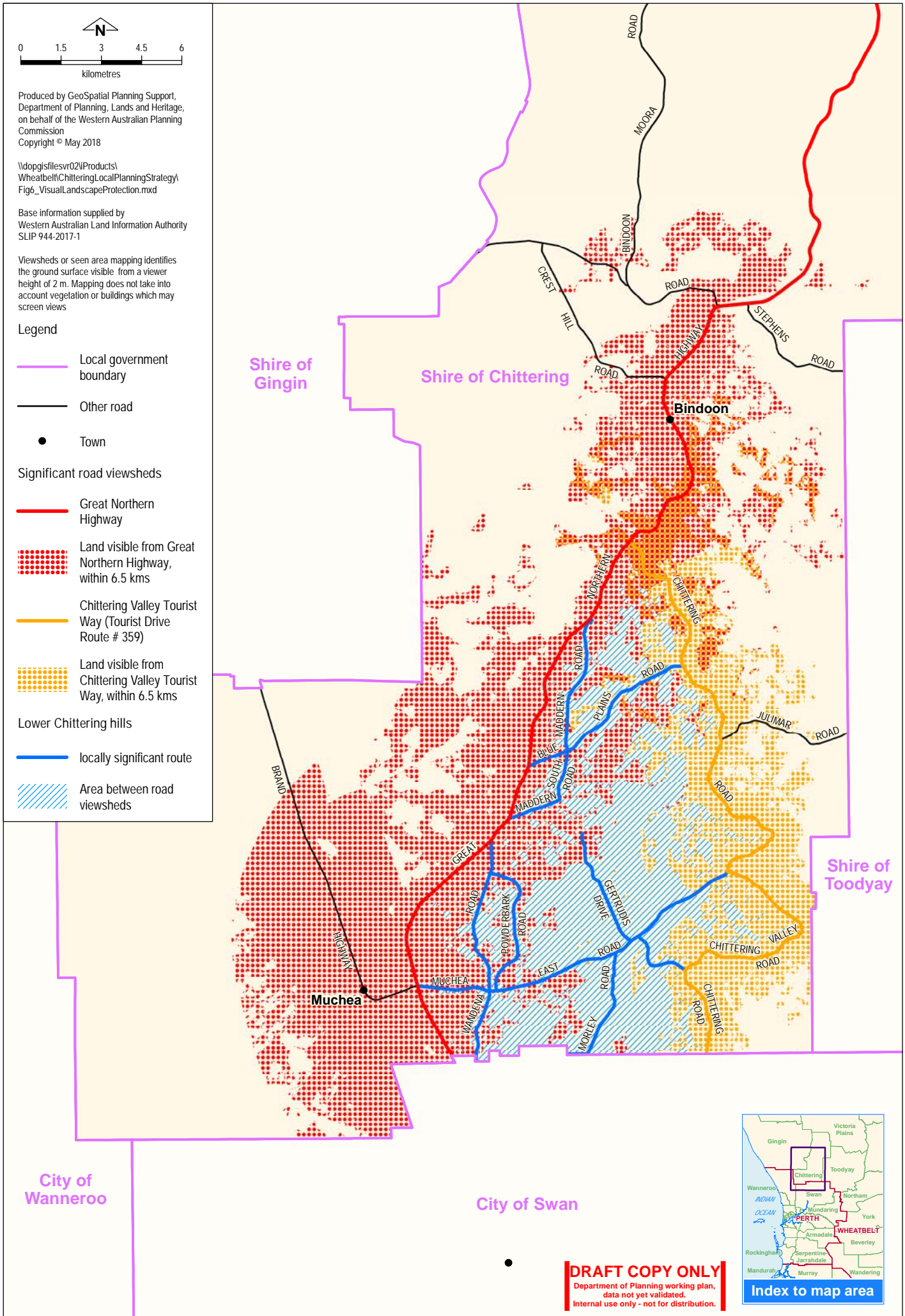


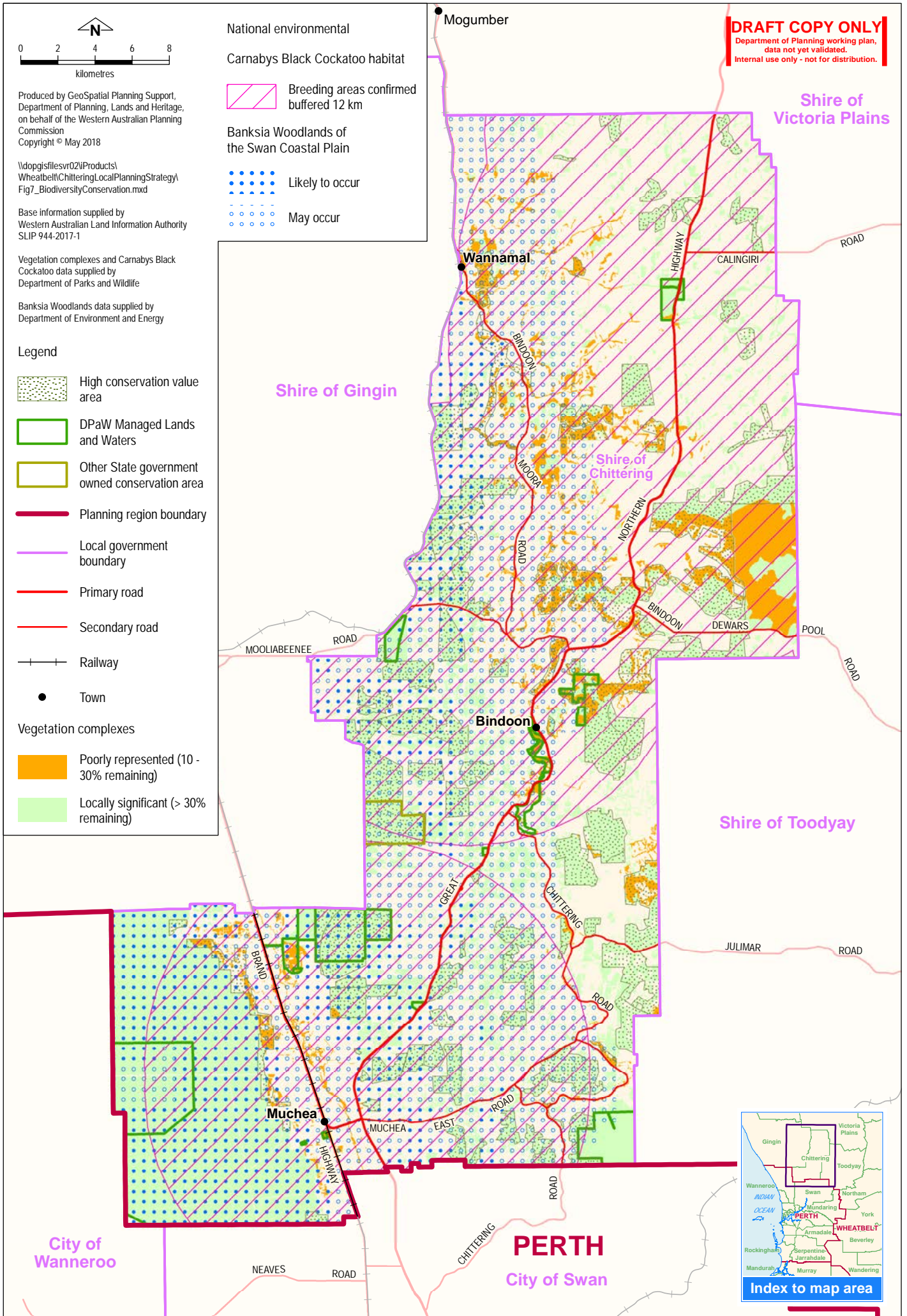
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Shire of Chittering Local Planning Strategy

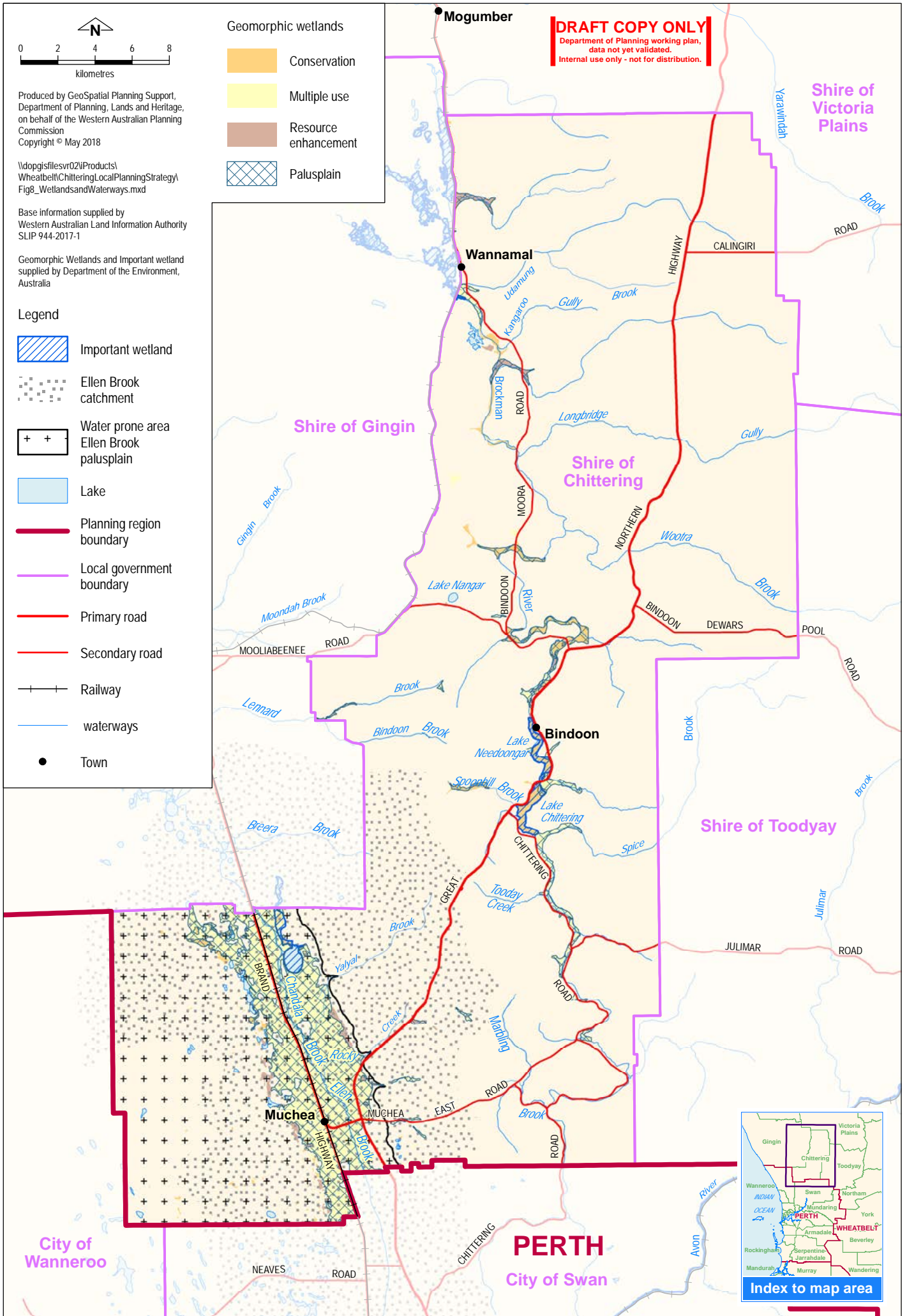


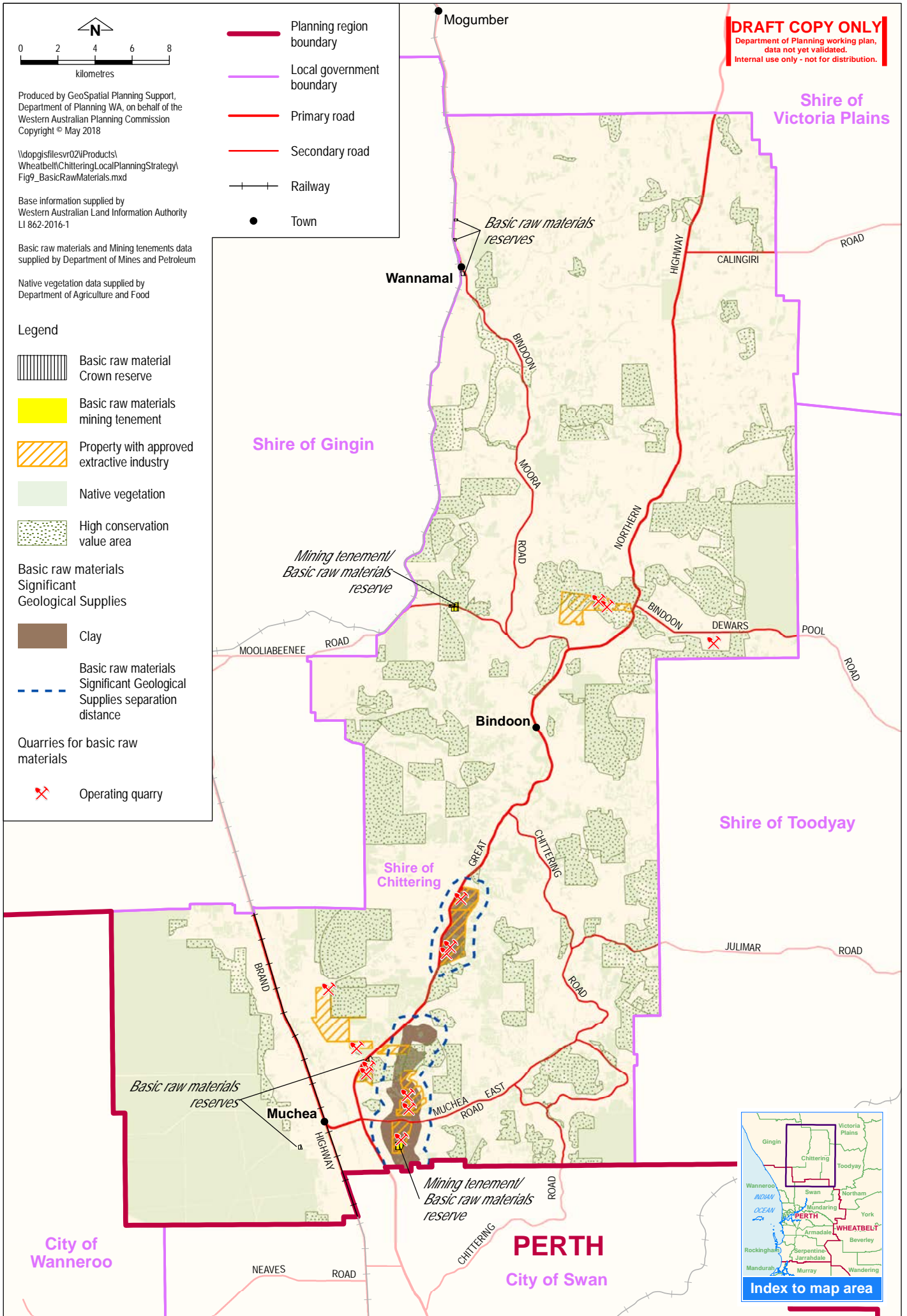


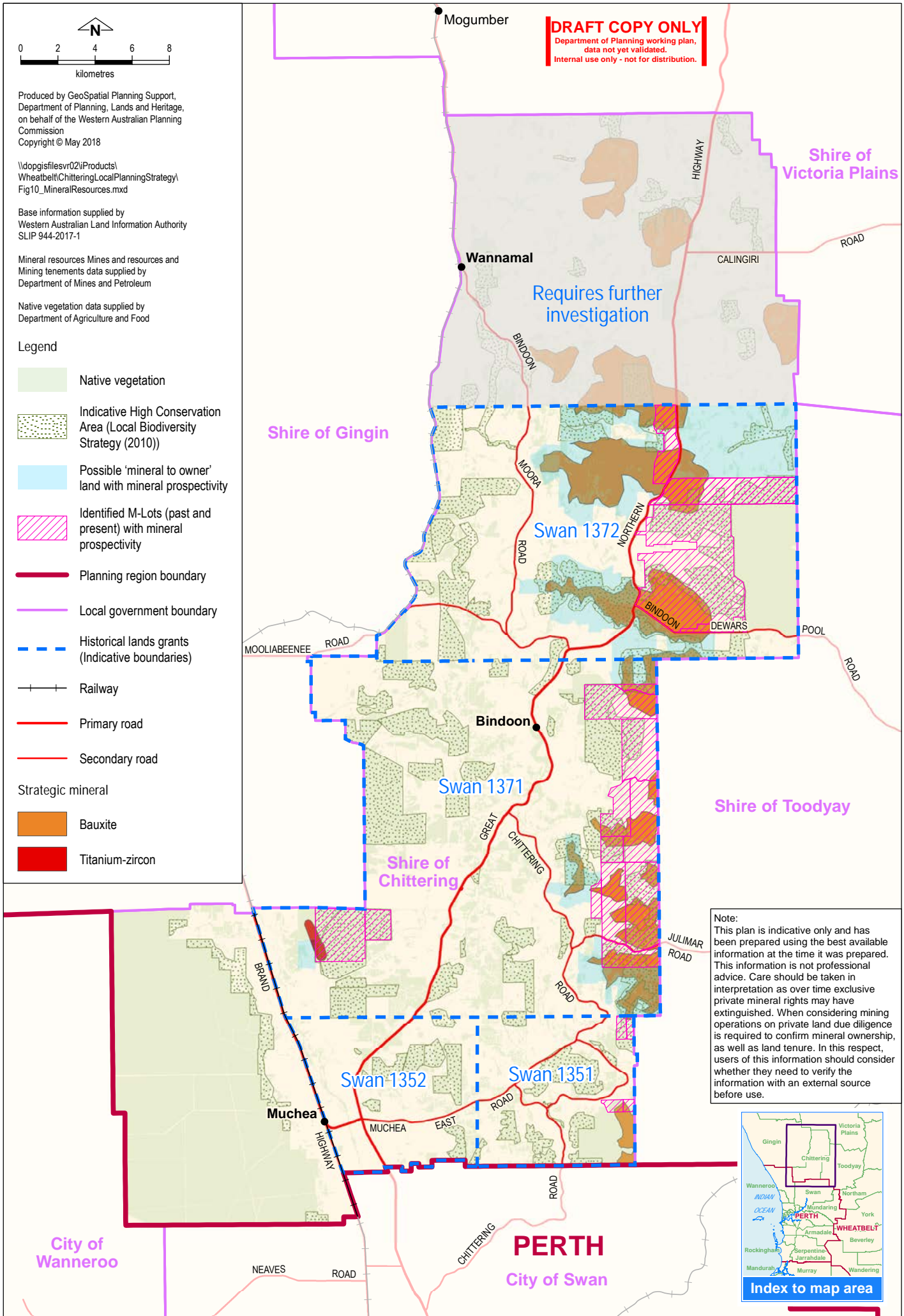












Mineral resources and rights





No.	Modification	Justification	Submission No.
1	<p>Modify Part 1, “Summary of key planning issues &amp; implications”, subheading Transport at the end of paragraph 1 by adding additional sentence to read:  “Additionally, freight rail infrastructure extends in a north-south direction abutting Brand Highway in Muchea, although this infrastructure has not historically been utilised by industry in the Shire.”</p>	To strengthen acknowledgement of freight based industry, and the existence of rail infrastructure in the Shire.	
2	Modify the document by consistently capitalising the ‘L’ in NorthLink	To correct grammar	-
3	<p>Modify Part 1, “Summary of key planning issues &amp; implications”, subheading Rural land use at the end of paragraph 3 to read:  “South of Bindoon, the Local Planning Strategy addresses competing demands on rural land, including industrialisation, rural living developments and commercial sustainability.”</p>	Former wording is presumptuous and incorrect as there is not a monopolisation of local water resources. Re-wording better reflects the intention of the LPS	
4	<p>Modify Part 1, “Summary of key planning issues &amp; implications”, subheading Tourism and recreation at the end of paragraph 3 to read:  “The Local Planning Strategy encourages supportive tourism uses within all zones, where appropriate, excepting industry zones.”</p>	Better reflects the Shire’s intent for tourism and recreation to be available in more general terms. Is consistent with other modifications	
5	<p>Modify Part 1, Section 3.1.2 Residential Action iii to read:  Explore converting an area of the existing ‘Rural Residential’ zone within 400 metres surrounding Immaculate Heart College to 'Residential' zone and apply R-Coding to ensure new developments have higher standard of development.</p>	Provides incentive for connection to essential services as they become available. Also provides for a greater sense of community by being within walking distance of the school, activities and shops.	
6	<p><u>3.3.4 Rural land use</u></p> <p>Delete and reword action v) to read:  <i>Sensitive land uses should only be approved where it can be demonstrated they will not limit the existing or potential operations on rural land</i></p>	Consistent with DPIRD suggested wording	Authority 2

7	<p><u>3.3.6 Basic raw materials</u></p> <p><b>Modify Action ii) to read:</b> Replace the existing 'Basic Raw Materials' Special Control Area (SCA), by introducing new scheme controls for 'significant geological supplies'</p>	Conflicts with the objectives, strategies and actions for Industry in Muchea Industrial Park.	
8	<p><u>3.3.7 mining</u></p> <p><b>Reword Part 1 3.3.7 mining action i) second sentence to read:</b></p> <p>Update existing scheme arrangement to align with the Regulations and Western Australian Planning Commission's policy by assigning 'Mining Operations' an 'A' use and including a land use reference to section 120 of the Mining Act to establish a clear link to the 'planning arm' by establishing a trigger for Ministerial involvement. 'X' use to maintain a consistent approach with the existing local planning framework and Council's general presumption against mining.</p>	Consistent with the response to DMIRS, Council's preference is to maintain a clear direction that it does not support mining in the Shire. This is the initial reason for identifying and separating mineral to owner extraction under the Planning and Development Act from mining applications made under the Mining Act. To allow mining would not be consistent with Council's established approach. This furthermore is reinforced within public submissions.	Public 7 Public 15 Public 10
9	<p><u>3.4 Economy</u></p> <p><b>Modify Part 1 3.4 economy by adding in the following text after the second paragraph:</b> Tourism is expected to become a major contributor to the local economy and is strongly supported by the Shire.</p> <p>In order to accommodate this growth and to encourage the creation of tourism related-businesses, land use controls will be made more flexible, particularly in the townsite of Bindoon and for complementary tourism-related land uses of rural land.</p> <p>It is important that LPS6 (and future schemes) promote flexibility and help to facilitate the growth of the tourism sector.</p>	<p>Identification of tourism as a potential growth industry and economic driver and the Shire's support for the sector should be further detailed in the LPS</p> <p>The wording proposed is similar to the Shire of Toodyay's section '6.3 – Tourism' in its Local Planning Strategy, approved by the WAPC on 22 June 2018.</p>	

10	<p><u>3.4.2 Industrial land use</u></p> <p>Modify part 1 3.4.2 Industrial land use Strategy a) by deleting “, and prevent it in other locations”</p>	<p>In line with modification 1, and submissions, access for industrial uses to rail infrastructure would be limited with the subject wording remaining.</p>	
11	<p>Correct the wording of the “Muchea Employment Node” to “Muchea Industrial Park” throughout</p>	<p>In line with Council’s resolution to rename the identified industrial park</p>	
12	<p><u>3.4.2 Industrial land use</u></p> <p>Modify part 1 3.4.2 Industrial land use Actions iv) to read: Facilitate limited industrial uses in the 'Agricultural Resource' zone where they are primarily related to primary production or is solely reliant on multi-nodal connection.</p>	<p>The rewording more accurately describes the Shire’s intent and ability, while better reflecting the market demands purported in public submissions 6 and 8 to allow for rail based industries connecting to the RAV10 road network.</p>	<p>Public 6 Public 8 Public 16</p>
13	<p><u>3.4.3 Tourism and recreation</u></p> <p>Modify objective 1 to further emphasise the Shire’s objectives. Objective 1 Encourage and facilitate <del>Provide</del> opportunities for tourism within the Shire.</p>	<p>The word “provide” indicates that the responsibility for reacting tourism rests with the Shire. Most tourism activities will be undertaken by commercial businesses.</p> <p>Therefore the words “Encourage and facilitate” are recommended.</p>	
14	<p><u>3.4.3 Tourism and recreation</u></p> <p>Reword Strategy b) under Objective 1 Encourage tourist uses within the <del>the ‘Agricultural Resource’ zone (i.e. chalets, hobby wineries, farmers markets etc.)</del> all zones, excepting industrial zones, where they can be compatible with surrounding uses.</p>	<p>Rewording this section will add clarity to the intent of the Shire to encourage tourism uses in all non-industrial zones, not just the “Agricultural Resource’ zone.</p>	<p>Public 4 Public 5</p>



15	<p><u>3.4.3 Tourism and recreation</u></p> <p>Add new Strategy d) under Objective 1</p> <p>Encourage diversification of agricultural activities by permitting ancillary and incidental uses, such as home businesses, farm stalls, cellar doors, farm stays, bed and breakfasts and tourism.</p>	<p>The wording is similar to the Shire of Toodyay's strategy a) in section 7.3 Tourism – Strategic Directions &amp; Strategies, in its Local Planning Strategy approved by the WAPC on 22 June 2018</p>	
16	<p><u>3.4.3 Tourism and recreation</u></p> <p>Reword Action i) under Objective 1</p> <p>Amend Local Planning Scheme No. 6 to support tourism developments in the 'Agricultural resource' zone that are compatible with the landscape setting and take account of bushfire risks, transport, servicing and environmental conditions.</p>	<p>Rewording this section will clarify the intent of the Shire to encourage appropriate tourism uses in all non-industrial zones, not just the 'Agricultural Resource' zone. To be consistent, the word 'tourist' has been replaced with 'tourism'.</p> <p>The word 'transport' has been added to the compatibilities.</p>	
17	<p><u>3.4.3 Tourism and recreation</u></p> <p>Delete Action vi) under Objective 1</p> <p><del>Explore updating scheme arrangements to include a 'Tourism' zone, such that tourism is the dominant land use that precedes all other</del></p>	<p>This action is no longer supported by the Shire and is considered inappropriate for the following reasons:</p> <ol style="list-style-type: none"> <li>a. The Shire has a limited, but sufficient number of zones at present. Adding a new zone is not considered necessary as tourism land uses could be appropriately accommodated in other zones;</li> <li>b. Tourism is not presently a dominant land-use in the Shire, but it has the potential to grow through innovation and entrepreneurship. This growth will be driven primarily by private sector investment. Attempting to "plan" for new Tourism Zones would be extremely problematic and would likely limit other land use and development options of the subject land;</li> <li>c. A new tourism zone would likely include only one</li> </ol>	<p>Public 4 Public 5</p>

		<p>or a limited number of properties in any one locality, given the rural nature of the Shire. A rezoning from current to a tourism zone would be an unnecessarily lengthy process that is more appropriately dealt with through the development approval process, would limit future investment because of the uncertainty associated with a rezoning process and may result in spot rezonings to the Local Planning Scheme;</p> <ul style="list-style-type: none"> <li>d. Tourism as the “dominant land use that precedes all others” would be difficult, and potentially inappropriate in an established rural setting;</li> <li>e. It may indicate that tourism uses are encouraged outside the Tourism Zone, which this is not the position of the Shire;</li> <li>f. Planning Bulletin 83 – Planning for Tourism states that: “There is an increasing demand for alternative forms of accommodation in rural areas, particularly from international visitors seeking rural experiences. SPP2.5 Land use Planning in Rural Areas identifies that tourism opportunities on rural-zoned land increase economic diversification. Rural-zoned land may allow small-scale tourist activities, including farm stay, chalets, and bed and breakfast, where these are incidental uses to the primary agricultural use. Small-scale tourist accommodation could be encouraged subject to it being secondary to agricultural land uses, with clarity provided in the zoning table of a local planning scheme...”</li> </ul> <p>g. As for the Shire’s townsites, Planning Bulletin 83</p>	
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		<p>states that:  “Tourism uses should be encouraged in mixed-use/town centre zones, as they assist in providing a mix and intensity of development which is attractive to both tourists and residents.”</p> <p>h. Introducing a Tourism Zone in the Shire is not considered necessary nor beneficial for the reasons outlined above.</p>	
18	<p><u>3.4.3 Tourism and recreation</u></p> <p>Add new Action vi) under Objective 1  Rural zones should be flexible to accommodate appropriate tourism uses to enable farmers to diversify their activities to ensure sustainable development of the Shire.</p>	<p>The wording is similar to the Shire of Toodyay’s Action a) in section 7.3 Tourism – Strategic Directions &amp; Strategies, in its Local Planning Strategy approved by the WAPC on 22 June 2018.</p>	Public 04, 05
19	<p><u>3.4.3 Tourism and recreation</u></p> <p>Reword Objective 2 to clarify the Shire’s objectives.</p> <p>Objective</p> <p>2) <del>Provide</del> Promote opportunities and facilities for recreation.</p>	<p>The word “provide” indicates that the responsibility for reacting tourism rests with the Shire. Some activities will be undertaken by commercial businesses.</p> <p>Therefore the word “Promote” is recommended for clarity.</p>	
20	<p><u>3.4.3 Tourism and recreation</u></p> <p>Add a new Strategy b) under Objective 2 as follows:</p> <p>b) Encourage active and adventure based recreation and tourism proposals, including mountain bike riding and walking.</p>	<p>Clarify the Shire’s intent to encourage additional recreation opportunities.</p>	
21	<p><u>3.5.2 – Bindoon</u></p> <p>Include a new strategy f) as follows:</p>	<p>As suggested in the submission from Public 05, the Strategy could be clearer in its support for tourism</p>	Public 05

	f) Encourage tourism and related developments in the Bindoon Townsite zone and adjacent areas.	development in and around the Bindoon townsite	
22	<p><u>3.5.2 – Bindoon</u></p> <p>Reword Action ii) as follows:</p> <p>Prepare a Place Action Plan for Binda Place and the main street area in conjunction with the community to activate and improve the area.</p>	<p>A practical, action-focused Place Action Plan, prepared in conjunction with the local community, is considered to be of more benefit than a higher level ‘Place Strategy’.</p> <p>Involving and empowering local people can help to activate and improve an area. This is especially relevant given the documented implications upon by-passed towns.</p>	
23	<p><u>3.5.2 – Bindoon</u></p> <p>Delete Action ix)</p> <p>ix) Promote a high standard of amenity and potentially limit development affected by the road.</p>	<p>This action appears unnecessary as the amenity and safety of Great Northern Highway is likely to improve substantially when the Bindoon Bypass is completed as it will result in fewer trucks and heavy vehicles using this section of road.</p> <p>Note: This comment assumes “the road” refers to Great Northern Highway rather than the planned Bindoon Bypass.</p>	
24	<p><u>3.5.3 – Lower Chittering</u></p> <p>Delete Action i) as follows:</p> <p><del>Explore land swap opportunities with the existing private school site in Lower Chittering, with a portion of the public open space to be used for a multi-user facility for recreational purposes.</del></p>	<p>This action is now redundant as the process has effectively been completed.</p>	

25	<p><u>3.5.3 – Lower Chittering</u></p> <p>Insert a new Action i) as follows: Consider a rezoning to Residential with an ‘R-Codes’ density where essential trunk infrastructure services are available within 400 metres surrounding the Maryville village centre.</p>	<p>In line with submission Public 11, the availability of infrastructure presents an opportunity to increase density surrounding the school and commercial lot, thus increasing social and economic viability. 400 metres represents only a small area, however is based on a five minute walking distance to minimise interruption to existing rural-residential lifestyle lots.</p>	Public 11
26	<p><u>3.5.5 - Muchea Industrial Park</u></p> <p>Reword Objective 1 to read as follows: <del>Facilitate</del> Promote industrial development within the Muchea Industrial Park (Figure 11).</p>	<p>The role of the Shire is to not cause the facilitation of development, rather to promote the MIP for industrial developments. This is in line with the strategy to disallow ad-hoc industries elsewhere in the Shire.</p>	Public 2
27	<p><u>3.5.5 - Muchea Industrial Park</u></p> <p>Reword Strategy 1 to read as follows: <del>Assist</del> Encourage landowners to progress planning arrangements for the Muchea Industrial Park</p>	<p>The role of the Shire is to not cause the facilitation of development, rather to promote the MIP for industrial developments. This is in line with the strategy to disallow ad-hoc industries.</p>	Public 2
28	<p><u>3.5.5 - Muchea Industrial Park</u></p> <p>Delete Action iii) as follows: <del>Investigate Federal and State Government funding for local road construction.</del></p>	<p>The role of the Shire is to not cause the facilitation of development, rather to promote the MIP for industrial developments. The provision for funding and construction of local roads should be provided by the developer. This places all developers at a consistent expectation.</p>	Public 2

<p>29</p>	<p><u>3.5.5 - Muchea Industrial Park</u></p> <p>Reword Action v) to read as follows:</p> <p><del>Prepare</del> Promote the endorsed prospectus for the Muchea Industrial Park.</p>	<p>The Prospectus has been prepared and completed. The Shire is now promoting the prospectus to existing and prospective landowners</p>	
<p>30</p>	<p><u>3.5.6 Muchea townsite</u></p> <p>Delete Action v) under Objective 2 as follows:</p> <p><del>Implement revegetation of minor waterway and improve existing drainage infrastructure by constructing biofilters at outlets and revegetating existing drainage corridors to improve water quality.</del></p>	<p>This action is a capital works project, not a land-use strategy action able to be completed through a planning scheme</p>	
<p>31</p>	<p><u>3.4.2 - Industrial Land Use</u></p> <p>Reword Action v) to read as follows:</p> <p><del>Promote or undertake</del> planning studies to facilitate establishment of industrial uses in identified node.</p>	<p>This is consistent with public submission 2, and places onus on developers to undertake the requisite studies before approval of any works. It also places an even expectation on all industrial development.</p>	<p>Public 2 Public 3</p>
<p>32</p>	<p><u>4.7.2 Built heritage</u></p> <p>Insert the following sentence after “updating the Shire’s Municipal Heritage Inventory is ongoing”, as follows:</p> <p>“State Planning Policy 3.5, Historic Heritage Conservation will be referenced in assessment and guidance for the identification, planning and management of places of historic heritage significance.”</p> <p>And update the list of references to include State Planning Policy 3.5</p>	<p>Modification is a direct result of the submission from DPLH (Heritage).</p>	<p>DPLH (heritage)</p>

33	<p><u>3.4.3 Tourism and recreation</u></p> <p>Insert a new objective (3), strategy and actions</p> <p><b>Objective</b> 3) Establish a list of places and areas of cultural heritage significance in which development will be subject to assessment in terms of its impact on the particular heritage values of the place or area.</p> <p><b>Strategies</b> a. Recognise and take into account sites of Aboriginal heritage significance in the consideration of rezoning, subdivision and development in both the urban and rural sectors. b. Apply design standards and guidelines to encourage retention and enhancement of local character that will contribute to a sense of place and community identity. c. Review relevant policies to ensure that they encourage appropriate, complementary and sustainable development.</p> <p><b>Actions</b></p> <ul style="list-style-type: none"> <li>i. Review the current local planning policies and design guidelines for heritage places</li> <li>ii. Explore opportunities to add tourism value to existing heritage structures, where appropriate and applicable</li> <li>iii. Use placemaking strategies to help inform social heritage, places and themes.</li> </ul>	<p>In line with the submission from DPLH (Heritage), an additional objective, strategies and actions have been incorporated. The wording has generally been taken from the Shire of Toodyay's Local Planning Strategy.</p>	DPLH (Heritage)
34	<p><u>4.3.5 Wetland and waterways</u></p> <p>Insert the following paragraphs after the sixth (final) paragraph of 4.3.5:</p> <p>"The Western Swamp Tortoise (<i>Pseudemydura umbrina</i>) is the most endangered tortoise or turtle on Earth and has the smallest surviving</p>	<p>Consistent with the Shire of Gingin Local Planning Strategy – which also identifies the same location – and with the Department of Water and Environmental Regulation's submission, additional wording has been inserted relating to the care and protection of the Western Swamp Tortoise.</p>	DWER (Environmental Regulation)

	<p>population of any Australian reptile. It is listed as endangered under the Commonwealth's Environment Protection and Biodiversity Conservation Act 1999.</p> <p>The Environmental Protection Authority's Environmental Protection (Western Swamp Tortoise Habitat) Policy 2011 was developed to protect the known habitat of the Western Swamp Tortoise but also affirms the commitment to the protection of habitat suitable for the reintroduction and survival of wild populations of the Western Swamp Tortoise and to prevent further degradation of that habitat.</p> <p>Their location within the Mogumber Lake Wannamal Nature Reserve has been identified as requiring identification and protection as shown in Figure 7"</p>		
<p>35</p>	<p><u>Summary of key planning issues &amp; implications – Industrial land use p.12</u></p> <p>Delete paragraph 3, as follows:  <del>The Local Planning Strategy shows the MIP separated from residential areas by a 1km buffer. This provides a transition area for compatible land uses. Detailed planning for the MIP, as well as construction of NorthLink is underway, with the northeast portion (Stage 1) of the MIP set to be developed in the near future.</del></p> <p>And replace with the following text:</p> <p>The Local Planning Strategy generally tends to provide indicators for separation from residential areas. This provides a transition area for compatible land uses while minimising environmental health implications such as contamination and noise. Detailed planning for the MIP, as well as construction of NorthLink is underway, resulting in a significant uptake of demand for industrial business operations within the MIP.</p>	<p>Public submitter 3 correctly identifies that the paragraph is misleading by purporting to be 1km from the nearest residential use. Therefore, to clarify the purpose of the paragraph, it has been rewritten to convey issues associated with incompatible land-uses in close proximity to one-another.</p>	<p>Public 03</p>



36	Remove the word “strategic” in “Strategic Mineral” identifier in Figure 10	Council does not recognise these materials as strategic, nor worthy of mention above any other material historically extracted.	Public 7 Public 15
37	Remove reference in the key and on the plan, reference to “Clay” in Figure 9.	Clay is not the only Basic Raw Material, and in fact, the areas identified as being extracted contain clay, gravel and/or sand resources. The map does not accurately reflect this, and is not accurate in reflecting ongoing extractive industries that have recently been approved and/or exhausted.	Public 13
38	<u>3.3.4 Rural land use</u>  Modify and delete the word “primary” in strategy a) under Objective 1 to read:  “Ensure rural land continues to cater for agricultural production”	The words “primary production” do not entirely pertain to agriculture. Accordingly the wording has been replaced.	Public 15
39	<u>3.4.1 Rural land use</u>  Modify and delete the word “primary” in Action i) under Objective 2 to read:  “Retain land identified as rural in the Local Planning Strategy Map (Figure 1) to provide for existing and future agricultural production.”	The words “primary production” do not entirely pertain to agriculture. Accordingly the wording has been replaced.	Public 15
40	<u>3.4.1 Rural land use</u>  Modify and delete the word “uses” in Action ii) under Objective 2 to read: Require that land use change from rural to all other zones be planned and provided for in the Local Planning Strategy Map	The word “zones” in place of “uses” better depicts the intent of the action. Additionally, the revised word is consistent with change 12, and associated public submissions.	Public 6 Public 8 Public 16

41	<p><u>3.3.1 Townsites</u></p> <p>Delete Strategy c) on page 18 under Objective 1, as follows:</p> <p><del>Limit development within Muchea townsite until reticulated water and sewerage services become available.</del></p> <p>and replace with the following</p> <p>“Undertake a detailed study to identify appropriate zoning and development within the Muchea townsite as part of the future Local Planning Scheme review.”</p>	<p>Muchea townsite with its location being close to the MIP and NorthLink highway, is expected to increase in demand for housing. Thus undertaking an appropriate study to identify the risks and strengths of the current zonings, as well as potential zonings may help to inform the Shire and Government as to the sustainable future of the townsite.</p>	<p>Public Submission via deputation 1</p>
42	<p><u>3.1.2 Residential</u></p> <p>Delete Strategy a) on page 19 under Objective 1, as follows</p> <p><del>Direct future development to Bindoon townsite and Reserve Road precinct.</del></p> <p>And replace with the following:</p> <p>“Subject to Clause 3.1.1, direct future development to Bindoon and Muchea townsite and Reserve Road precinct.”</p>	<p>Consistent with State Planning Policy 1, Muchea is a townsite where development should be directed, should the findings from the replaced strategy c) under clause 3.1.1 find that development is capable of sustainably occurring.</p>	<p>Public Submission via deputation 1</p>
43	<p><u>3.5.6 Muchea Townsite</u></p> <p>Delete Acton ii) on page 38 under Objective 1, as follows:</p> <p><del>Prepare a business case to support provision of reticulated services should funding become available.</del></p>	<p>The rewording is to remove the requirement for the Shire to undertake such studies in the event a market investor intends to provide a service. In such an instance, the Shire should not be held responsible for undertaking the businesses case.</p> <p>The wording does not absolve the need for such studies, rather clarifies the Shire’s position.</p>	<p>Public Submission via deputation 2</p>

	And replace with the following:  "A prepared business case study being submitted and approved by Council should funding for Reticulated Services becomes available."		
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## SCHEDULE OF SUBMISSIONS – DRAFT LOCAL PLANNING STRATEGY

AGENCY SUBMISSIONS			
Submitter	Comment	Shire Response	DPLH Response
<b>Department of Planning, Lands &amp; Heritage (specifically Aboriginal Heritage)</b>	<p>The existence of Aboriginal sites or heritage places does not impact on a Planning Strategy or other administrative processes for local government areas. Approvals under the Aboriginal Heritage Act 1972 (AHA) are only required to conduct ground disturbing works which may impact on such places.</p> <p>The Department of Planning Lands and Heritage is satisfied that page 76 of the Draft Local Planning Scheme (4.7.1 Aboriginal heritage) identifies the AHA as a consideration for planning proposals. For these proposals, DPLH encourages proponents to refer to the State's Aboriginal Heritage Due Diligence Guidelines (Guidelines) which can be found on the DPLH website at the following link:</p> <p><a href="https://www.daa.wa.gov.au/heritage/land-use/">https://www.daa.wa.gov.au/heritage/land-use/</a></p> <p>The Guidelines will allow proponents to undertake their own risk assessment regarding any proposal's potential impact on Aboriginal heritage.</p>	Noted	
<b>Department of Primary Industries &amp; Regional Development (ATTACHMENT 1)</b>	Agricultural production from the Shire continues to make an important contribution to the State's economy and DPIRD supports the Shire's intention to retain rural land for primary production and prevent further fragmentation and loss of productive agricultural land. Recognition of buffers as a planning tool is also supported, particularly for protection of the Muchea Livestock Centre, a significant asset to the livestock industry in Western Australia. Specific comments on the Shire's Draft Local Planning Strategy are included in Attachment 1.	The detailed response by DPIRD has been addressed and is attached separately.	
<b>Department of Health (ATTACHMENT 2)</b>	<p><b>1. Strategy Content</b></p> <p>It is noted within the strategy, that good public health is not specifically recognised as part of the vision and strategic direction. Good public health outcomes require good planning strategies. The aim of the planning Strategy should include a direct reference to 'enhancing the public health of the community' or words to that effect.</p> <p>Although the document focuses on outcomes for the Shire, it does not address potential issues in relation disaster preparedness, recovery management or the associated impacts on public health. The document should also consider potential anti-social issues and how the built design can minimise the potential future harm.</p> <p>A risk assessment of each of the potential outcomes/ goals should be incorporated into the Strategy. For your reference, consider the enHealth document '<i>Risky Business</i>' – A resource to manage environmental health risks specifically tailored for local governments. The document is available for download at: <a href="http://ww2.health.wa.gov.au/Articles/FI/Health-risk-assessment">http://ww2.health.wa.gov.au/Articles/FI/Health-risk-assessment</a></p> <p>DOH also has a document on '<i>Evidence supporting the creation of environments that encourage healthy active living</i>' which may assist you with planning elements related to this structure plan. A copy is attached for your information.</p> <p><b>2. Water Supply and Wastewater Disposal</b></p> <p>Future developments are required to connect to scheme water, reticulated sewerage (where available) and be in accordance with the <i>Draft Country Sewerage Policy</i>.</p> <p>Where reticulated sewerage is not available, the Strategy should provide guidance for on-site effluent disposal. To assess if on-site wastewater disposal systems are to be effective, a 'site-and-soil evaluation', in accordance with Australian Standard 1547, is required and should be referenced in the document.</p>	<p>The vision and direction of the Local Planning Strategy aligns with the Strategic Community Plan, which already identifies this.</p> <p>The Shire is addressing disaster recovery and preparedness through separate means, in the form of its own separate document as the implications are not directly long term strategic land use related.</p> <p>This assessment is largely inappropriate for a local planning strategy since the majority of the objectives are not sufficiently able to quantify risks to public health.</p> <p>Agreed. The draft Local Planning Strategy has a focus on active tourism based uses that will encourage healthy lifestyles while providing economic benefits to the locality.</p> <p>The strategy provides guidance on this aspect from page 10. Generally speaking these requirements are already in existence through the local planning scheme and through environmental health legislation. Reticulated water and sewer is contemplated, yet most likely through private investment. The introduction of development codes for Rural Residential may increase the demand for such servicing.</p>	

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	<p>Where scheme water may not be available, developments are to have access to a sufficient supply of potable water that is of the quality specified under the <i>Australian Drinking Water Quality Guidelines 2004</i>.</p> <p><b>3. Public Health Impacts</b> Industrial Estates and Precincts - Enclosed is a draft scoping tool that highlights public health issues that should be addressed and incorporated into the proposed industrial estate / precinct.</p> <p>The Strategy is to acknowledge and incorporate appropriate separation distances in accordance with the Environmental Protection Authority Environmental Assessment Guideline 3 'Guidance for the Assessment of Environmental Factors No. 3 – Separation Distances between Industrial and Sensitive Land Uses'. Available for download from: <a href="http://epa.wa.gov.au/sites/default/files/Policies_and_Guidance/GS3-Separationdistances-270605.Pdf">http://epa.wa.gov.au/sites/default/files/Policies_and_Guidance/GS3-Separationdistances-270605.Pdf</a></p> <p>You should also acknowledge the DOH's <i>Guidelines for the Separation of Agricultural and Residential Land Use</i> as a means to help avoid conflict and potential adverse health effects and nuisance impacts from chemical use, dust and other rural pursuits. A copy is attached, or it may be accessed from the WA Health website: <a href="http://ww2.health.wa.gov.au/Articles/F_1/Guidelines-for-separation-of-agricultural-and-residential-land-uses">http://ww2.health.wa.gov.au/Articles/F_1/Guidelines-for-separation-of-agricultural-and-residential-land-uses</a></p> <p><b>4. Medical Entomology</b> A Mosquito Management Plan should be developed within the strategy for the whole shire with the provision that individual subdivisions / developments comply with the Plan, thus ensuring consistency across the industrial area. Details for mosquito management may be downloaded from: <a href="http://ww2.health.wa.gov.au/Articles/J_M/Mosquito-management">http://ww2.health.wa.gov.au/Articles/J_M/Mosquito-management</a></p> <p><b>5. Land Use Planning for Natural Hazards</b> A document '<i>Land Use Planning for Natural Hazards</i>' can also guide the use of land to effectively reduce risk and enhance sustainability for areas prone to hazards such as flooding (including storm surge), fire, landslide, earthquake, strong wind and erosion.</p> <p>Available for download from: <a href="https://www.ag.gov.au/EmergencyManagement/Tools-andresources/Publications/Documents/Manual-series/manual-7-planning-safer-communities.pdf">https://www.ag.gov.au/EmergencyManagement/Tools-andresources/Publications/Documents/Manual-series/manual-7-planning-safer-communities.pdf</a></p>	<p>Noted. The strategy highlights the need to ensure sensitive land-uses do not intermix.</p> <p>Noted and updated. The original mapping initiated by the Shire included buffer separation distances, however these were removed prior to permission to advertise.</p> <p>Noted. Medical entomologies are difficult for a local planning strategy to comprehend in a strategic land use document. These matters can be addressed through the design guidelines and environmental health standards.</p> <p>Noted.</p>	
<p><b>Department of Fire &amp; Emergency Services</b></p>	<p>It should be noted that this advice relates only to State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) and the Guidelines to Planning in Bushfire Prone Areas (Guidelines). It is the responsibility of the proponent to ensure that the proposal complies with all other relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining necessary approvals that may apply to the proposal including planning, building, health or any other approvals required by a relevant authority under other written laws.</p> <p>High level consideration of bushfire risk is one of the most effective means of preventing inappropriate development in bushfire prone areas. Where a Strategy aims to identify suitable land for urban expansion and/or land use intensification, it is important an assessment of the bushfire hazard issues is undertaken. The minimum requirement to satisfy SPP3.7 is the preparation of a Bushfire Hazard Level (BHL) assessment within or as stand-alone document that informs the areas (if any) for urban expansion and/or land use intensification.</p> <p><b>Assessment</b> At this strategic level, it is acknowledged that bushfire management is likely to be only one</p>	<p>State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7) and the accompanying guidelines and factsheets indicate that a Local Planning Strategy shall identify Development Investigation Areas (DIA) and provide Bushfire Hazard Level assessments for each. DIA's are areas that result in an increase in residents or employees.</p> <p>It is considered that only the areas for 'Future Rural Living' (Bindoon and Lower Chittering) and 'Extension of Residential Areas' (Bindoon) as identified on the Strategy Map are those that would be classified as DIA's. The MIP is excluded from this list as structure planning, rezoning and development has already commenced in this area and has been subject to its own bushfire risk assessment and mapping.</p> <p>The DIA's identified have been included in a Shire wide bushfire</p>	

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<p>consideration of the decision maker in determining the suitability of the land for proposed intensification. However, this emphasises the need for an understanding of what the bushfire risks are, so an informed decision can be made as to the suitability of areas for expansion or intensification of land use.</p> <p>DFES acknowledge reference in the document (section 3.3.3 and section 4.3.4) which relates to bushfire risk management. It is also encouraging to see that the Shire supports the ongoing commitment to reducing bushfire vulnerability and references a strategic risk assessment for all assets within the local government area. However, evidence of this documentation was not provided with the referral to DFES Land Use Planning. Further, Figure 4 highlights an opportunities and constraints map which considers bushfire risk, but it is unclear what methodology was applied to achieve the outcomes within the figure.</p> <p><b>1. Bushfire Hazard Level (BHL) assessment</b></p> <p>i. A BHL assessment is required subject to Policy Measure 6.3 of SPP 37. It provides a ‘broad brush’ means of determining the potential intensity of a bushfire for an area. This assessment assists in determining the suitability of land contained within strategic planning proposals for future land use/development intensification. It is a pre-development tool used to inform decision making at subsequent planning stages to ensure a holistic understanding of the bushfire risk. Opportunities and constraints and the presentation of information within a matrix should be considered, where relevant (refer to the tables below);</p> <p>ii. A BHL assessment should be prepared for all areas identified for land use intensification that are located within designated bushfire prone areas.</p> <p>iii. Although not a requirement of SPP3.7, the Shire could also consider the following:</p> <ul style="list-style-type: none"> <li>☐ a BHL assessment for those areas identified in the current strategy or zoned in the current scheme, but not yet developed. A BHL assessment will identify those areas that cannot comply with SPP3.7; or alternatively identify measures to ensure future compliance, such as an improved road network; and</li> <li>☐ identification of measures to improve the resilience of those areas that are developed within or adjoining areas with an extreme bushfire hazard; this could improved vehicular access and egress; increased hazard separation; improved water infrastructure; implementation of fire management strategies and vegetation management.</li> </ul> <p>iv. Appendix Two of the Guidelines outlines the methodology for undertaking a BHL assessment.</p> <p><b>2. Opportunities and Constraints Assessment</b></p> <p>It is critical at this level of the planning process to connect the spatial understanding of the bushfire threat with strategic decisions about intensification of land use to reduce the vulnerability of people, property and infrastructure to the threat of bushfire. An understanding of the bushfire hazard provides for the identification of opportunities and constraints for the areas proposed for land use intensification. These areas can then be evaluated against each other, as well as each element of the bushfire protection criteria, to highlight the locations where it is unlikely compliance with the criteria can be achieved.</p> <p>An opportunities/constraints assessment can address issues related to the bushfire protection criteria that have arisen following the BHL assessment, including:</p>	<p>risk mapping exercise which has been published in the ‘Shire of Chittering Bushfire Risk Management Plan 2016-2021’ (BRMP). The BRMP utilised methodology consistent with the requirements of SPP3.7 to identify areas of high, medium and low bushfire risk.</p> <p>To this end, the entire Shire has been mapped for bushfire risk by DEFS’s Office of Bushfire Risk Management (OBRM and Bushfire Risk Management Branch). This assessment includes:</p> <ul style="list-style-type: none"> <li>· Bushfire hazard level assessments;</li> <li>· Bushfire Protection Criteria; and</li> <li>· Bushfire Management Plans (BMPs).</li> </ul> <p>All assessments were undertaken by a qualified bushfire assessor employed by the Shire. Each property identified for bushfire risk management has been based on opportunities to reduce risk for the identified property and those surrounding.</p> <p>It is considered that the existing BRMP and its underlying bushfire risk assessment data can be utilised, if deemed necessary by the DPLH, to inform the required bushfire risk assessment of the DIA’s identified on the Strategy map.</p> <p>Logic is based on the requirements of SPP3.7, the supporting guidelines of SPP3.7 and AS3959.2009. This has been collated in the “Shire of Chittering Bushfire Risk Management Plan 2016-2021” as adopted by Council on 6 June 2017, part 5 refers.</p> <p>As this was not previously referenced, a modification to the strategy document to include this document in the references is recommended.</p>	
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Protection criteria	Key considerations
Element 1: Location	<ul style="list-style-type: none"> <li>o Consider the landscape context of the proposal, including the type and extent of vegetation, topography (particularly land with slopes of &gt;10 degrees), areas of possible fire-runs and evacuation options.</li> <li>o Identify areas which represent an extreme bushfire risk that cannot be managed and should not be supported for development.</li> <li>o Areas most suitable for land use intensification are where the bushfire hazard is low or moderate.</li> <li>o Identify conservation areas including TEC, heritage sites, nature reserves or national parks that may constrain a location.</li> <li>o Identify vulnerable and high risk land uses, and critical infrastructure.</li> </ul>
Element 2: Siting and design	<ul style="list-style-type: none"> <li>o Identify interfaces between development and bushfire prone vegetation which may require increased setbacks to achieve an appropriate BAL rating (in accordance with AS3959).</li> </ul>
Element 3: Vehicular access	<ul style="list-style-type: none"> <li>o Consider the wider road network and identify any limitations to the provision of multiple access routes both at the local and district levels.</li> <li>o Identify vehicular access routes that provide safe access and egress to two different destinations.</li> <li>o Identify opportunities to improve access and egress for existing development including incorporating emergency access ways and fire service access routes where no alternative exists.</li> </ul>
Element 4: Water	<ul style="list-style-type: none"> <li>o In reticulated areas, highlight locations of hydrants and existing water infrastructure.</li> <li>o In non-reticulated areas, it will be necessary to demonstrate the availability of alternative water supplies for firefighting purposes.</li> </ul>

**3. Bushfire Protection Criteria Matrix**

i. If the BHL assessment is being prepared with multiple development or investigation areas being considered, the assessment should provide a comparison of the areas. In particular, it should consider the likelihood that development in an individual area may or may not comply with the bushfire protection criteria.

ii. This can be in the form of a matrix and provide a qualitative assessment identifying if it is considered that the areas proposed for intensification of land use are likely, possibly or unlikely to meet the criteria. It should recognise that compliance may be subject to the subsequent stages of the planning process.

**Recommendation – insufficient information**

DFES advice is to seek a BHL assessment that identifies opportunities and constraints for land use intensification, and the ability to achieve compliance with the bushfire protection criteria, to inform bushfire risk management measures for the Strategy. This will help to ensure that all recommendations within the report avoid any increase in the threat of bushfire to people, property and infrastructure. The assessment should demonstrate to the fullest extent possible how compliance with the bushfire protection criteria can be achieved at subsequent stages of the planning process.

The Shire should consider the need to address those legacy areas that may be identified in the current Scheme or Strategy, but are yet to be developed; and those areas that are developed within or adjoining areas with an extreme bushfire risk.

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<p><b>Department of Mines, Industry Regulation &amp; Safety</b></p>	<p>It is clear that the Shire has given significant consideration to Basic Raw Materials (BRM) in this document.</p> <p>We draw your attention to the relevant State Planning Policies. <i>State Planning Policy 2.5 - Rural Planning</i> (SPP2.5) currently guides the extraction and protection of BRM and Significant Geological Supplies (SGS) outside of the Perth - Peel regions. We anticipate that the proposed draft SPP 2.4 may also have relevance and understand that it will be advertised for public comment soon. We recommend a careful review of all provisions relating to relevant policies, particularly with respect to SGS, to ensure consistency.</p> <p>The Department of Mines, Industry Regulation and Safety (DMIRS) notes with concern that the draft LPS has a general presumption against mineral extraction on 'mineral to owner land' and proposals for shale gas, tracking and petroleum exploration in the district. However, please note that this is contrary to the intent of higher-level planning documents including aspects of <i>State Planning Strategy 2050</i> and <i>State Planning Policy 2</i>.</p> <p>An important aspect of resource evaluation and development from a land use planning viewpoint is that the locations and types of mineable deposits cannot always be predicted. DMIRS therefore believes it is premature and inconsistent with State policy to have a general presumption against mineral extraction before exploration and resource evaluation has had an opportunity to identify net social, economic and environmental benefits.</p> <p>DMIRS cannot support the absolute statement in Mining Strategy 3.3.7 b) 'Maintain a general presumption against mining, petroleum and geothermal energy resources extraction within the Shire where provided for in legislation', which does not take into account all relevant matters that cannot be known in advance.</p> <p>If the Shire insists on maintaining this position for 'mineral to owner land' then we strongly recommend qualifying 3.3. 7 b) with words to the effect of 'unless the proponent has demonstrated that net social, economic and environmental benefits will be delivered in the short, medium and long term'.</p> <p>Consistent with this advice, we recommend modifying Mining Strategy 3.3.7 i) to 'update scheme arrangements to introduce a separate land use for 'mineral to owner' land and list as a 'A' use for rural land.</p>	<p>The impacts associated with material extraction are noted as being both an important industry, but also a damaging industry for the Shire should best practice regulations not be applied. In relation to this aspect of DMRIS's submission, the response is noted, appreciated and upheld.</p> <p>Historically the Shire has been comprehensively explored and assessed for mineral extraction. The matter of extraction of privately-owned minerals on pre 1899 lands is a longstanding contention within the Shire and it is certainly not premature of the Shire to solidify its equally long standing general presumption against mineral extraction that has underpinned land-use planning for several decades. Such extractions are most likely to occur in visually appealing landscapes in important water catchments with high environmental and/or agricultural values.</p> <p>A clear distinction must therefore be made to differentiate "mining" under the Mining Act, from "minerals to owner" under the P&amp;D Act. To this extent, the LPS seeks to control the latter since this is likely to have the greatest impact upon the Shire as referenced in Figure 10, and is a matter for the local government to consider. Council is expected to maintain its general presumption against mining since this forms a general position, not a statutory control within the Mining Act. This has no bearing on the LPS.</p> <p>Given the extent and location of pre-1899 titles, extraction would be in direct conflict with 3.3 Natural Resource Management, in particular 3.3.1; 3.3.2; and 3.3.4 of the draft LPS. Destruction of the natural environment by mining operations has been demonstrated in similar landscape locations in WA, where economic opportunities such as tourism are lost because the natural scenery and agricultural amenity and food prioritisation has been detrimentally altered.</p> <p>Additionally, productive agricultural land has been requested by DPIRD to be protected from the fragmentation and/or loss of agricultural land, as is consistent with SPP2.5.</p> <p>Therefore, in light of this submission, and a number of public submissions, no permissibility changes to 'Minerals to Owner' land-uses have been made to the draft LPS.</p>	
<p><b>Department of Planning, Lands &amp; Heritage</b></p>	<p>The following comments review the Historic heritage elements of the strategy on behalf of the Department of Planning, Lands and Heritage.</p> <p>1. The Shire has identified that heritage is a relevant factor in planning for the area but has not referred to the relevant State Planning Policy within the planning framework. The State Government has adopted State Planning Policy 3.5, Historic Heritage Conservation as its means of guidance on the identification, planning and management of places of historic heritage significance. It is therefore recommended that reference should be made to SPP3.5 in Section 3 of the Strategy.</p>	<ol style="list-style-type: none"> <li>1. Upheld. Modification of the strategy is recommended, and listed as number 32 in the list of modifications.</li> <li>2. a. this has already been included in the Strategy. While not holistic, the Strategy directly refers to the Municipal inventory.</li> </ol>	



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	<p>2. The Western Australian Planning Commission’s Local Planning Manual, while noting the flexibility of local planning strategies, identifies a number of areas in which the strategy would generally consider cultural heritage. Where heritage is identified as a contributory part of the local profile, we would recommend the inclusion of the following:</p> <ul style="list-style-type: none"> <li>a. A description of the area's heritage assets and reference to the Local Government Inventory as the main reference document for the identification of places with heritage significance;</li> <li>b. Acknowledgement within the State and regional context of State Planning Policy 3.5, Historic Heritage Conservation;</li> <li>c. Defined objectives for the future of heritage places in the area; and</li> <li>d. Strategies and actions to achieve those objectives, particularly any action or strategy relating to the Local Planning Scheme (e.g. 'prepare a local planning policy for heritage places').</li> </ul>	<ul style="list-style-type: none"> <li>b. noted and modified, per 1., above</li> <li>c. agreed. Similar to the Shire of Toodyay’s LPS, an additional objective, strategies and Actions have been added to tourism and recreation</li> <li>d. as above, the objective, strategies and actions have generally been lifted from the Shire of Toodyay, thus representing a consistent approach.</li> </ul>	
<p><b>Department of Water &amp; Environmental Regulation</b> <b>(ATTACHMENT 3)</b></p>	<p><b>Overview</b> The draft LPS proposes to provide for the majority of development activity in Bindoon and the area to its south, and to consolidate the northern portion of the Shire for primary production. The Shire is predominately rural and is one of the fastest growing per-urban local governments in proximity to the Perth metropolitan region. The Shire has identified a number of challenges to future planning and development including impacts on the environment.</p> <p>The Shire is rich in biological diversity, containing habitat for rare and threatened species and ecological communities. The following environmental factors are identified by the Shire as requiring management; remnant native vegetation, biodiversity, water resources, basic raw material extraction, rural and urban landscapes, wetland and waterways, landscape protection and bushfire risk. A number of strategies are proposed to manage development and protect environmental values, some of which include the use of zones, reserves, conservation covenants, ceding of land that contains threatened species and/or ecological communities, concentrating future development on existing cleared areas, and proposing to update the Shire's Local Biodiversity Strategy.</p> <p><b>Flora and Vegetation</b> The Shire is characterised by its rural amenity and landscape values. DWER notes that 30% of the pre-European extent of native vegetation remains in the Shire. Large areas within the region contain remnant native vegetation which supports both local and regionally significant flora, vegetation, fauna and fauna habitat. Remnant native vegetation in the Shire is important as it provides important habitat for a number of rare and threatened species and ecological communities, including species of black cockatoo and the Commonwealth listed Threatened Ecological Community 'Banksia woodlands on the Swan Coastal Plain'. A number of vegetation complexes within the Shire can be considered 'regionally significant'.</p> <p>DWER supports the proposal to update the Local Biodiversity Strategy, including formal protection of high conservation value areas on public and private land. Future development may require environmental assessment under Part IV and/or Part V of the Environmental Protection Act 1986 (EP, Act). Development in the Shire should occur in previously cleared areas. Flora and vegetation, fauna, and fauna habitat surveys should be undertaken to assess and identify the values of existing vegetation and fauna habitat and be used to determine where retention of vegetation ought to occur.</p> <p><b>Terrestrial Fauna</b> Officers from DWER's EPA Services Directorate recently met with Shire officers to discuss the protection of the Western Swamp Tortoise habitats. As discussed, it was considered appropriate to identify Western Swamp Tortoise habitat at Lake Wannamal and Mogumber Nature Reserves on the Biodiversity Conservation map (Figure 7) with a tortoise symbol to indicate conservation issues that need to be addressed in the catchment and surrounding land of these reserves.</p>	<p>Noted.</p> <p>Noted and agreed. The protection of Indicative High Value Conservation is an important environmental and cultural value to which the Shire through the Local Biodiversity Strategy aims to protect. For these reasons also, extractive industries, including mineral to owner extractions, should not be permitted where such vegetation exists.</p> <p>Agreed. Similar to the Shire of Gingin’s Local Planning Strategy, an identifier on the biodiversity conservation map (figure 7) that identifies the Western Swamp Tortoise’s location has been added as a modification to 4.3.5. Identification on Figure 7 will thereafter ensure Clause 3.3.1 does not need modifying.</p>	

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	<p>Section 4.3.5 of the draft LPS identifies the Lake Wannamal system as nationally important. This section and the section on Biodiversity Conservation should expand on the importance of the Western Swamp Tortoise and describe how the Western Swamp Tortoise Recovery Plan outlines recovery actions that are needed for the tortoise's protection.</p> <p><b>Terrestrial Environmental Quality</b>                  DWER supports the draft LPS to reinstate the use of rural land in accordance with natural resource management and primary production, with non-agricultural uses located in designated areas. DWER also supports the intent of the existing 'Agricultural Resource' zone to allow a variety of permitted land uses which will restrict further subdivision of rural land. This will allow for productive use of agricultural land in areas with suitable soils and water availability. Agricultural activities should be undertaken with careful consideration of land use impacts including those impacts which may change the chemical, physical, biological and aesthetic characteristics of soils. Development should be undertaken to maintain the quality of land and soils so that environmental values are protected.</p> <p>Existing and historical industrial/agricultural sites within the Shire may be contaminated. The Contaminated Sites Act 2003 provides for the identification, recording, management and remediation of contaminated sites. Development within the Shire should consider these sites and the provisions of the Contaminated Sites Act 2003.</p> <p>DWER supports the Shire's industrial activity to be within the Muchea Industrial Park, thereby retaining rural land for primary production and natural resource management, while retaining the Shire's natural land and character.</p> <p><b>Inland Waters</b>                  In accordance with State Planning Policy 2.9 Water Resources, water resource management issues should be considered early in the planning process to ensure integrated land use and water resource planning and protection. Future planning and land development should incorporate water sensitive urban design principles and consider integrated water cycle management (including non-potable water supply and efficiency, groundwater, stormwater, wastewater, flooding, water quality and water source protection, waterways and wetlands etc.) consistent with the Better Urban Water Management (2008) framework.</p> <p>The Shire of Chittering has some key objectives and actions for moving in a direction that supports overall government objectives to be a vibrant, sustainable and leading water sensitive town. For example, the draft LPS identifies that there is a need to employ alternative fit for purpose water and wastewater systems, improve the health of the Ellen Brook and Brockman catchments, and encourage innovative design for stormwater management.</p> <p>Groundwater resources in the area are constrained. The major aquifers have reached their sustainable limits and the Surficial and Fractured Rock aquifers are highly variable in quality and yield and would require onsite investigations to determine viability as a potable and non-potable water source. Therefore, DWER recommends that the draft LPS identify water conservation and efficiency measures to reduce demand on groundwater resources. This may include strategies or actions to assess potable and non-potable water requirements and water source availability for residential, industrial and agricultural development, as well as the implementation of water efficient design and irrigation practices and consideration of alternative water sources.</p> <p>Much of the Shire is identified as a sewerage sensitive area due to its location within the Ellen Brook catchment area, the Gngangara Underground Pollution Control Area and other environmentally sensitive</p>	<p>Noted. Generally agreed, however applying planning scheme controls to manage agricultural cropping activities is almost impossible to uphold given the unknown nature of different pesticide/herbicide chemicals within spray tanks. Additionally, as horticultural use of broad acre agricultural resource zoned property is promoted and preferred, and is not otherwise listed for further management in the strategy, land use impacts are not likely to be assessed via an application for approval. Rather the Local Biodiversity Strategy once reviewed may provide better techniques to ensure appropriate distances are maintained between conservation areas and horticultural uses.</p> <p>Upheld as this is the primary intent for establishing the Muchea Industrial Park.</p> <p>The Shire does not control reticulated or bore water systems. Rather most developments will rely upon rainwater to provide a source of potable water. Only Bindoon has a public supply of water, which is managed by WaterCorp. Nonetheless, a local planning policy for development of higher density lots in Bindoon could address aspects of water wise designs.</p> <p>Within the Rural Residential coding system described in 3.1.3, water wise management could be incorporated into the schedule of requirements.</p> <p>Within the Industrial Park, the strategy acknowledges the need to employ best practice standards for conservation of the environment.</p> <p>The Shire is currently enquiring with the Department of Health for their advice on best practice wastewater systems. To this end, the draft Government Sewerage Policy is being actively applied by the Shire for new developments since confirmation of its status as 'seriously entertained'.</p> <p>The Shire is continuing to explore opportunities for a sewerage system for Bindoon and other commercial areas.</p>	
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SCHEDULE OF SUBMISSIONS – DRAFT LOCAL PLANNING STRATEGY

	<p>areas. Therefore, in accordance with the draft Government Sewerage Policy 2016, development areas will require connection to reticulated sewerage, and private wastewater services may be required. Other areas will require land capability investigations to demonstrate they meet minimum requirements for on-site wastewater effluent disposal (lot sizes, setbacks to water resources, separation to groundwater, soil types, secondary treatment etc.) in accordance with the draft Government Sewerage Policy 2016.</p> <p>Water Sensitive Urban Design and best practice stormwater/drainage, waterway, flood, groundwater and wastewater management needs to be implemented in rural, industrial and residential areas to protect water resources including the Ellen Brook and Brockman catchments, and public drinking water source areas. To ensure integrated land and water management, DWER recommends that Better Urban Water Management (2008) requirements are included as provisions in the Shire's Local Planning Scheme for non-residential and residential proposals.</p> <p><b>Recommendation</b>                  Future planning and land development should consider the impacts on the environment and an assessment of environmental factors consistent with EPA guidance <a href="http://www.epa.wa.gov.au/guidelines-and-procedures">www.epa.wa.gov.au/guidelines-and-procedures</a>. There is the potential for future land uses to have a significant impact on the environment. The Shire should consider referral of future significant proposals to the EPA pursuant to Part IV of the EP Act where impacts are likely to be significant.</p> <p>DWER supports the intent, objectives and actions of the Draft LPS which will inform future planning and development in the region to protect important environmental values. I trust this information is of assistance.</p>		
<b>PUBLIC SUBMISSIONS</b>			
Submitter	Comment	Proponent Response	Shire Officer Response
<b>PUBLIC 1</b>	<p>As a resident of Muchea for the last 34 years we have seen many changes - especially the water table levels in the townsite. We note that the water table has reduced considerable over the years due to drainage improvements and general extra usage of groundwater. We would like to recommend to you that sub division be allowed from a minimum of 5 acres to 2.5 acres - this would allow the townsite to grow as there are no vacant land properties left in Muchea. Water catchment would be via rain water tanks - all new homes are able to connect their roof catchment into the water tanks (which is now preferred rather than scheme water) and sewerage is now controllable via ATU's not septic tanks as previously used. Buildings are required to be a certain level above the road as to avoid flooding from water sheeting off the roads.</p> <p>With the larger lot sizes (2.5acres) the residents would still be able to maintain a healthy lifestyle without the maintenance of the 5 acre block. We hope your consideration in this matter will be supportive.</p>	<p>Not upheld. Halving of the rural-residential blocks in Muchea would require access to a reticulated sewer as the area has been classified as being sewerage sensitive. While Council has no interest in enforcing such infrastructure on Muchea residents, allowing subdivision to higher densities would likely be subject to requiring these infrastructure connections. There may be alternatives available such as better than ATU systems, however the area's status as sewerage sensitive makes this difficult to justify.</p> <p>In relation to water catchments on roofs – this is acknowledged as the preferred lifestyle approach for Muchea residents – the Shire certainly has no plans to enforce or otherwise provide for a reticulated water supply in the foreseeable future. There may be interested private suppliers, however this is not foreseeable as being forced upon the local community.</p>	
<b>PUBLIC 2 CLE Town Planning + Design</b>	<p>CLE Town Planning + Design have prepared this submission on behalf of our Client, Harvis (formerly Sirona), who own lot 102 Great Northern Highway, Muchea. Lot 102 is covered by the first and only local structure plan within the broader Muchea Employment Node (MEN), with subdivision approval over the first stage secured in May 2018.</p> <p>As a major landowner, Harvis are keen to see the MEN develop and prosper. We support a Local Planning Strategy (LPS) that will provide the strategic planning framework for future amendments to Local Planning Scheme No.6 (LPS 6) that will concentrate industrial activity within the MEN and prevent the proliferation and such uses on the Shire's rural and agricultural land.</p>	<p>Noted and agreed.</p>	

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We do however, have some concerns with the draft LPS, specifically regarding the proposal for the Shire to promote or undertake planning studies to facilitate industrial development within the MEN. We are also concerned that the LPS proposes to guide the subdivision and development processes, which is not the purpose of an LPS.

These matters are discussed in further detail below under the corresponding headings.

Industrial Activity to be Contained Within the Muchea Employment Node

The draft LPS is clear in its objective to contain industrial activity within the MEN, thereby protecting primary production land from encroachment by competing land uses. It will also protect land owners within rural areas from amenity impacts as a result of incompatible land uses.

We support this initiative which will provide certainty for all landowners within the Shire regarding the location of industrial uses. When undertaking the foreshadowed scheme amendment to prevent industrial land uses from occurring within the ‘Agricultural Resource’ zone, we request that the Shire is comprehensive in its review of the zoning table to ensure that all industrial and transport/logistics-related land uses are prohibited.

This should be viewed as a priority for the Shire and the Scheme amendment should be progressed as a matter of urgency.

Shire to Facilitate Industrial Development within the Muchea Employment Node

The draft LPS contains a number of references to the Shire promoting or undertaking planning studies to facilitate the establishment of industrial land uses within the MEN. Key LPS references that we have concerns with are summarised in the table below:

Page No.	Section	LPS Comment
32	3.4.2 Industrial Land Use	<b>Action:</b> <i>Promote or undertake planning studies to facilitate establishment of industrial uses in identified node.</i>
37	3.5.5 Muchea Industrial Park	<b>Objective:</b> <i>Facilitate industrial development within the Muchea Industrial Park.</i>  <b>Strategy:</b> <i>a. Assist landowners to progress planning arrangements for the Muchea Industrial Park.</i> <i>b. Maximise efforts to realise economic flow-on effects generated by State infrastructure projects, including Northlink.</i>

The MEN Structure Plan prepared by the Western Australian Planning Commission (WAPC) provides an existing Framework for the subsequent stages of planning that are required to be undertaken within the MEN prior to the land being capable of being developed. These subsequent processes include amendments to LPS6, the preparation of local structure plans and lodgement of subdivision applications. Consistent with the established principles of planning and development in Western Australia, Harvis has undertaken and funded the necessary processes to progress their land including a local planning scheme amendment, local structure plan and subdivision without government assistance. This was undertaken at great expense and once completed, will unlock subsequent stages of the broader MEN through the provision of access from Northlink and the extension of services. The success

Agreed. A modification to reflect this has been proposed at change no.31, to remove the words “

Partially upheld. This action is being progressed through Scheme amendment No.65. Not all industrial land uses can be contained to the industrial zone – for example Industry Rural and Roadhouses are existing outside of industrial locations and are suitable for their locations.

Partially upheld. Revision to the action listed in 3.4.2; and the Objective and Strategy of 3.5.5 is listed in changes 31, 26 and 27 respectively.

Notwithstanding the modifications listed above, the Shire does not purport to influence market conditions. For example, If additional landholders within the Industrial Park wish to progress rezoning and structure planning, provided the information is correct and relevant, the Shire will progress such planning requests regardless of market conditions. It is noted that the importance of ensuring a consistent approach to each of the landholders is critical to market conditions and competitiveness.

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<p>of LSP1 and its ability to remain commercially viable is therefore critical to the future growth of the MEN, which we understand is the Shire’s primary objective.</p> <p>Before making the investment decision to acquire land within the MEN, Harvis undertook thorough and extensive market analysis to determine likely demand and land absorption rates in Muchea. The analysis concluded 110ha of developable land at Northern Gateway equates to more than 10 years of industrial land supply for the region. The industrial land market has subsequently deteriorated, suggesting an even longer dated supply of land. There is unlikely to be a looming industrial land shortage in the MEN and the perception of a land oversupply will impede Harvis’ ability to attract land users and in turn fund the critical infrastructure for development.</p> <p>The decentralisation of development in the MEN will ultimately lead to more expensive servicing costs and an increased risk profile for the private sector to invest in the capital works necessary to deliver services to unlock the MEN. A rational land release consistent with free market forces and developing sequentially based on access to infrastructure delivered in the prior stages is the logical, commercial and ultimately sustainable approach to growing the MEN.</p> <p>Whilst this does not preclude the progression of other land by landowners, the process should be proponent-led without assistance from government. There is no clear rationale as to why government should intervene as opposed to allowing the market to naturally control the supply of industrial land in the MEN.</p> <p>The proposed actions outlined in the draft LPS will unfairly advantage other land owners not otherwise willing to invest the time and financial resources into progressing the planning over their land. This is inconsistent with the established approach to land development where the land owner is responsible for undertaking the necessary work to rezone and plan their land with the ultimate objective of securing commercial returns. Government should only intervene where there are clear barriers that preclude the progression of land towards a strategic outcome that serves a public interest. In the case of the MEN, we are not aware of any urgent strategic outcome that requires government intervention and as demonstrated by Harvis, there are no insurmountable barriers that would preclude landowners from undertaking the necessary planning should the financial motivation exist.</p> <p>Government must understand that surplus and fragmented supply of industrial land in the MEN will not promote development, which can only be achieved by a focussed and rational supply of land around central infrastructure.</p> <p><u>The Local Planning Strategy as a Means to Control Subdivision and Development</u></p> <p>A local planning strategy is a high-level strategic document that informs the preparation of, and amendments to, local planning schemes. Given their high-level strategic nature, local planning strategies are not suitable for informing detailed planning processes such as subdivision and development control. The draft LPS however, states that it is intended to provide guidance for future subdivision and development. This goes beyond the intended purpose of an LPS and has the potential to result in inconsistencies in circumstances where land is already covered by a planning framework that addresses subdivision and development controls.</p> <p>Part 3, clause (2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (‘the Regulations’) outlines the role of a Local Planning Strategy, which is to “provide the rationale for any zoning or classification of land under the local planning scheme.” Further, the WAPC’s ‘Local Planning Manual’ states that “the local planning strategy is the framework for local planning and the strategic basis for local planning schemes.”</p>	<p>Noted. It is in the Shire’s best interests to facilitate the progression of the Industrial Park through indirect mechanisms, such as limiting industrial based land-uses outside of the industrial zone. However, such development should be managed in such a way that it does not impact upon the natural environment.</p>	
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	<p>An LPS guides the preparation of the local planning scheme, with the local planning scheme then guiding the preparation of local structure plans (if further detailed planning is required) as well as the subdivision and development processes. This established hierarchy for the various documents that comprise an overall planning framework ensures that appropriate levels of detail are provided at each stage of the development process.</p> <p>Our primary concern with the draft LPS being applied to subdivision and development, is that it has the potential to result in uncertainty for Harvis’ landholding within the MEN, as it is already covered by detailed local planning scheme provisions as well as a local structure plan. Given the highly progressed nature of the land, the LPS should have no bearing on future subdivision and development processes as the zoning and development controls have already been established via a scheme amendment and local structure plan.</p> <p>Reference to the LPS guiding subdivision and development should therefore be removed as it not the role or function of an LPS.</p> <p><b>Summary</b></p> <p>We support the objective of consolidating industrial and freight/logistic-type land uses within the MEN by precluding such uses within the rural and agricultural zones of the Shire.</p> <p>We do not support the Shire’s intervention in the delivery of industrial land by undertaking planning studies or other related tasks that will shortcut the development of privately-owned land for private sector commercial gains. Land supply within the MEN should be guided by market forces and the sequential delivery of infrastructure. There is an adequate supply of industrial land within the Stage 1 LSP area alone to accommodate industrial demand for at least the next 10 years. Whilst Harvis is financially motivated to see development occur at a faster rate, it is an unlikely scenario that can only be catalysed by a focussed and orderly release of land in the MEN. There is therefore no clear reason as to why the Shires intervention to deliver more industrial land within the MEN is in the public interest.</p> <p>Lastly, the LPS should remove reference to guiding subdivision and development. These are detailed matters that LPS 6 should address. The LPS should focus on high-level strategic guidance to inform future amendments to LPS 6, as required under the Regulations.</p>		
<p><b>PUBLIC 3 URBIS</b></p>	<p>We are pleased to make the following submission on behalf of owners located within Precinct 3 (P3) of the Muchea Employment Node Structure Plan Area (MENSP) (referred to as the Muchea Industrial Park (MIP) in the LPS), specifically:</p> <ul style="list-style-type: none"> <li>• Ingham Rural Property Group Pty Ltd (Lots 800 and 801 Great Northern Highway)</li> <li>• Amuse Pty Ltd (Lot 33 Great Northern Highway)</li> <li>• &lt;REDACTED&gt; (Lot 34 Great Northern Highway)</li> <li>• &lt;REDACTED&gt; (Lot 3329 Great Northern Highway)</li> <li>• &lt;REDACTED&gt; (Lot 804 Brand Highway)</li> </ul> <p>As the Shire is aware, the above landowners within P3 of the MENSP are progressing with the preparation of a Structure Plan and associated Scheme Amendment over P3. This work has commenced, and lodgement of the Structure Plan and Scheme Amendment documentation is expected to occur in February 2019. The Structure Plan and Scheme Amendment will progress planning in accordance with the MENSP to zone the land for industrial land use, and provide the framework for future subdivision and development.</p>		

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<p>We note and provide comment on the following aspects of the LPS:</p> <ul style="list-style-type: none"> <li>We support the recognition of major State level transport initiatives including NorthLink and the Great Northern Highway (GNH) upgrade, and their role in stimulating industrial development in the MIP, reducing commute times, and attracting new residents close to employment (including industrial) areas.</li> <li>We support the separation of industrial and residential/sensitive uses, and note that the LPS identifies a 1km buffer in the text. Although land within P3 is likely to be developed primarily for transport logistics operations, requiring only a 200m buffer to residential (and sensitive) uses under the EPA Guidance for the Assessment of Environmental Factors: Separation Distances between Industrial and Sensitive Land Uses No.3, provision for a greater buffer area is warranted given the diversity of activities which could potentially occur within this area, which will assist in ‘future proofing’ the MIP from incompatible uses.</li> </ul> <p>Whilst the MENSF includes a provisional 1km sensitive land use buffer on the plan, the text refers to buffers being essentially determined on a case by case basis. We also note that the LPS Plan itself does not show the 1km buffer. The closest residential development to P3 is within 1km (around 720m).</p> <p>We expect that the 1km mentioned within the report refers to any new residential or sensitive development, and that there will be no constraints placed on the development or use of land within P3 where proposed or undertaken in accordance with the MENSF. This needs to be better clarified within the text and on the plan.</p> <p>In addition, the LSP text should include in the residential and/or rural residential section the intent for there to be no new residential or sensitive uses located closer than 1km to the MENSF area.</p> <p>The potential for mineral sands to exist on the coastal plain is noted, and we can advise that we have been liaising with DMIRS in determining the likely extent and quality of this resource as part of the Structure Plan process. Our discussions to date indicate that there are no adverse impacts for P3.</p> <ul style="list-style-type: none"> <li>Through our investigations into P3 to date, we consider the Project Team has a good understanding of current environmental and servicing considerations, and will be able to demonstrate an acceptable means of wastewater disposal, stormwater management and drainage, effluent disposal and water supply, as required by the LPS.</li> <li>We agree that the permissibility of uses within the Agricultural Resource Zone which are not compatible with primary production should be removed. This will further encourage industrial development into appropriately zoned areas in the MIP and is therefore supported.</li> <li>Servicing for RAV vehicles is supported and it is intended P3 be designed accordingly.</li> <li>The intention for the Shire to investigate funding for local road construction and trunk infrastructure, as well as preparing a prospectus for the MIP, are strongly supported and will assist in the cost efficient and timely development of the MIP, as well as promoting the area to market. We welcome the opportunity to be involved in these processes as appropriate.</li> <li>Establishment of compatible design features over such design elements as fencing, vegetation, buffers and open space is supported, to the extent that the requirements are not unnecessarily onerous on individual landowners, as it will assist in establishing a baseline for design quality and marketing of land within the MIP</li> </ul> <p>Of significant concern, however, is that the LPS notes in several sections, the intention to protect landscape, view corridors and vegetation. It also requires that consideration be given to siting and screening of development that may be visible to the GNH.</p>	<p>Noted.</p> <p>Supported. The submission correctly identifies that the paragraph is misleading by purporting to be 1km from the nearest residential use. Therefore, to clarify the purpose of the paragraph, it has been rewritten to convey issues associated with incompatible land-uses in close proximity to one-another.</p> <p>The above modification clarifies the rationale for the separation. Additionally, no new residential is proposed within 1km of the MIP. Thus no further modification is proposed.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Not agreed. This is at odds with public submission 01. The concerns with this aspect of the Strategy are noted, and given the development of the MIP is user driven, neither State nor Federal governments are committing infrastructure funding.</p> <p>Agreed. This is being worked through with the adoption of Design Guidelines, however this does not need including in the LPS.</p>	
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	<p>Given the intended nature of land within the MIP for industrial development, and especially the large laydown areas and associated infrastructure required within P3, it will be difficult to screen industrial development within the MIP from GNH and NorthLink. In addition, due to the high groundwater table and the need for considerable fill for roads, structures and potentially lots, the ability to retain vegetation will be limited.</p> <p>In addition, the MENSF allow for uses along Great Northern Highway that are more commercial in nature. Requiring vegetation to be protected along this extent will limit commercial exposure for those businesses, for example, service stations, equipment display and sales and auction sites.</p> <p>The Shire’s expectations in this regard need to be clarified as Figure 6: Visual landscape protection infers that most land within the MIP will be affected, which is of concern.</p> <p>Whilst some vegetation along GNH can be retained, and some revegetation may occur, or existing vegetation be retained within existing and proposed drainage areas, it is not reasonable to expect that large areas of vegetation or vegetation screening occur within this area.</p> <p>We would like to clarify the Shire’s expectations in regard to the above matters and would welcome the opportunity to discuss the LPS further with you in due course.</p>	<p>Partially agreed. The intent is to replace the existing ‘landscape protection’ Special Control Area, and provide for landscaping where possible, which usually refers to the front setback area, or verges. This has been addressed in detail within the adopted Design Guidelines.</p> <p>The design guidelines address these factors. The intent of the landscaping is to provide for a ‘softer’ approach to buildings and spaces – not to be the focal point.</p> <p>As above.</p> <p>Individual lots can be assessed on their own merits at the development application stage. Assessment of native vegetation is not the intent of the view corridors.</p>	
<p><b>PUBLIC 4</b></p>	<p><b>THIS SUBMISSION RELATES SPECIFICALLY TO LOTS 78 AND 79 MADDERN ROAD SOUTH, CHITTERING.</b></p> <p>We are the property owners of Lots 78 and 79 Maddern Road, Chittering and provide this submission to the Shire of Chittering Local Planning Strategy which is currently being advertised for public comments. The subject site is identified as having “High Conservation Value Area” to the majority of the western portion of the property and “Rural” to the southern portion.</p> <p>The meeting held with the Shire’s Planning Department supported the possibility to develop Lots 78 &amp; 79 Maddern Road as “Tourism Development”. We understand that as the Land is to retain the current zoning “Agriculture Resource”, the Local Planning Strategy supports Tourism development in the area. The following submission will outline the reasons supporting the Tourism Development in Agricultural Resource zoned land, in particular Lots 78 &amp; 79 Maddern Road, Chittering.</p> <p><b>Background</b> As the property owners, since 2007, we had applied to the Shire of Chittering to rezone Lots 78 &amp; 79 Maddern Road, Chittering from ‘Agricultural Resource’ to ‘Rural Residential’ as depicted in the previous Local Planning Strategy Map. During that period, we had appointed a number of consultancy firms from Town Planning (Planning Solutions) to Environmental (Landform Research) to develop documents to justify our proposal. However this was not supported by the WAPC based on myriad of reasons which we still find hard to accept the reasons behind their decision.</p> <p>The Shire of Chittering throughout the process have been supportive of our proposal but can only present its recommendations with the ultimate decision falling in the hand of WAPC. We understand and appreciate the process and the support provided by the Shire throughout this process.</p> <p><b>Comment</b> <u>Zoning</u> According to the Draft Local Planning Strategy, Lots 78 &amp; 79 Maddern Road is designated as “High Conservation Value Area” to the western portion of the property and “Rural” to the southern portion of the property.</p>	<p>Partially agreed. The wording for tourism industries in the advertised text did not comprehensively address tourism based opportunities such as these. Accordingly, 3.4.3 has been rewritten to reflect the wording in the Shire of Toodyay’s Local Planning Strategy. This rewording will seek to encourage tourism in appropriate locations without the need to apply for rezoning, or be pigeonholed into a tourism zone. More specific reasons are outlined in the modifications schedule.</p> <p>A Local Planning Policy relating to tourism can be drafted to address environmental and infrastructure requirements, among other factors.</p> <p>Noted. This is not proposed to change as there are many benefits to retaining the conservation status to the area of the property containing high value conservation.</p>	



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We understand that the land designated as “Rural” would fall under the zoning of “Agricultural Resource” under the Shire of Chittering Local Planning Scheme No.6. Under the current Local Planning Scheme, Tourism Development is not listed in the zoning table but defined in the scheme as:

*means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide - (AMD 8 GG 30/1/09; AMD 59 GG 01/08/17 )*

*(a) short-term accommodation for guests;*

*(b) onsite facilities for the use of guests; and*

*(c) facilities for the management of the development.*

We note that under “Agricultural Resource” zoning there are a number of various land uses (Attachment 1) that would be at the discretionary approval of Council. In considering the Tourism Development land use, we proposed to include the following land uses which is consistent with the Tourism Development:

Land Use Activities (Proposed)	Zoning Classification (LPS No 6)
<b>Indoor Activities</b>	All these uses would fall under the classification of Private Recreation which is an “A” listed use requiring public advertising prior to Council’s consideration.
Archery	A
Basketball	A
Badminton	A
BB Shooting	A
Baseball launcher	A
<b>Outdoor Activities</b>	
Pushbike Tracks/Trail	A
Children pedal playground	A
Swimming pool	A
Obstacle adventure course	A
Wildflower trail walk	A
Mini putt-putt	A
Golf driving range	A
Tree top look out	A
Viewing/rest platform along ‘meditation’ tracks	A
Mini citrus/olive orchard and produce sale (subject to water availability)	P
<b>Buildings</b>	
Indoor Sport Centre	A
Bar restaurant	A
Reception and hall	A
Conference/wedding hall	A
Farm stay – scattered log cabins	D
<i>Resort accommodation units up to 3 storey To blend-in with rural settings</i>	<i>We request to be included as “A” or “D” Classification</i>
<i>Day Spa and wellness</i>	<i>As above</i>
<i>Tea rooms</i>	<i>As above</i>

The above proposed land uses would be consistent with the proposed Local planning Strategy in promoting Tourism within the Shire as it capitalise on the picturesque rural landscape character of the site.

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<p><u>High Conservation Value Area</u>                  The western portion of the subject site has been identified as having “High Conservation Value Area” and we recognised the need for conserving areas of significant vegetation. According to the Shire’s Local Biodiversity Strategy documentation, in area 5.3, Indicative High Conservation Value Area, the vegetation complexes consist mainly of Mogumber, Mogumber Complex – South, Moondah, Murray2 and Yalanbee 6.</p> <p>An environmental assessment report prepared by Landform Research who we engaged in August 2014 provides a detailed assessment of the vegetation type and condition. The report identified that the subject site contains 34 hectares of Mogumber Complex South, with approximately 12.5 hectares of the 34 hectares in a poor or slashed form.</p> <p>The environmental assessment by Landform Research identified the following key points:</p> <ul style="list-style-type: none"> <li>• <i>The site consists of remnants of a low plateau developed on the Gingin Scarp and remaining in the North West and north of Lots 78 and 79.</i></li> <li>• <i>Some slashing of vegetation has occurred within the western portion of the site for the purpose of fire management through local bushfire brigade.</i></li> <li>• <i>There is approximately 33.5 hectares of Mogumber Complex South located on Lots 78 and 79 and based on field work of the site does not justify this figure.</i></li> <li>• <i>The best vegetation comprises much of the Mogumber Complex South and almost all the Yalanbee 6 which is situated on the breakaway slopes and has high significance from ecological linkage and landscape perspectives.</i></li> <li>• <i>Over Lots 78 and 79, the best vegetation is classified as very good to excellent with a small area of good to very good. The total area is approximately 52.1 hectares. There is also 12.5 hectares of slashed vegetation that has the topsoil retained and the roots in place.</i></li> </ul> <p>The environmental assessment identifies the need to consider the conservation values when deciding on what vegetation complexes to preserve, such as the identification of biodiversity, vegetation quality, linkages, habitat values, long term sustainability and visual attributes to consider when a site is being surveyed for potential conservation.</p> <p>It should be noted that Lots 77, 78 and 79 were part of a parent Lot M1422 and subdivided accordingly sometime in early 2000. This was undertaken to facilitate subdivision of the eastern two thirds of the land and as an act of good will and environmental care, three quarters of Lot 77 was placed under Conservation Covenant.</p> <p>The subdivision was undertaken on the basis that Lot 77 would provide a biodiversity corridor as depicted in the Previous Local Planning Strategy mapping due to the very significant vegetation existing on site at that time.</p> <p><u>Bush Fire</u>                  The subject site falls within the Bush Fire Prone Areas. State Planning Policy 3.7 – Planning in Bush Fire Prone Areas outline the following objectives of this policy:</p> <ul style="list-style-type: none"> <li>• <i>Avoid any increase in the threat of bushfire to people, property and infrastructure. The preservation of life and the management of bushfire impact are paramount.</i></li> <li>• <i>Reduce vulnerability to bushfire through the identification and consideration of bushfire risks in decision-making at all stages of the planning and development process.</i></li> <li>• <i>Ensure that higher order strategic planning documents, strategic planning proposals, subdivision and development applications take into account bushfire protection requirements and include specified bushfire protection measures.</i></li> <li>• <i>Achieve an appropriate balance between bushfire risk management measures and, biodiversity</i></li> </ul>	<p>Understood, however any new development or rezoning application will require an updated assessment on the vegetation as well as a bushfire management plan. Both of these studies will identify an area, if any at all, that can be constructed upon without the unnecessary removal of vegetation.</p> <p>Noted. Per above.</p>	
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	<p><i>conservation values, environmental protection and biodiversity management and landscape amenity, with consideration of the potential impacts of climate change.</i></p> <p>The subject site contains a mix of cleared and degraded vegetation and portion of remnant vegetation in good and very good condition and the detail design of future development over this land can be accommodated to address the Bushfire management of the site. With all development application in Bush Fire Prone areas, this will need to be address at the development process. We are confident that we can accommodate this requirement in our future design given the mix condition of cleared and uncleared bush land on the site based on these guidelines.</p> <p><u>Water Sources</u> The land owner has been advised by the Water Corporation (Attachment 3) that the site has an annual entitlement of 24,530 kilolitres of potable water via surface water bores which would provide the required amount of water to service the service the Tourism Development on this site, Furthermore the water can be supplemented through rain water collection based on the roof catchment for the proposed development.</p> <p><u>Strategic Community Plan</u> Under the Shire of Chittering Strategic Community Plan under S4 - Economic Growth the following objectives and strategies have been adopted:</p> <p><i>Objectives:</i> <i>S4.3 Increased visitors</i> - Visitors are welcome to stay and recreate Improved access and places to visit</p> <p><i>Strategies:</i> <i>S4.3.1 Support and promote accommodation options.</i> This is through the increase in the number of local accommodation options. <i>S4.3.3 Facilitate, promote and support ecotourism.</i> This is achieved by increasing the promotion of the Shire as a tourism destination and increased the number of visitors to the Shire.</p> <p>It is our view that the proposed Tourism Development for this site will achieve the objectives of the Shire. Given its close proximity to Perth Metropolitan area will attract the wider community to venture to the Shire and enjoy the type of experience it can offer.</p> <p>The type of tourist development proposed on the site will attract visitor to stay longer and explore other facilities that the Shire has to offer. It is considered that this type of development will form the catalyst to provide the opportunity for other types of ecotourism to be developed.</p> <p><u>Recommendation</u> We support and commend the Shire of Chittering to develop the Local Planning Strategy by encouraging and promoting tourism development. We are of the view that our proposal put forward to the Shire will further enhance future tourist development within the Shire and therefore recommends that the Shire support the inclusion of Tourist Development in Agricultural Resource zoned land.</p> <p>It is our view that our proposal for a Tourism Development to be included in the Local Planning Scheme through the support of the Local Planning Strategy would benefit the community as it would be aligned with the Shire Community Strategic Plan as outline above.</p> <p><u>Conclusion</u> It must be emphasised that the subject land has been earmarked for future development since it was purchased in 1996 and the land owners have progressed the site for development in providing the necessary report and proposal in developing the properties. It is recognised that there are aspects of</p>	<p>Noted. Rather than identifying individual lots for tourism, the modified intention is to allow tourism based industries within existing zones, where appropriate in accordance with development requirements.</p> <p>Noted and agreed, for the reasons described above and within the list of modifications.</p>	
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	<p>legislations that need to be complied and the owner will ensure these requirements are addressed at the development application stage as have been demonstrated in the number of past proposals put forward for Council’s consideration.</p> <p>For the reason outline above, we request the Shire to consider our proposal and look forward to a favourable outcome.</p> <p>We would be happy to meet with you and discuss our proposals in detail.</p>		
<p><b>PUBLIC 5</b> <b>Steve Pandevski</b></p>	<p>This submission on the content of the draft Shire of Chittering Local Planning Strategy is provided on behalf of Parkwood Properties Pty Ltd, the current owner and developer of Parkwood Springs Estate, Tea Tree Road, Bindoon.</p> <p>We have reviewed the draft Shire of Chittering local planning strategy document that is subject to a public consultation process until 31 October 2018 and we submit the following key points for consideration by the Council of the Shire of Chittering, the Western Australian Planning Commission and the Hon. Minister for Planning in processes wherein the final content of the aforementioned local planning strategy (LPS) will be deliberated and determined.</p> <p><b>Key Points</b></p> <ol style="list-style-type: none"> <li>1. Parkwood Properties Pty Ltd seeks to retain its rural residential subdivision potential of its Bindoon landholding however acknowledges that the proposed “Bindoon Bypass” road has significant implications for its existing approved subdivision configuration having regard for alignment, visual and acoustic impacts. To that extent the preferred approach of Parkwood Properties Pty Ltd is for the LPS to afford flexibility for alternative land uses to be investigated and potentially approved for the land, including (but not limited to) low density residential, commercial uses and/ or tourism uses (or a combination of all if these uses). The final alignment, timing and extent of impact of the proposed bypass road on adjoining lands is not yet known hence a flexible approach to planning under the LPS is certainly considered a necessity from the perspective of Parkwood Properties Pty Ltd.</li> <li>2. There does not appear to be a clear strategy direction for tourism and associated/ancillary land uses applicable to the Bindoon townsite area. It is acknowledged that the draft LPS advocates for the preparation of a Shire wide tourism strategy and that such a strategy will be informed by broader Wheat Belt Development Commission and Tourism WA objectives, however the draft LPS appears incomplete. For example, with reference to <i>E. Planning Precinct, Bindoon 1</i> under the <i>Summary of Objectives, Strategies, Policies and Actions</i> contained within the <i>Executive Summary</i>, Tourism is identified as a strategy; however no policies or actions are attached to it. In fact the draft LPS document appears to be somewhat “light-on” for robust tourism objectives and meaningful actions or policies. Without a more comprehensive and surefooted approach to tourism at this early broad planning strategy stage, it is feared that tourism synergies and opportunities may be missed to the detriment of a future, sustainable Bindoon townsite economy.</li> <li>3. The tourism objective under 4.1 Bindoon is confusing. The intent for tourism within the Bindoon townsite area should be made clear so that there is no conjecture as to whether or not tourism activities are encouraged within the Bindoon townsite by the LPS.</li> <li>4. Currently the strategy identifies residential development and aged persons accommodation as potential tourism activities with the Bindoon townsite. These are not considered typical tourism based uses and certainly would not significantly contribute to a local Bindoon tourism industry. There may be some occasional, incidental tourism income from their use as possibly AirBNB accommodation, but</li> </ol>	<p>Noted. No changes are proposed in respect of the property in question’s allocation as a development lot.</p> <p>Upheld. The wording for tourism industries in the advertised text did not comprehensively address tourism based opportunities such as these. Accordingly, 3.4.3 has been rewritten to reflect the wording in the Shire of Toodyay’s Local Planning Strategy. This rewording will seek to encourage tourism in appropriate locations without the need to apply for rezoning, or be pigeonholed into a tourism zone. More specific reasons are outlined in the modifications schedule.</p> <p>A Local Planning Policy relating to tourism can be drafted to address environmental and infrastructure requirements, among other factors.</p> <p>Tourism strategies, objectives and actions have been rewritten per above.</p> <p>Noted. The provision of lifestyle village is not intended to operate as a tourism facility. Rather such a development has been assessed as a feasible option for the Bindoon towncentre given its close proximity to existing commercial and medical</p>	

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	<p>certainly nothing at a scale that could contribute to sustainable tourism within Bindoon. Which is why the LPS should allow a diverse range of ancillary tourism uses within the Bindoon townsite area, and not just within the „Rural“ zone areas of the Shire. These more convenient, better services and accessible locations (i.e. within the Bindoon townsite) will be pivotal to the sustained success of tourism in the locality.</p> <p>5. The strategy should clearly encourage a planning framework that enables tourism uses to be supported and approved within the Bindoon townsite without the need to first prepare documents and progress complicated and time consuming scheme amendment process tasks. A merit based development application assessment process will ensure timely decisions and will encourage investment, whilst also retaining assurity, affording Council discretion having regard for broader town site objectives, such as amenity, infrastructure, resident population growth and economic sustainability The types of uses (inter alia) that could be considered should perhaps include (but not limited to):</p> <ul style="list-style-type: none"> <li>• A variety of short stay accommodation options from camping sites, caravan sites, cabins and chalets, bed and breakfast to serviced/maintained accommodation;</li> <li>• Guided and unguided walking trails (natural, built form, heritage, etc); and</li> <li>• Local food and beverage industries, eating places, wineries and distilleries which are able to showcase local produce, skills or knowhow.</li> </ul> <p>6. Finally, the LPS acknowledges the economic implications associated with the proposed “Bypass” road. At 1.4 Transport, the LPS states:</p> <p><i>“As part of the proposal process, the Shire undertook research into the affects a bypass could have on the town of Bindoon. In summary, this research concluded that any adverse economic impacts are short term, and that such towns usually and ultimately benefit from a bypass in the long term, provided the population of the town exceeds 2,500 people. Bindoon has a population of 1,063 people, placing it at risk. In addition, the Shire’s proximity to Midland as a major service centre may cause traffic to go around Bindoon to access the better services present there.”</i></p> <p>It is clear that the proposed bypass road and the deviation of vehicle traffic from the core of the Bindoon townsite, given its population demographics, will have significant implications for Bindoon’s economic sustainability. Muchea will become a significant employment node and will also see a significant resident population increase as a result of the employment opportunities. The question is what will Bindoon’s economy be? Will it remain the civic centre? Or will that role also relocate to Muchea? One thing is for certain, the LPS needs to address the economic implications of the bypass road on Bindoon and there are certainly opportunities to maximise the exposure of the bypass road for tourism purposes on adjoining lands, but also to ensure that there are numerous strong (transport/road) connections between the Bindoon townsite and the Bypass road (Tea Tree Road and Bindoon Road).</p> <p>We trust that the content of this submission is substantially clear and we look forward to our comments being integrated in the final local planning strategy document.</p>	<p>facilities. Regardless, the statement made in this submission that the LPS should allow diversification of tourism uses is agreed. The new proposed wording is expected to enhance this preference.</p> <p>Agreed. Per changes above and modifications 14 through 23.</p>	
<p><b>PUBLIC 6</b> <b>Taylor Burrell Barnett</b> <b>(ATTACHMENT 4)</b></p>	<p>We are pleased to present herewith a submission on behalf of Fovea Capital, in response to the release of the Shire of Chittering draft Local Planning Strategy (Strategy). The land the subject of this submission is Lot 20 (No. 1094) Brand Highway, Chittering (subject site) upon which Fovea proposes to develop a silica sands drying, storage, loading facility and associated railway siding (refer Figure 1 – Location Plan). The facilities will occupy only a small part of the rural property, with the balance to continue to be used for rural activities including a continuation of agriculture activities as well as a potential new horticultural cultivation operation.</p>	<p>Noted. The Shire’s preference to limit industrial uses to the MIP remains. However, the demand for uses utilising the existing rail network in conjunction with upgraded roads (Brand Highway to RAV10) is supported. Such access is not otherwise available in such proximity to Perth.</p> <p>While the Bullsbrook Industrial estate is known to be intended for development as a multi-nodal facility, access via RAV10 vehicles will not be available. Notwithstanding, no intention is made neither in this submission, nor overall from the Shire, to</p>	

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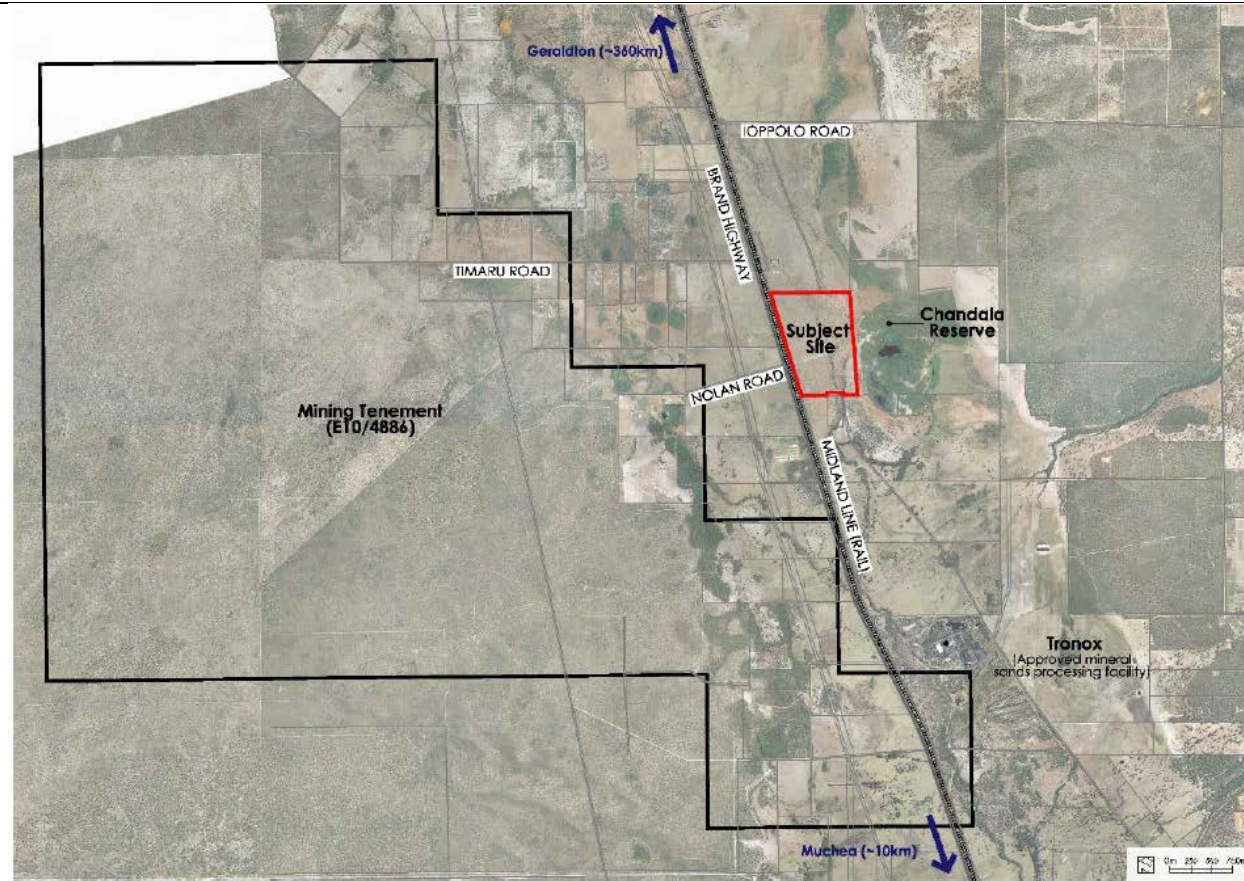


Figure 1 Location Plan

While the scale of the silica sands drying, storage and loading facilities is quite modest, the current nature of the draft Strategy tends to generally presume against non-rural uses within the Rural land classification, as explained further below. We are of the view that there is a compelling rationale for locating the proposed use in this location, and we propose a modification to the draft Strategy to ensure that it can be contemplated under the strategic planning framework.

To support our submission, we have prepared a report, which we enclose with this submission for the Shire’s internal information only, explaining the proposed operation in some detail, as well as the locational merits of the site.

We also advise that our client proposes to lodge a Scheme Amendment Request, in the near future, in order to enable the proposed processing facility to be approved under the Shire’s Local Planning Scheme. Importantly, it is not our client’s intention to change the zoning of the land from its existing Rural zone, as they intend that the overall use and character of the land will remain predominantly rural.

**PROPOSED MODIFICATION TO THE LOCAL PLANNING STRATEGY**

Section 3.4.1 (Rural Land), Objective 2, Action (ii) of the Strategy, states that it would ‘require that land use change from rural to all other uses be planned and provided for in the Local Planning Strategy Map’. This raises a matter of process, where a development proposal, such as our client’s, would potentially require recognition in the Strategy before it could be considered for Scheme Amendment or Development Approval. If not identified in the Strategy It would then be incumbent on applicants to seek an amendment to the Local Planning Strategy Map before a Scheme Amendment of Development Application could be considered.

The subject site is shown as ‘Rural’ on the Local Planning Strategy Map, and the Strategy, in its current

identify the land in question for Industrial zoning.

Rather the optimum outcome is to provide a broad statement on land that is capable of rail access for industrial purposes may apply to gain special/additional uses over the land where multi-nodal uses are proposed.

Such wording and site specific circumstances can thereafter more easily regulated and limited without undermining the MIP or the Bullsbrook Industrial Estate; while benefits the Shire’s economic drivers by providing diversity in business opportunities.

Revised wording of 3.4.2 Industrial land use Actions iv) to read:

“Facilitate limited industrial uses in the ‘Agricultural Resource’ zone where they are primarily related to primary production or is solely reliant on multi-nodal connection.” (per modification 12)

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	<p>form, would bring into question whether the proposed development could, in future, be considered as it is not “planned and provided for in the Local planning Strategy Map”. Clearly, it would be inappropriate to reclassify the site as ‘Industrial’ similar to the Tronox facility to the south, as the predominant use of our client’s site is intended to remain rural.</p> <p>In the context of a Local Planning Strategy, Rural areas should have sufficient land use flexibility to enable alternative commercial initiatives to be able to be considered on their merits, where such uses would not conflict with or undermine the rural objectives of the Scheme.</p> <p>There are a number of ways that this procedural issue could be resolved; in our submission we present three alternative approaches:</p> <p><b>1. Identification of the proposal on the Local Planning Strategy Map</b>          Our preferred approach is to seek the Shire’s agreement to specifically identify the site on the Local Planning Strategy Map. This would recognise its future intended use for the proposed non-rural uses, in line with the expectation under section 3.4.1. The site could be annotated as follows: “potential site for Silica Sands drying, storage and loading facility, subject to further investigation”.</p> <p>We believe that the information in the attached technical report provides adequate demonstration of the planning merits of the location for the intended use. Adding a proviso that it is “subject to further investigation” enables the Shire to reserve its final determination of the proposal until a more detailed proposal, with detailed analysis, is presented.</p> <p><b>2. Amended Strategy Action</b></p> <p>If the proposed use for the subject site cannot be identified on the Local Planning Strategy Map, an alternative approach is to <b>amend</b> Section 3.4.1, Objective 2 on page 32 of the draft Local Planning Strategy to read as follows:</p> <p><b>Objective</b>          2) Preserve rural <b>zoned land</b> for rural <b>and compatible non-rural</b> uses.</p> <p><b>Strategy</b>          a) Recognise rural land as a key asset for the Shire, specifically land north of Bindoon townsite.          b) Undertake a review of the Local Biodiversity Strategy to ensure retention of indicative high conservation value areas within the rural areas.</p> <p><b>Actions</b>          i) Retain land identified as rural in the Local Planning Strategy Map (Figure 1) to provide for existing and future primary production and to <b>cater for a wide range of land uses that may support small-scale tourism, regional facilities, basic raw material extraction, processing and storage, environmental protection and cultural pursuits.</b>          ii) Require <b>Allow for incidental and compatible</b> that land use <b>on land identified as rural</b> change from rural <b>recognising that rural land is intended to be a flexible zone for a range of land uses and that the zone can also accommodate natural landscape values and environmental considerations.</b> to all other uses be planned and provided for in the Local Planning Strategy Map (Figure 1).          iii) Prevent the unplanned creation of new or smaller rural lots.          iv) Recognise and accept the impacts that well-managed primary production has on rural amenity.          v) Avoid industrialisation of productive rural <b>priority agricultural</b> land by amending Local Planning Scheme No.6 to change the permissibility of 'Transport Depots' and 'Warehouse/Storage' to 'X' uses in the 'Agricultural Resource' zone.</p> <p>We note that the actions in the Strategy are somewhat replicating provisions contained in section 5.1 of</p>		
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	<p>the SPP 2.5 Rural Planning. However, this section of the Local Planning Strategy currently is written to limit the flexibility of rural land and inhibits the potential opportunities for emerging land uses to be considered and introduced within the ‘rural’ zone, thereby also inhibiting the ability to support other economically and socially beneficial initiatives. We would argue for a strategic action that is more consistent and in alignment with the objectives of State Planning Policy 2.5 – Rural Planning (SPP 2.5 Rural Planning) and the Planning and Development (Local Planning Scheme) Regulations 2015.</p> <p>The intent of this modification is to enable the Shire to consider additional uses on rural land based on their merits and compatibility with the rural zone, without the need for amendments to the Local Planning Strategy.</p> <p><b>3. Removal Strategy Action</b></p> <p>If neither of the first two options are supported, a third option is to simply remove Action (ii) from Section 3.4.1, Objective 2, of the Strategy.</p> <p>The information provided in the attached report highlights, among other things, the sound reasons why this nature of use should reasonably be located within a Rural zoned area, close to the raw material and strategic transport infrastructure, as well as the economic benefits of this investment to the district community. It also considers various other elements of the Strategy, and their suitability in regards to the objectives of the state and local planning framework.</p>		
<p><b>PUBLIC 7</b></p>	<p>After reviewing the Draft Chittering Local Planning Strategy, I have some concerns. These include:</p> <ul style="list-style-type: none"> <li>• What is the effect of the designation “strategic mineral” describing the bauxite shown over our property in the LPS?</li> <li>• If it’s covering “minerals to owner” land, how can a third party (the Department of Mines or the Shire) decide that something I own is a “strategic mineral” without purchasing my mineral rights or my property?</li> <li>• Anyone interested in purchasing my property, or an adjacent property, is likely to interpret Figure 10 as showing an intention by Government to mine the bauxite minerals in the future. What do I tell such a prospective purchaser?</li> <li>• How does the community manage the planning “blight” created by Figure 10 in relation to the widespread strategic bauxite deposits shown?</li> <li>• How can bauxite deposits that have never been mined and have been found to be uneconomic and/or environmentally un-mineable on 4 separate occasions since the 1970s be described as “Strategic minerals” without our agreement?</li> <li>• Given the vast numbers of Chittering landowners affected by Figure 10 both directly and indirectly, we require the Minister/Dept of Mines to explain clearly to us:             <ul style="list-style-type: none"> <li>○ its intentions in relation to these bauxite deposits, including a timeframe;</li> <li>○ the effect of the designation “strategic mineral” on the property and mineral rights of an affected “minerals to owner” landowner or other landowner who does not consent to mining under the Mining Act; and</li> <li>○ how is this not creating a blight on their properties and large parts of the Chittering community.</li> </ul> </li> </ul>	<p>Answer per dot point in submission</p> <ul style="list-style-type: none"> <li>• the word “strategic” is general, not specific to bauxite. However this is recommended to be removed.</li> <li>• The “strategic” in mineral more relates to its uses and value to the State rather than an identifier for the Shire or the department responsible for mining.</li> <li>• That is not the intent of Figure 10. Rather it is intended to identify which lots will have minerals to owner rights, meaning the landowner must make application.</li> <li>• Council has a general presumption against mining and minerals to owner extractive industries.</li> <li>• See above.</li>   <li>• The questions are not answerable in this context as they do not purport to require Council’s input..</li> </ul>	



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<p><b>PUBLIC 8 CBH Group</b></p>	<p>Co-operative Bulk Handling (CBH) supports the Shire of Chittering’s (Shire) Draft Local Planning Strategy as it relates to economic growth in the Shire. CBH supports the Shire’s objective in assisting landowners to progress planning arrangements for the Muchea Industrial Park, facilitating development in the area and realising economic contributions to the region.</p> <p>As you will be aware, CBH is exploring potential development options within the Shire, which are still subject to due diligence and a decision to proceed. CBH would request that as part of the Draft Local Planning Strategy that the Shire consider the ability for landowners to submit Scheme Amendments to permit an Additional Use on land with a particular zoning under certain circumstances, following consultation with the Shire and/or the Development Assessment Panel and an advertised public consultation period. In our specific case, this would include the option to apply for a Scheme Amendment to permit an additional use for the construction of an intermodal terminal (container packing) for mineral sands / general freight, in addition to a grain receival site and related primary production industries.</p>	<p>Noted. The Shire’s preference to limit industrial uses to the MIP remains. However, the demand for uses utilising the existing rail network in conjunction with upgraded roads (Brand Highway to RAV10) is supported. Such access is not otherwise available in such proximity to Perth.</p> <p>While the Bullsbrook Industrial estate is known to be intended for development as a multi-nodal facility, access via RAV10 vehicles will not be available. Notwithstanding, no intention is made neither in this submission, nor overall from the Shire, to identify the land in question for Industrial zoning.</p> <p>Rather the optimum outcome is to provide a broad statement on land that is capable of rail access for industrial purposes may apply to gain special/additional uses over the land where multi-nodal uses are proposed.</p> <p>Such wording and site specific circumstances can thereafter more easily regulated and limited without undermining the MIP or the Bullsbrook Industrial Estate; while benefits the Shire’s economic drivers by providing diversity in business opportunities.</p> <p>Modification 12 refers.</p>	
<p><b>PUBLIC 9</b></p>	<p>As to the following noted pages we comment as follows:</p> <p>P.7. Map Should have the towns etc in Chittering shown</p> <p>P.8. New Bindoon by-pass</p> <p>P.11. Rural Land use 4th. Para: the tacking on of ‘extractive industry’ to this para. is is not sensible without a detailed explanation circumscribing strict limits.</p> <p>P.13/14. Para 1 in page 14 talks of further controls and needs to have a brief description of what effects etc these controls to be implemented will have otherwise no one will get it right. It says that identification of resources doesn’t mean they are ok to extract but this document and the maps need to make this much more evident.</p> <p>P. 14. Mining. The minerals to owner reference is too vague and needs a re-write.</p> <p>P.15. Can we please have a verb here as without it the words are meaningless.</p> <p>P.23. The concept of encouraging private conservation covenants is excellent but not enough is said as to what the shire intends to do to implement this. Unless it s clearly stated it will be lost. Such things as increased development rights, reduction in rates, and Shire works to facilitate implementing the covenants etc. could be considered. It is also absolutely basic that the shire will create rules that prevent covenanted land from subsequent imposition of a buffer zone to support industry which has occurred in the past. It must be in the shire planning that this prohibition is contained to prevent the over ruling by a SAT decision. It should also cover all land of high conservation value as well.</p>	<p>The towns are identified on the subject map.</p> <p>Not upheld. This is general statement on existing activities on otherwise rural lands.</p> <p>Not upheld. These are introductory statements rather than actions and definitions.</p> <p>P.14: Not upheld. Once again, these are introductory statements. They are not intended to address the issue in detail at this point, rather to state the LPS will address the issue in more detail.</p> <p>P.15: The vision statement is directly taken from the Strategic Community Plan. It cannot be changed through this LPS.</p> <p>P.23. Partially agreed. 3.3.1 Objective 2 Actions iv), v) and vi) seek to protect indicative high conservation areas. Additionally, the review of the Local Biodiversity Strategy will serve to support the protection of conservation areas. It should be noted that ‘buffers’ are indicative sensitivity areas supplied by DWER. The Shire maintains setback requirements, which is addressed in the LPS. Thus the comments are generally agreed, however no change is recommended.</p>	

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	<p>P.27. Normalisation should be clearly explained so everyone reading the document knows what it means.</p> <p>See also: Actions (vi). This para should have 'extractive industry' as well as the words 'industrial use'.</p> <p>P.29 and P.30. Basic raw materials. No where here are stated the concepts raised in Ps.13 and14 above to protect other competing uses and significant areas etc. This is the part where such things must be made clear. Here is the place for the restrictions mentioned in the para.23 comments above.</p>	<p>Noted. The sentence is effectively self-explanatory – the Ag Resource zone is intended to be homogenised with the P&amp;D Regulations. Its an action for the Shire, not necessarily a direct impact upon landowners.</p> <p>Not upheld. The Shire is required to allow through discretion basic raw material extraction in accordance with SPP2.5.</p> <p>Not upheld. This is addressed in Actions iii) to vi).</p>	
<p><b>PUBLIC 10</b></p>	<p>I have found what I believe are inaccuracies in some of the maps that may be important</p> <p>My main concerns are; 1) the regulations that are put in place to control mining and extractive industries and 2 ) to address the "owners to mineral" situation which very few seem to understand.</p> <p>There are comments about tourism and housing precincts and then mining and extractive industries. Surely the two cannot coexist with as quoted-noise, dust, environmental degradation (including impact on local water sources), visual impact and vibration. As well as movement of many extra vehicles and deterioration of roads. Strict regulations taking advantage of using the tools we have (mineral to owners), should be put in place to minimise the impact to our area.</p> <p>&lt;REDACTED&gt; and &lt;REDACTED&gt; have been working hard with the Council over the last few months on this draft. Their knowledge of the removal and associated results of materials of any form within the Shire is huge, as is the knowledge they have about the Shires legacy of "mineral to owners".</p>	<p>Agreed. The strategy is recommended to be updated to better differentiate and strengthen Council's position on Mining and Minerals to Owner extractive industries.</p> <p>The Strategy states better controls should be investigated and implemented. This would include prevention of incompatible uses adjoining each other.</p>	
<p><b>PUBLIC 11</b></p>	<p>Thank you for the opportunity to have input into the draft LPS. In this submission I have raised a number issues that I believe are of importance to reasonable implementation of the strategic intent outlined in the document, the risk exposure where current data and forecasts are relied on to project out over extended time horizons and the availability of essential service infrastructure that underpins the strategic forecasts.</p> <ol style="list-style-type: none"> <li>1. The published draft LPS does not identify the life of the strategic document that is relied on to make relevant planning decisions under the Shire scheme provisions. It is my understanding that current data and forecasts in the published '<i>Regional land supply assessment report, June 2018</i>' would have a reasonably high reliability for a period of up to 5 years, a moderate reliably for a 5 – 10 year time horizon and anything over 10 years would be speculative</li> </ol> <p><b>Recommendation:</b> The WAPC and Shire give consideration to clearly identifying the time horizon of the LPS being limited to 10 years – 2018 to 2028.</p> <ol style="list-style-type: none"> <li>2. The '<i>Regional land supply assessment report, June 2018</i>' at table 3 – development outlook, lists a number of land development intensification proposals that may or may not require appropriate scheme amendments, with a significant number being legacy conditional approvals that have not progressed to the creation of titled lots, with a number of the referred to lots falling into the moderate to speculative reliability time horizon. It would be helpful to identify the conditional approval and expiry dates of the identified development proposals to gain a reasonable understanding and reality check on lots that are likely to be available within a ten year time horizon to support the population forecast for that same time period.</li> </ol>	<p>Partially agreed. The LPS has been drafted to be applicable until most, if not all, objectives have been met. This way the LPS stays current. Notwithstanding, in line with the P&amp;D Regulations 2015, the LPS can be amended to stay relevant as required. The Regulations do not require a time limit.</p> <p>Council is considering its options and abilities in relation to creating consolidated settlements with appropriate servicing, though separate means from the review of this LPS. Currently structure planning and subdivision in appropriately zoned areas have been undertaken in a manner consistent with the applicable standards and regulations. This does not preclude further detailed planning for areas that have essential services available where demand exists for consolidated settlement areas.</p>	

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	<p><b>Recommendation:</b> The Shire surveys all the table 3 identified development proponents to ascertain their intent to progress their development, when subdivision plans will be lodged for approval and when titled lots will be created. The Shire includes its findings as a table in the LPS to guide the strategies outlined in the LPS.</p> <p>3. The <i>'Regional land supply assessment report, June 2018'</i> identifies that the availability of essential water supply and sewerage servicing by licensed providers to developments in the Shire is potentially a fatal flaw to facilitating the projected land supply availability to accommodate the projected population and economic growth. The report identifies that known water resources are fully allocated. An additional constraint will be the Department of Water and Environmental Regulation's current review of water resource allocations and the impact of a drying climate on those allocations, with the current position being that water resource allocations are likely to be reduced within the LPS time horizon. Within a drying climate and variability in rainfall occurrence and intensity, significant pressure is placed on residents relying on rainfall capture and storage to satisfy their normal living requirements. The WAPC published SPP 2.5 – Rural Planning, December 2016, identifies that <i>'the development cannot proceed if an acceptable supply of potable water cannot be demonstrated'</i>. Other reports have identified that an average household of 2.8 people consumes an average of some 275,000 litres per annum of drinking water for in-house usage. The current minimum rural living rainwater storage of 120,000 litres is clearly not adequate to service average in-house usage, with no allowance for ex-house usage. The Shire and the State may be exposed to a legacy issue of allowing un-serviced rural living developments in the first instance, where drying climate impacts are likely to significantly impact on resident health and wellbeing, in circumstances where no reticulated drinking water supplies are connected to rural living lots.</p> <p><b>Recommendation:</b> The WAPC and Shire undertake a risk assessment and mitigation analysis of the impacts of a drying climate, reduced water allocation resources, the disbursed nature of low density settlement areas that require provision of essential water related services, the interest of any existing or potential licensed service provider undertaking the significant costs to prove to the Economic Regulation Authority that a service proposal is economically viable and sustainable and conforms to its regulatory licensing requirements, the current practice and costs of transporting significant volumes of drinking water to rural living developments from Water Corporation scheme standpipes and public pressure for the provision of reticulated drinking water supplies to existing rural living developments, publishing the results of that analysis as relevant information to inform the final approved LPS.</p> <p>4. The draft LPS appears to be orientated and biased towards supporting the further development of Bindoon, to support, given the population demographic, a retirement town in competition with other Wheatbelt towns in reasonable proximity to Perth. The strategic planning intent may be to use the planning regime to ameliorate the impacts that may occur with the proposed construction of the Bindoon bypass highway. However, the presumption of Government subsidised water supply servicing, consistent with the WAPC 2008 advice to the Shire, and the significant capital costs of upgrading and expanding the current system would appear to be restricted and limited by the commercial arrangement between the Shire, Water Corporation and a third party water allocation licence holder. In addition, the complexity of sewerage servicing to land directly abutting the registered sensitive Chittering lake system is as yet unresolved.</p> <p><b>Recommendation:</b> The Shire gives further consideration to the current and likely significant constraints and limitations on essential water related servicing to the existing Townsite, proposed developments</p>	<p>Indeed, the Shire is capable of discussing development opportunities and incentives (such as increased density) where a net benefit exists.</p> <p>Partially agreed. A risk assessment is one way of future proofing the sustainability of the Shire. However, there is no current mechanism available to the Shire to force connection to privately operated infrastructure. This can be done at subdivision/structure planning stage if the landowner/developer chooses to undertake such measures.</p> <p>This LPS does not intend to override the requirement of any SPP. This requirement is thus a matter for the WAPC to review. Notwithstanding, it should be noted that all rural-residential development in Lower Chittering has been approved with cognisance that no reticulated water supply was available.</p> <p>Noted. The Shire and the WAPC could undertake such an assessment, however this would not foreseeably result in the forced connection to trunk infrastructure such as a reticulated water supply or sewerage system.</p> <p>Partially agreed. The draft LPS makes it abundantly clear that the focus for consolidation of residential development is to occur in Bindoon. The reasons are based on State Planning Policies.</p> <p>The Shire is aware that the water availability in Bindoon is restricted and all but fully allocated. Other opportunities may be available for industry should a licenced provider become available to supply essential services.</p> <p>Partially agreed, per above. The Shire would prefer that a reticulated water supply was available, however, SPP2.5</p>	
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<p>within the Townsite and the expanded Townsite planning area that may be a fatal flaw to development occurring within the LPS time horizon.</p> <p>5. The Lower Chittering planning area, more particularly Maryville Downs Estate and surrounds, with the significant youngest population demographic, would appear to gain a passing mention within the draft LPS. There is currently a lack of appropriate structured linkages between the various rural living estates that would allow for the orderly evacuation of areas in the event of bush fire threats. The draft LPS has put forward the proposition of consolidating existing approved developments, with further land development intensification within a Lower Chittering planning area being denied on the basis that adequate rural living lots are available into the foreseeable future. As mentioned at [2] above it is unclear whether conditionally approved development proposals in the locality will be realised within the LPS time horizon or at some future point in time.</p> <p><b>Recommendation:</b> The WAPC and Shire give consideration to strategic rural living infill linking Wandena Estate, Old Winery Estate and Maryville Downs Estate.</p> <p><b>Recommendation:</b> The Shire investigates funding mechanisms to complete the strategic road linkage between Santa Gertrudis Drive and Madden Road that would allow an alternate evacuation route in the event of bush fire threat.</p> <p>6. The Maryville village centre is identified as an existing settlement area. The existing Immaculate Heart College has been granted conditional approval to expand the College, to enable offering educational support up to year 12. To address current land constraints and essential servicing the Shire and College have entered into negotiations with the view to mutually addressing those constraints. The Shire is currently progressing a significant sport and community facility adjoining the College site. In addition, the village centre entertains the prospect of providing commercial retail servicing. The locality has been identified as a sewerage sensitive landform, leading to a conclusion that conventional wastewater disposal by septic tanks and leach drains is not a viable means to dispose of wastewater generated from the developments. Individual ATU systems to treat and dispose of wastewater from each site may go some way to addressing the issue, however, the capital and ongoing operational and maintenance costs for a number of ATU's in close proximity to each other may be more properly addressed by a centralised facility under professional management.</p> <p>It has been established that high quality water resources are available to support reticulated drinking water supply servicing to the existing and proposed village centre developments. There is currently a serious proposal to provide integrated water related servicing by a licensed water provider, encompassing drinking water supply, non-potable water supply and sewerage servicing to the site, utilising centralised treatment facilities. However, to provide timely least cost economically viable and sustainable servicing there would be advantages to individual customers combining resources for scheme servicing, where the planning framework makes provision for further urban type development within a distinct planning precinct area.</p> <p><b>Recommendation:</b> The WAPC and Shire give consideration to the creation of a distinct 'Maryville Village Precinct' within the Lower Chittering planning area, encompassing the existing College/Church site, commercial retail site, Shire sport and community facility site and Maryville Downs Estate stage 12 development area, that sets a planning framework permitting further land development intensification,</p>	<p>controls the mechanisms which such a supplier does not exist.</p> <p>Agreed. The intention of Figure 12 (Bushfire Risk Management) is to provide incentives to improve linkages and safety from bushfire.</p> <p>As referred to, above, this LPS does not seek to maintain an expiry date or timeline for developments.</p> <p>Agreed. Figure 12 of the LPS and SPP3.7 apply in this aspect and thus no further change is recommended.</p> <p>The Shire does not have the power to resume land for the purposes of building a road. Rather it relies upon development to guide roads.</p> <p>Agreed. This aspect is being progressed through separate means until such time that a reticulated water supplier becomes available and that the appropriate mechanisms in place to ensure the sustainable futures for the sports facility and the school.</p> <p>Agreed, however the creation of a distinct 'Maryville Village Precinct' is a significant change, and is thus being considered as part of a separate project in the interim, as described above.</p>	
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	<p>subject to water supply and sewerage servicing by a licensed service provider.</p> <p>7. The draft LPS is silent on how the Shire proposes to manage the significant freight logistical interface in the Muchea locality. The underpinning Perth and Peel @ 3.5 Million- the transport networks, March 2018 and the Western Australian regional freight transport network plan, interfacing at the Muchea locality, appear to be documents produced with 'silo' boundaries, with limited if any reference to the road and rail interface transition zones.</p> <p>It is recognised that the impending opening of the NorthLink WA freeway project in mid 2019 will place additional pressures on creating an appropriate planning framework to assist the freight and allied businesses establish at the locality to support an efficient and effective road freight logistics hub.</p> <p>Rail crossing bridges for the NorthLink WA project have been designed for double stacked container transport, however, the current constraint is the existing narrow gauge rail network that limits this type of freight movement. The State has been approached with a request to give consideration to upgrading the rail network from Middle Swan to Muchea, by the addition of a third rail, to allow standard gauge rail container traffic access to the Muchea Industrial Park for freight destined to the north of the State. The State has also identified that mechanisms to deal with traffic congestion at and around the Fremantle Port container facility is a work in progress, with the State offering subsidies for increased usage of the rail network to transport containers to and from the site.</p> <p><b>Recommendation:</b> The WAPC and Shire give consideration to fostering a planning environment for the creation of an intermodal rail freight terminal facility, adjacent to the existing narrow gauge rail line passing through Muchea, on an area of land between the Tronox industrial processing facility to the North, the Muchea townsite boundary to the south, with integrated access to the new Brand Highway link road, providing for direct access to the MIP. In addition, consideration be given for the co-location of bulk grain handling facilities at the same sight.</p> <p><b>Recommendation:</b> The State and Federal Governments give serious consideration to upgrading the narrow gauge rail network from Middle Swan to Muchea, by the addition of a third rail, to accommodate double stacked container transport on a standard gauge rail network.</p> <p><b>Recommendation:</b> Within the draft LPS the WAPC and Shire sets its strategic aims and objectives on a presumption that the State and Federal governments will work collaboratively for the timely delivery of a rail network upgrade, terminating at the Muchea intermodal freight terminal facility, providing the opportunity for business investment in the terminal facility and Muchea Industrial Park</p>	<p>Noted and agreed. This has been addressed in change 12.</p>	
<p><b>PUBLIC 12</b> <b>RobertsDay</b> <b>(ATTACHMENT 5)</b></p>	<p>RobertsDay acts on behalf of the landowners of Lots 201 &amp; 203 Jenjoda Road, Lot M2117 Julimar Road and Lots 1 &amp; 102 Lower Chittering (herein referred to as the subject lots) in lodging a submission on the Shire of Chitterings draft Local Planning Strategy 2018.</p> <p>RobertsDay objects to the draft Local Planning Strategy (draft LPS) as advertised on the following basis:</p> <ul style="list-style-type: none"> <li>• The subject lots are designated as 'Indicative High Conservation Value Area' under the Local Biodiversity Strategy based on high-level regional scale photographic analysis mapping;</li> <li>• The Local Biodiversity Strategy requires further detailed ecological assessments prior to decisions made on future land use and zoning;</li> <li>• No further site specific assessment was undertaken to inform the 'High Conservation Value Areas' in the draft LPS;</li> <li>• An independent site specific assessment of the land does not support the identification of the subject</li> </ul>	<p>Noted and generally agreed. The Biodiversity Strategy is being reviewed as part of, and independently of the LPS. The findings within the LBS will better adjudicate whether the properties addressed in the submission have sufficient ecological merit.</p> <p>The importance of identifying biodiversity in the LPS is sufficient to have it remain as a key figure within each of the relevant maps. However, the LPS does note that the LBS is the guiding document for considering whether a property has sufficient merit in its IHCA.</p>	

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	<p>lots as being conservation value;</p> <ul style="list-style-type: none"> <li>• The designation of subject lots as High Conservation Value is inconsistent with the existing rural activities and cattle grazing operations which are supported by the draft LPS; and</li> <li>• Rural activities and operations on the subject lots should be allowed to continue, without the restriction of a conservation designation.</li> </ul> <p><b>1.0 Overview</b></p> <p>Lots 201, 203, M2117, 102 and 1 are located in the south east of the Shire in the Chittering Valley and comprises an area of approximately 1187ha (refer Attachment 1). The properties are zoned 'Agricultural Resource' in the Shire of Chittering Town Planning Scheme No. 6.</p> <p>Under the draft Local Planning Strategy (draft LPS) the subject lots are identified as 'High Value Conservation', which has been determined based on high level mapping analysis in the Local Biodiversity Strategy which identifies the subject lots as 'Indicative High Conservation Value Areas'.</p> <p><b>2.0 Local Biodiversity strategy (2010)</b></p> <p>The Local Biodiversity Strategy identifies 57 sites as likely to be high conservation value and worthy of future ecological assessment. These sites are called 'Indicative High Conservation Value Areas'. The intention being that the Indicative High Conservation Value Areas, or portions of them, should:</p> <ul style="list-style-type: none"> <li>• Be priorities to achieve the Local Biodiversity Strategy targets for protection of vegetation complexes found within the Shire;</li> <li>• Be high priorities for <u>protection within open space if they are within Local Planning Scheme zones with subdivision potential</u>; and</li> <li>• Be priorities for subdivision incentives, where the natural areas can be protected under <u>conservation covenant and zoning</u>.</li> </ul> <p>These objectives directly relate to the draft Local Planning Strategy which will be used to set out the framework and direction to support the operation of a new Local Planning Scheme and rationale for land use planning decisions by the Shire.</p> <p>To ensure better representation of all vegetation communities within the Indicative High Conservation Value Areas, new areas were added using the following criteria:</p> <ul style="list-style-type: none"> <li>• Achieve better representation of all regionally and locally significant vegetation complexes to increase opportunities to protect or retain at least 10% and where feasible closer to 30% of the or 30% of the originally extent of the vegetation complex;</li> <li>• Vegetation within the newly selected areas needed to be in good or better condition, except where no or limited other opportunities exist at regional or local scale;</li> <li>• Ensure all natural areas with records of significant flora and fauna and ecological communities were identified as Indicative High Conservation Value Areas; and</li> <li>• Increase connectivity between patches of native vegetation by retaining natural areas within regional and local ecological linkages.</li> </ul> <p>The sites were broadly identified through regional scale aerial photo interpretation and desk-top analysis. The general integrity of the vegetation on these sites was confirmed by the staff of the Chittering Landcare Group, <u>with recommendation for further ecological assessments of all sites prior to final decisions made on future land use</u>.</p>		
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A further disclaimer states all mapped information should be verified on-ground to ensure its accuracy at any particular site. Any decision relating to the retention, protection or management of a Local Natural Area should be supported by site-specific assessments using recognized standard formats.

**3.0 Draft Local Planning Strategy**

The draft LPS has been directly informed by the Local Biodiversity Strategy 2010, which identifies the subject lots as 'High Conservation Value'.

**The draft LPS replicates the content of the Local Biodiversity Strategy, with no further detailed assessment of the Indicative High Conservation Value Area's undertaken, as recommended in the Local Biodiversity Strategy.**

As such, the landowners of the subject lots have commissioned Bowman & Partners Environmental Scientists/Independent Verifiers to undertake this site specific assessment.

**4.0 Bowman & Partners Assessment**

An assessment of the subject sites was undertaken by Bowman & Partners to investigate the technical veracity of the designation of the subject lots 'Interim High Conservation Value Areas' in the Local Biodiversity Strategy (refer Attachment 2). This work concludes that in general most of the land surveyed did not possess high quality vegetation in terms of its condition as determined by the Keighery Scale, due to the impacts on understory vegetation of cattle grazing.

The Environmental Protection Act (EPA) has a conservation target for regional vegetation complexes to protect 30% of pre-European settlement area of each of the vegetation complex in regional areas the south-west of the state and 10% formally protected in conservation reserve. The Local Biodiversity Study compares the status of each of the 30 vegetation complexes which occur in the Shire of Chittering to this target.

Bowman & Partners investigation identified that the subject lots predominantly contain Yalanbee and Cooklakin vegetation complexes, with a possible small area of Michinibin vegetation complex in the south east of Lot 203. As stated in the draft LPS more than 30% of these vegetation complexes remains and more than 10% are formally protected at a regional scale. **Therefore, none of the vegetation complexes found within the subject lots are under-conserved in the context of the EPAs regional conservation targets for vegetation complexes.**

Vegetation condition was determined by reference to the Vegetation Condition Scale (adapted from Keighery 1994 and Trudgen, 1988) set down in the Department of Environment and Conservation (2009) publication "Native Vegetation Condition Assessment and Monitoring Manual for WA".

The Local Biodiversity Strategy has mapped the vegetation of the land in the Shire of Chittering at district to regional scale, from high level aerial photography. In contrast Bowman & Partners has undertaken more detailed and site specific on-site survey, targeted at vegetation condition, in order to validate the veracity of the existing regional scale mapping.

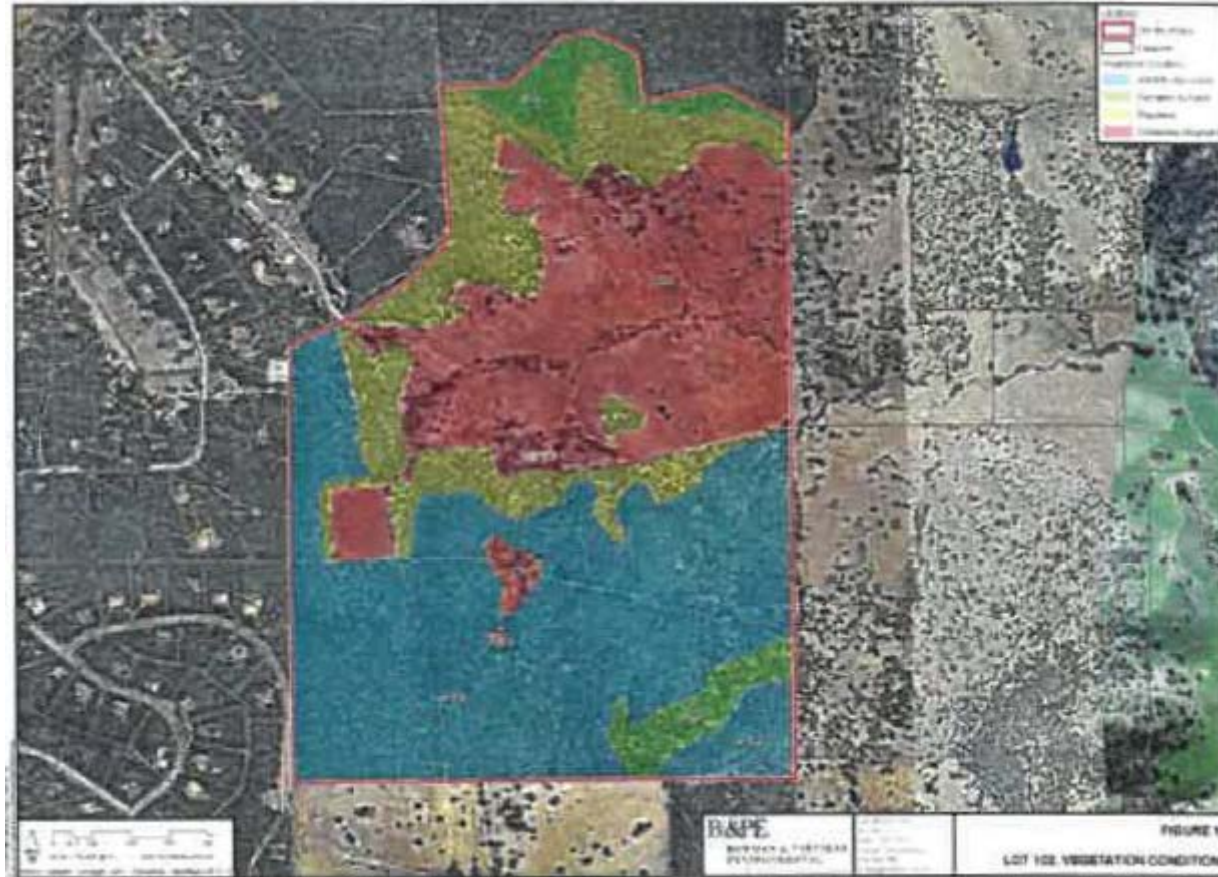
The assessment of areas with high conservation value has been made referring to general factors including the land area. Further assessment is then made with reference to the types of vegetation complexes which occur within the Shire, and the degree to which each specific complex is currently protected in reserves consistent with State Government conservation policies for native vegetation in rural area.

The key findings from this on-site survey are summarised as follows for each of the subject lots (refer

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Attachment 3):

Lot 102: Approximately 50% of the lot can be recognised as Completely Degraded to Degraded vegetation on the basis of clearing, and grazing of cattle within areas which have retained their overstory tree vegetation but have lost most or all of the ground level vegetation.



Lot 1: Does not appear to have been used for grazing for at least several decades, and consequently a large portion of the land has been mapped as Good to Very Good vegetation condition. In the north of the site there is a band of vegetation which is mapped as Degraded to Good condition on the basis that ground level flora is absent or very low coverage and in places there is extensive bare ground.

The landowner of Lot 1 has prepared a supplementary submission in response to draft LPS (refer Attachment 41).





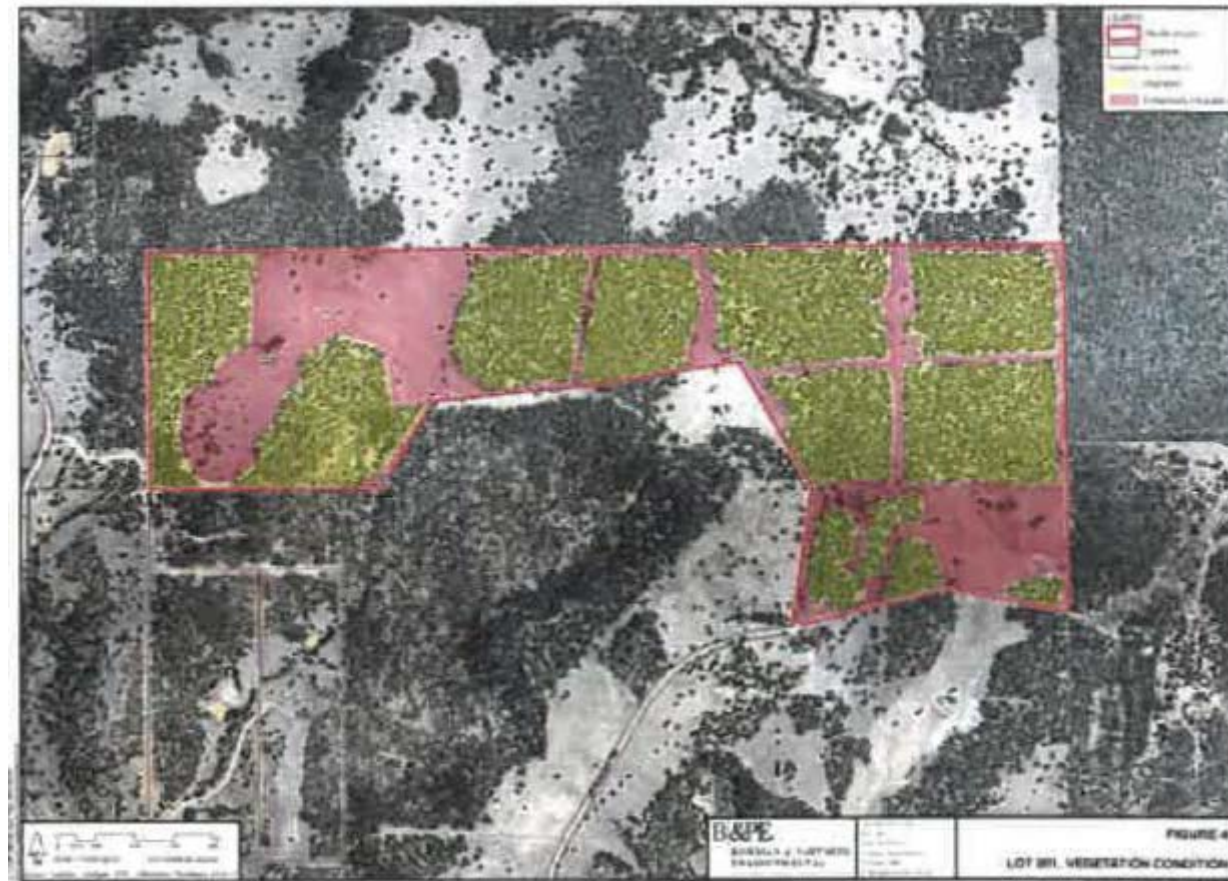
Lot M2117: Approximately 50% has been completely cleared and is under pasture, with occasional remnant stands and old individual trees of Jarrah. These areas have been mapped as Completely Degraded. The balance of the land has been heavily grazed over long periods of time and there has been very significant understory loss as a result through the vast majority of the site



Lot 201:

Approximately one-third of the land has been completely cleared and is under pasture and is grazed land. There are occasional small stands or isolated large trees within these areas. This portion of the site has been mapped as Completely Degraded.

The balance of the land, whilst retaining its trees vegetation appears to have been very heavily grazed over the long period of time resulting in either complete or near complete loss of native understory vegetation. These areas have been mapped as Degraded vegetation.



Lot 203:

The upland terrain and its edges have been completely cleared except for isolated trees and have been mapped as Completely Degraded vegetation condition. The balance of the land appears to have been grazed to varying degrees over time, with the bulk of the vegetation particular on the more gently sloping land having either complete or near complete loss of native understory vegetation this having been replaced by bare ground, weeds or leaf litter. These areas have been mapped as Degraded vegetation condition.



Overall the investigation has found that there has been significant clearing within most of the lots and these cleared areas have negligible environmental values as the upper storey and ground level vegetation has now been effectively completely removed.

**5.0 Continued operations -Rural Use**

It is clear from the draft LPS that the High Conservation Value Area classification of the subject sites will feed into the next scheme by changing the current zoning of the property from 'Agricultural Resources' to 'Local Reserve - Conservation' or an equivalent conservation zone.

The designation of the subject lots as High Conservation Value Area, removing the viability of continued rural operations is not consistent with the draft LPS which states:

Rural land is a significant economic and cultural asset which the Local Planning Strategy seeks to preserve.

The Local Planning Strategy seeks to reinstate the use of rural land in accordance with natural resource management and primary production, with non-agricultural uses located in designated areas.

The designation of the subject lots as High Conservation Value Area is not supported as the land is currently being used for rural purposes and should be able to continue this without any impact from the Local Planning Strategy.

**6.0 Summary**

As outlined above, the draft LPS is not supported for the following reasons:

- The draft Local Biodiversity Strategy was based on regional scale photographic analysis mapping;

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	<ul style="list-style-type: none"> <li>• The Local Biodiversity Strategy indicatively identifies sites for future detailed site assessment;</li> <li>• No detailed site assessment was undertaken to determine the designation of High Conservation Value in the draft LPS;</li> <li>• The site specific survey findings provided by Bowman &amp; Partners should be recognised in the process of finalising the Local Planning Strategy;</li> <li>• The land should be able to continue to operate for rural activities as permitting under the current Town Planning Scheme No. 6.</li> </ul> <p><b>The site specific assessment undertaken by Bowman &amp; Partners found the subject lots have negligible environmental values and of the vegetation complexes identified on the lots, none require conservation under the EPAs regional conservation targets. This demonstrates that there is no rationale for the inclusion of the subject lots as High Conservation Value Areas in the draft LPS.</b></p> <p>It is important that the draft LPS also have regard to the rights of landowners and the existing rural operations.</p> <p>For these reasons RobertsDay objects to the proposed draft LPS and recommends modifications to provide enable the continued use of the subject lots for rural operations.</p>		
<p><b>PUBLIC 13 Ginniby Rise</b></p>	<p>We own and operate Ginniby Rise olive grove on Toy Road, Bindoon and have owned and resided at that property for approximately 20 years.</p> <p>It was with great interest that we reviewed the draft Local Planning Strategy prepared by the Shire of Chittering. The Shire has clearly put in a lot of work to develop precincts in the southern portion of the Shire. However, we are concerned that there has been very little focus on those parts of the Shire to the north of the Bindoon township, which comprises approximately half of the total area of the Shire.</p> <p>Our concern arises in the context of our longstanding battle to prevent the approval of a proposal to develop a clay pit on another property adjacent to Toy Road, which would have involved the intensive use of Toy Road for large heavy haulage vehicles. Our comments below draw on our experiences with that development application.</p> <p><b>Local Amenity</b> We acknowledge that the Shire does not wish to create additional “Rural Smallholding” zones. However, the Shire should not ignore the fact that much of the Shire already comprises, and has done so for decades, lots with an area between 4 and 40 hectares. These lots are naturally located close to towns, including Bindoon. Although they are zoned “rural” they often support different land uses and a greater density of residents and visitors than more traditional larger rural lots.</p> <p>These land uses, including our olive grove, orange groves , vineyards, horticultural and cottage industries, create a distinct rural amenity that contributes to local tourism and which should be recognised and protected by the Shire. We are concerned that our ability to promote the amenity of our locale will be limited by the Western Australian Planning Commission’s broad statement that it accepts the impacts of well-managed primary production (defined to include basic raw materials) on rural amenity. However, the rural amenity created by large 100+ hectare lots is different from the amenity created by the diverse horticultural uses on smaller lots in the Shire. The Local Planning Strategy should specifically acknowledge the distinct amenity of the agricultural and horticultural activities on these smaller lots within the Shire, so that local amenity can be considered by the Shire on a case by case basis when it receives development applications.</p>	<p>Noted. The strategy focusses primarily on land-use development, in particular residential and commercial/industrial. Given this is proposed to primarily occur from Bindoon to the southern parts of the Shire, the LPS does not require significant discussion on the growth of the Shire north of Bindoon.</p> <p>Partially agreed. These settlements aren’t entirely naturally located close to townsites – these are planned in accordance with SPP1. Thus allowing for subdivision in areas north of Bindoon, where rural amenity is valued, would be inconsistent with this policy among others and general community values.</p> <p>The LPS seeks to protect and maximise the existing landscape amenity through the provisions contained within the strategy document; the intent to prioritise tourism as an economic driver; and figure 6 “visual landscape protection”.</p> <p>The Shire, in accordance with SPP2.5, is required to maintain extractive industries as a discretionary land-use. Thus the LPS seeks to ensure better mechanisms to minimise impacts are in place.</p> <p>The LPS does not require a differentiation between ‘small lot’ agriculture and broad acre to define amenity. The local Planning scheme and associated state and local planning policies already differentiate between different types of agricultural land-uses, and the amenity values associated. Therefore the LPS does not need to elaborate further on this aspect.</p>	

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	<p><b>Use of Minor Roads</b>                  Our key concern with the clay pit development application was the associated use of Toy Road as a transport corridor for heavy haulage vehicles, instead of access directly onto Great Northern Highway. Toy Road is a no-through-road, which was constructed to support the subdivision of a larger lot into smaller 10 – 20 hectare lots decades ago. The Shire of Chittering has many such minor roads (i.e. Settlement Rd, Stephens Rd, Kay Rd, Atkinson Rd, Flat Rocks Rd and others), which are typically no-through-roads.</p> <p>The approval process for the proposed clay pit clearly established that the State Planning Policy on Road and Transport Noise was created for major transport corridor planning purposes and not appropriate to estimate heavy haulage vehicle noise and amenity impacts on minor roads within small rural lots. Further, a proposed change to the use of such minor roads is squarely a planning consideration for the Shire and should not be left solely to a Main Roads safety assessment.</p> <p>The Local Planning Strategy should explicitly state that there is a presumption against the use of minor roads within the Shire for intensive use by heavy haulage vehicles.</p> <p><b>Other Matters – Supporting Documents</b>                  We were pleased to see that the Local Planning Strategy identifies significant road viewsheds in Figure 6, and areas of wetland conservation and palusplain in Figure 8, of the supporting documents. However, we query whether all areas of seasonal inundation are identified in the palusplain, particularly on the Brockman River.</p> <p>We anticipate that future development applications will need to address impacts on identified areas of wetland conservation and palusplain, and that the Shire accepts that the use of such areas for intensive heavy haulage vehicle transport is a planning matter for consideration by the Shire.</p> <p>In Figure 9, the identification of the entire property with an approved extractive industry is unnecessary and misleading because development approval is given for a specific area, rather than over the entire property. Figure 9 should simply identify the location of the operating quarry.</p> <p>As support for our statement above, it was argued by the proponent of the proposed clay pit that the current extractive industry licence for a gravel pit on one side of the relevant property supported the approval of a clay pit on the other side of the property. This was despite the fact that materials extracted, the operators and heavy haulage access routes for the gravel and clay pits would be different. The Local Planning Strategy should not be open to misinterpretation that an entire property is approved for general extractive industry use, particularly where the area of the property exceeds 100 hectares.</p> <p>We believe that the Local Planning Strategy is a very important document for the Shire as competing land uses within the Shire increase. We acknowledge the strategic planning undertaken by the Shire for the southern parts of the Shire. However, we query whether the same level of planning has been considered for Bindoon and its surrounds, particularly taking into account the impacts of the Bindoon by-pass on the future of this area. In our view, attracting further tourism into Bindoon and its surrounds may enable the area to continue to support its existing population and build its prosperity and viability. If tourism is accepted as a strategic imperative, then proper planning for those parts of the Shire to the north of the Bindoon township is required. In our view a business-as-usual approach will lead to poor</p>	<p>Not agreed. The use of minor roads over major roads is a Main Roads WA policy. The LPS cannot override this aspect.</p> <p>Not agreed. Main Roads have authority of Restricted Access Vehicle (RAV) Network approvals. It is not a matter for the LPS.</p> <p>Partially Agreed. It is important for the LPS to consider the environmental impacts associated with development of industrial land uses in the MIP area. However, this has already been undertaken through the MENSP, as well as other existing documentation. Additionally, the LPS addresses these factors adequately in clause 3.3.</p> <p>Agreed. The references to existing extractive industries are misleading as it can be misconstrued as the only industries capable of approval. There are a number of other extractive industries that are operating at any one time. Therefore these references should be removed.</p> <p>Agreed. While the majority of agriculture north of Bindoon remains highly productive, Council is exploring opportunities for economic growth in tourism to benefit the existing amenity traits while providing economic prosperity. Changes to the tourism clauses have been updated as described elsewhere in this schedule, as well as the list of modifications. Council intends to develop a policy position to help prevent ad-hoc decision making, while encouraging start up tourism businesses to invest in the Shire.</p>	
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	<p>and ad hoc decision making for this region</p>		
<p><b>PUBLIC 14</b> <b>Burgess Design Group</b> <b>(ATTACHMENT 6)</b></p>	<p>Burgess Design Group acts on behalf of our clients, &lt;REDACTED&gt; &amp; &lt;REDACTED&gt;, the registered landowners of Lots 1 &amp; 2 (No.537) Teatree Road, Bindoon (subject site or land) in response to the Shire’s advertising of the Draft Local Planning Strategy 2018. The consultation period for the draft LPS closed on 29 October 2018, however, these landowners were granted an extension until the 2 November 2018.</p> <p><b>PURPOSE</b> The subject site is classified as ‘Rural’ land under the draft Local Planning Strategy (2018). Additionally, the draft LPS shows that the proposed Great Northern Highway Extension will traverse part of the site. This submission seeks the identification and inclusion of the subject site as ‘Rural Smallholdings’ in the final Local Planning Strategy.</p> <p><b>SITE DETAILS</b> The site is 483.9ha in area, and can be legally described as:</p> <ul style="list-style-type: none"> <li>• Lot 1 on Plan 41201, Certificate of Title Volume 2618 Folio 80</li> <li>• Lot 2 on Plan 41201, Certificate of Title Volume 2618 Folio 81</li> </ul> <p>The subject land is predominantly cleared and a portion is currently being used as a vineyard. The site is bound by Teatree Road on the northern boundary and Brennan Road on the western boundary. Surrounding land uses are predominantly rural, comprising of agricultural activities and rural residential living. To the east of the subject land (excluding adjacent Lot 4) is rural residential development. Lots are predominantly 2 – 2.5 hectares, with some larger 3 - 4 hectare lots.</p> <p><b>SHIRE OF CHITTERING LOCAL PLANNING STRATEGY 2001-2015</b></p> <p>The current Local Planning Strategy 2001-2015 classifies the site as ‘Rural Retreat Precinct’ and ‘Priority Development Area’. Part of the site falls within the Chittering Heights Estate/Odelon Estate Precinct. The intent of the rural retreat precincts is to <i>‘permit development on a range of lot sizes for rural occupancy, where there may be land uses, not allowed for in the rural living precincts.’</i></p> <p>Given that the site has historically been identified as a ‘Priority Development Area’, and that previous technical investigations have found the land is suitable for ‘Rural Smallholding’ development, we consider that the site should be identified as ‘Rural Smallholding’ under the final Local Planning Strategy.</p> <p><b>DRAFT LOCAL PLANNING STRATEGY 2018</b></p> <p><b>Rural Smallholdings</b></p> <p>The subject land is considered to be suitable for ‘Rural Smallholdings’. A Land Capability Assessment was undertaken by Landform Research in May 2000 as part of Scheme Amendment No.64. This assessment confirmed that parts of the site are capable of sustaining Rural Smallholdings lots ranging in size from 2 - 5 hectares in a cluster in the west, with the balance taken up by larger lots 10 and 20 hectares lots in the east (refer to attached Potential Land Uses Plan). The site has good agricultural soils and groundwater supply on the eastern side suitable for hobby, perennial horticulture or conservation lots. As such, the site is considered to be suitable for further subdivision and should be classified ‘Rural Smallholdings’ under the Local Planning Strategy.</p> <p>Additionally, it is considered that the subject site has merit for ‘Rural Smallholdings’ classification, being in close proximity to Great Northern Highway, other established rural residential development, and Bindoon town centre (located approximately 6 km north east of the site).</p>	<p>A Local Planning Strategy must apply any State Planning Policy that is relevant to the LPS. State Planning Policy. No.3 - ‘Urban Growth and Settlement’ provides provision for managing rural residential (Rural living) development which includes:</p> <ul style="list-style-type: none"> <li>○ Avoiding productive agricultural land;</li> <li>○ Giving preference to locations near existing settlements;</li> <li>○ Only including locations that are suitable (i.e. topographically suitable, visually attractive with distinct environmental attributes); and</li> <li>○ Take a realistic approach by allocating land based on forecast estimates of demand for rural living.</li> </ul> <ul style="list-style-type: none"> <li>• In consideration of the above, the WAPC has published (June 2018) the Chittering Regional Land Supply Assessment that indicates a surplus of rural residential land has been identified. As such, no further rural living areas are considered necessary, particularly on the understanding that Rural Living is an inefficient way for local government to accommodate the population (State Planning Policy 2.5).</li> <li>• Future Rural Living areas identified in the Draft LPS are those that are required to complement the existing Rural Residential areas and have access to existing services;</li> <li>• The above rationale provided within the State Planning Policies does not support the identification of Lots 1 and 2 Teatree Road for future Rural Living (Rural Smallholdings).</li> </ul>	

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	<p>The proposed ‘Rural Smallholdings’ classification will provide an opportunity to diversify the agricultural land uses by creating 10-20 hectare lots. Our clients intend to retain the established vineyard (as a balance lot), and subdivide the remainder of the site.</p> <p><u>Environment</u></p> <p>The site is physically suited to a ‘Rural Smallholdings’ development. Most of the land has been historically cleared for grazing and agricultural pursuits, with few stands of remnant vegetation on the site. Moreover, there are no significant biodiversity areas within the subject site. As such, the identification of the site as ‘Rural Smallholdings’ in the Local Planning Strategy is not expected to adversely affect or compromise the landscape or environmental values of the site.</p> <p><u>Land Capability for On-site Effluent Disposal</u></p> <p>Bayley Environmental Services in August 2015 examined the capability of the subject land to accommodate on-site effluent disposal. This report accompanied the previous Scheme Amendment No.64. The report concluded that the subject land has very high capability to support on-site effluent disposal using conventional or alternative treatment systems for the development as proposed. Specifically:</p> <ul style="list-style-type: none"> <li>• The site has low slopes (less than 10%; mostly less than 5%).</li> <li>• The soils are deep, sandy and permeable with no confining layers such as clay or rock in the shallow profile.</li> <li>• The water table is more than 6m deep over all but the eastern extremity of the site.</li> <li>• All proposed lots have a large separation (&gt;500m) to surface water bodies.</li> </ul> <p>As such, the proposed site can support ‘Rural Smallholding’ development. In this regard, our client seeks the identification of the site as ‘Rural Smallholdings’ in the final Local Planning Strategy.</p> <p><b>CONCLUSION</b></p> <p>Given the above information and the attached Land Capability Assessment, we request that the subject land be identified as ‘Rural Smallholdings’ under the Local Planning Strategy. The identification and inclusion of the land as Rural Smallholdings under the Local Planning Strategy is sought with justification provided:</p> <ul style="list-style-type: none"> <li>• The site’s location adjacent to the proposed Perth Darwin Highway, nearby rural residential development, and proximity to Bindoon town site is well placed for subdivision into smaller hobby, perennial horticulture and conservation lots.</li> <li>• The best agricultural land is in the eastern portion of the site because of available water and can be protected in larger 10 and 20 hectares lots.</li> <li>• The site has historically been identified as ‘Rural Retreat Precinct’ suitable site for smaller subdivision under the Local Planning Strategy 2001-2015.</li> <li>• The site will achieve consistency with existing settlement patterns in terms of prevailing lot sizes and with emerging land use trends.</li> </ul>		
<p><b>PUBLIC 15</b></p>	<p>The Draft LPS is a significant improvement in both style and substance on the previous Draft approved for public comment in July 2017. In particular, the effort to explain the unusual and complex position in relation to mineral ownership and the applications of laws and regulations to mineral rights is to be commended. Clarifying the position on bauxite mining is absolutely critical to medium and long term land-use planning in Chittering, however the Draft DLPS is only partially successful in that regard and gives rise to bigger questions to which a large percentage of Chittering residents and the Shire itself must seek answers before the DLPS is finalised and adopted.</p>		





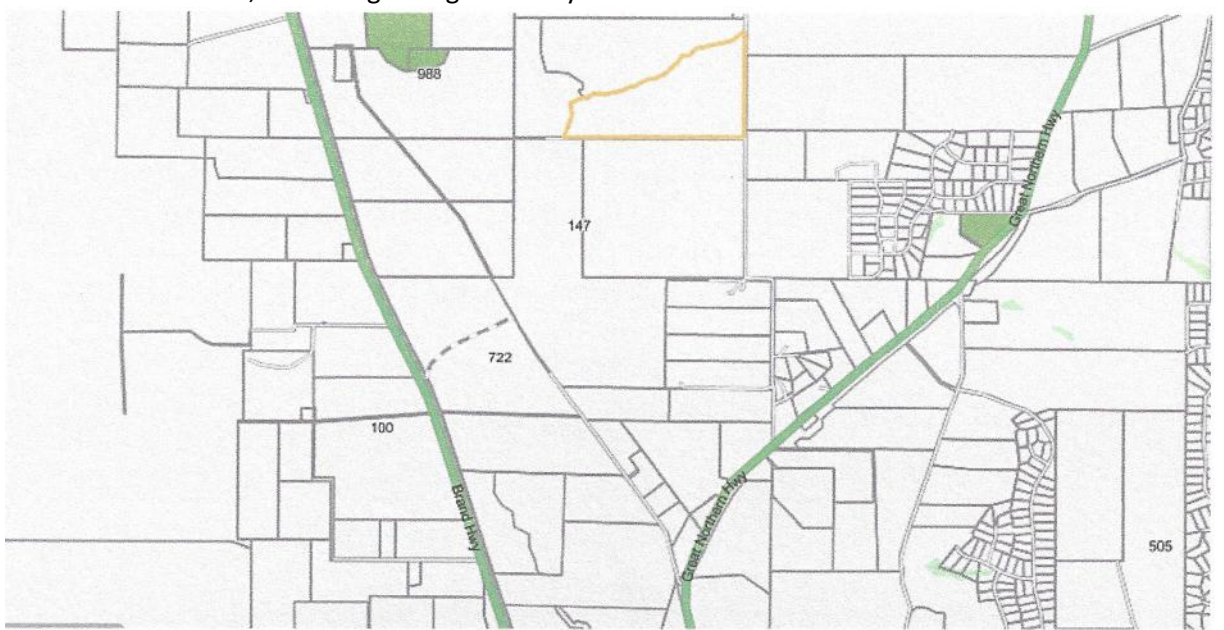
SCHEDULE OF SUBMISSIONS – DRAFT LOCAL PLANNING STRATEGY

<p>Department has simply adopted the name and Mr Zohar’s discredited story as fact. So these deposits are not just “Strategic Minerals” in the eyes of the Department of Mines – they are now known as “The Wandoo Project”, regardless of the fact that the majority of the deposits are not actually owned by the State.</p> <p>The Draft LPS is silent about a third possible mining tenure which is derived under a State Agreement Act, noting that Section 4.3.7 states that there are “no active State Agreement Acts” in the Shire. Clearly a new State Agreement Act could be enacted by the WA Government to secure the bauxite deposits in the “Project” in the future if they are “Strategic”. Despite several express assurances from the previous WA Government administration at Ministerial and Director-General levels that this would never occur, the unprecedented inclusion of the bauxite deposits on our LPS planning maps seems to make State Agreement Act tenure more likely. This needs to be clarified.</p> <p>Having spent about 7 years dealing directly with the Department of Mines on this very issue and having researched the matter in depth over this time, it is hard not to see the mapping of the Bauxite deposits in Chittering’s LPS as a “Strategic Mineral” as an unjustified ambit claim by the Department even though the Department knows:</p> <ul style="list-style-type: none"> <li>• There is no social licence to mine bauxite in Chittering – this was categorically established between 2009 – 2013 during an exhaustive (and exhausting) Public Environmental Review and community consultation process in relation to a bauxite mining proposal</li> <li>• The State (Crown) does not own the majority of the bauxite minerals shown on the map. These are owned by third party landowners who do not consent to them being designated “Strategic” with the associated uncertainty that label brings.</li> <li>• These deposits were explored exhaustively in the 1970s and 1980s and found on 3 separate occasions to be unmineable and uneconomic for technical, economic and environmental reasons (the same result reached in 2013 by the Bauxite Resources/Yankuang JV). The Deposits have since become subsumed under hundreds of millions of dollars of private investment in infrastructure and industries that are incompatible with bauxite mining.</li> <li>• At most, these deposits should be labelled in Figure 10 as “Known Bauxite Resources” and nothing more. Any designation as “Strategic” or a “Project” is gross over-reach that needs to be justified by the Department of Mines to both the Shire and its ratepayers. This was discussed in the Reference Group meetings I attended with Cath Meaghan, Ryan Shaw, Peter Stuart, Aaron King and Derek Gascoine earlier this year and my understanding was that Dept of Planning agreed that “Strategic Mineral” should be changed to “Bauxite Resources” – why did this not occur?</li> </ul> <p>In my view, owners of “minerals to owner” land in the Shire (of which I am one) and any other landowner whose property is covered or affected by a strategic bauxite deposit on Figure 10 (and the wider Chittering community!) are justified in asking:</p> <ul style="list-style-type: none"> <li>• if a deposit is located on “minerals to owner” land, how can a third party (the Department of Mines or the State) decide that something I own is a “strategic mineral” without purchasing my mineral rights or my property?</li> <li>• anyone interested in purchasing my property, or an adjacent property, is likely to interpret Figure 10 as showing an intention by the State to mine the bauxite minerals in the future. What does the Shire or landowner tell such a prospective purchaser?</li> <li>• How does the Shire and the community manage the planning “blight” created by Figure 10 in relation to the widespread “strategic” bauxite deposits shown?</li> <li>• How can bauxite deposits that have never been mined and have been found to be uneconomic and/or environmentally un-mineable on 4 separate occasions since the 1970s be described as “Strategic minerals” without our agreement?</li> <li>• Given the vast numbers of Chittering landowners affected by Figure 10 both directly and indirectly, the Minister/Dept of Mines needs to explain clearly to us:</li> </ul>	<p>Noted. If the Act does not exist yet, this currently does not therefore form an approach to ‘bypass’ the Shire. However this is an aspect to be mindful of, and should take the form of a future amendment to better address how this might affect Chittering.</p> <p>Noted. The reference is intended to be removed.</p> <p>The intention of Figure 10 is to provide an identification only.</p> <p>The identification does not purport to be an invitation to apply. Instead the intention is to identify where the Shire has control under the Planning and Development Act. Per above.</p> <p>Noted. This is not a question for Council to respond to.</p>	
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	<ul style="list-style-type: none"> <li>○ its intentions in relation to these bauxite deposits, including a timeframe</li> <li>○ the reason for the designation “Strategic Mineral” for the bauxite deposits and it’s effect on the property and mineral rights of an affected “minerals to owner” landowner or other landowner who does not consent to mining under the Mining Act</li> <li>○ how is this not creating a permanent and unsustainable blight on our properties and large parts of the Chittering community?</li> </ul> <p>2. Northern Rural Precinct This is the new name in the Draft LPS for the northern half of the Shire (roughly from Bindoon Hill northwards), currently called the Agricultural Resource zone or Northern Uplands.</p> <p>I note that in the treatment of the Northern Rural Precinct:</p> <ul style="list-style-type: none"> <li>• the Draft LPS clearly states that almost all the planning focus in the document is on the South of the Shire</li> <li>• the proposal is to change the zoning from “Agricultural Resource” to “Rural Land Use” because this would consolidate the focus on primary production and enable a diversity of land uses compatible with agriculture</li> <li>• the Precinct loses its protection as a Landscape Protection Zone (in the current LPS/TPS the Northern Uplands landscape is protected for its “significant undulating landforms” etc)</li> </ul> <p>This raises the following questions about the treatment of the Northern Rural Precinct in the Draft LPS:</p> <ul style="list-style-type: none"> <li>• Why should the Precinct lose its landscape protection in total, yet not even be considered for partial Landscape Protection in Figure 6 - Visual Landscape Protection? No view corridors, or “view sheds” are protected north of Bindoon Hill along Great Northern Highway, despite this being a significant northern half of the proposed “tourist way/Bindoon diversion” after the Western Bypass is completed, including heritage sites, wildflower sites (Spillman Road) and conservation reserves. This approach lacks logic, thought and fairness.</li> <li>• the Objective for the Precinct is to “consolidate Primary Production”. Note that Primary Production is a very broad term that goes beyond agriculture and includes extractive industries and bauxite mining. Although Section 3.3.4 (vi) refers to removal of industrial uses from the Precinct, Figure 10 shows extensive “strategic” bauxite deposits, the mining of which would be an all-encompassing industrial use of the Northern Rural Precinct. So there is significant contradiction and incompatibility in the Objectives which will inevitably cause major conflict in the future - eg. how do you invest in tourism if there could be a bauxite mine next door?.</li> </ul> <p>3. Extractive Industries</p> <p>Given the history of problems with Extractive Industry operations and proposals in the past few years, the tightening up of the Rules, Regulations and conditions attached to Extractive industry applications and operations is needed. Although there is some reference to this, the references are vague.</p> <p>For example, on pages 11 and pages 13/14 there are references to “further controls” – however unless there is some reference to what the nature of those controls will be (buffers, protection of amenity and competing uses, traffic impacts) it is unlikely over 10+ years that anyone will get it right! Pages 29 and 30 do not contain any further detail about this, however it should.</p> <p>It also needs to be made clearer that even though basic raw materials may be identified, it doesn’t mean they are appropriate for extraction, but this is not made clear.</p>	<p>Noted. The LPS focusses long term development and zonings other than agriculture in the southern half of the Shire. The northern half primarily consists of productive agriculture, which is intended to be protected.</p> <p>Not agreed. This is an incorrect interpretation of the action.</p> <p>Not agreed. It gains further control through the application of visual landscape protection per Figure 6.</p> <p>Not agreed. Per above.</p> <p>Agreed. The words “primary production” can be replaced with “agricultural production” in 3.3.4 and 3.4.1.</p> <p>Not agreed. The role of the LPS is to provide high level guidance for future land-uses. It does not set out to define the statutory mechanisms; rather provide a strategic context to setting the statutory functions. In this instance, the LPS identifies that further mechanisms are required to better manage the impacts associated with extractive industries. These often take the form of a planning policy or local law.</p> <p>Not Agreed. Each site must be assessed upon its own merits depending on where and what is being extracted. This is assessed per the mechanisms above, as well as the Local Planning Scheme and State based legislation.</p>	
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SCHEDULE OF SUBMISSIONS – DRAFT LOCAL PLANNING STRATEGY

<p><b>PUBLIC 16</b></p>	<p>There are a number of comments I would like to make...</p> <ol style="list-style-type: none"> <li>1. There is too much of a focus being put on Bindoon for future growth, given that we know there isn't officially water available, and no commitment from Government to increase water supply or provide sewer for that matter. While I understand that there is concern for Bindoon given the bypass, the majority of the growth isn't happening here it is happening in South end of the Shire. I assume there are other strategies in place to address the threat of the bypass.</li> <li>2. The growth is naturally occurring in Lower Chittering and we while that is identified in the strategy I don't think there is enough emphasis on it and the effect that Northlink will have on growth. My point being that if that is where the growth is why try and change the focus of growth to Bindoon.</li> <li>3. While there isn't a water provider in LC it is highly likely that there will be one in the next 5 years, this should be taken into consideration.</li> <li>4. The potential for Maryville becoming a Town site is part of natural progression. It is quite possibly an expectation of most residents given they are mostly from suburbia, so still expect the infrastructure being peri-urban. It already has a school and commercial area (and planned sports facilities) all of which are the foundation for a town site.</li> <li>5. Northlink could have a bigger impact on growth in Lower Chittering and Muchea than I think has been acknowledged.</li> <li>6. The Tronox site has been identified as an industrial area, I wouldn't think this is something that should be encouraged as the MIP has been identified as the primary industrial site and should be developed to capacity before secondary sites.</li> </ol> <p>A few comments on specifics in the strategy.</p> <ol style="list-style-type: none"> <li>7. Could be worthwhile mentioning the reason for not wanting to have more rural Res blocks in the Shire?</li> <li>8. The aging population is different to LC younger families, is it worth differentiating that, rather than only mentioning the Shire has an aging population. While this is true across on the country there are benefits in identifying this in that there are different needs in LC and Bindoon. Ie. Aged care (Bindoon) and sports facilities (LC)</li> </ol>	<p>Not upheld. Bindoon has an existing town centre, where growth is expected to be contained given water infrastructure exists, and plans for sewer infrastructure continue to be explored.</p> <p>Agreed, however this will need to be undertaken initially separately from the LPS. Once rationalised, the consolidation and potentially a town centre surrounding the sporting complex and school.</p> <p>Noted. Per above.</p> <p>Not agreed. Without evidence this is difficult to substantiate.</p> <p>Agreed. This aspect of the LPS has been listed in the modifications.</p> <p>Noted. The LPS references this in 4.2.3 Settlement Composition.</p> <p>Partially agreed. Younger families are noted in Lower Chittering, and as such the Shire is progressing with a sporting facility. A lifestyle village et al is being explored for the more aged population of Bindoon. These are both mentioned in the LPS.</p>	
<p><b>PUBLIC 17</b></p>	<p>Submission on Shire of Chittering's draft Local Planning Strategy 2017 on behalf of the property owner of Lot 51 Reserve Road, Chittering — Highclere Pty Ltd</p>  <p><b>Property description</b> Lot 51 comprises 155.44ha and is bounded by a sealed section of Reserve Road to the east (providing</p>	<ul style="list-style-type: none"> <li>• The submission references the operative LPS. Since the operative LPS's gazettal, a Biodiversity Strategy has been prepared identifying portions of Lot 51 as containing vegetation of a high conservation value. This new information needs to be taken into consideration when identifying areas that are suitable for future development;</li> <li>• The Rural Retreat zone will no longer be offered in the new Local Planning Scheme and as such, land identified under the operative LPS as future 'Rural Retreat' has now been identified as 'Rural' within the Draft LPS. This change is consistent across the majority of properties within the Shire currently illustrated under the operative LPS as 'Rural Retreat'. A handful of properties have been identified for Rural Conservation however, these have either already been rezoned as such, or are strategically identified to complement the function of adjoining Rural Residential land;</li> <li>• The submission makes reference to a graduation from R2 zoned westwards, to avoid land use conflicts with Rural zoned land. The existing R2 zoned land is identified in the Draft LPS as abutting land of high conservation value on its</li> </ul>	

SCHEDULE OF SUBMISSIONS – DRAFT LOCAL PLANNING STRATEGY

access from Great Northern Highway to the near south-east), Yalyal Road (gravel) to the south and Yalyal Brook to the west and north. Approximately 45% of the property is naturally vegetated, with approximately 45% pasture cleared and the western 10% (approx.) subject to a sand and gravel extraction licence.

The property falls from east to west offering views across the Muchea coastal plain and from south to north offering northern aspect to Yalyal Brook and the vegetated scarp on the northern side of the brook.



**Planning**

District Scheme

The Shire of Chittering Town Planning Scheme No.6 (District Scheme) was gazetted in 2004 and remains operative. It zones the land "Agriculture Resource" and the western half of the property is subject to the categorisation "Landscape Protection".

Immediately southeast of the property Lots 9000, 9001 and 2 Reserve Road, zoned "Rural Residential, "Rural Conservation" and "Residential" respectively, are being developed and sold as "Wildflower Ridge Estate". The Residential section (Lot 2) is coded R2 and has lots of 5000m<sup>2</sup> or 0.5ha and the Rural Conservation section (Lot 9001) features lots which contain designated vegetation conservation areas within privately owned lots.

Local Planning Strategy 2001-2015

This LPS remains operative while under review by way of draft Local Planning Strategy 2017, the subject of this submission.

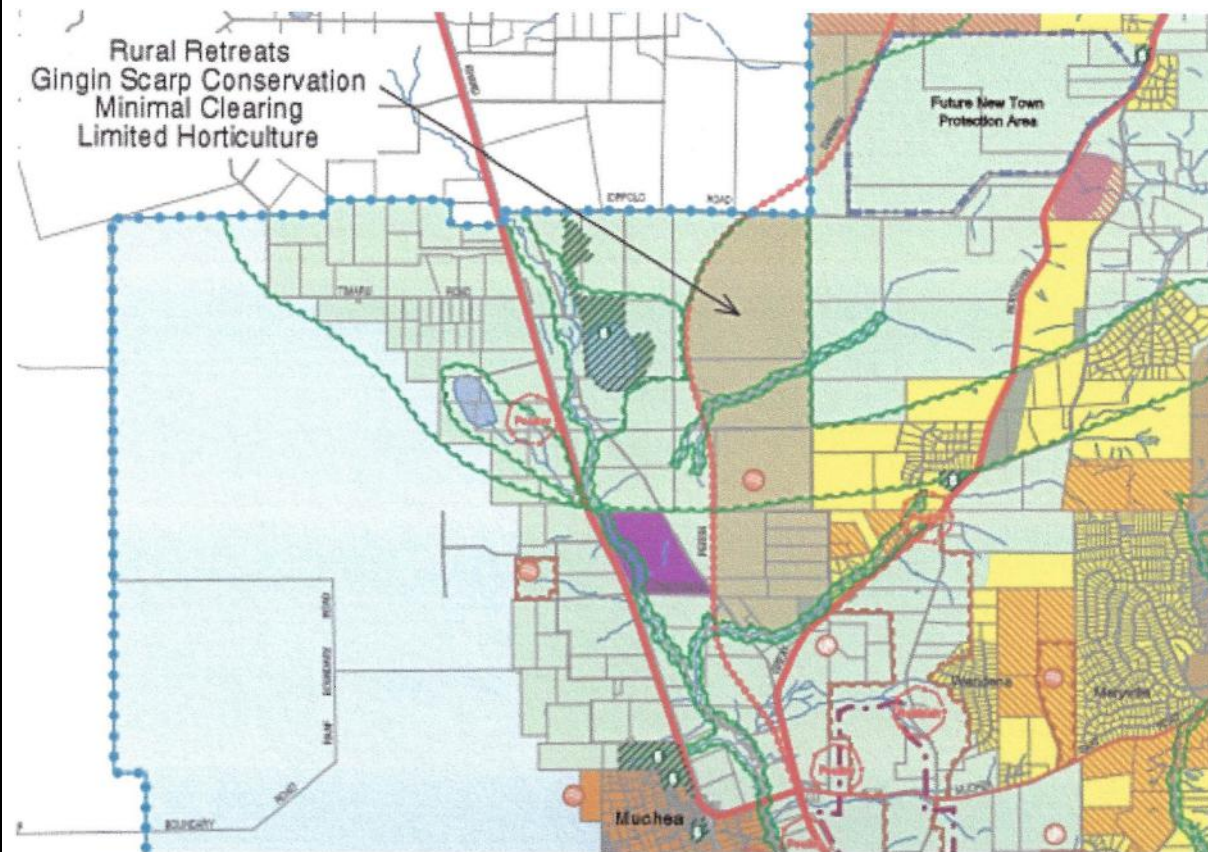
The operative LPS depicts the property as "Rural Retreat" with the northern margin of the property — the southern bank of Yalyal Brook — designated as a "Vegetation Protection Area".

The proposed Rural Retreat zone includes land to the north and south of the property and on the LPS map is annotated "Rural Retreats/Gingin Scarp Conservation/Minimal Clearing/Limited Horticultural".

western and northern boundaries. The potential for future land use conflict is minimal given the unlikely development potential of land identified as high conservation value;

- The Draft LPS identifies its ideal settlement composition within Section 4.2.3, whereby further rural living precincts are reduced to that identified in the operative LPS as there is sufficient Rural Residential land to accommodate the Shire in the long term. Additionally, this form of development is an inefficient means of accommodating people and is often to the detriment of the environment.

## SCHEDULE OF SUBMISSIONS – DRAFT LOCAL PLANNING STRATEGY



The density of Rural Residential development (yellow on the map above) east of the subject property, as facilitated by the approval of a Structure Plan for the Wildflower Ridge Estate as recently as 2016, suggests that the Rural Retreat development proposed on the operative LPS map above (pale brown) — which includes Lot 51 Reserve Road — would facilitate a logical graduation of rural living lot sizes from the Rural residential zone to the Agricultural Resource (pale green).

Local Planning Policy No.32

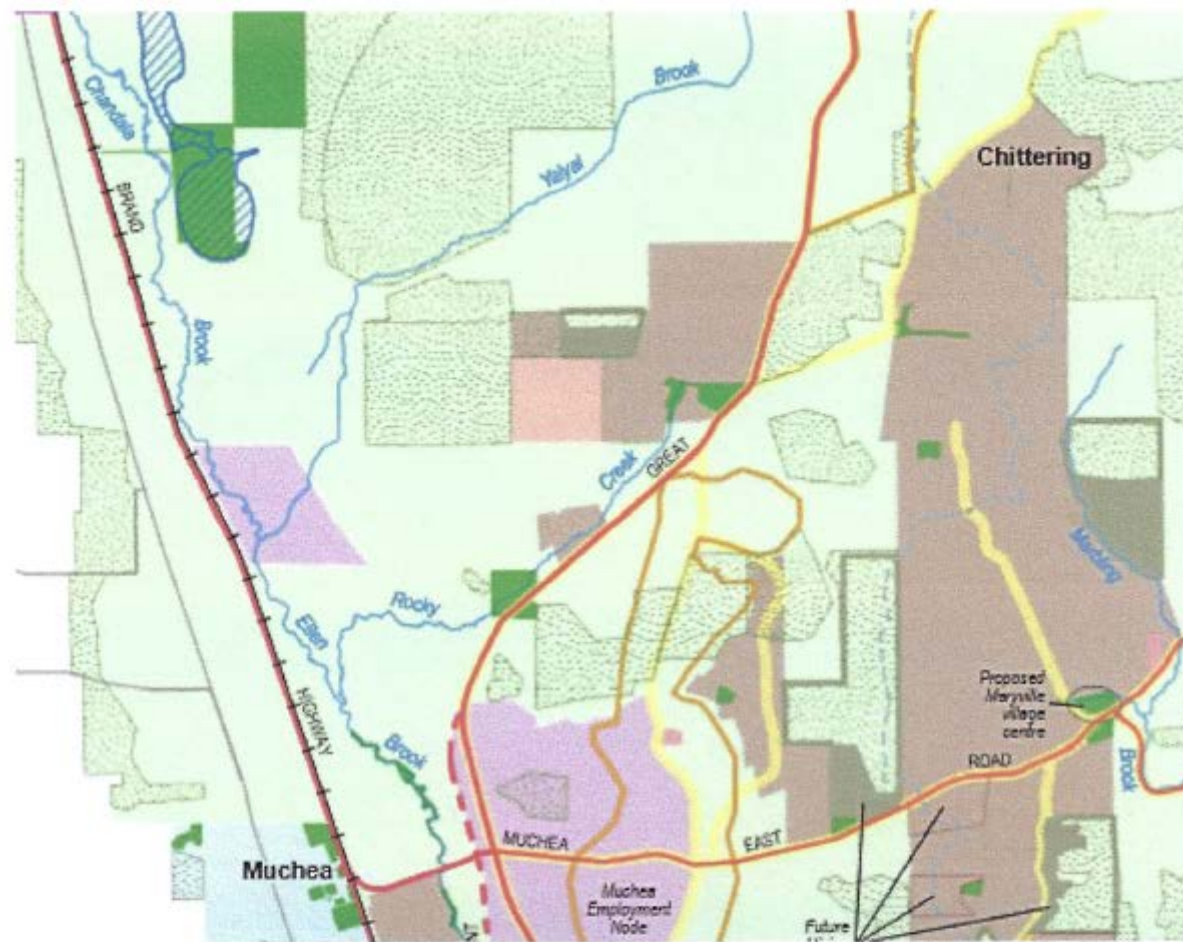
LPP No.32 was adopted by Council in August 2008. This LPP requires a Development Plan to be prepared and submitted to Council for any land zoned "Agricultural Resource" to be rezoned to "Rural Retreat" (among other possible zones) and prior to subdivision.

A Development Plan is to include a Land Capability, Geotechnical and Heritage Assessment, the content of which is specified in schedules to the LPP, and prescribes that lots within the Rural Retreat zone are to have a minimum size of 10ha and an average size of at least 20ha.

Local Planning Strategy 2017 (the subject of this submission)

While the subdivision of the properties to the east of Reserve Road and adjacent the subject property which were proposed for Rural Residential, Rural Conservation and Residential under the operative 2010 LPS have understandably been recognised in the draft LPS, the subject property and its northern and southern neighbours are proposed to lose their previous Rural Retreat designation in favour of "Rural", with partial overlays of "High conservation value area", as depicted on the draft LPS map overleaf:

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- Residential
- Rural residential
- Rural smallholdings
- Townsite
- Rural
- Special use
- Rural conservation
- Priority wetland
- High conservation value area

Submission

Lot 51 Reserve Road is a remarkable property which presents as a blend of pasture cleared land overlooking Yalyal Brook and natural vegetation on the higher southern portion of the land and along the banks of Yalyal Brook itself. The suitability of the property for rural living sites subject to the protection of conservation values is reflected in the Shire's operative LPS designating the property (and its neighbours north and south) as Rural Retreat.

SCHEDULE OF SUBMISSIONS – DRAFT LOCAL PLANNING STRATEGY

While it is acknowledged that the achievement of Rural Retreat (or any other zone by way of a rezoning from Agricultural Resource) requires Council's approval of a Development Plan which is to include a Land Capability, Geotechnical and Heritage Assessment, the owners of the property are confident that such an assessment would succeed, based on a professional assessment the vegetation and ground conditions for the purpose of identifying any issues in relation to the sand and gravel extraction licence granted to the owners.

A 2010 Gravel and Flora Assessment by Geo & Hydro Environmental Management Pty Ltd states that:

*The flora has been widely investigated in concerted plant identification visits over 2009 and 2010. Over these visits, 140 native flora species have been at least partly identified. Among the known plant species so far, there is at least one priority three species and several further tentative allocations to species that may be identified as rarer material. In flora identification visits in early spring 2010 several seasonally evident species, particularly Orchidaceae species have been added. Relatively few invading exotic plant species are present in the unclearly remnant vegetation area on the property.*

It is noted that, within the advertised draft LPS report, biodiversity conservation is stated as one of a number of key planning issues for the LPS to address. Page 9 of the draft report states:

*Some private properties containing high conservation value areas may be suitable for future zoning to Rural Conservation. Other areas may be a priority for acquisition by the State government, for the protection of nationally significant environmental values.*

*Future development is to be located in existing cleared areas, to ensure the retention of as much native vegetation as possible. The Local Planning Strategy contains development incentives where proposals have a demonstrated conservation outcome.*

These words on this key issue suggest to us that there may be several options which could be explored to enable the development of Lot 51 Reserve Road for in the manner envisaged by the operative LPS but not specifically the draft 2017 LPS.

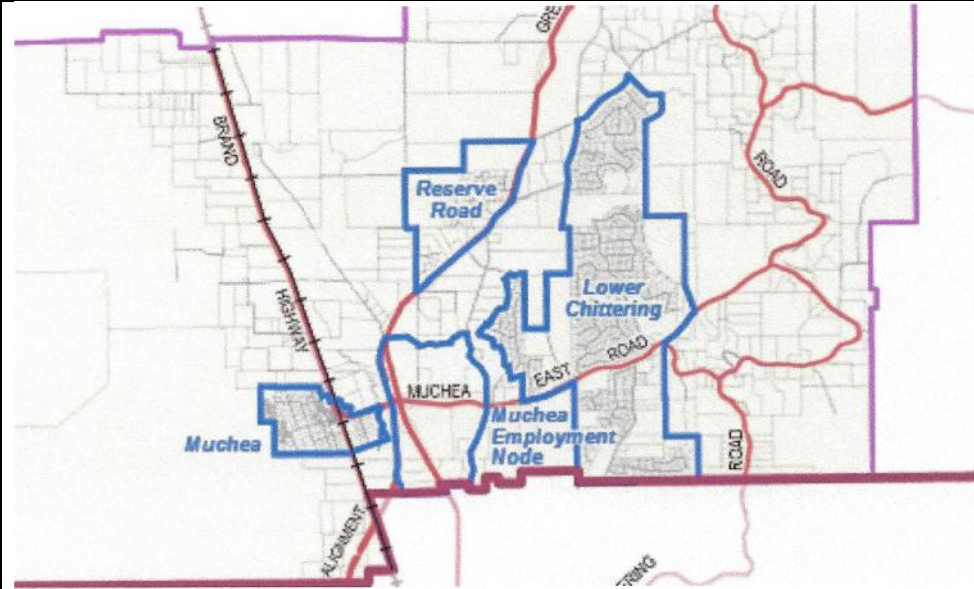
The approved Structure Plan for the adjacent Lot 9001 confirms that vegetation protection on privately owned rural living lots is an acceptable means of biodiversity conservation, therefore this options should also be available to Lot 51 given that almost half the property is pasture cleared and a similar proportion of the land is vegetated.

Alternately, development of only the cleared portion of Lot 51 combined with an alternate means of conservation of the vegetated areas, whether by State Government acquisition or through development incentives, are development options which the property owner wishes to explore.

We note, however, that Figure 11 proposes that this precinct is limited to the eastern side of Reserve Road:



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With respect, we do not believe that the draft LPS provides adequate justification for Lot 51 and adjoining properties west of Reserve Road which are designated Rural Retreat under the operative 2010 LPS being excluded from this precinct when at section 3.1 of the draft LPS under the heading of "Settlement" states:

*The Shire aims to accommodate most of its future population growth within the Bindoon townsite and Reserve Road precinct.*

The text continues:

*Therefore limited additional land has been identified, apart from areas identified in the Local Strategy Map*

Through the exclusion of the land west of Reserve Road which is designated Rural Retreat under the operative 2010 LPS, the draft Strategy does not provide for additional land in the very same locality to be added to the proposed settlement pattern and, in the process, delivers a less than ideal planning outcome whereby land zoned Residential and developed at a density of R2 is bounded by land which is potentially destined to remain Rural. This is particularly pertinent given the sealed access provided by Reserve Road and its direct connection to Great Northern Highway, infrastructure and access which would be underutilised under the draft LPS.

With respect, we suggest that the Shire gives consideration to graduating the density of rural living options westward from the Reserve Road precinct by extending the precinct to include the Rural Retreat area in the absence of justification for change from the operative 2010 LPS.

**PUBLIC SUBMISSION VIA DEPUTATION 1**

I wish the council to adopt the following amendments put forward in reference to Local Planning Scheme 2018/2019 Draft Item 9.1.1 Attachment 1

**Page 18 Items 3.1.1**

Objectives 1) Focus residential development in areas with essential infrastructure and access to Community facilities and service

Strategy c) Limit development within Muchea townsite until reticulated water and sewerage services become available.

SCHEDULE OF SUBMISSIONS – DRAFT LOCAL PLANNING STRATEGY

	<p><b>Amend to</b> Support rezoning and development within the Muchea town site.</p> <p>In support of the amendment Refer Country Sewage Policy ie if not reticulated water and sewage services provisions for flexibility in country towns without reticulated sewerage</p> <p>Page 19 Items 3.1.2 Residential</p> <p>Objective 1)..... Strategy a) Direct future development to Bindoon townsite and Reserve Road precinct.</p> <p><b>Amend to</b> Direct future development to Bindoon and Muchea townsite and Reserve Road precinct</p> <p>Page 20 Actions Item 3 iii) Explore converting the existing ‘Townsite’ zone to ‘Residential’ zone and apply RCoding to ensure new developments have higher standard of development</p> <p><b>Amend to</b> Explore converting the existing ‘Townsites Bindoon and Muchea’ zone to ‘Residential’ zone and apply RCoding to ensure new developments have higher standard of development.</p>	<p>Partially upheld. Supporting rezoning without infrastructure or sound reasoning through detailed studies in any place is not likely to result in net improvements. Nevertheless, an alternative wording to undertake such a study as an additional strategy in advance of, or as part of, a major Scheme review to ensure the future growth of Muchea is undertaken with the orderly and proper planning of the locality.</p> <p>Partially agreed. This may conflict with 3.1.1 Objective 1, strategy c), thus the wording should begin with “subject to Clause 3.1.1...”, however is otherwise consistent with SPP1.</p> <p>Not upheld. This wording would preclude the ability to implement a future town centre surrounding Immaculate Heart School and the commercial property at the corner of Chittering Road and Santa Gertrudis Drive.</p>	
<p><b>PUBLIC SUBMISSION VIA DEPUTATION 2</b></p>	<p>I would like to draw your attention to Local Planning Strategy 2018 Draft and my support of</p> <p>Objective 1) Ensure that any development at Muchea has a net improvement to environmental conditions</p> <p>Strategy a) Ensure that nutrient export and land degradation is not increased.</p> <p>Muchea Townsite page 38 Objective 1 Action #1 and #2</p> <ul style="list-style-type: none"> <li>• Action i) implement planning approaches to respond to environmental conditions.</li> <li>• ( A planning approach I would like to see Actioned is</li> <li>• Water to be controlled entering properties by appropriate drainage, slowing the water flow on to properties and therefore reducing the amount of water and nutrient export off the property also lessening land degradation.</li> <li>• Action ii) Prepare a business case to support provision of reticulated services should funding become available.</li> <li>• With no funding in the foreseeable future and a considerable cost to the community for this business case study I would like to this action amended.</li> <li>• Shire to amend Objective 1 Action #2. The Shire to prepare a business case study if and when funding for Reticulated Services becomes available.</li> <li>• Adopt Objective 2 Action #2</li> </ul> <p>Establish a wastewater management regime, including regular reporting, monitoring and maintenance of individual household on-site wastewater disposal.</p>	<p>Noted. These are important aspects that are to be considered in any future development and/or review of the Muchea townsite.</p> <p>Noted, however this is not an action able to be included at the Local Planning Strategy level as it requires site based strategies and methodologies to achieve. Additionally the existing wording in this clause is sufficient for the Shire to implement policy or statutory instruments through a Local Planning Scheme to control such aspects of development.</p> <p>Partially agreed. The wording does not change the meaning of the Action, however this is recommended to change to requiring a business case prior to reticulated Services becoming available. This then paces onus on the provider to undertake the works, not the Shire regardless.</p>	

SCHEDULE OF SUBMISSIONS – DRAFT LOCAL PLANNING STRATEGY

	<ul style="list-style-type: none"> <li>Objective 1 Action #3 ; Review planning arrangements that restrict further residential development and subdivision.</li> <li>Draw attention to extract</li> <li><b>Planning Bulletin 7 – Government sewerage policy</b></li> <li>The draft policy provides flexibility for low risk proposal such as subdivision in country towns without a reticulated sewerage scheme, or where a scheme is at capacity and unlikely to be expanded.</li> </ul> <p>Objective 1 Action #3 Amendment ; Review the residential development and subdivision of the Townsite taking into account Health department approved Alternate Sewerage Systems with regulated monitoring and with the correct environmental implementations.</p>	<p>Muchea is identified as being in a sewage sensitive location, therefore is not low risk.</p> <p>Not upheld. The original wording does not seek to restrict development and subdivision, rather review the implications of such. Therefore the original wording is better capable of allowing the Shire to undertake such studies.</p>	
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\*Note: Comments are as per original submission received by the Shire. Submission comments have not been edited unless for the purposes of confidentiality where necessary.