

DRAFT SCHEDULE OF MODIFICATIONS
SHIRE OF DARDANUP DRAFT LOCAL PLANNING SCHEME No 9

Schedule of Modifications - Text modifications

| SUBMISSION No. | MODIFICATION No. | PAGE | SECTION | PROPOSED MODIFICATION (<u>UNDERLINED</u> TEXT IS PROPOSED INSERTED TEXT) | LG JUSTIFICATION (OFFICER) | COUNCIL RECOMMENDATION |
|----------------|------------------|-------|---|---|--|------------------------|
| 8a | 1 | 6 | Part 1 (9) - Aims of the Scheme | Part 1(9) Add new sub-part 9(9) to state: <i><u>"Agriculture aims are to - (a) ensure the protection and sustainable use of productive agricultural land and minimise land use conflicts"</u></i> | The Shire agrees with the recommendation from DPIRD | |
| 9b | 2 | 9 | Part 2 - Reserves | Part 2(14)(3) Table 1 Change to "To set aside areas for foreshore <u>reserves</u> abutting a body of water or water course", to correct a spelling error. | The Shire agrees with the recommendation from DWER | |
| 8e | 3 | 13 | Part 3 - Zones and Use of Land (17): Zoning Table | Change the permissibility of <i>Animal Husbandry - Intensive</i> from discretionary (D) to advertised (A) in the Rural Smallholdings zone. | The Shire agrees with the recommendation from DPIRD | |
| 8g | 4 | 15 | Part 3 - Zones and Use of Land (17): Zoning Table | Changing the permissibility of <i>Tree Farm</i> from (D) use to (A) use in the Priority Agriculture zone. | The Shire agrees with the recommendation from DPIRD | |
| 8f | 5 | 13 | Part 3 - Zones and Use of Land (17): Zoning Table | Changing the permissibility of <i>Brewery</i> from (D) use to (A) use in the Priority Agriculture, Rural and Rural Smallholdings zones. | The Shire agrees with the recommendation from DPIRD | |
| 8h | 6 | 15 | Part 3 - Zones and Use of Land (17): Zoning Table | Change the permissibility of <i>Winery</i> from discretionary (D) to advertised (A) in the Rural zone. | The Shire agrees with the recommendation from DPIRD | |
| 19d | 7 | 14-15 | Part 3 - Zones and Use of Land (17): Zoning Table | Change the permissibility of <i>Serviced Apartment, Holiday Accommodation</i> and <i>Tourist Development</i> to 'A' in the District Centre zone. | To ensure a coordinated and consistent approach to assessing similar forms of accommodation. | |

(Appendix ORD: 12.2.4D)

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| 19f | 8 | 15 | Part 3 - Zones and Use of Land (17): Zoning Table | Change the permissibility of <i>Warehouse/storage</i> from (X) to (D) in the District Centre zone. | Consistent with the Eaton Fair Activity Centre Plan approved by WAPC | |
| 21; 30 - 33 | 9 | 15 | Part 3 - Zones and Use of Land (17): Zoning Table | Change the permissibility of <i>Single Dwelling</i> from (X) to (D) in the Mixed Use zone. | Facilitates the market demand for Single Housing product and provides a coordinated and consistent approach to assessing similar forms of accommodation. Consistent with permissibility in other LGAs. | |
| 29 | 10 | 40 | Schedule 2 - Additional Uses | Additional Uses – A1: Add the words <u>Industry (D use)</u> as an Additional Use in A1 | Applies to Lot 6 (127) Dillion Rd, Crooked Brook and Lot 2 Crooked Brook Rd, Crooked Brook. Both lots are currently zoned 'General Farming' with 'Additional Use No. 2' (A2) - 'Abattoir' under TPS3. The advertised draft LPS9 shows the zoning of both lots as 'Rural' with 'Additional Use No. 1' (A1) - 'Abattoir'. Lot 6 Dillon Rd has existing use rights for | |

(Appendix ORD: 12.2.4D)

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|-----------------------|--------------------------------------|--|---|---|--|--------------------------------------|--|---|---|--|
| | | | | | Industry and has been used for this purpose for a number of years. | | | | | |
| OFFICER SUBMISSION #3 | 11 | 41 | Schedule 2 - Additional Uses | <p>Create new Additional Use No. 5 by inserting the following as a new row in the table in Schedule 2:</p> <table border="1" data-bbox="786 395 1626 1375"> <tr> <td data-bbox="786 395 864 1375"><u>A5</u></td> <td data-bbox="864 395 1070 1375"><u>Lot 10 Temple Rd, Picton East</u></td> <td data-bbox="1070 395 1279 1375"><u>Storage(D use)</u> <u>Industry-mobile crushing plant (D use)</u></td> <td data-bbox="1279 395 1626 1375"> <p><u>1. Wherever suitable alternatives exist, development is to be located outside of areas which would require the removal of vegetation.</u></p> <p><u>2. Where suitable alternatives do not exist, vegetation and flora and fauna habitat surveys may be required to determine where development could occur with the least possible impact. Surveys should be undertaken in accordance with the applicable EPA technical guidance.</u></p> <p><u>3. In considering any application, the local government shall have due regard to the <i>Guidance for the Assessment of Environmental Distances between Industrial and Sensitive Land Uses</i> (EPA) and may require the preparation of a management plan to address odour, noise, dust,</u></p> </td> </tr> </table> | <u>A5</u> | <u>Lot 10 Temple Rd, Picton East</u> | <u>Storage(D use)</u> <u>Industry-mobile crushing plant (D use)</u> | <p><u>1. Wherever suitable alternatives exist, development is to be located outside of areas which would require the removal of vegetation.</u></p> <p><u>2. Where suitable alternatives do not exist, vegetation and flora and fauna habitat surveys may be required to determine where development could occur with the least possible impact. Surveys should be undertaken in accordance with the applicable EPA technical guidance.</u></p> <p><u>3. In considering any application, the local government shall have due regard to the <i>Guidance for the Assessment of Environmental Distances between Industrial and Sensitive Land Uses</i> (EPA) and may require the preparation of a management plan to address odour, noise, dust,</u></p> | <p>The lot is currently zoned 'General Farming' with 'Additional Use No. 22' (A22) - 'Storage' and 'Industry-mobile crushing plant', under TPS3.</p> <p>The advertised draft LPS9 shows the zoning as 'Rural' with no Additional Use.</p> <p>A22 in TPS3 was introduced through Scheme Amendment No. 204, which was gazetted after the draft scheme was advertised. Proposed A5 in LPS9 is consistent with the provisions in A22 in TPS3.</p> | |
| <u>A5</u> | <u>Lot 10 Temple Rd, Picton East</u> | <u>Storage(D use)</u> <u>Industry-mobile crushing plant (D use)</u> | <p><u>1. Wherever suitable alternatives exist, development is to be located outside of areas which would require the removal of vegetation.</u></p> <p><u>2. Where suitable alternatives do not exist, vegetation and flora and fauna habitat surveys may be required to determine where development could occur with the least possible impact. Surveys should be undertaken in accordance with the applicable EPA technical guidance.</u></p> <p><u>3. In considering any application, the local government shall have due regard to the <i>Guidance for the Assessment of Environmental Distances between Industrial and Sensitive Land Uses</i> (EPA) and may require the preparation of a management plan to address odour, noise, dust,</u></p> | | | | | | | |

(Appendix ORD: 12.2.4D)

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| | | | | <p>landscaping and stormwater management.</p> <p><u>4. No further subdivision shall be supported unless it can be demonstrated that it is essential for the ongoing effective management of any existing development, or for demonstrable environmental benefit and/or protection.</u></p> <p><u>5. Stored items must achieve the following setback distances:</u></p> <ul style="list-style-type: none"><u>• An average of 5m from the western boundary.</u><u>• A minimum of 5m from northern boundary</u><u>• A minimum of 20m from eastern and southern boundaries.</u> <p><u>6. In considering any application, the local government shall have due regard to any relevant issues raised in the s.16(e) Advice on areas of conservation significance in the Preston Industrial Parks, (EPA Bulletin 1282).</u></p> <p><u>7. The local government will require the preparation of a local development plan that</u></p> | | |

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| | | | | | | | clearly identifies the spatial extent of the additional use area as shown on the Scheme map. | | |
| 17b | 12 | 41 | Schedule 2 - Additional Uses | Create new Additional Use No. 6 by inserting the following as a new row in the table in Schedule 2: | | | | <p>The lots are both currently zoned 'General Farming' and 'Public utilities' under TPS3. Part of Lot 435 also has the TPS3 zone 'Important Regional Road' and the GBRS reserve 'Primary Regional Road'.</p> <p>The advertised draft LPS9 shows all of Lot 11 and most of Lot 435 zoned 'Industrial Development', while that portion of Lot 435 east of the Primary Regional Road reservation is shown as 'Rural' zone. Both lots also have an 'Infrastructure Services' reservation in the northern part under draft LPS9.</p> <p>The proximity of these two lots to the South Western Highway and the South West railway line lends them to being potentially a suitable site</p> | |
| <table border="1"> <tr> <td data-bbox="786 467 860 1316">A6</td> <td data-bbox="860 467 1068 1316"><u>Lot 11 (14701) South Western Highway, Waterloo WA 6228 and; Lot 435 Martin Pelusey Road, Waterloo WA 6228 (Picton East)</u></td> <td data-bbox="1068 467 1276 1316"><u>Intermodal (container) Terminal (D use)</u></td> <td data-bbox="1276 467 1624 1316"> <p><u>1. The Shire may consider an application for an Intermodal Terminal for the consolidation, storage and transfer of freight between the rail and road network, together with the necessary support services and activities.</u></p> <p><u>2 An application for an Intermodal Terminal must address the following: land area requirements (including throughput in TEU/yr and target capacity, warehousing, ancillary structures, container storage, rail areas, car parking and circulation); access to and integration with rail infrastructure; road connections; freight network demand; size of trains to service the terminal;</u></p> </td> </tr> </table> | | | | A6 | <u>Lot 11 (14701) South Western Highway, Waterloo WA 6228 and; Lot 435 Martin Pelusey Road, Waterloo WA 6228 (Picton East)</u> | <u>Intermodal (container) Terminal (D use)</u> | <p><u>1. The Shire may consider an application for an Intermodal Terminal for the consolidation, storage and transfer of freight between the rail and road network, together with the necessary support services and activities.</u></p> <p><u>2 An application for an Intermodal Terminal must address the following: land area requirements (including throughput in TEU/yr and target capacity, warehousing, ancillary structures, container storage, rail areas, car parking and circulation); access to and integration with rail infrastructure; road connections; freight network demand; size of trains to service the terminal;</u></p> | | |
| A6 | <u>Lot 11 (14701) South Western Highway, Waterloo WA 6228 and; Lot 435 Martin Pelusey Road, Waterloo WA 6228 (Picton East)</u> | <u>Intermodal (container) Terminal (D use)</u> | <p><u>1. The Shire may consider an application for an Intermodal Terminal for the consolidation, storage and transfer of freight between the rail and road network, together with the necessary support services and activities.</u></p> <p><u>2 An application for an Intermodal Terminal must address the following: land area requirements (including throughput in TEU/yr and target capacity, warehousing, ancillary structures, container storage, rail areas, car parking and circulation); access to and integration with rail infrastructure; road connections; freight network demand; size of trains to service the terminal;</u></p> | | | | | | |

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| | | | | <p><u>percentage breakdowns for road-rail, rail-road, and rail-rail throughput;</u> <u>traffic impact assessment;</u> <u>environmental assessment including climate, geology, topography, hydrology, flora and fauna, clearing requirements, weed management, noise, odorous or toxic materials handled through the facility/terminal, ASS investigation;</u> <u>distance from residential areas;</u> <u>adjacent land uses;</u> <u>construction phase impacts;</u> <u>servicing requirements and impact on established infrastructure;</u> <u>design</u> <u>development plans for core terminal and terminal support areas;</u> <u>details of the construction, provisioning and servicing for rolling stock and rail wagons;</u> <u>ownership and management model;</u> <u>indigenous heritage; and</u> <u>staging plans.</u></p> | <p>for an intermodal container terminal, and therefore warrants the ability for this to be considered.</p> <p>Officers do not support the broad inclusion an intermodal terminal in the General Industry zone, since this facility will need specific access to freight lines (including rail and highway), a traffic impact assessment, and is likely to have offsite impacts including potential for noise and obtrusive light.</p> | |

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| OFFICER SUBMISSION #6 | 13 | 46 | Schedule 4 - Special Use zones | <p>Modify the table in Schedule 4 by inserting all of the following text in SU1 under the heading "Conditions", following item (30) 'Traffic':</p> <p>(31) Additional conditions for Lot 2 Banksia Rd, Crooked Brook:</p> <p><u>Sufficient information should be provided with all development applications so that the local government can assess the cumulative impacts of previous/existing development.</u></p> <p><u>Applications for development approval are to clearly detail all development, including any temporary, staged and/or incidental works, with all development to occur within the boundary of the subject site.</u></p> <p><u>Any applications for development approval that proposes to vary from:</u></p> <ul style="list-style-type: none"><u>the plan included in this provision;</u><u>management plans, and/or other technical reports that are being implemented as part of obligations under development approvals relied on for the use of the subject site; and/or</u><u>environmental approvals relied on for the use of the site,</u> <p><u>are to include justification for that variation and are to be accompanied by relevant technical reports, which include details of any variations.</u></p> <p><u>Boundary Setbacks:</u></p> <p><u>Development is to be setback from site boundaries a minimum of 30m to the Primary Street (Banksia Road) and a minimum of 20m to all other boundaries unless otherwise approved.</u></p> <p><u>Height:</u></p> <p><u>Development is not to exceed a maximum height of 130m AHD (top of waste – 128m plus 2m capping), as outlined in the Cross Section on the plan included in this provision.</u></p> <p><u>This height limitation will apply to any structure on site, inclusive of buildings, plant or equipment, and any temporary or permanent bulk earthworks, stockpiles occurring on site.</u></p> <p><u>Site Access and Circulation:</u></p> | <p>The lot is currently zoned 'General Farming' in TPS3. The advertised draft LPS9 shows the lot zoned 'Special Use Zone No.1' SU1 and within 'SCA6 - Wastewater Treatment Plant Buffer'. Modification no. 28 also seeks to apply 'SCA7 - Waste Disposal Site Buffer Area' to the lot.</p> <p>Modification no. 13 incorporates the provisions of the Local Development Plan for the lot into LPS9, that has been approved by the Shire and amended by the State Administrative Tribunal.</p> <p>The modification enshrines the LDP provisions and plan in the Scheme.</p> | |

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| | | | | <p><u>The primary site access is to occur via Banksia Road at the location shown on the Site Plan, with internal circulation of all vehicles not to encroach on the 20m landscaped boundary interface.</u></p> <p><u>Heavy vehicles associated with the landfill facility are to access the site via Ferguson Road, Depiazzi Road, and the sealed portion of Banksia Road but shall not use Crooked Brook Road, Panizza Road or Dillon Road.</u></p> <p><u>Any application for development approval including a proposal that will result in additional traffic generation to the subject site is to be accompanied by:</u></p> <ul style="list-style-type: none"><u>• a Traffic Impact Assessment or Traffic Impact Statement consistent with the Department of Transport Guidelines to outline the relevant transport considerations and demonstrate the suitability of the proposed site access and vehicle circulation; and</u><u>• where additional Heavy Vehicles are proposed to access and egress the site, an assessment of the standard and suitability of the public road network to accommodate these vehicles, and an overview of the necessary upgrades and/or potential additional maintenance costs to accommodate these vehicle movements.</u> <p><u>Landscaping Requirements:</u></p> <p><u>Development is to be appropriately screened from key viewpoints via the installation of a minimum 20m landscaping strip adjacent the subject site boundary which includes:</u></p> <ul style="list-style-type: none"><u>• Native tree plantings as per any endorsed landscaping plan for the relevant portions of the site.</u><u>• A variety of smaller shrubs and plantings to provide greater density of foliage to the understory of any trees.</u> <p><u>Applications for development approval are to be supported by a landscaping plan outlining the proposed landscape design and its effectiveness to screen the development proposed.</u></p> <p><u>Fencing:</u></p> <p><u>All boundaries of the site are to be fenced with chain mesh fencing to a minimum of 2m in height and to include wildlife egress points.</u></p> | | |

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| | | | | <p><u>Environmental Management:</u> <u>Applications for development approval are to demonstrate consistency with any environmental approvals for the subject site, and where relevant should be supported by technical assessment and management plans including but not limited to:</u></p> <ul style="list-style-type: none"><u>• A Stormwater Management Plan where the development will impact upon the management of stormwater on site and should address the mitigation of the off-site impacts of stormwater, including water erosion risk on neighbouring properties.</u><u>• An Environmental Management Plan that addresses vegetation clearing, hydrogeological impacts on surrounding land uses and the investigation and management of contamination or acid sulfate soils.</u><u>• A Bushfire Management Plan prepared in accordance with the guidance provided by State Planning Policy 3.7 where the development proposed is considered to pose a risk to human life or property.</u><u>• A Dust Management Plan where the development is considered likely to generate dust which will impact on surrounding landholdings.</u><u>• A Visual Impact Assessment where the development is considered likely to impact views from key locations within the surrounding locality.</u><u>• An Acoustic Report and Noise Management Plan where the development is considered likely to result in noise which impacts the amenity and operations of surrounding landowners.</u> | | |

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|---------------------------------|---|---|---------|---|---------------------------------|--------------------------------------|--|----------|----------------|----------------|---------------------------------|-----------------------|------------------|---------------------|---------------|----------|--------------------------------|-----------------|-------------------------------|----------------------|--------------------------------|-------------------|---------------------|---|---|--|--|
| | | | | <p>Legend</p> <table border="0"> <tr> <td>EXISTING LOCAL DEVELOPMENT PLAN</td> <td>APPROVED AND OPERATIONAL DEVELOPMENT</td> <td>FUTURE PROPOSED USES (SUBJECT TO APPROVAL)</td> </tr> <tr> <td>ROADWAYS</td> <td>LANDFILL CELLS</td> <td>LANDFILL CELLS</td> </tr> <tr> <td>LANDSCAPE BUFFER/ROUNDOFF (20m)</td> <td>TANKAGE STORAGE CELLS</td> <td>STORMWATER PONDS</td> </tr> <tr> <td>PUBLIC ROAD RESERVE</td> <td>LANDFILL POND</td> <td>WORKSHOP</td> </tr> <tr> <td>CONTINGENCY/STORAGE CONDITIONS</td> <td>STORMWATER POND</td> <td>AREA OF POTENTIAL DEVELOPMENT</td> </tr> <tr> <td>TRUNKWAY SITE ACCESS</td> <td>OFF-SITE/ON-SITE WASTE STORAGE</td> <td>EXISTING WORKSHOP</td> </tr> <tr> <td>STORMWAY/SEWER ROAD</td> <td>INDUSTRIAL/COMMERCIAL/RESIDENTIAL SITE OFFICE</td> <td>EXISTING CONTRACTIVE INDUSTRY (PAVED AND UNPAVED)</td> </tr> </table> <p>SITE PLAN SCALE 1:1,000</p> <p>CROSS SECTION A-A SCALE 1:1,000</p> <p>Vertical axis labels: 155m AHD, 150m AHD, 145m AHD, 140m AHD, 135m AHD, 130m AHD, 125m AHD, 120m AHD, 115m AHD, 110m AHD, 105m AHD, 100m AHD, 95m AHD, 90m AHD, 85m AHD, 80m AHD, 75m AHD, 70m AHD, 65m AHD, 60m AHD, 55m AHD, 50m AHD, 45m AHD DATUM</p> <p>Horizontal axis labels: TRUNKWAY EXTRACTION, TANKAGE CELL 2A TANKAGE STORAGE, STORMWATER POND 1, TANKAGE CELL 1 TANKAGE STORAGE, EXISTING LANDFILL SITES, FUTURE PROPOSED LANDFILL SITES</p> | EXISTING LOCAL DEVELOPMENT PLAN | APPROVED AND OPERATIONAL DEVELOPMENT | FUTURE PROPOSED USES (SUBJECT TO APPROVAL) | ROADWAYS | LANDFILL CELLS | LANDFILL CELLS | LANDSCAPE BUFFER/ROUNDOFF (20m) | TANKAGE STORAGE CELLS | STORMWATER PONDS | PUBLIC ROAD RESERVE | LANDFILL POND | WORKSHOP | CONTINGENCY/STORAGE CONDITIONS | STORMWATER POND | AREA OF POTENTIAL DEVELOPMENT | TRUNKWAY SITE ACCESS | OFF-SITE/ON-SITE WASTE STORAGE | EXISTING WORKSHOP | STORMWAY/SEWER ROAD | INDUSTRIAL/COMMERCIAL/RESIDENTIAL SITE OFFICE | EXISTING CONTRACTIVE INDUSTRY (PAVED AND UNPAVED) | | |
| EXISTING LOCAL DEVELOPMENT PLAN | APPROVED AND OPERATIONAL DEVELOPMENT | FUTURE PROPOSED USES (SUBJECT TO APPROVAL) | | | | | | | | | | | | | | | | | | | | | | | | | |
| ROADWAYS | LANDFILL CELLS | LANDFILL CELLS | | | | | | | | | | | | | | | | | | | | | | | | | |
| LANDSCAPE BUFFER/ROUNDOFF (20m) | TANKAGE STORAGE CELLS | STORMWATER PONDS | | | | | | | | | | | | | | | | | | | | | | | | | |
| PUBLIC ROAD RESERVE | LANDFILL POND | WORKSHOP | | | | | | | | | | | | | | | | | | | | | | | | | |
| CONTINGENCY/STORAGE CONDITIONS | STORMWATER POND | AREA OF POTENTIAL DEVELOPMENT | | | | | | | | | | | | | | | | | | | | | | | | | |
| TRUNKWAY SITE ACCESS | OFF-SITE/ON-SITE WASTE STORAGE | EXISTING WORKSHOP | | | | | | | | | | | | | | | | | | | | | | | | | |
| STORMWAY/SEWER ROAD | INDUSTRIAL/COMMERCIAL/RESIDENTIAL SITE OFFICE | EXISTING CONTRACTIVE INDUSTRY (PAVED AND UNPAVED) | | | | | | | | | | | | | | | | | | | | | | | | | |

(Appendix ORD: 12.2.4D)

| OFFICER SUBMISSION #1 | 14 | 47 | Schedule 4 - Special Use zones | <p>Modify Special Use Zone No. 2 by inserting the following text in the table in Schedule 4:</p> <table border="1" data-bbox="786 231 1624 1375"> <thead> <tr> <th data-bbox="786 231 882 296">No.</th> <th data-bbox="882 231 1059 296">Description of land</th> <th data-bbox="1059 231 1328 296">Special use</th> <th data-bbox="1328 231 1624 296">Conditions</th> </tr> </thead> <tbody> <tr> <td data-bbox="786 296 882 1375">SU2</td> <td data-bbox="882 296 1059 1375">Lot 50 Railway Road, Waterloo</td> <td data-bbox="1059 296 1328 1375"> Industry – Brickworks facility (D use) <u>Car park (A Use)</u> <u>Commercial Vehicle Parking (A use)</u> <u>Trade display (A use)</u> <u>Transport depot (A use)</u> <u>Warehouse/storage (A use)</u> </td> <td data-bbox="1328 296 1624 1375"> (1) Development of a <u>brickworks facility</u> shall be in accordance with a local development plan. (2) In considering any application the local government shall have due regard to the Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses (EPA) and may require the preparation of a management plan to address odour, noise, dust, landscaping and stormwater management. (3) Suitable arrangements are to be made to the satisfaction of the local government </td> </tr> </tbody> </table> | No. | Description of land | Special use | Conditions | SU2 | Lot 50 Railway Road, Waterloo | Industry – Brickworks facility (D use) <u>Car park (A Use)</u> <u>Commercial Vehicle Parking (A use)</u> <u>Trade display (A use)</u> <u>Transport depot (A use)</u> <u>Warehouse/storage (A use)</u> | (1) Development of a <u>brickworks facility</u> shall be in accordance with a local development plan. (2) In considering any application the local government shall have due regard to the Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses (EPA) and may require the preparation of a management plan to address odour, noise, dust, landscaping and stormwater management. (3) Suitable arrangements are to be made to the satisfaction of the local government | <p>The lot is currently zoned 'Restricted Use' zone (R15) for 'Brickworks' under TPS3.</p> <p>The advertised draft LPS9 shows it as 'Special Use' zone (SU2) for 'Industry – Brickworks facility', along with 'Special Control Area No. 5' (SCA5) - 'Strategic minerals and basic raw materials area'.</p> <p>In addition to the 'brickworks' use, the Shire recommends a number of uses and associated development that would facilitate use of the land without sterilising access to the clay resource.</p> <p>The uses proposed are likely to be compatible with surrounding land uses, and are typical of development that could be easily removed, such as hardstands and temporary fencing, shelters, sea containers/storage.</p> | |
|-----------------------|-------------------------------|--|---|---|-----|---------------------|-------------|------------|-----|-------------------------------|--|---|--|--|
| No. | Description of land | Special use | Conditions | | | | | | | | | | | |
| SU2 | Lot 50 Railway Road, Waterloo | Industry – Brickworks facility (D use) <u>Car park (A Use)</u> <u>Commercial Vehicle Parking (A use)</u> <u>Trade display (A use)</u> <u>Transport depot (A use)</u> <u>Warehouse/storage (A use)</u> | (1) Development of a <u>brickworks facility</u> shall be in accordance with a local development plan. (2) In considering any application the local government shall have due regard to the Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses (EPA) and may require the preparation of a management plan to address odour, noise, dust, landscaping and stormwater management. (3) Suitable arrangements are to be made to the satisfaction of the local government | | | | | | | | | | | |

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| | | | | | | | <p>for the upgrade of Waterloo Road.</p> <p>(4) Development is to be setback and suitably screened a minimum of 20 m from all lot boundaries with landscaping incorporating native or locally acceptable species to the satisfaction of the local government.</p> <p>(5) All stormwater is to be contained and managed on-site to the satisfaction of the local government in consultation with the Department of Water and Environmental Regulation.</p> <p>(6) <u>Applications for Development Approval must demonstrate that the scale and design of any development does not sterilise access to or extraction of the underlying clay resource.</u></p> | | |
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(Appendix ORD: 12.2.4D)

| 12 | 15 | 49 | Schedule 4 - Special Use zones | <p>Create a new Special Use Zone No. 7 by inserting the following as a new row in the table in Schedule 4:</p> <table border="1" data-bbox="786 264 1626 1377"> <thead> <tr> <th data-bbox="786 264 882 331">No.</th> <th data-bbox="882 264 1059 331">Description of land</th> <th data-bbox="1059 264 1247 331">Special use</th> <th data-bbox="1247 264 1626 331">Conditions</th> </tr> </thead> <tbody> <tr> <td data-bbox="786 331 882 1377">SU7</td> <td data-bbox="882 331 1059 1377">Portion of Lot 89 Lennard Road, Burekup</td> <td data-bbox="1059 331 1247 1377"> <p>Wastewater Treatment Plant (P use)</p> <p>Agriculture – extensive (D use)</p> </td> <td data-bbox="1247 331 1626 1377"> <p>(1) <u>Open-style chain mesh fencing is to be installed and maintained around the permitter of the facility to the satisfaction of the local government.</u></p> <p>(2) <u>The development is to be suitably screened a minimum of 50 m from Lennard Road and 15 m from Catalano Road with landscaping incorporating native or locally acceptable species to the satisfaction of the local government.</u></p> <p>(3) <u>Suitable arrangements are to be made to the satisfaction of the local government for the upgrade of the unsealed portion of Lennard Road to a sealed bitumen standard.</u></p> <p>(4) <u>Commercial vehicle access to the development is only permitted via Lennard Road.</u></p> </td> </tr> </tbody> </table> | No. | Description of land | Special use | Conditions | SU7 | Portion of Lot 89 Lennard Road, Burekup | <p>Wastewater Treatment Plant (P use)</p> <p>Agriculture – extensive (D use)</p> | <p>(1) <u>Open-style chain mesh fencing is to be installed and maintained around the permitter of the facility to the satisfaction of the local government.</u></p> <p>(2) <u>The development is to be suitably screened a minimum of 50 m from Lennard Road and 15 m from Catalano Road with landscaping incorporating native or locally acceptable species to the satisfaction of the local government.</u></p> <p>(3) <u>Suitable arrangements are to be made to the satisfaction of the local government for the upgrade of the unsealed portion of Lennard Road to a sealed bitumen standard.</u></p> <p>(4) <u>Commercial vehicle access to the development is only permitted via Lennard Road.</u></p> | <p>The lot is currently zoned 'General Farming' under TPS3, with 'Additional Use No. 7' (A7) for 'Septage Disposal' applying to the south eastern corner of the lot where a Wastewater Treatment and Refining Plant (WWTRP) is located. The facility has been operating since 1995.</p> <p>The advertised draft LPS9 shows the lot zoned 'Rural', with 'Additional Use No. 2' (A2) for 'Waste Water Treatment Plant' applying to the south eastern corner of the lot generally consistent with A7 in TPS3.</p> <p>The SU zone will allow for site-specific planning controls that cannot otherwise be achieved through agricultural zones such as the Rural zone.</p> <p>Officers suggest including conditions 1 to 6 from the draft Scheme A2 provisions, plus an</p> | |
|-----|---|--|---|--|-----|---------------------|-------------|------------|-----|---|--|---|--|--|
| No. | Description of land | Special use | Conditions | | | | | | | | | | | |
| SU7 | Portion of Lot 89 Lennard Road, Burekup | <p>Wastewater Treatment Plant (P use)</p> <p>Agriculture – extensive (D use)</p> | <p>(1) <u>Open-style chain mesh fencing is to be installed and maintained around the permitter of the facility to the satisfaction of the local government.</u></p> <p>(2) <u>The development is to be suitably screened a minimum of 50 m from Lennard Road and 15 m from Catalano Road with landscaping incorporating native or locally acceptable species to the satisfaction of the local government.</u></p> <p>(3) <u>Suitable arrangements are to be made to the satisfaction of the local government for the upgrade of the unsealed portion of Lennard Road to a sealed bitumen standard.</u></p> <p>(4) <u>Commercial vehicle access to the development is only permitted via Lennard Road.</u></p> | | | | | | | | | | | |

(Appendix ORD: 12.2.4D)

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| | | | | | | | <p>(5) <u>All crossovers are to be bitumen sealed and drained to the satisfaction of the local government.</u></p> <p>(6) <u>In considering any application the local government shall have due regard to the <i>Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses</i> (EPA).</u></p> <p>(7) <u>The local government may only approve an application for development approval if it is satisfied that the development would not constrain the operations of the wastewater treatment plant facility.</u></p> | <p>additional condition to control development on the site to ensure the operation of the facility is protected.</p> | |
| OFFICER SUBMISSION #2 | 16 | 53 | Schedule 7 - Additional Site and Development Requirements | <p>Table – ‘Urban Development and Industrial Development’</p> <p>Modify as follows:</p> <p><i>"In accordance with an approved structure plan; and</i> <i>In the absence of an approved structure plan, all development and/or change of use requires Development Approval. The local government will only support an application for subdivision and/or Development Approval where it is satisfied that such approval would not prejudice the objective of the zone detailed in Part 3.</i></p> <p><i>Other requirements –</i></p> <p><i>Any structure plan must address the following –</i></p> | | | <p>Unless the proposed text is included, it is unclear what land uses are permissible or acceptable, and what the considerations should be for development proposals, in the absence of any structure plan (and this information is not set out in the Scheme).</p> | | |

(Appendix ORD: 12.2.4D)

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| | | | | <p>(a) Wherever suitable alternatives exist, development is to be located outside of areas which would require the removal of vegetation;</p> <p>(b) Where suitable alternatives do not exist, a flora and fauna study may be required to determine locations where development could occur with the least possible impact. Surveys should be undertaken in accordance with the Environmental Protection Authority's relevant technical guidance document(s);</p> <p>(c) Any relevant issues raised in the s16(e) Advice on areas of conservation significance in the Preston Industrial Park, (EPA Bulletin 1282); and</p> <p>(d) Any relevant issues raised in the Greater Bunbury Region Scheme – Minister for the Environment Statement 697”.</p> | | |
| 3b | 17 | 57 | Schedule 7 - Additional Site and Development Requirements | <p>Schedule 7 Part 13 - <i>Tree farms</i></p> <p>Modify part 13(a) as follows:</p> <p>i) a plantation management plan <u>and fire management plan</u> in accordance with the <i>Code of Practice for Timber Plantations in Western Australia</i>; and</p> <p>(ii) a bushfire management plan <u>where required under SPP3.7.</u></p> | The Shire agrees with this recommendation from DWER | |
| 9n | 18 | 57 | Schedule 7 - Additional Site and Development Requirements | <p>Schedule 7 Part 13 - <i>Tree farms</i></p> <p>Modify part 13(b)(iii) as follows:</p> <p>(iii) the need to protect existing water courses <u>and foreshore buffer areas</u>, vegetation corridors, agricultural production, and the mitigation of wind erosion, waterlogging and salinity;</p> | The Shire agrees with this recommendation from DWER | |
| 9o | 19 | 58 | Schedule 7 - Additional Site and Development Requirements | <p>Schedule 7 Part 14 - <i>Dams and watercourses</i></p> <p>Add provision for referral to DWER:</p> <p><u>(c) In considering an application for development approval the local government may refer the application to the Department of Water and Environmental Regulation and shall have due regard to any comments received.</u></p> | The Shire agrees with this recommendation from DWER | |
| 8i | 20 | 59 | Schedule 7 - Additional Site and Development Requirements | <p>Schedule 7 (16), modify as follows:</p> <p><i>“Renewable energy facilities</i></p> <p><i>An application for development approval under this clause shall be accompanied by information that addresses the following –</i></p> <p><i>(a) community consultation;</i></p> <p><i>(b) environmental impacts;</i></p> <p><i>(c) visual and landscape impacts;</i></p> | The Shire agrees with this recommendation from DPIRD | |

(Appendix ORD: 12.2.4D)

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| | | | | <p>(d) noise impacts; (e) public and aviation safety; (f) heritage; (g) construction impacts; <u>and</u> (h) impacts to agriculture on the lot and the surrounding area.”</p> | | |
| 3c | 21 | 59 | Schedule 7 - Additional Site and Development Requirements | <p>Schedule 7 Part 18(b)(i) - <i>Potable Water Supply</i> Modify as follows: “each dwelling shall be provided with a minimum 135,000 litre water storage tank <u>that is separate from and additional to any water storage tank(s) for firefighting purposes in</u> an approved bushfire management plan; and”</p> | The Shire agrees with this recommendation from DFES and notes it is in accordance with the '(Draft) Planning for Bushfire Guidelines April 2023' (p.79) | |
| 8j | 22 | 60 | Schedule 7 - Additional Site and Development Requirements | <p>Schedule 7 Part 21 - Stocking Rates Delete in entirety and replace with:</p> <p><u>(a) On Rural Residential zoned lots, the keeping of horses must meet all of the following requirements:</u> <u>(i) the lot is a minimum 1 Ha in size;</u> <u>(ii) a maximum of 1 horse per hectare;</u> <u>(iii) no more than 3 horses per lot; and</u> <u>(iv) keeping of horse/s is for personal use of the occupant/s only.</u> <u>(b) Unless subclause (a) applies, all other stocking rates must comply with Department of Primary Industries and Regional Development stocking rate guidelines.</u> <u>(c) For land in the Rural Residential or Rural Smallholding zones, where in the opinion of the local government the continued presence of animals on any portion of land is likely to contribute, or is contributing to unsatisfactory environmental impacts, the local government may require the removal of the animals for a specified period and the undertaking of remedial works.</u></p> | Clearer wording which does not change the intent of the provision. | |
| 4c | 23 | 61 | Schedule 7 - Additional Site and Development Requirements | <p>Schedule 7 - Add new part 24 to state: The Shire shall have due regard to the '<u>Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses (EPA 2005)</u>' when assessing any planning proposal resulting in</p> | The Shire agrees with this recommendation from DOH | |

(Appendix ORD: 12.2.4D)

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| | | | | <u>future development of industrial or sensitive land uses in proximity to one another.</u> | | |
| 19j | 24 | 64 | Schedule 9 - Parking | <p>Modify the requirement for 'Cinema/theatre' as follows:</p> <p>Car parking spaces (per m2 floor area): 1 per 20 m2 or 1 per 5 persons the premises is designed and approved to accommodate, whichever is the greater.</p> <p>Motorcycle / scooter parking spaces: 1 for every 20 car parking spaces with a minimum of 2.</p> <p>Bicycle parking spaces: 1 for every 20 car parking spaces with a minimum of 2.</p> | The parking requirement for the Eaton Fair cinema approval was calculated at '1 space per 5 seats' as per the TPS3 requirement, and the Shire considers this to be the appropriate ration to carry forward in LPS9. | |
| 14a | 25 | 65 | Schedule 9 - Parking | <p>Modify the parking requirements for 'Freeway Service Centre' as follows:</p> <p><u>Car parking spaces: 100</u></p> <p><u>Motorcycle /scooter parking spaces: 1 for every 20 car parking spaces</u></p> <p><u>Bicycle parking spaces: 1 for every 20 car parking spaces</u></p> | Consistent with The MRWA Guideline - Bunbury Outer Ring Road Service Centre/s Development (Policy DC1.10), noting that MRWA is the referral authority for applications on or adjoining regional roads. | |
| 19e | 26 | 65 | Schedule 9 - Parking | Remove the row 'Industry - Service' from the table since this is not defined in LPS9 nor included in the zoning table. | Industry - Service is not defined nor included in the zoning table, and should therefore be removed from the car parking provisions in Schedule 9. | |
| 9h | 27 | 70 | Schedule 10 - Special Control Areas | <p>SCA1 - Public Drinking Water Source Area</p> <p>Modify point (2) as follows:</p> <p><i>"In considering an application for development approval the local government shall refer the application to the Department of Water and Environmental Regulation and shall have due regard to any comments received".</i></p> | The advertised draft LPS9 shows SCA1 applying to four privately owned lots (south of Garvey Rd and east of Boyanup-Picton Rd), as well as three Crown Land | |

(Appendix ORD: 12.2.4D)

| | | | | | lots of which one is vested in the Shire. The Shire agrees with this recommendation from DWER, and notes that SPP2.7 states <i>"The special control area provisions should provide for referral of applications to the WRC for advice and comment, and set out the relevant considerations in determining planning applications within these areas, guided by the WRC Water Quality Protection Note on Land Use Compatibility and Public Drinking Water Source Areas"</i> . | | | | | | |
|---------------------------------------|--|--|-------------------------------------|---|--|---------|-----------------------|---------------------------------------|--|--|--|
| 4d; 28d | 28 | 84 | Schedule 10 - Special Control Areas | <p>Add new <u>SCA 7 Waste Disposal Site Buffer Area</u> and add the following row to the table.</p> <table border="1"> <thead> <tr> <th>Name of Area</th> <th>Purpose</th> <th>Additional Provisions</th> </tr> </thead> <tbody> <tr> <td>SCA 7 Waste Disposal Site Buffer Area</td> <td> Purpose: to identify buffer areas for Waste Disposal Sites and prevent land use conflict. Objectives - (a) To control development within close </td> <td> (1) All development requires the development approval of the local government and shall be subject to the local government's discretion notwithstanding that the use may be permitted elsewhere in the scheme. (2) In considering an application for development approval </td> </tr> </tbody> </table> | Name of Area | Purpose | Additional Provisions | SCA 7 Waste Disposal Site Buffer Area | Purpose: to identify buffer areas for Waste Disposal Sites and prevent land use conflict. Objectives - (a) To control development within close | (1) All development requires the development approval of the local government and shall be subject to the local government's discretion notwithstanding that the use may be permitted elsewhere in the scheme. (2) In considering an application for development approval | <p>The recommended SCA7 is proposed to apply to land within 500m of the boundaries of Lot 2 Banksia Road, Crooked Brook (see Modification #31). The buffer area would apply to one Crown Land lot (vested in the Shire), three Watercorporation lots, six privately owned lots, and the State Forest (Crown Land).</p> |
| Name of Area | Purpose | Additional Provisions | | | | | | | | | |
| SCA 7 Waste Disposal Site Buffer Area | Purpose: to identify buffer areas for Waste Disposal Sites and prevent land use conflict. Objectives - (a) To control development within close | (1) All development requires the development approval of the local government and shall be subject to the local government's discretion notwithstanding that the use may be permitted elsewhere in the scheme. (2) In considering an application for development approval | | | | | | | | | |

(Appendix ORD: 12.2.4D)

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| | | | | <p>proximity of a Waste Disposal site which may be considered a nuisance or offensive by virtue of noise, dust, gas, odour, fumes, lighting overspill and health concerns.</p> <p>(b) To avoid incompatible and/or sensitive land use or development within the Waste Disposal site buffer area.</p> <p>(c) To protect sensitive land uses from emissions associated with waste disposal sites.</p> | <p>the local government may refer the application to any relevant authority and shall have due regard to any comments received.</p> <p>(3) In considering any application the local government shall have due regard to the <i>Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses (EPA)</i>.</p> <p>(4) The local government may only approve an application for development approval which is consistent with the purpose of the buffer.</p> | <p>The Shire agrees with this recommendation from DOH.</p> | |
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(Appendix ORD: 12.2.4D)

Schedule of Modifications - Map Modifications

| Submission No. | Modification No. | Map Sheet | Proposed Modification | LG Justification |
|----------------|------------------|-----------|---|--|
| 12 | 29 | 1 | Realign the WWTRP site zone boundary to that shown on the map included in the submission to Lot 89 Lennard Rd, Burekup. | <p>The whole of Lot 89 (205) Lennard Road is currently zoned 'General Farming', and 'Additional Use 7 (A7) Septage Disposal' applies to the south eastern corner of the lot where a Wastewater Treatment and Refining Plant (WWTRP) is located. The facility has been operating since 1995.</p> <p>Advertised draft LPS9 shows the whole of Lot 89 zoned 'Rural', with 'Additional Use 2' (A2) - 'Waste Water Treatment Plant' applying to the south eastern corner of the lot generally consistent with A7 in TPS3.</p> <p>The modified zone boundary for the WWTRP will allow the facility to be used independently of the balance of Lot 89, by including the access to the facility within the zone boundary. Further, it affords protection to, and separation between, the WWTRP and any future/potential sensitive uses.</p> <p>Recommended zoning of the WWTRP site to SU zone is discussed below.</p> |
| 12 | 30 | 1 | Zone the full extent of the area within the WWTRP site zone boundary at Lot 89 Lennard Rd, Burekup as Special Use 7 (SU7) with the balance of the lot to be (remain) zoned Rural. | <p>The whole of Lot 89 (205) Lennard Road is currently zoned 'General Farming', and 'Additional Use 7 (A7) Septage Disposal' applies to the south eastern corner of the lot where a Wastewater Treatment and Refining Plant (WWTRP) is located. The facility has been operating since 1995.</p> <p>Advertised draft LPS9 shows the whole of Lot 89 zoned 'Rural', with 'Additional Use 2' (A2) - 'Waste Water Treatment Plant' applying to the south eastern corner of the lot generally consistent with A7 in TPS3.</p> |

(Appendix ORD: 12.2.4D)

| Submission No. | Modification No. | Map Sheet | Proposed Modification | LG Justification |
|----------------|------------------|-----------|---|---|
| | | | | <p>The SU zone allows for site-specific planning controls for the WWTRP that cannot otherwise be achieved through agricultural zones such as the Rural zone.</p> |
| 12 | 31 | 1 | <p>Apply the SCA6 buffer to extend 500m outside the boundaries of the existing WWTRP on Lot 89 (205) Lennard Road, Burekup.</p> | <p>The whole of Lot 89 (205) Lennard Road is currently zoned 'General Farming', and 'Additional Use 7 (A7) Septage Disposal' applies to the south eastern corner of the lot where a Wastewater Treatment and Refining Plant (WWTRP) is located. The facility has been operating since 1995.</p> <p>Advertised draft LPS9 shows the whole of Lot 89 zoned 'Rural', with 'Additional Use 2' (A2) - 'Waste Water Treatment Plant' applying to the south eastern corner of the lot generally consistent with A7 in TPS3.</p> <p>This buffer is consistent with the SCA6 applied to the wastewater treatment plant at Lot 500 Shenton Rd, Burekup.</p> |
| 4d; 28d | 32 | 1 | <p>Apply a new SCA7 Waste Disposal site buffer to extend 500m outside the boundaries of Lot 2 Banksia Road, Crooked Brook.</p> | <p>The recommended SCA7 buffer area would apply to one Crown Land lot (vested in the Shire), three Watercorporation lots, six privately owned lots, and the State Forest (Crown Land).</p> <p>In accordance with <i>Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses (EPA 2005)</i>.</p> |
| 36 | 33 | 1 | <p>Zone Lot 2 (930) Henty Road, Burekup 'Tourist zone'</p> | <p>The lot is zoned 'Tourist' in TPS3. The advertised draft LPS9 shows the lot zoned 'Rural' and within 'SCA2 Ferguson Valley Tourism Area'.</p> <p>A tourism business has operated in the eastern portion of the lot (over approximately 6.5ha of the site) for many years. The Shire considers it appropriate to carry its current tourist zoning forward into LPS9.</p> |

(Appendix ORD: 12.2.4D)

| Submission No. | Modification No. | Map Sheet | Proposed Modification | LG Justification |
|-----------------------|------------------|-----------|---|---|
| 37 | 34 | 1 | Zone 791 Ferguson Rd, Ferguson Valley 'Tourist zone' | <p>The lot is zoned 'General Farming' in TPS3. The advertised draft LPS9 shows the lot zoned 'Rural' and within 'SCA2 Ferguson Valley Tourism Area'.</p> <p>A tourism business has operated on the lot for many years. Due to the expanse of the tourist operation and its associated structures across the site, and the small size of the lot, it is not suitable for Rural zoning. The Shire considers it appropriate to zone it in accordance with its established use under LPS9.</p> |
| OFFICER SUBMISSION #5 | 35 | 3 | Rezoning the ceded portion of Lot B on WAPC 163623 (7 Culling Grove) from 'Residential' to 'District Centre' - RAC1. | <p>Lot 1 (7) Culling Grove is currently zoned 'Residential' (R12.5) in TPS3. The advertised draft LPS9 shows the lot zoned 'Residential' (R20).</p> <p>Proposed plan of subdivision WAPC 163623 shows this lot being split into 2, with proposed Lot A retaining the existing dwelling as a residential lot, and proposed vacant Lot B becoming part of the Eaton Fair land at Lot 601 Council Drive.</p> <p>It is expected that the subdivision will be approved by the WAPC before the Minister approves LSP9. Therefore, officers recommend a modification to draft Scheme map to show all of Lot 601 Council Drive (including that portion being transferred) to be zoned as 'District Centre' and the balance of Lot 1 Culling Grove (Lot A) remaining Residential R20 under LPS9.</p> |
| 19a | 36 | 3 | Extend the District Centre zone and R-AC1 coding to the southern boundary of Lot 1112 on DP422010 Version 3. | To correct the zoning anomaly. |
| 20a | 37 | 3 and 4 | Private Community Purpose zone be modified to cover the memorial extent only, with balance of Lot 9000 (97) Illawarra Drive, Eaton being zoned Residential and coded R30. | Under TPS3, the northern part of the lot is currently zoned 'Residential' (R30) with the balance being zoned 'Other Community' with 'Additional Use No. 18' (A18) - Lifestyle Village. The southern portion also currently has a reservation for 'Recreation' under TPS3. |

(Appendix ORD: 12.2.4D)

| Submission No. | Modification No. | Map Sheet | Proposed Modification | LG Justification |
|-----------------------------|------------------|-----------|--|---|
| | | | | <p>The advertised draft LPS9 shows the northern part of the lot retaining the Residential (R30) zoning with the balance shown as 'Private Community Purpose' R40, and with 'Special Purpose Reserve' over the southern portion (generally consistent with the area of the existing Recreation reserve).</p> <p>Reducing the area of the 'Private Community Purpose' zone, and the equivalent increase of Residential zoning on the lot, will increase availability of residential zoned land in the area.</p> |
| 20b | 38 | 3 and 4 | Change the zone of the former Special Purposes reservation on Lot 9000 (97) Illawarra Drive, Eaton, adjacent to the Forrest Highway, from 'Recreation' to 'Private Community Purpose'. | <p>Under TPS3, the northern part of the lot is currently zoned 'Residential' (R30) with the balance being zoned 'Other Community' with 'Additional Use No. 18' (A18) - Lifestyle Village. The southern portion also currently has a reservation for 'Recreation' under TPS3.</p> <p>The advertised draft LPS9 shows the northern part of the lot retaining the Residential (R30) zoning with the balance shown as 'Private Community Purpose' R40, and with 'Special Purpose Reserve' over the southern portion (generally consistent with the area of the existing Recreation reserve).</p> <p>The proposed modification is consistent with the established use and development of the land as part of the retirement village.</p> |
| OFFICER SUBMISSION #3 | 39 | 4 and 5 | Include A5 over part of Lot 10 Temple Rd, Picton East, consistent with the extent of A22 on TPS3 maps 4 and 5. | <p>The lot is currently zoned 'General Farming' with 'Additional Use No. 22' (A22) - 'Storage' and 'Industry-mobile crushing plant', under TPS3. The advertised draft LPS9 shows the zoning as 'Rural' with no Additional Use.</p> <p>Additional Use A22 in TPS3 was introduced through recently gazetted Scheme Amendment No. 204, which was gazetted after draft LPS9 was advertised (17 March 2023).</p> |

(Appendix ORD: 12.2.4D)

| Submission No. | Modification No. | Map Sheet | Proposed Modification | LG Justification |
|----------------|------------------|-----------|--|---|
| | | | | <p>The Shire recommends applying A5 to the same portion of the lot as existing A22 in TPS3.</p> |
| 17a | 40 | 5 | Zone the full extent of Lot 435 Martin Pelusey Road, Waterloo 'Industrial Development'. | <p>The lot is currently zoned 'General Farming', 'Public utilities', and 'Important Regional Road' under TPS3. It also contains GBRS reserve 'Primary Regional Road' over a portion.</p> <p>The advertised draft LPS9 shows most of Lot 435 zoned 'Industrial Development', while that portion lying east of the Primary Regional Road reservation is shown as 'Rural' zone. An 'Infrastructure Services' reservation applies to the northern part of the lot.</p> <p>Modification is recommended to zone the eastern portion of the lot consistent with the zoning on the western part of the lot (west of the former BORR reservation). The size of the eastern portion is large enough to contain an industrial use in its own right, independent of the balance of Lot 435, should the primary road reservation remain in place in the long term (effectively splitting the lot). This portion is not of a size or shape particularly suited to commercial scale agriculture, and will in future be surrounded by industrial uses to the north, south and west.</p> |
| 17b | 41 | 5 | Apply new Additional Use A6 to the full extent of Lot 11 (14701) South Western Highway, Waterloo WA 6228 and Lot 435 Martin Pelusey Road, Waterloo (Picton East) | <p>The lots are both currently zoned 'General Farming' and 'Public utilities' under TPS3. Part of Lot 435 also has the TPS3 zone 'Important Regional Road' and the GBRS reserve 'Primary Regional Road'.</p> <p>The advertised draft LPS9 shows all of Lot 11 and most of Lot 435 zoned 'Industrial Development', while that portion of Lot 435 east of the Primary Regional Road reservation is shown as 'Rural' zone. Both lots also have an 'Infrastructure Services' reservation in the northern part under draft LPS9.</p> |

(Appendix ORD: 12.2.4D)

| Submission No. | Modification No. | Map Sheet | Proposed Modification | LG Justification |
|-----------------------|------------------|-----------|---|---|
| | | | | <p>The proximity of these two lots to the South Western Highway and the South West railway line lends them to being potentially a suitable site for an intermodal container terminal, and therefore warrants the ability for this to be considered.</p> |
| 6 | 42 | 6 | Amend the Scheme map no. 6 to rezone the portion of road reserve that lies between Lots 3 and 39 Golding Crescent, Picton East as 'Light Industry' rather than as 'Public Open Space' | <p>The land in question is reserved for 'Recreation' in TPS3, and the advertised draft LPS9 shows the land as 'Public Open Space'</p> <p>This recommended zoning is consistent with the zoning of the adjacent lots which have purchased the subject land, and the intended use of this strip of land.</p> <p>Council resolved at its meeting on 26 April 2023 [83-23] to request the Minister for Lands to approve the closure and amalgamation of a portion of the unnamed road reserve that abuts Lots 3 and 39 Golding Crescent, Picton East, into those two lots.</p> <p>This modification was recommended by DPLH in its submission to the Shire (appended to this report).</p> |
| OFFICER SUBMISSION #4 | 43 | 9 | Zone portion of Lot 2 Harold Douglas Drive and portion of Lot 185 Venn Road Dardanup West from 'Rural' to 'Rural Residential'. | <p>The land has been recently zoned 'Small Holding' in TPS3 through Scheme Amendment 205, which was gazetted after draft LPS9 was advertised (25 August 2023). The advertised draft LPS9 shows the zoning as 'Rural'.</p> <p>The Shire recommends zoning the same portion 'Rural Residential', being the equivalent zoning in LPS9.</p> |
| 30 - 33 | 44 | 9 | Zone the lots along Charlotte St from (and including) Lot 21 Charlotte St to Lots 1 and 2 Charlotte St (formerly Lot 26 on the corner of Clearys Rd) as 'Mixed Use' zone. | <p>The lots are currently zoned 'Residential' (R12.5) under TPS3. The advertised draft LPS9 shows the lots zoned 'Commercial'.</p> <p>Zoning this strip of lots Mixed Use rather than Commercial will enable a mixture of ground floor</p> |

(Appendix ORD: 12.2.4D)

| Submission No. | Modification No. | Map Sheet | Proposed Modification | LG Justification |
|----------------|------------------|-----------|---|---|
| | | | | <p>commercial activities along with residential uses. This allows great flexibility in areas where growth of purely commercial precincts is slow, such as the case is in Dardanup, and/or where large scale commercial uses would not be consistent with the character of the location.</p> |
| 10b | 45 | 10 | Zone Lot 33 Venn Road 'Rural' | <p>The lot is currently zoned 'General Farming' in TPS3. The advertised draft LPS9 shows the zoning as 'Residential' (R20).</p> <p>The modification is consistent with the Rural zoning under the GBRS. Further, the lot is unable to connect to reticulated sewer, and therefore it is considered premature for the land to be rezoned Residential in the absence of comprehensive planning.</p> |
| 23 | 46 | 13 | Zone Lot 500 (557) Wellington Mill Rd 'Rural' zone. | <p>Under the GBRS, the lot was zoned State Forrest until recently, which has 'no zone' in TPS3. The advertised LPS9 retains this 'no zone'.</p> <p>GBRS Minor amendment 0067/57 rezoned the land from State Forrest to Rural zone, and the recommended modification is consistent with GBRS.</p> |