

**Shire of Donnybrook-Balingup
Local Planning Scheme No. 7**

Amendment No. 11

Omnibus Amendment

FORM 2A

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**Planning and Development Act 2005
RESOLUTION TO ADOPT AMENDMENT
TO LOCAL PLANNING SCHEME**

***Shire of Donnybrook-Balingup Local Planning Scheme No. 7
Amendment No. 11***

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

1. Amending the zoning for Lot 384 Marshall Road, Argyle from 'General Agriculture' to 'Rural Residential' as more clearly shown on the Scheme Amendment Map;
2. Removing Lot 384 from "Development Investigation Area 1' as more clearly shown on the Scheme Amendment Map;
3. Incorporating the following provisions in to Schedule 2 of the Scheme:

Zone Identification	Special Provisions
RR2 Lot 384 Marshall Road, Argyle.	<ol style="list-style-type: none"> 1. Plan of Subdivision <ol style="list-style-type: none"> 1.1 The Subdivision and Development of the land shall be generally in accordance with a Structure Plan prepared and adopted in accordance with Schedule 2, Part 4 of the Planning and Development (Local Planning Schemes) Regulations 2015. 1.2 The Structure Plan shall comply with Clause 4.52.3 of this Scheme and with particular regard to the following additional provisions: <ol style="list-style-type: none"> (a) The general layout of a subdivisional road system; (b) The principal drainage system for the land and how it is to be managed; (c) Preservation of vegetation worthy of retention; (d) Revegetation of road reserves and along lot boundaries for privacy screening purposes; (e) Places or objects of cultural heritage significance and the retention of places of such significance; (f) Fire management and any strategic firebreaks or any other associated infrastructure that might arise as a result of fire management practices in accordance with the Western Australian Planning Commission's Guidelines for Planning in Bushfire Prone Areas; (g) Identification of any areas of the land where on-site wastewater disposal systems are not to be used; (h) Location of building envelopes. 2. Land Use <ol style="list-style-type: none"> 2.1 Within Rural Residential Area No. 2 the following uses are permitted: <ul style="list-style-type: none"> • Single house 2.2 Notwithstanding the designations listed in Table 1: Zoning Table, the following uses may be considered as discretionary (A): <ul style="list-style-type: none"> • Public Utility • Tearoom/Restaurant • Art and craft gallery 3. Commission Discretion <ol style="list-style-type: none"> 3.1 Notwithstanding Clause 1.1.1 of this Schedule 2, the Commission may approve a subdivision of the land absent of a Structure Plan adopted by the Shire provided that the Commission is satisfied that the documents accompanying an application for subdivision approval addresses all the elements that would otherwise be contained within a Structure Plan contemplated in Clause 1.1.2 above and that the application does not prohibit development of any land within Development Investigation Area 1.

3.2 Where any provision within Schedule 2 Rural Residential Area No.2 is in conflict with any other provisions of this Scheme, then the provisions of Schedule 2 Rural Residential Area No. 2 shall prevail.

4. Amending the scheme map accordingly.

The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- The amendment relates to a zone that is consistent with the objectives identified in the above Local Planning Scheme for that zone; and,
- The amendment is consistent with the Local Planning Strategy for the above Local Planning Scheme.

Dated this _____ day of _____ 20__

(Chief Executive Officer)

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MINISTER FOR PLANNING**PROPOSAL TO AMEND A SCHEME**

- | | |
|---|--|
| 1. LOCAL AUTHORITY: | Shire of DONNYBROOK-BALINGUP |
| 2. DESCRIPTION OF LOCAL PLANNING SCHEME: | Local Planning Scheme No. 7 |
| 3. TYPE OF SCHEME: | District Zoning Scheme |
| 4. SERIAL NUMBER OF AMENDMENT: | Amendment No. 11 |
| 5. PROPOSAL | To amend Shire of Donnybrook-Balingup Local Planning Scheme No. 7 by: <ul style="list-style-type: none"> • rezoning Lot 384 Marshall Road, Argyle from 'General Farming' to 'Rural Residential'; • removing Lot 384 from 'Development Investigation Area 1'; and, • creating 'Rural Residential Area No. 2' (RR2) over Lot 384 and inserting "Special Provisions" as outlined above to apply to RR2. |

1 INTRODUCTION**1.1 Statement of Intent**

Corrib Kylemore Developments Pty Ltd (**Developer**) has a contract to purchase Lot 384 Marshall Road, Argyle (**Subject Land**) and wishes to develop the Subject Land and seeks the support of The Shire of Donnybrook-Balingup (**Shire**) for approval of a Scheme Amendment that seeks to amend the zone for the Subject Land from 'General Agriculture' to 'Rural Residential'. This amendment will also involve the subsequent removal of the Subject Land from 'Development Investigation Area 1' and the creation of 'Rural Residential Area No. 2' (**RR2**) to be the Subject Land in order to apply special provisions to guide future subdivision within the Subject Land.

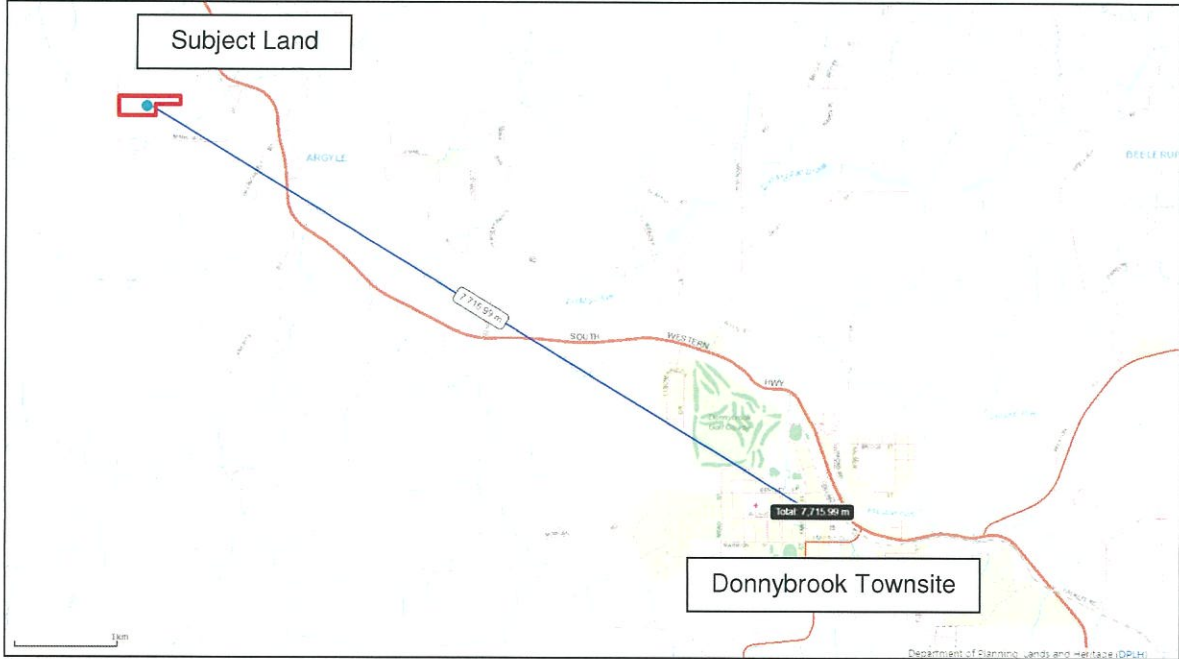
2 BACKGROUND

As outlined below, the Subject Land makes up part of an area of land that is earmarked for rural residential development, should it be proven that that Subject Land can sustain such a use.

Figure 1 shows the location of the Subject Land in respect to the South Western Highway and the Donnybrook Townsite. Figure 1 also demonstrates that the Subject Land is situated about 7.7 kilometres from the Donnybrook Townsite.

The land zoned 'Rural Residential' surrounding the Subject Land has now reached capacity and it is the optimum time for the Subject Land to be zoned commensurately. This document outlines the reasons why the Subject Land can support a rural residential development.

FIGURE 1 - LOCATION PLAN



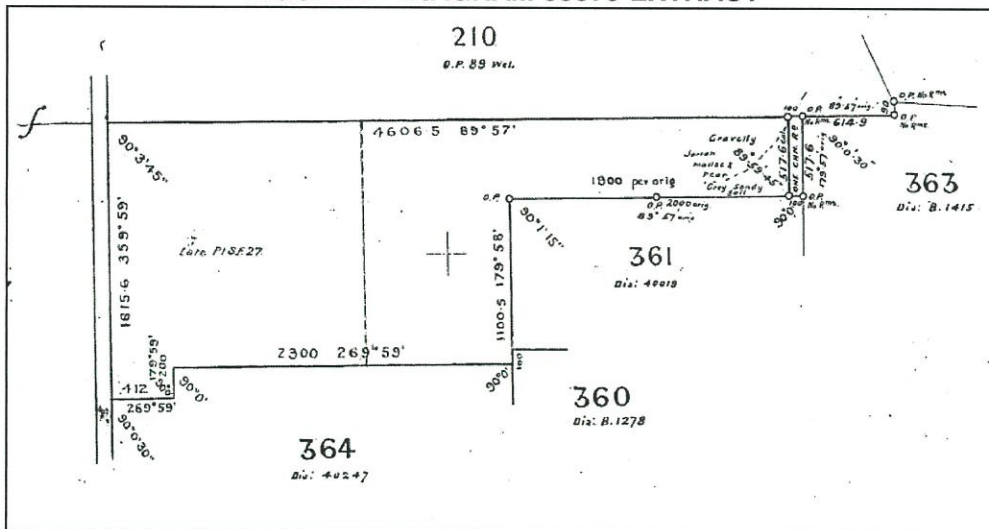
Source: PlanWA

3 THE SUBJECT LAND

The Subject Land includes all the land within Lot 384 on Diagram 53579 (Certificate of Title Volume 1508 Folio 889). Copies of this diagram and title are attached in **Appendix 1**. An extract of the diagram is shown below in **Figure 2**.

The Subject Land is 22.08 hectares in area.

FIGURE 2 - DIAGRAM 53579 EXTRACT



Source: Landgate

Figure 3 provides an aerial photograph of the surrounding area demonstrating the extent of development of the Subject Land and the surrounding built environment.

FIGURE 3 - AERIAL PHOTOGRAPH OF THE SUBJECT LAND & SURROUNDING AREA



Source: NearMap, Civil Technology

4 SITE DESCRIPTION

4.1 Geology

According to the Department of Mines, Industry Regulation and Safety's GeoVIEW.WA mapping tool, the Subject Land contains two types of geological attributes:

- (a) Gravel – loose fine (less than 19mm) red-brown to black moderately sorted pisolitic highly variable content of angular quartz sand; and,

- (b) Sand – loose white pale grey to yellow medium to coarse-grained moderately sorted angular quartz minor feldspar; residual sand of colluvial origin.

4.2 Soil Types

According to the *Australian Soil Resource Information System*, the soil within the Subject Land comprises of “loam, silty loam or sandy clay loam (20-30%)” within the top 30 centimetres of soil.

Some key characteristics of the topsoil and subsoil within the Subject Land are outlined in **Table 1** below.

TABLE 1 - TOPSOIL AND SUBSOIL CHARACTERISTICS WITHIN THE SUBJECT LAND

	Topsoil	Subsoil
Bulk Density	>1.6g/cm ³	>1.6g/cm ³
Clay Content	0-20%	20-40%
Silt Content	20-40%	40-60%
Sand Content	40-60%	N/A
Texture	Sands	Clay loams/light clays
Available Water	0-20mm	20-40mm
Saturated Conductivity	Moderate (3-30mm/hr)	N/A
Thickness	0.25-0.5m	N/A
Organic Carbon	2-5%	0.5-1%
Total Nitrogen	>0.3%	N/A
Total Phosphorus	<0.02%	N/A
pH	4.9-5.6	5.6-7.0

The Subject Land is not classified as contaminated within the Department of Water and Environmental Regulation's *Contaminated Sites Database*.

4.3 Land Form & Landscape

The Subject Land has a uniform slope falling downward to the east. The lowest part of the property is about 60m above the Australian Height Datum (AHD) at the eastern end of the Subject Land with the highest part being about 110m above AHD at the western end (refer **Appendix 2**).

The Subject Land is generally well weathered, is evenly sloping on its surface and is devoid of any distinctive land forms or natural features such as mounds, rocky outcrops, watercourses, scarps or ravines.

4.4 Land Use

The Subject Land contains one existing residential dwelling and large shed (7.5m x 25m). The remaining area not used for residential purposes is currently used for open pastured grazing of livestock.

4.5 Vegetation

The whole of the Subject Land is covered in grass with scattered trees that are mainly concentrated around the existing dwelling and the adjacent shed in the northern-western

portion of the Subject Land. The southern portion of the Subject Land is largely cleared save for a large cluster of trees in the south-east portion of the site.

Appendix 3 attached hereto comprises a map of remnant vegetation and threatened ecological communities produced using the Department of Parks and Wildlife's *NatureMap*. Save for the abovementioned cluster of trees, the vegetation within the Subject Land is not classified as remnant vegetation and is not classified as worthy of retention.

The abovementioned remnant vegetation consists of Jarrah forest according to the Interim Biogeographic Regionalisation for Australia (**IBRA**) sub-regions in Western Australia.

The Subject Land abuts the Boyanup State Forest on its western boundary (separated by Marshall Road). Land to the north, west and east of the Subject Land contains vegetation classifiable pursuant to *Australian Standard AS3959-2009 (AS 3959)*. The Subject Land is within 100m of this vegetation and, as such, a portion of the Subject Land has been designated by the Fire and Emergency Services Commissioner as being within a Bush Fire Prone Area. That is, a portion of the Subject Land has been identified by the Commissioner as being subject to, or likely to be subject to, bushfire attack.

4.6 Fauna

A small variety of fauna would reside in the Subject Land and would mostly consist of stock and feral cats.

4.7 Water & Sewer Availability

Neither a reticulated water nor a reticulated sewerage service is available in the locality.

It is expected that given the size of the lots, potable water will be made available by roof water capture, as is typical for rural residential development. Sewage disposal shall be by on-site systems such as septic tanks or ATU's.

For firefighting purposes there is an existing standpipe on Marshall Road to the south of the Subject Land at Lot 500 on Plan 61596 (which makes up part of the road reserve, located in front of H 165 Marshall Road). The land contains a water tank of approximately 50,000L (as per the *Western Australian Planning Commission's Guidelines for Planning in Bushfire Prone Areas, Guidelines*) and is readily accessible by fire emergency services.

As mentioned above, each lot will need a water supply for domestic consumption purposes. Typically 90,000 to 120,000L tanks are utilised in rural residential developments which can also incorporate a camlock fitting for dual use as a fire water facility.

5 LOCAL PLANNING CONSIDERATIONS

5.1 Shire of Donnybrook-Balingup Local Planning Scheme No. 7

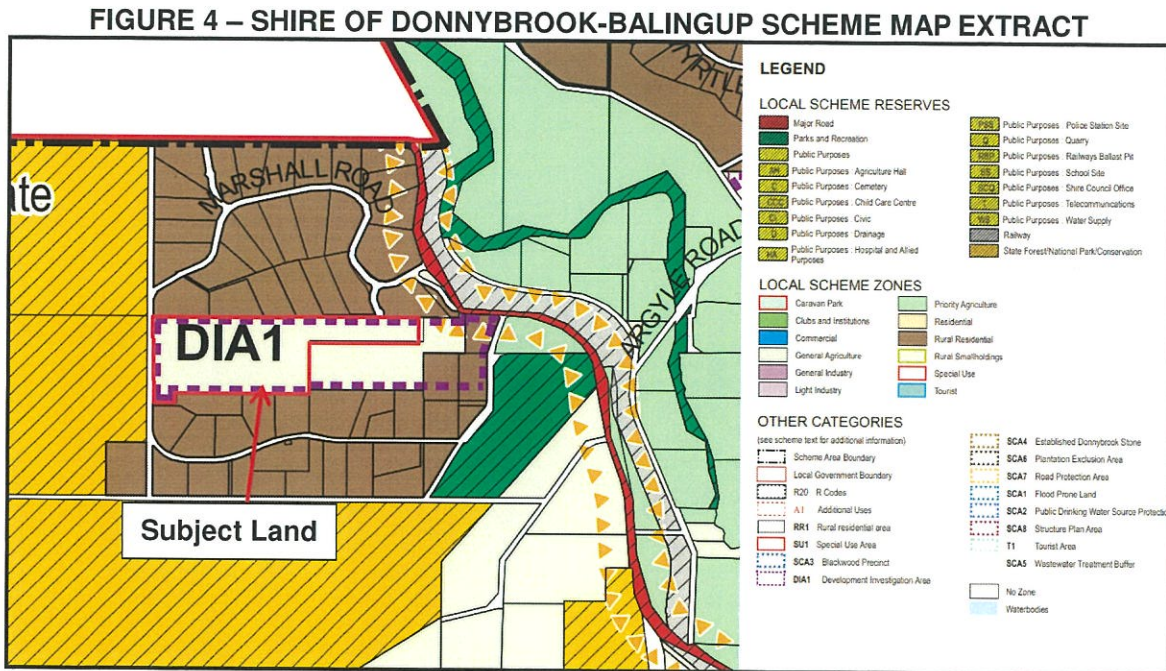
The Shire of Donnybrook-Balingup Local Planning Scheme No. 7 (**LPS 7**) was published in the Government Gazette on 19 September 2014. The Subject Land is zoned 'General Agriculture' and comprises part of the 'Development Investigation Area 1' (**DIA1**).

Further to those requirements outlined in clause 4.52.2.1 (xiii) of LPS 7, the Structure Plan for land within DIA1 must address the following as per LPS 7:

- “The protection of native vegetation that has been identified as worthy of protection by the Department of Parks and Wildlife and the local government;
- Identification of building envelopes within the larger lots to protect vegetation;
- The provision of safe access to the existing local road network; and
- Fire management associated with the close proximity to State Forest.”

Figure 4 provides an extract from the LPS 7 Scheme Map depicting what the Developer refers to, for the purposes of this document, as the Marshall Road Rural Residential Area (MRRRA, refer Figure 5).

Land to the north and south is zoned ‘Rural Residential’ and subdivided accordingly. The abutting land to the east of the Subject Land is zoned ‘General Agriculture’ and also comprises part of the DIA1. The land across the South Western Highway and railway line to the east is zoned for ‘Priority Agriculture’.



Source: Shire of Donnybrook-Balingup, Civil Technology

FIGURE 5 – MARSHALL ROAD RURAL RESIDENTIAL AREA



Source: PlanWA, Civil Technology

5.2 Local Planning Strategy

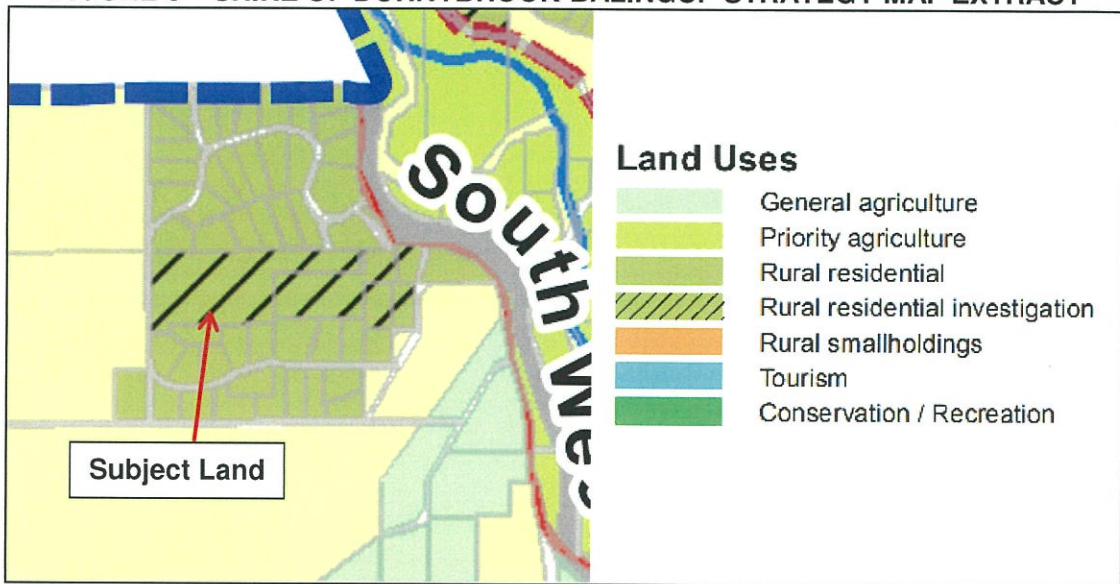
The Shire's Local Planning Strategy (**Strategy**) was adopted by Council in June 2013 and was endorsed by the Shire and the WAPC in 2015. The Strategy designates the Subject Land for 'Rural Residential Investigation'.

The Strategy describes 'Rural Residential Investigation' as *"land potentially suitable for rural residential development but where development constraints need to be assessed...to ensure that the **Strategy objectives** will be achieved prior to subdivision and development"* [emphasis added].

These Strategy objectives are outlined below and are accompanied by reasons why the proposed amendment satisfies those objectives.

Figure 6 provides an extract from the Strategy Map depicting the future land use classification of the MRRRA within the Strategy.

FIGURE 6 – SHIRE OF DONNYBROOK-BALINGUP STRATEGY MAP EXTRACT



Source: Shire of Donnybrook-Balingup, Civil Technology

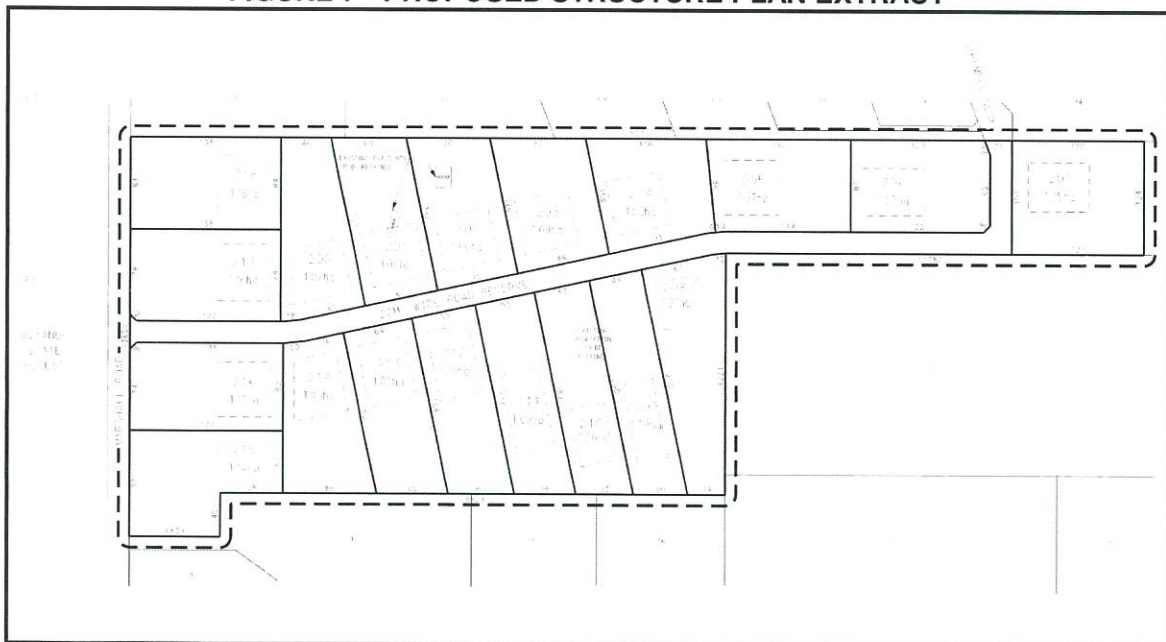
6 PROPOSED AMENDMENT

The proposed amendment seeks to amend the zone of the Subject Land from 'General Agriculture' to 'Rural Residential' under LPS 7.

The Subject Land has been earmarked to be utilized as rural residential land within both LPS 7 and the Strategy subject to evidence that the Subject Land and surrounding area will be able to support development as such. This document has been prepared for that purpose.

Figure 7 below depicts an extract of the proposed Structure Plan, which is shown in full in Appendix 3.

FIGURE 7 - PROPOSED STRUCTURE PLAN EXTRACT



Source: Civil Technology

The design at Figure 7 provides for 19 lots ranging from 1ha to 1.25ha in area with a 20 metre wide road reserve.

The proposed subdivision of the Subject Land will enable improved (and much needed) permeability within the MRRRA by way of the proposed subdivisional road which is to be an extension of the existing Stempel Nook linked westward to Marshall Road.

The existing dwelling within the Subject Land and associated shed are to be retained and confined within their own separate lot, as depicted in Figure 6.

All proposed lots will front either the existing Marshall Road or the proposed extension of Stempel Nook. The positioning of the Stempel Nook extension has been designed to evade the vegetation cluster in the south-east portion of the Subject Land and any other existing scattered vegetation where possible.

6.1 Bushfire Risk Assessment

Please refer to Appendix 5 attached hereto for a full bushfire management plan for the Subject Land.

6.2 Vegetation

According to the Department of Parks and Wildlife, there are no threatened ecological communities within or surrounding the Subject Land (refer Appendix 3).

All vegetation within the Subject Land is to be retained save for:

- (a) a small quantity of trees that are located where the proposed road reserve for the extension of the Stempel Nook is to be located;
- (b) approximately 20 metres of an existing row of trees that line the existing road reserve of Marshall Road and the Stempel Nook dead-end that will have to be cleared in order to make way for the Stempel Nook extension; and,
- (c) a small amount of trees may need to be cleared as part of the Asset Protection Zones for the future dwellings within Lots 200-202 in order to comply with the Guidelines.

6.3 Planning Structure

The Subject Land is proposed to be subdivided in a single stage.

No land within the proposed subdivision has been set aside for public open space because public open space is not generally required within rural-residential subdivisions. Furthermore, this particular subdivision does not call for public open space as all of the proposed lots are of substantial size with large open space areas on each lot, which will negate the need for further open space in the vicinity.

As mentioned above, there is an existing dwelling and shed located on the Subject Land that are to be retained and will each be located within their own future Lots 201 & 202 enabling both structures to continue to be utilized.

The proposed subdivision does not call for pedestrian access ways or trails.

6.4 Special Development Controls

Each new dwelling on the proposed rural residential lots will be confined to a building envelope (as per clause 4.52.6.4 of LPS 7) with:

- minimum building setbacks 15 metres from a road boundary;
- minimum building setbacks 10 metres from other boundaries;
- minimum 100 metres from the Boyanup State Forest; and,
- a maximum area of 50m x 50m (i.e. 2500m²).

Furthermore, as per the Guidelines, no future building envelope will be subject to a BAL rating greater than 29.

6.5 The Strategy Objectives

The abovementioned 'Strategy Objectives' are as follows [numbering added for reference]:

1. *"to recognise the existing extent of rural residential development in the Shire, to round off and consolidate these areas;*
2. *to identify areas suitable for potential future rural residential development and to confine any rural residential development to areas where the potential for intensive agricultural development and resource extraction activities is low;*
3. *to ensure that any proposed rural residential development has regard to the environmental sensitivity of the area, results in beneficial environmental outcomes and does not conflict with adjacent land uses or constrain future agricultural development, and*
4. *to provide sufficient land to enable a variety of lot sizes and development to be achieved in a manner that reflects the character, setting and land capability of the area within which it is located."*

Addressed below is each of the Strategy Objectives and how the proposed amendment satisfies them.

6.5.1 Strategy Objective 1

The majority of the MRRRA has been subdivided to a Rural Residential density (average lots size 2.2ha) and is utilised for residing in a rural landscape. The remaining land within the MRRRA that is not yet zoned 'Rural Residential' (comprising of the Subject Land, Lot 2 on Diagram 49690 and a portion of unused road reserve) is zoned for 'General Agriculture' within LPS 7 and is designated for 'Rural Residential Investigation' within the Strategy.

This proposed amendment will connect the existing northern and southern portions of rural residential lots within the MRRRA and "round off and consolidate" the MRRRA to an extent. This is the intent of Strategy Objective 1 and hence the Subject Land should be rezoned for 'Rural Residential' and subdivided as such.

6.5.2 Strategy Objective 2

Firstly, the Subject Land is identified as suitable for potential rural residential development within both the LPS 7 and the Strategy.

Secondly, within clause 4.54.4.2 of LPS 7, it is specified that *"for intensive agricultural production in the General Agriculture zone, new lots of less than 80 hectares will not be*

supported". There are exceptions to this rule but only to a minimum of 40ha. The Subject Land is 22.08ha in area. Therefore, the LPS 7 does not support intensive agriculture within the Subject Land unless it is appropriately rezoned.

The size of the Subject Land is too small to enable economically productive agricultural yield from the land. Even if all of the land within the MRRRA that is zoned for 'General Agriculture' were to be utilised as such (which is high unlikely considering Lot 2 on Diagram 49690 is almost completely covered in remnant vegetation that is not desirable to clear, refer Appendix 3), there would still not be sufficient land to make reasonable agricultural production economically viable.

Lastly, if the Subject Land did have potential for intensive agriculture, such a land use would conflict with the existing adjacent Rural Residential land. That is, due to the potential for dust and chemical spray drift hazards that can arise from intensive agricultural uses, it is desirable to create a consistent use on the Subject Land to the surrounding rural-residential land.

Therefore, not only is the Subject Land identified as a potential area for rural residential development but it is also unsuitable for agricultural and resource extraction activities. Objective 2 is met by the proposed amendment.

6.5.3 Strategy Objective 3

The Subject Land currently contains scattered vegetation (as can be seen in Figure 3). The subdivision of the Subject Land has been designed as such to maintain the majority of the existing vegetation.

Taking into consideration the fact that the Subject Land is not yet developed to a rural residential standard, clause 4.52.3.1 (v) could be applied to the Subject Land and therefore would reduce the proposed lot sizes to 0.5ha in area. However, the Developer has avoided this route as it would result in potential environmental impacts by way of intensification of use of the area and increase the amount of vegetation clearing required for Asset Protection Zones and road reserves.

Environmental Impacts

With regard to the beneficial environmental outcomes of the proposed amendment, rezoning the Subject Land to rural residential will provide two environmental benefits, by way of:

- 1) removal of agricultural production stock from the Subject Land; and,
- 2) introducing residents who will likely maintain their own future lots to a standard commensurate with the surrounding rural-residential land which will improve the environmental standard of the Subject Land.

Amending the zoning of the Subject Land to 'Rural Residential' will not impact the adjacent rural residential land use, in fact it will compliment it and seamlessly blend with the existing land use.

Therefore, Objective 3 is met by the proposed amendment.

6.5.4 Strategy Objective 4

Lot Sizes

The proposed subdivision of the Subject Land will create new lots of just over 1ha in area. The proposed lot sizes will be slightly smaller than the existing rural residential lots within the MRRRA (which have an average lots size of 2.2ha) ensuring the desired "variety" that LPS 7 calls for within clause 3.3.2 (v).

Character & Setting

The *character* and *setting* that is referred to in Objective 4 above refers to an abundance of items, for example, the:

- size of the lots;
- boundary fencing;
- road style;
- cross-over and/or driveway style;
- landscaping and vegetation in both public and private areas (including street trees);
- materials used for construction and colours used;
- pattern of development;
- built form scale; and,
- architectural and roof styles; etc.

The above matters may be or are already addressed by existing regulatory framework as follows:

Method number 3 above has addressed the following issues (for further details, please refer to the "Special Provisions" for the proposed RR2 within the amendment proposal):

- subdivisional road layout;
- drainage;
- vegetation protection;
- places of cultural significance;
- fire management;
- on-site wastewater disposal; and,
- building envelopes.

LPS 7 already refers to some aspects of the character of an area.

As per clause 4.52.3.1 (iii) to (v) of LPS 7, the size of the lots within rural-residential zones is already dictated.

As per clause 4.52.6.7 of LPS 7, no building, outbuilding, water tank or fence shall be constructed of materials or be of a colour which would be detrimental to the character or natural landscape of the MRRRA.

As per clause 4.52.6.12 of LPS 7, boundary fencing will be post and minimum four strand wire, 1.0 to 1.3 metres high, or post and ring lock or similar.

The extension of Stempel Nook through the proposed subdivision will be constructed to a rural standard (i.e. 6 metre wide sealed road with 1 metre gravel shoulders either side) and the portion of Marshall Road adjacent to the Subject Site that is currently unsealed will be upgraded to the same standard.

Structure Plan

The proposed modification includes preparation of a Structure Plan.

The Structure Plan can address the following items:

- building quality;
- landscaping and vegetation;
- pattern of development;
- built form and scale; and,
- architectural and roof styles.

Land Capability

According to the *Perth Groundwater Map* and the *Map of Sewage Sensitive Areas*, the Subject Land is not located within any public drinking water source areas or sewage sensitive areas. Therefore, taking into consideration that all proposed lots are greater than 2,000m², the entire proposed subdivision is suitable to be serviced by on-site sewage disposal systems as per section 6.2, clause 1 (d) of the draft *Government Sewerage Policy 2016 (GSP)*.

The height of the land above sea level and the soil types as outlined above, the fact that similarly elevated landforms to the north and south of the Subject Land are subdivided to a rural-residential nature and are supporting dwellings incorporating on-site effluent disposal systems, suggest that the separation distance from groundwater will be more than sufficient in order to satisfy the minimum requirements for on-site sewage disposal as outlined in section 6.4, clause 1 (a) of the GSP.

7 CONCLUSION

The proposed rezoning of the Subject Land from 'General Agriculture' to 'Rural Residential' within the LPS 7 will result in a higher density and is a sensible use of the Subject Land which will co-ordinate well with the existing surrounding development.

With a rezoning of the Subject Land, it will no longer be necessary for the land to be located within the 'Development Investigation Area 1' within the LPS 7.

For the purposes of subdividing the Subject Land should it be rezoned as proposed, it will be necessary for the Subject Land to become part of what will be RR2 and be subject to the "Special Provisions" as outlined in the LPS 7 amendment proposal.

The rezoning of the land is recommended for support by the Council of the Shire, the WA Planning Commission and for final endorsement by the Minister.

8 APPENDICES

1. Certificate of Title Volume 1508 Folio 889 & Diagram 53579
2. Existing Ground Contour Map
3. Map of Remnant Vegetation & Threatened Ecological Communities
4. Proposed Structure Plan Map
5. Bushfire Management Plan
 - A. BAL Contour Map

**Planning and Development Act 2005
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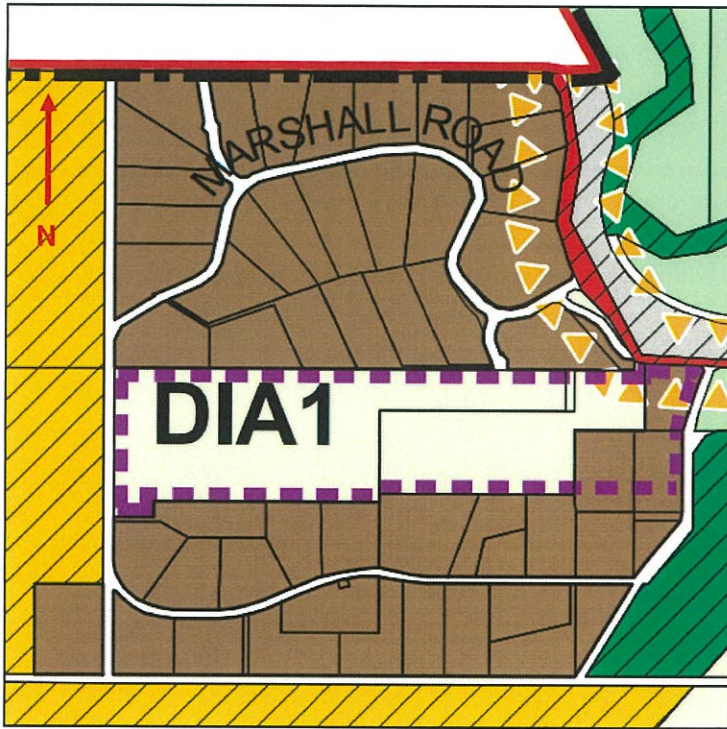
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Structure Plan contemplated in Clause 1.1.2 above and that the application does not prohibit development of any land within Development Investigation Area 1.

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4. Amending the scheme map accordingly.

SHIRE OF DONNYBROOK-BALINGUP
 LOCAL PLANNING SCHEME NO. 7
 AMENDMENT NO. 11



EXISTING ZONING

LEGEND

LOCAL SCHEME RESERVES

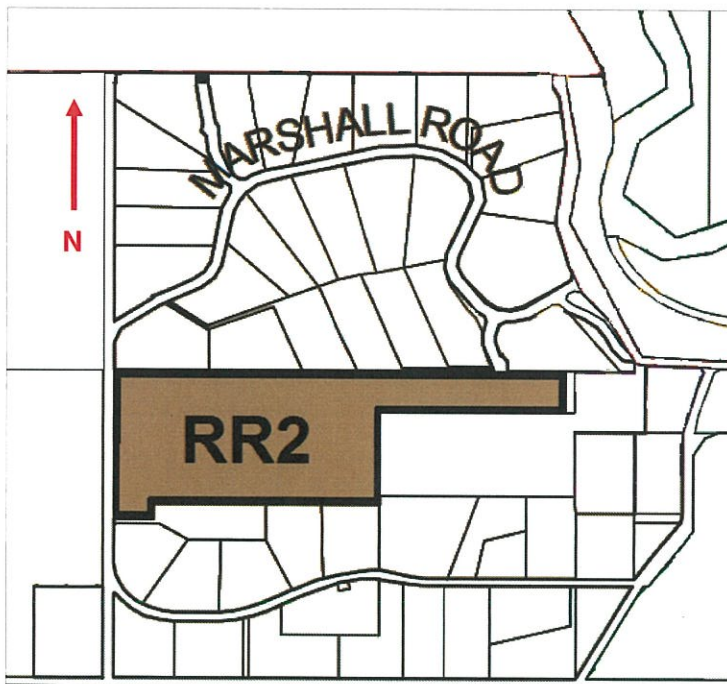
- Major Road
- Parks and Recreation
- Railway
- State Forest/National Park/Conservation

LOCAL SCHEME ZONES

- General Agriculture
- Rural Residential
- Special Use

OTHER CATEGORIES

- (see scheme text for additional information)
- Scheme Area Boundary
 - DIA1 Development Investigation Area
 - SCA7 Road Protection Area



PROPOSED ZONING

- RR1 Rural residential area

COUNCIL ADOPTION

This Standard Amendment was adopted by resolution of the Council of the Shire of Donnybrook-Balingup at the Ordinary Meeting of the Council held on the 28 day of November 2018.

.....

SHIRE PRESIDENT

.....

CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

Shire of Donnybrook-Balingup at the Ordinary Meeting of the Council held on the 28 day of November 2018, proceed to advertise this Amendment.

.....

SHIRE PRESIDENT

.....

CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended for approval by resolution of the Shire of Donnybrook-Balingup at the Ordinary Meeting of the Council held on the 28 day of November 2018 and the Common Seal of the Shire of Donnybrook-Balingup was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....

SHIRE PRESIDENT

.....

CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDATION FOR APPROVAL

.....

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

DATE.....

APPROVAL GRANTED

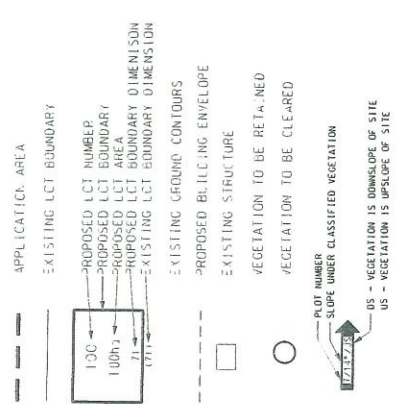
.....

DATE.....

APPENDIX A

PLCT #	VEGETATION CLASS	SLOPE
1	FOREST	UPSLOPE
2	WOODLAND	DOWN-SLOPE 5-10
3	WOODLAND	UPSLOPE
4	WOODLAND	REFER ARROWS
5	WOODLAND	DOWN-SLOPE 0-5
6	GRASSLAND	DOWN-SLOPE 0-5
7	WOODLAND	REFER ARROWS
8	WOODLAND	REFER ARROWS

LEGEND



BAL RATING CONTOURS
 CLASS B WOODLAND - DOWNSLOPE >5 TO 10 DEGREES

BAL - L0B	- 100M
BAL - 12.5	- 43M
BAL - 15	- 31M
BAL - 25	- 23M
BAL - 40	- 18M
BAL - FZ	- 0M

CLASS B WOODLAND - DOWNSLOPE >0 TO 5 DEGREES

BAL - L0B	- 100M
BAL - 12.5	- 35M
BAL - 15	- 25M
BAL - 25	- 17M
BAL - 40	- 13M
BAL - FZ	- 0M

CLASS G GRASSLAND - DOWNSLOPE >0 TO 5.0

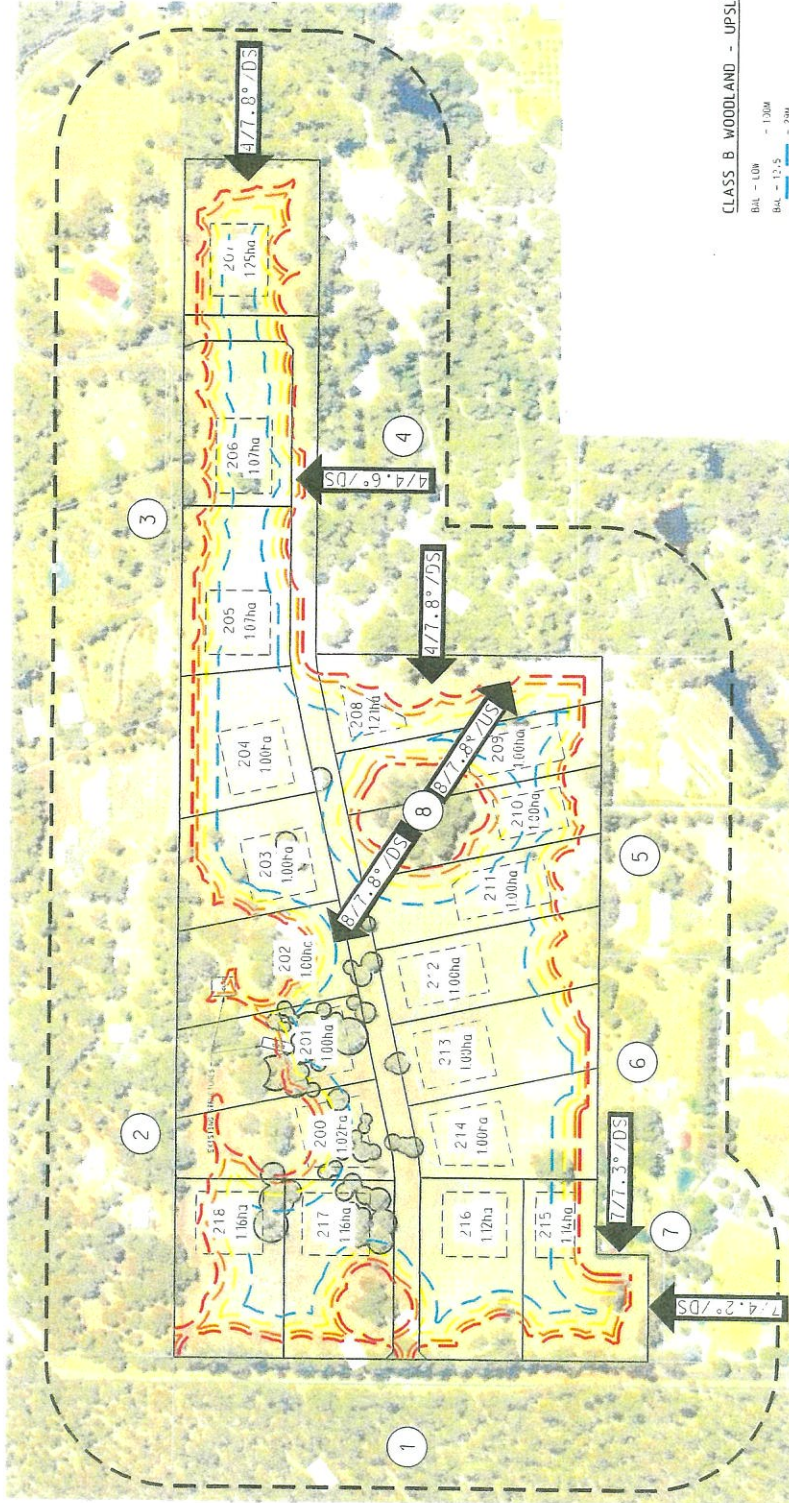
BAL - L0B	- 50M
BAL - 12.5	- 20M
BAL - 15	- 14M
BAL - 25	- 9M
BAL - 40	- 7M
BAL - FZ	- 0M

CLASS B WOODLAND - UPSLOPE/FLAT

BAL - L0B	- 120M
BAL - 12.5	- 29M
BAL - 15	- 20M
BAL - 25	- 14M
BAL - 40	- 10M
BAL - FZ	- 0M

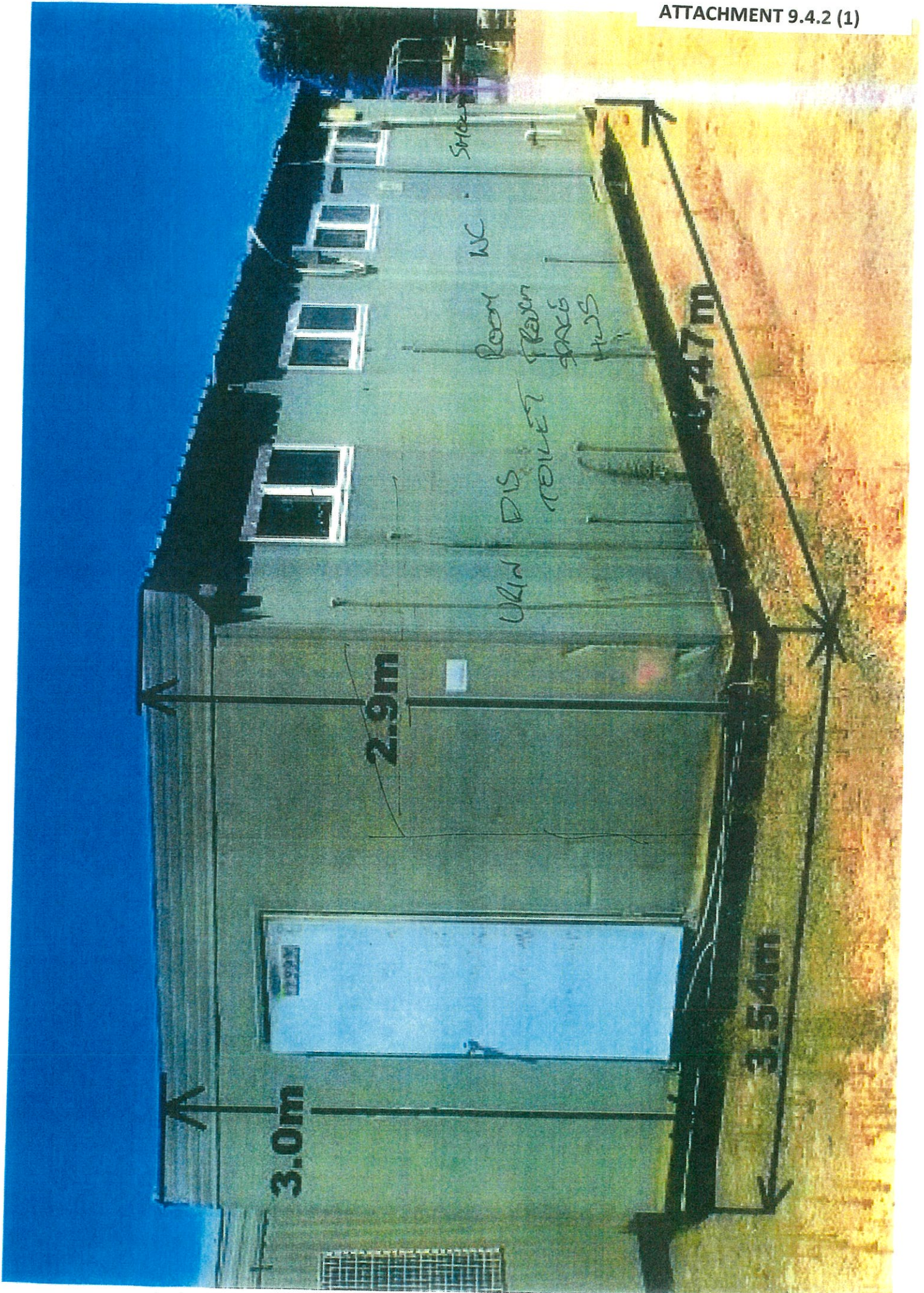
CLASS A FOREST - UPSLOPE/FLAT

BAL - L0B	- 100M
BAL - 12.5	- 47M
BAL - 15	- 31M
BAL - 25	- 21M
BAL - 40	- 16M
BAL - FZ	- 0M



ATTACHMENT 9.4.1 (2)

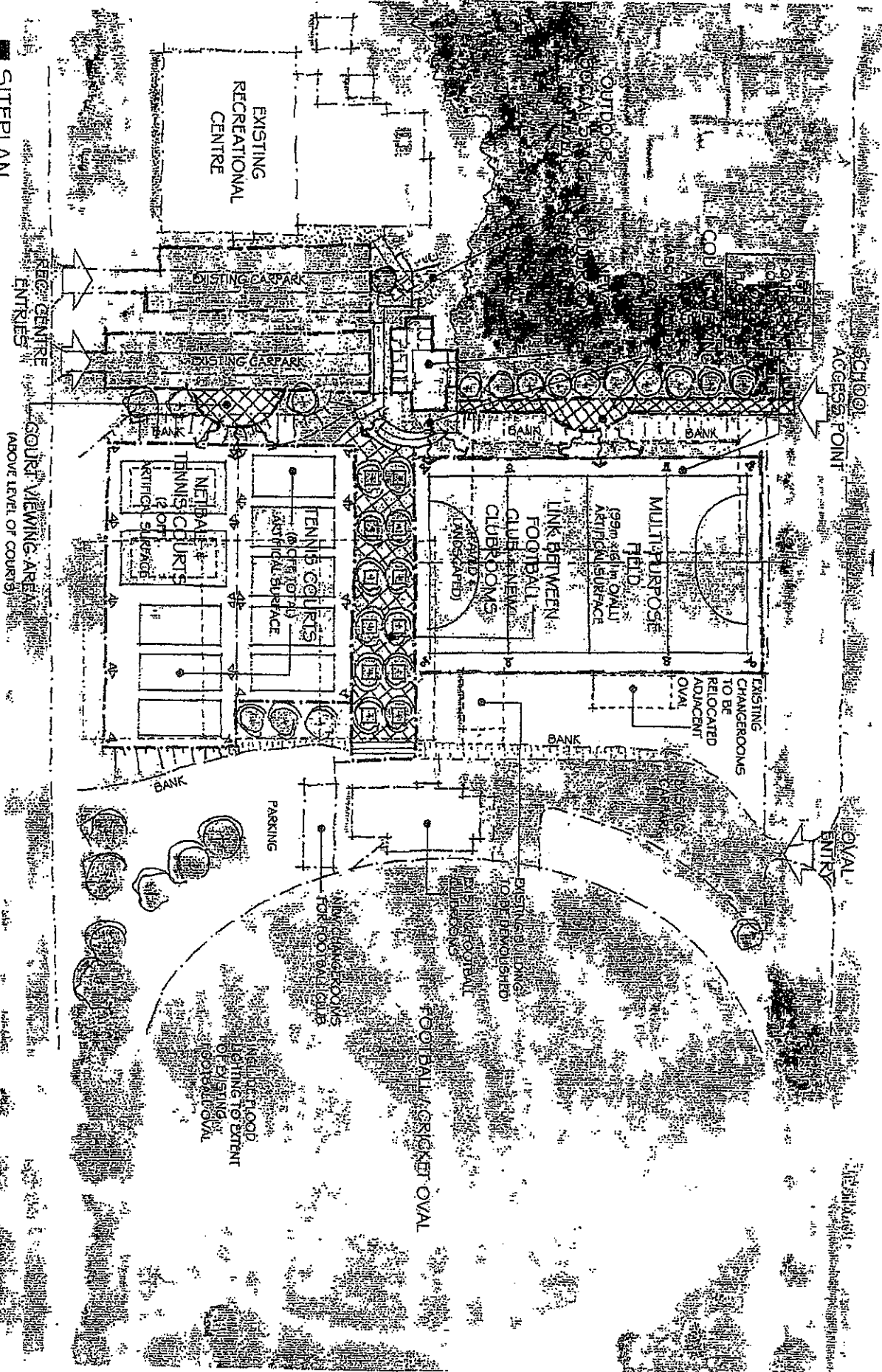
<p>REGISTERED BY B. FOSBERY CIVIL TECHNOLOGY CONSULTING CIVIL ENGINEERS AND SURVEYORS 3, DUNDAS STREET PERTH WA 6000 W.A.P.S. No.</p>		<p>PROPOSED SUBDIVISION OF LOT 384 MARSHALL ROAD, ARCYLE BAL CONTOUR MAP SHIRE OF DONNYBROOK-BAL INGP DATE 7.11.2018 DRAWING NO 925-01-BAL</p>									
<p>SCALE 0 4m 8m 120m 27 PAGE - SCALE 1 : 2000 42 PAGE - SCALE 1 : 4000</p>		<p>AMENDMENTS</p> <table border="1"> <thead> <tr> <th>No.</th> <th>DATE</th> <th>BY</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		No.	DATE	BY	DESCRIPTION				
No.	DATE	BY	DESCRIPTION								





SITEPLAN

SCALE 1:500 @ A1 1:1000 @ A3



PALETSOPE GROUP ARCHITECTS

180/182 STURGEON STREET, SYDNEY NSW 2000

Ben Rose

Chief Executive Officer

P.O.Box 94

Donnybrook W.A

Dear Ben

Transportable Changerooms

Donnybrook Football Club is writing to you in regards to a proposal to develop some facilities for a future Womans (AFL) football team.

Currently the D.F.C. is not represented by a womens side in the S.W.F.L. competition with the S.W.F.L. asking that we enter a team by the 2020 season. Given that numbers are short in Donnybrook area the football club are in negotiations with the Bridgetown/Manjimup clubs in regards to interested ladies to come north to play football in the S.W.F.L. (Initial conversations have indicated at least 20 girls are prepared to play in a youth girls league).

At the moment there is no competition or pathway for womens football in the L.S.W.F.L. and with in mind the D.F.C. has the opportunity to take possession of a portable changerroom delivered free of charge to facilitate the development a womens team under the D.F.C. banner similar to the Preston Thunder model.

We therefore respectfully request that the transportable unit be temporarily ~~be~~ stored on the old basketball courts at V.C. Mitchell Park whilst we determine a mutually agreeable permanent location.

The experience of clubs that already have womens teams in the competition has been encouraging as membership and attendance numbers increase and bar sales rise. The overall aim of the D.F.C. is to grow AFL (men and women) and grow the club.

Your support of this proposal would be greatly appreciated.

Yours sincerely



Brett Moulton

Donnybrook Football and Sporting Club

PO Box 117

Donnybrook WA 6239

Outcome	Strategy	Action No.	Actions
1.2 Available land for residential, industrial and commercial development	Seek opportunities for land development by the Shire	1.2.2.1	Prepare a Strategic Land Asset Review and Implementation Plan

BACKGROUND

The Shire's Corporate Business Plan includes an action to prepare a strategic land asset review and implementation plan.

A budget of \$20,000 was set aside to undertake this project in the 2017/18 financial year. Due to the limited budget, the data gathering component was undertaken in-house, whilst the peer review was undertaken by *Priority Management*. The Strategic Land Asset Review resulted in the establishment of a "gate analysis" process to assist in assessing each parcel of land/reserve.

The Review divides the land assets into two main classes – freehold and reserves. Freehold land is owned outright by the Shire. Reserves are Crown land owned by the State and managed by the Shire. In some instances, the Shire has the power to sublease out to community groups such as the Donnybrook Country Club.

The Shire holds forty-five (45) freehold properties (Attachment 9.4.4(1)). The Shire has management/vesting responsibilities for 70 reserves (Attachment 9.4.4(2)). A number of these reserves straddle multiple boundaries, such as the Donnybrook Country Club consisting of seventeen (17) properties.

The intended purpose of this review is to establish if the land assets are providing rate payers/community with the best value for money and serve a core business objective. If they are tying up resources, it will help ascertain if the assets could be better and more efficiently used elsewhere.

DETAILS

The Review consisted of a number of phases. The first phase was to identify landholdings that the Shire owns or has responsibility for (Attachments 9.4.4(1) and 9.4.4(2)).

The second phase was to identify freehold asset and reserve plans with potential opportunities and priorities/timeframes for delivery (Attachments 9.4.4(3) and 9.4.4(4)).

Obtaining support for Phase two will enable the Shire to progress towards more detailed investigation and implementation.

The third phase will require preparing more detailed action/delivery plans to:

- a) confirm that earmarked directions are the best or realistic option; and
- b) allow for implementation.

Phase three recommendations for each property or group of properties will be presented to Council in the future for endorsement.

Freehold Properties

Of the forty five (45) freehold properties, a significant number are grouped. For instance, there are a number of abutting properties located at the rear of the administrative building (former depot site). These sites can be packaged and dealt with as a single unit.

The Shire's freehold lots fall under four main categories or options. These are:

- a) Land swaps
- b) Leased properties
- c) Potential sales
- d) Aged care properties

Attachment 9.4.4(3) provides a summary of properties that fall within each category with potential delivery and implementation options.

Land swaps

These are properties that are owned freehold that contain community facilities such as the Donnybrook Cricket Oval or the Balingup Recreation Centre. It is suggested that opportunities may exist to swap these properties with crown land in the locality. If successful, this will enable the land to be reserved and managed by the Shire while enabling the Shire to obtain nearby crown land as a freehold asset. It is noted that support from the Department of Planning, Lands and Heritage will be required. In assessing this, the Department needs to be convinced that there is a clear benefit to the Crown.

Leased Properties

These properties and buildings are leased to businesses at a discounted rate or to local community groups on a peppercorn rate to guarantee that a service is available locally. There are 5 properties that fall into this category. They are used or provide services such as the bank (Bendigo Bank) and Dentist. Also, other properties assist local community groups such as the Scout Hall (Bentley Street), the Pony Club and Daycare/Community Radio/Lions Club (Allnutt Street).

It is recommended that a whole of life cost analysis be considered prior to the review/renewal of the leases are required to be considered. This will enable analysis to establish if they provide an income stream or establish a clear picture of costs. This will enable a true understanding of the costs to ratepayers/community in providing the service in the location and current format. Please note that there are opportunity costs involved in holding a property as it ties up potential money that can be used to finance other developments/provision of services/infrastructure.

In relation to non-commercial leased land, there is opportunity to consider rezoning to allow for future subdivision/sale at the time that the buildings near the end of their useful and productive life or allow activities to be relocated in a different and possibly more centralised or multifunctional facility. This option could be applied to the Scout Hall land.

Potential Sales

These properties are vacant and scattered throughout the Donnybrook townsite. The properties are not ideally located or sized to provide community facilities. A number of the properties are constrained for development due to potential for flooding or forming part of a drainage network. However, a number are unconstrained and appropriately zoned. It is recommended that these unconstrained lots be placed on the market. Funds generated can be set aside in reserve to assist with future projects.

Constrained lots will require further investigation to confirm if they have development potential prior to testing the market.

Aged Care Properties

These properties contain Minninup Cottages and Langely Villas. It is recommended that these assets be retained until a more comprehensive vision for the Shire is developed in relation to its future role in aged care accommodation.

Reserves

Attachment 9.4.4(4) provides details of reserves and potential alternative treatments or opportunities where possible. Attachment 9.4.4(4) places reserves into groups based on location such as Donnybrook townsite and immediate surrounds, Balingup townsite and immediate surrounds.

There are a number of opportunities to investigate with reserved land. This includes:

- Potential to hand management orders/vestings to the Crown. This removes the Shire's responsibility for looking after the reserve.
- Potential to expand vesting orders to allow additional uses to occur on the land that may benefit the locality community;
- Potential to allow leasing to enable additional activity and business to occur and potentially reduce responsibilities for upkeep/maintenance of buildings/land.

Preliminary feedback from the Department of Planning, Lands and Heritage has indicated that the handing back of management/vesting of reserves is not a complicated process. To assist in the processing of requests on reserves, advice provided is to package up all the proposed changes into one document and divide it into sections such as handing back or vesting/management order changes. It will also require Council resolutions. Phase 3 of the Review will address details relating to presenting the best case to the Department of Planning, Lands and Heritage and ensure appropriate consultation occurs.

CONSULTATION

It is recommended that consultation occur at Phase 3 of the Review. It is noted that consultation will be required as part of the sale process for freehold lots (section 3.58 of *the Local Government Act 1995*). In relation to reserves, it will be necessary to seek comments from the public and government agencies for changes to reserves prior to making requests to the Minister for Planning, Lands and Heritage.

FINANCIAL IMPLICATIONS

The 2017/18 budget set aside \$20,000 for the Land Asset Review. To date \$3,750.00 has been expended to complete Phase 1 and 2. The balance can be used to undertake whole of life cost analysis/advertising and other detailed studies that may be required to complete Phase 3.

POLICY COMPLIANCE

Not applicable.

STATUTORY COMPLIANCE

Section 3.58 of the *Local Government Act 1995* sets out the process for the disposal of land by a local government.

Part 4 of the *Land Administration Act 1997* provides for the creation and administration of reserves in Crown land.

CONCLUSION

The Review seeks to ensure that the Shire's land assets are appropriate and best serve the interest of the community.

The Review consists of three phases. The first two phases have been completed and the summary information presented in the attachments. Phase 3 will focus on implementing the Review based on priorities and timelines contained in Attachments 3 and 4.

Phase 3 will require further Council resolutions and community input as each land parcel is investigated in more detail.

COUNCIL DECISION

(Executive Recommendation)

That Council:

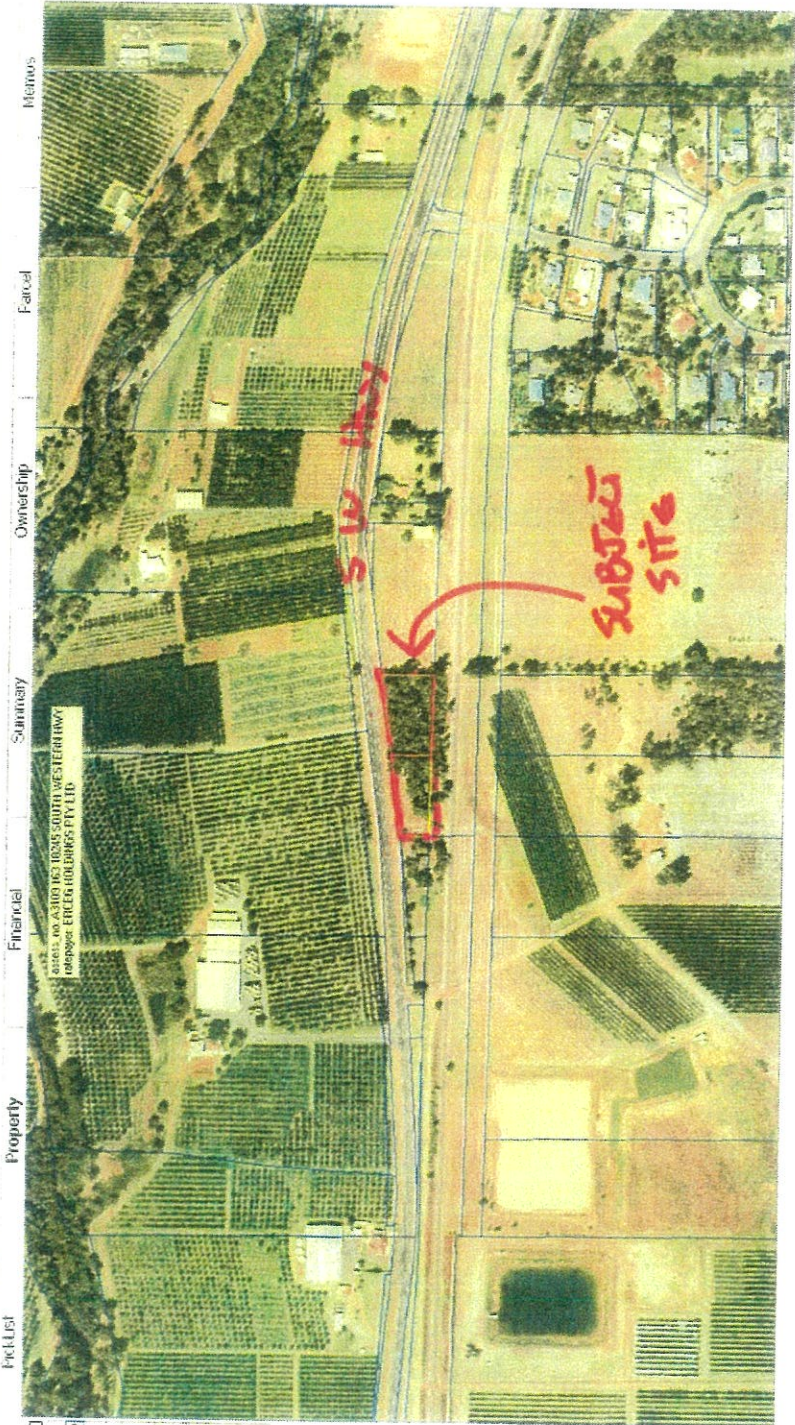
- 1) Adopt the delivery plan and timeframes of the Strategic Land Asset Review contained in Attachments 9.4.4(3) and 9.4.4(4); and
- 2) Authorise the Chief Executive Officer to progress the Strategic Land Asset Review to implement phase 3 by developing delivery plans for future Council approval.

Carried by En Bloc Resolution 1

AL177 Items

- Process history (0)
- Comments (0)
- Work Items (0)
- Central Records (2)
- Associated Comments (0)
- Associated Attachments (0)
- Create New Comments (0)

By Open Items
Property Map Enquiry A1177



Legal **Block**
 Owners: A1177 0016
 Property: [SHARE OF DONNYBROOK DAIRY]
 Address: 155 SOUTH WESTERN
 Suburb: DONNYBROOK
 State: WA
 Locality: 01
 Zone: F3
 Lease: 01
 Valuation Details:
 Gross Rental Value: 0.00
 Unimproved Value: 6.00

File | Desktop Settings | Home | Search | Recent | Favorites | Tools | Scale | Web | Help | Print | Refresh | Home | Search | Recent | Favorites | Tools | Scale | Web | Help | Print | Refresh | Home | Search | Recent | Favorites | Tools | Scale | Web | Help | Print | Refresh

Property Map Enquiry A1177 155 SOUTH WESTERN HWY, DONNYBROOK WA 6239 - [bobwil.cs@synergy]SynergySA.it

3/10/2018 1:31 PM

Pt Lots 5 and 6 South Western Highway, Donnybrook

Site Details	
Local Planning Scheme designation	Priority Agriculture
size	2762m2 and 3722m2

Assessment against Strategic Community Plan

Objectives	Outcomes	Ability of land to achieve goals and outcomes	Conclusions
Economic A strong, diverse and resilient economy	Outcome 1.1 A diverse, prosperous economy, supporting local business and population growth	The land is located on the northern edge of the Donnybrook township. The Priority Agriculture zone has the intent to protect landscape/streetscape elements and contain the ribbon expansion of industrial/commercial activity. There is limited economic prospects for the site due to the distance from the main part of the township, size and lot configuration	No value
	Outcome 1.2 Available land for residential, industrial and commercial development	The site is not suitable for commercial and industrial development due to its location and configuration. The site has potential for developing as a house subject to setback reductions being approved. It does not have any potential for further subdivision.	Limited value as it has potential to accommodate a future residential dwelling
	Outcome 1.3 An attractive visitor and tourist destination	The site has no specific value in creating an attractive visitor or tourist destination or tourist facility due to its location and configuration.	No value
Environment Respect for our heritage, natural and built environment	Outcome 2.1 An attractive and maintained built environment	The site is vacant.	No value
	Outcome 2.2 Respected heritage assets	The site does not contain any heritage assets (vacant)	No value
	Outcome 2.3 A natural environment for the benefit of current and future generations	The site contains some vegetation. However, this is isolated and does not form part of any overall strategic linkage. Vegetation can be retained on site with the exception of a building footprint.	Limited value.

	Outcome 2.4	Efficient and effective waste management	The site is vacant.	No value
Social A health, safe and inclusive community	Outcome 3.1	An engaged, supportive and inclusive community	The site is vacant and has limited potential to be used for community purposes given its location and configuration.	No value
	Outcome 3.2	Well supported community groups and facilities	The site is vacant and has limited potential to be used by community groups due to its location and configuration.	No value
	Outcome 3.3	A safe and health community environment for all ages	As above.	No value
Leadership Effective leadership and civic responsibility	Outcome 4.1	A strategically focused, open and accountable local government	The site is not well located or sized for any future shire/community focused development.	No value
	Outcome 4.2	A respected, professional and trusted organisation	The site is vacant and does not provide any real strategic benefit for its retention.	No value
Opportunities			Risks	
Sales revenue provides scope for funds to be used more productively on other sites/activities that bring direct and measurable benefits to the community			Potential loss of vegetation	



SUBJECT SITE

Lots 107 and 229 Steere Street, Donnybrook

Site Details	
Local Planning Scheme designation	Residential
size	Approximately 1000m ² each

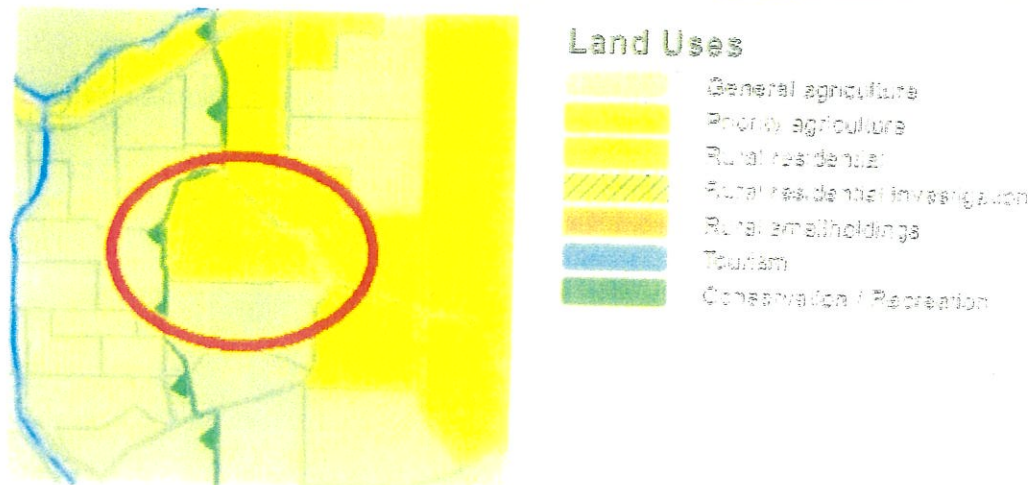
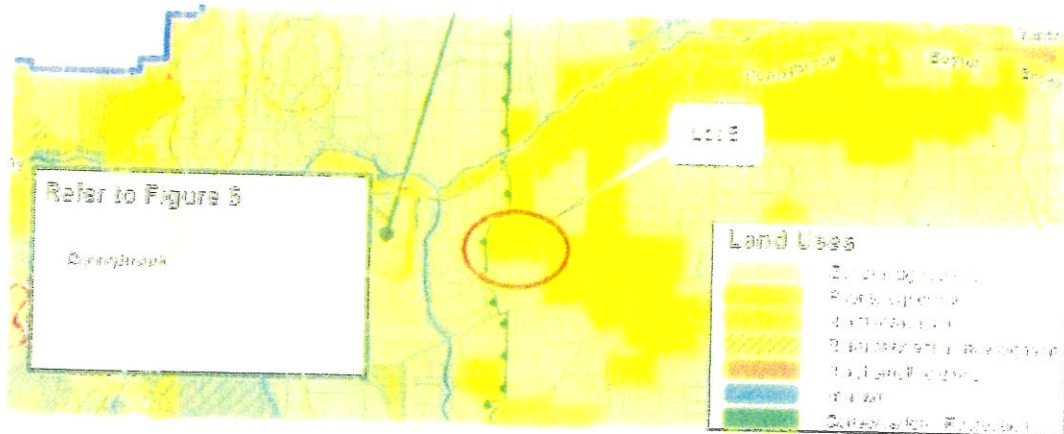
Assessment against Strategic Community Plan

Objectives	Outcomes	Ability of land to achieve goals and outcomes	Conclusions
Economic A strong, diverse and resilient economy	Outcome 1.1 A diverse, prosperous economy, supporting local business and population growth	The land is located in a residential locality with limited potential for civic/industrial/commercial activity. The site is isolated from the main part of town and other community facilities. There is no opportunity to form realistic synergies with existing facilities.	No value
	Outcome 1.2 Available land for residential, industrial and commercial development	The site is suitable for residential development. It does not have potential for subdivision due to lack of reticulated sewerage.	Limited value as it has potential to accommodate a future residential dwelling
	Outcome 1.3 An attractive visitor and tourist destination	The site has no specific value in creating an attractive visitor or tourist destination or tourist facility due to its location and configuration.	No value
Environment Respect for our heritage, natural and built environment	Outcome 2.1 An attractive and maintained built environment	The site is vacant.	No value
	Outcome 2.2 Respected heritage assets	The site does not contain any heritage assets (vacant)	No value
	Outcome 2.3 A natural environment for the benefit of current and future generations	The site contains some vegetation. However, this is isolated and does not form part of any overall strategic linkage. Vegetation can be retained on site with the exception of a building footprint.	Limited value.
	Outcome 2.4 Efficient and effective waste management	The site is vacant.	No value

Social A health, safe and inclusive community	Outcome 3.1	An engaged, supportive and inclusive community	The site is vacant and has limited potential to be used for community purposes given its location, zoning and configuration.	No value
	Outcome 3.2	Well supported community groups and facilities	The site is vacant and has limited potential to be used by community groups due to its location and configuration.	No value
	Outcome 3.3	A safe and health community environment for all ages	As above.	No value
Leadership Effective leadership and civic responsibility	Outcome 4.1	A strategically focused, open and accountable local government	The site is not well located or sized for any future shire/community focused development.	No value
	Outcome 4.2	A respected, professional and trusted organisation	The site is vacant and does not provide any real strategic benefit for its retention.	No value
Opportunities			Risks	
Sales revenue provides scope for funds to be used more productively on other sites/activities that bring direct and measurable benefits to the community			Potential loss of vegetation	

Application for Extractive Industry License

The Land use for lot 5 is Priority Agriculture



1.2 Nature of Excavation

The nature of this excavation is for gravel material to be used for road building purposes. It is proposed that the extraction will be over a 6 year period, with likely annual excavation being 15,000 to 20,000 cubic metres. The likely depth of material is 1 to 2metres.

It is proposed to clear a majority of the vegetation (leaving 5m tree barrier), then push the topsoil to one side for rehabilitation once the excavation is totally complete. It is proposed that the gravel will be pushed up from natural surface (approximately 1-2m) deep with a bulldozer. The gravel will be put through a ST170 Norberg gravel screed similar to the one shown below, there will no mechanical or machine crushing on site.

Application for Extractive Industry License



Figure 4 – Proposed limits of Excavation

SCHEDULE OF SUBMISSIONS – EXTRACTIVE INDUSTRY APPLICATION LOT 5 CHARLIE CREEK ROAD, CHARLIE CREEK

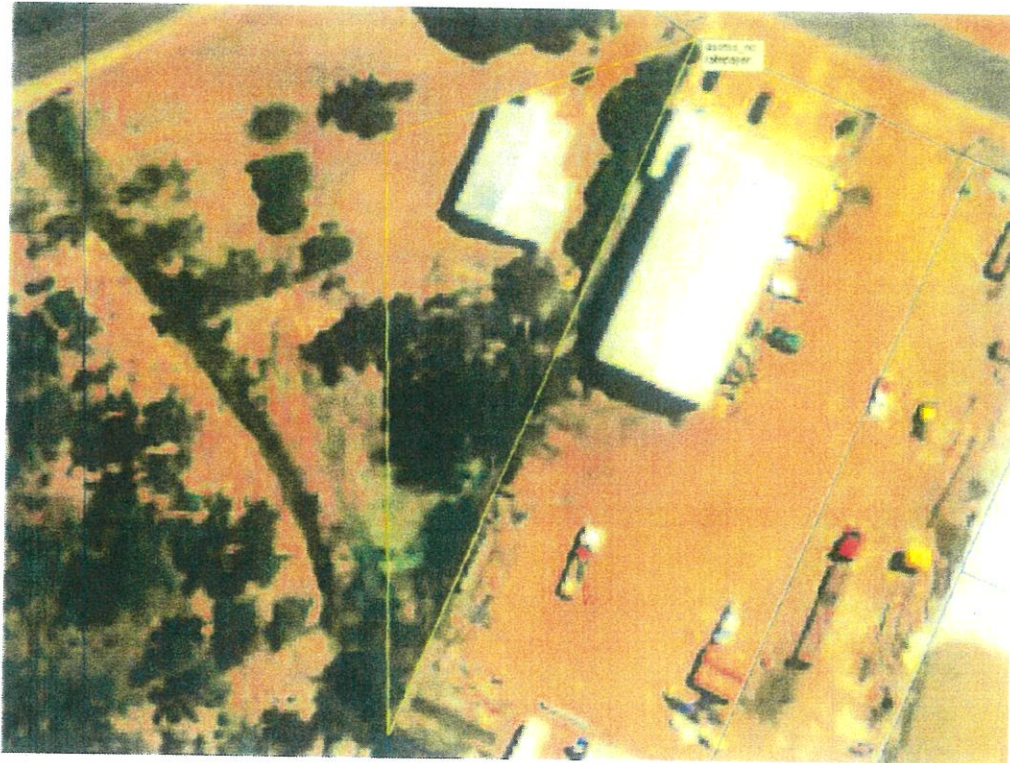
Government Agency Responses:

No.	Name and Address	Description of Affected Property	Summary of Submission	Comments	Council's Recommendation
1	Water Corporation	n/a	No concerns with the application proceeding	Note.	Note
2	Department of Water and Environmental Regulation	n/a	DWER seeks to ensure that groundwater and surface water resources, including watercourses and down stream riparian values are protected from impacts. <u>Surface Water</u> Management of surface water runoff is critical to ensure that pollutants are appropriately managed, prior to discharging Additional information is required to determine impacts on groundwater and surface water. A stormwater management plan should be developed to prevent runoff from the operation area. It is recommended that a detailed stormwater management designs for the site be prepared prior to extractive work starting. <u>Groundwater</u> The risk to groundwater is low. Although extractive industry operations can impact on groundwater resources, either by exposing the resource to pollution or	Note Note. Agree. Conditions can be imposed to ensure that stormwater management is designed and implemented. Agree. See above. Note.	Note Note Agree Agree Note

3	Sandra Hough	Ferguson Road, Lowden	<p>causing evaporative losses. There is little likelihood of intercepting groundwater at this site.</p> <p>Recommends conditions to not intercept water table and processes to follow if do.</p> <p>There is no evidence that a clearing permit has been obtained. This will be necessary prior to starting work.</p>	<p>Agree. Conditions can be imposed. This is consistent with previous practice.</p> <p>Agree. A clearing permit is required. This matter is addressed through different legislation than the planning process. On this basis, advice regarding this element is recommended.</p>	Agree
		<p>Concerned about gravel extraction activity.</p> <p>Council has allowed a timber mill to commence operation and wonder if the Council is intent to turn a prime agricultural area into a light industrial one.</p>	<p>Note.</p> <p>Note. Council did approve a timber mill. Council in making decisions has to have regard to a significant number of considerations about potential impacts on local amenity, environment, servicing and social impacts as well as the purpose and intended vision under the zone. Each application is required to be considered by its individual merits or faults.</p>	<p>Note</p> <p>Note</p>	
		<p>The road through the area and on to Brookhampton and then Kirup is fast becoming a delightful tourist run through to Kirup and Balingup. It is a farming area and its infrastructure does not match up to</p>	<p>Disagree. The proposal will have limited impact on local traffic due to the limited number of vehicle trips generated (2 per day on average). Further, the activity</p>	Disagree	

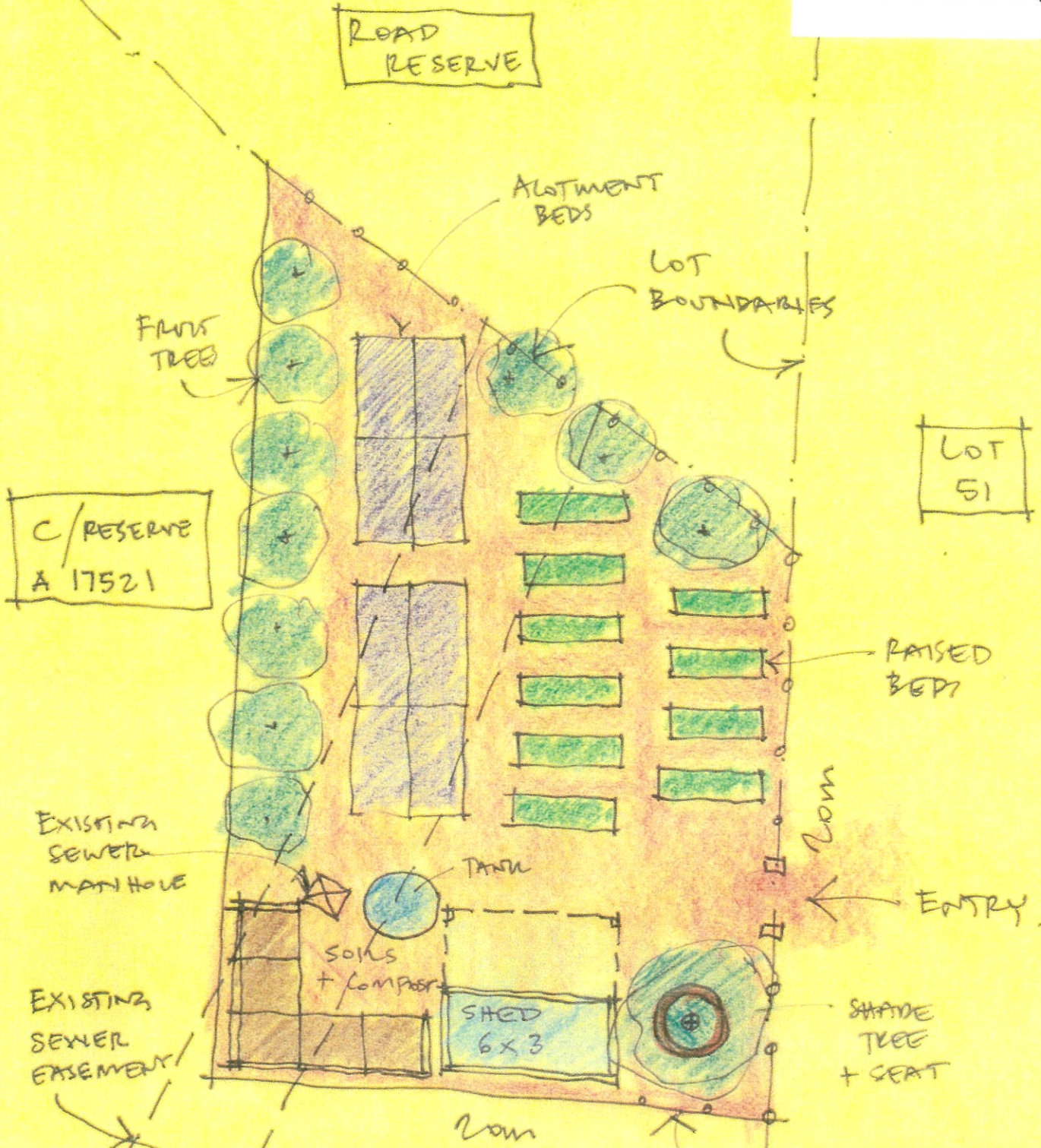
		the proposed new industries.	will be screened from the road and the life of the activity is limited to 6 years.	Note
		The road is unsuited to heavy duty trucks and their increased volume.	Note. The proposal will generate on average 2 vehicle trips per day. The road network has capacity to accommodate this.	
		Would it be the case that the property being spoilt by past tree plantings is now being considered for some other use outside the designated zoning.	Disagree. The zoning allows for extractive industry applications to be considered within the Agricultural zone. The end use for the site will be to return to agricultural activity.	Disagree
		There are obvious reasons for the land to be deemed agricultural and this zoning is under attack.	Disagree. See above.	Disagree
		Absolutely object to this proposal going any further.	Noted.	Noted

GIRL GUIDE BUILDING SITE



Site Details	
Site Description	Reserve 23755
Ownership	Crown Reserve – vested with Girl Guides Association
vesting	Hall
Local Planning Scheme designation	Public Purpose Reserve and contained within SCA1 – Flood Prone Area)
size	1614m ²

Opportunities	Risks
Potential to acquire land from Crown (for future disposal)	Building will likely require significant improvements/renovation/ in the long term (asbestos)
Maintains a site for use by the arts and crafts group (which have historically be moved out a previous building	Flood prone. Half the site (rear portion) is located within flood prone land limiting potential development
Building set up for arts and crafts group (kiln)	Local Planning Scheme designation limits potential use of the land. Will require amendment to LPS7 if proposed to dispose
No alternative buildings available for the group	Lot configuration limits development potential
	Adjoining industrial land use/potential for land use conflict
	Isolated site limits potential to form part of wider cultural/civic precinct



APPROX
530 m²

