



Your ref: D3.7
Our ref: TPS/2316
Enquiries: Schemes Team

Chief Executive Officer
Shire of Wongan-Ballidu
PO Box 84
Wongan hills WA 6603

Transmission via electronic mail to: shire@wongan.wa.gov.au

Dear Sir

LOCAL PLANNING SCHEME NO. 5 - AMENDMENT NO. 1

I refer to your letter dated 11 September 2019 regarding Amendment No. 1.

The WAPC has considered the amendment and submitted its recommendation to the Minister in accordance with section 87(1) of the *Planning and Development Act 2005* (the Act).

The Minister has approved the amendment in accordance with section 87(2)(a) of the Act. In accordance with section 87(3) of the Act, the WAPC will cause the approved amendment to be published in the Government Gazette.

The WAPC has forwarded notice to the State Law Publisher (attached) and it is the local governments' responsibility to make arrangements for the payment of any publication costs. The local government is required under section 87(4B) of the Act, and regulation 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to publish the approved amendment, ensure that it is available to the public, and notify each person who made a submission.

For all payment and purchase order queries, please contact the State Law Publisher on (08) 6552 6012 or fax (08) 9321 7536. One signed set of the amending documents is returned for your records.

Please direct any queries about this matter to schemes@dplh.wa.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Sam Fagan", written in a cursive style.

Ms Sam Fagan
Secretary
Western Australian Planning Commission

24/09/2019

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

Shire of Wongan-Ballidu

LOCAL PLANNING SCHEME No. 5 - AMENDMENT No. 1

Ref: TPS/2316

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Wongan-Ballidu Local Planning Scheme amendment on 20 September 2019 for the purpose of:

1. Reclassify Lot 200 on Deposited Plan 406589, Volume 2929 Folio 359 from 'Rural Residential' zone to 'Light Industry' zone on the Scheme Map, and add the annotation 'R1'.
2. Replace Clause 3.5 with the following:

3.5 Restricted Uses

3.5.1 Schedule 3 sets out –

- (a) restricted classes of use for specified land that apply instead of the classes of use that are permissible in the zone in which the land is located; and
- (b) the conditions that apply to that restricted use.

3.5.2 Despite anything contained in the zoning table, land that is specified in the Schedule to subclause 3.5.1 may be used only for the restricted class of use set out in respect of that land subject to the conditions that apply to that use.

3. Insert 'Schedule 3 – Restricted Uses' as follows:

SCHEDULE 3 – RESTRICTED USES

The following restricted uses apply to the Scheme.

No.	Description of land	Restricted Use	Conditions
R1	Lot 200 on Deposited Plan 406589 (Lot 200 Wongan Road, Wongan Hills)	Warehouse/Storage; Motor vehicle, boat or caravan sales; Office;	The purpose of these restrictions is to provide for expansion of the McIntosh and Son operation from Lot 178 to Lot 200, but only for Light Industrial uses with a

		<p>Shop; and</p> <p>Trade Display.</p>	<p>demonstrated ability to manage impacts on-site. Conditions applicable to the site are:</p> <ol style="list-style-type: none"> 1. All development requires development approval. 2. Prior to determining any development on the site, the local government is to consult with affected landowners. 3. Development shall comply with the provisions of the Scheme applicable to the Light Industry zone. If there is any inconsistency, the requirements of this Schedule prevail. 4. Development shall comply with the following: <ol style="list-style-type: none"> (a) Development is not to generate off-site impacts, such as odour, noise, spray drift, vibration, dust, groundwater, air pollution or light spill, beyond the property boundaries; (b) Vehicular access is prohibited from Wongan Road and Suburban Road, and is to be gained via existing access points on Lot 178; (c) Hours of operation to be limited to 7am until 7pm during Monday to Saturday and 9am until 7pm during Sunday and public holidays;
--	--	--	---

			<p>(d) Development to be setback a minimum of 20m from the Suburban Road property boundary;</p> <p>(e) A landscaped 'earth bund' to be constructed within the Suburban Road property boundary setback, parallel to the boundary for its full length, as a noise barrier for the surrounding Rural Residential zone prior to the commencement of any land use to the satisfaction of the local government;</p> <p>(f) In regard to the 10% landscaping requirement in clause 4.8.1 of the scheme, this is to be installed entirely along the Suburban Road boundary setback, in a manner that screens the earth bund and development within the land from view of Suburban Road;</p> <p>(g) Any required landscaping to be established prior to the land use commencing operation, and the vegetation permanently maintained;</p> <p>(h) The openings of any structure shall face north or towards Wongan Road; and</p> <p>(i) All structures shall</p>
--	--	--	--

			<p>be constructed of non-reflective external building materials, such as colorbond.</p> <p>5. Any application for development approval shall be accompanied by suitable information demonstrating compliance with condition 4 above and include the following:</p> <ul style="list-style-type: none"> (a) vehicular access and parking arrangements to and within the site; (b) the hours of operation of land uses at the property; (c) the location and duration of activities generating any impacts listed in Condition 4(a) and the level of impacts generated; (d) the measures proposed to mitigate and manage impacts identified through Condition 5(c) and how the impacts will be contained within the property boundaries; (e) how development and impact mitigation measures achieve an acceptable visual amenity for surrounding properties and consistency with the objectives of the zone;
--	--	--	--

			<p>(f) an acoustic report prepared by a suitably qualified acoustician demonstrating on-site and off-site noise levels generated by development and compliance with the <i>Environmental Protection (Noise) Regulations 1997</i>; and</p> <p>(g) the provision of quarterly noise monitoring for twelve months from the commencement of development demonstrating compliance with the development approval and management plan.</p>
--	--	--	---

4. Renumber all schedules referenced in the Scheme subsequently to 'Schedule 3 – Restricted Uses' as required.

P MACNAMARA
SHIRE PRESIDENT

S TAYLOR
CHIEF EXECUTIVE OFFICER