



WESTERN  
AUSTRALIAN  
GOVERNMENT

**Gazette**

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041



PERTH, FRIDAY, 8 JULY 2011 No. 131

SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.00 PM

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PLANNING AND DEVELOPMENT ACT 2005

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SHIRE OF BODDINGTON

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APPROVED LOCAL PLANNING  
SCHEME AMENDMENT

TOWN PLANNING SCHEME No. 2  
AMENDMENT No. 29



**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**

*Shire of Boddington*

Town Planning Scheme No. 2—Amendment No. 29

Ref: TPS/0177

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 Boddington local planning scheme amendment on 29 June 2011 for the purpose of—

1. Changing references of “Town” Planning Scheme to “Local” Planning Scheme throughout the Scheme Text.
2. Modifying the whole of the Scheme Text to correctly state the current names of Government agencies, legislation and policies including the change from the Residential Planning Codes to the Residential Design Codes.
3. Updating the Contents to reflect changes set out below.
4. Inserting Clause 1.4.2 as follows—  
 “The Scheme Text and Scheme Maps should be read with the Local Planning Strategy for the Shire of Boddington.”
5. Adding “VII—Special Control Areas” to Clause 1.5 and renumbering accordingly.
6. Adding Clause 1.6 on Purposes of Scheme as follows—

**“1.6 Purposes of Scheme**

The purposes of the Scheme are to—

- (a) set out the Council’s planning aims and intentions for the Scheme area;
- (b) set aside land as reserves for public purposes;
- (c) zone land within the Scheme area for the purposes defined in the Scheme;
- (d) control and guide land use and development;
- (e) set out procedures for the assessment and determination of planning applications;
- (f) make provision for the administration and enforcement of the Scheme; and
- (g) address other matters set out in Schedule 7 of the Planning Act.”

and renumbering Clauses 1.6 to 1.8.

7. Extending and modifying the Scheme Objectives in Clause 1.7 as follows—

**“1.7 Scheme Objectives**

The objectives of the Scheme are to—

- (a) encourage and control quality and orderly development in the Scheme area so as to promote and protect the health, safety, and general economic and social well-being of the community, and the amenity of the area;
- (b) promote sustainable development that integrates consideration of economic, social and environmental goals for the district;
- (c) ensure there is sufficient supply of serviced and suitable land for housing, commercial and industrial activities, community facilities, recreation and open space;
- (d) assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial and tourist development, as well as providing opportunities for home-based employment;
- (e) ensure that conflicting land uses do not impact on current mining activities nor on areas identified as being prospective;
- (f) maximise the local benefit of mining activities that occur within the District;
- (g) manage the use and development of land by means of zoning and development controls to achieve compatibility between land uses, and the preservation and where possible the enhancement of amenity for urban and rural uses;
- (h) protect and enhance the environmental values and natural resources of the District and to promote ecologically sustainable land use and development;
- (i) ensure development appropriately takes account of flooding, fire and other risks;
- (j) maintain and protect valuable areas of agricultural production and conserve its non-urban character whilst accommodating other complimentary rural activities;
- (k) establish the primacy of the Boddington town centre as the commercial and cultural centre of the District;
- (l) promote appropriately located and designed tourist development;
- (m) encourage a better utilisation of existing infrastructure including the increased usage of sustainable energy sources;

- (n) conserve existing local heritage;
- (o) preserve and enhance the amenities of the District and to manage land uses so as to minimise conflicts between otherwise incompatible uses;
- (p) maintain and enhance the positive aspects of a country lifestyle enjoyed by the inhabitants of the Scheme Area through appropriate control over the layout and design of developed areas by fostering a distinctive character based on good design principles;
- (q) improve the management of the natural resources of the Scheme Area to the extent possible under the Scheme;
- (r) the extent possible under the Scheme, conserve, protect and enhance the biodiversity (genetic, species and ecosystem diversity, environmental values and natural heritage) of the Scheme Area and its environs by ensuring that land use and development is undertaken sustainably with biodiversity values at the fore-front of decision-making;
- (s) recognise and, where possible, take account of the adverse cumulative impacts on biodiversity, and environmental and heritage values;
- (t) improve the means of access into and around the District and to ensure the safe and convenient movement of people including pedestrians, cyclists and motorists;
- (u) provide for the growth of settlements in a land use pattern which reduces pressure to convert good quality agricultural land to non-agricultural uses;
- (v) ensure urban and rural-residential development are located and managed to—
- (i) minimise impacts on rural land;
  - (ii) protect and enhance the rural landscape and environmental values;
  - (iii) recognise the potential for environmental repair and ensure its enhancement and management in subdivision and development proposals; and
  - (iv) be appropriately serviced in a sustainable manner that does not place inappropriate demands on the local government or servicing authorities in terms of upgrading or maintaining services;
- (w) provide guidance and controls for possible future residential, special residential, commercial, industrial, rural and special rural development within the Shire of Boddington;
- (x) assist in the effective implementation of State and region plans, strategies and policies; and
- (y) adopt a set of local planning policies which will achieve the stated objectives.”
8. Replace Clause 1.9 in the text with Clause 1.7.1 and 1.7.2 of the Model Scheme Text.
9. Inserting Clause 1.10 on Scheme Determinations to Conform with Local Planning Strategy as follows—
- “1.10 Scheme Determinations to Conform with Local Planning Strategy**
- Except to the extent that the Local Planning Strategy is inconsistent with the Scheme, determinations of the Council under the Scheme are to be consistent with the Local Planning Strategy. Where a Council decision is made which is contrary to the Local Planning Strategy, the Council is to set out its reasons.”
10. Adding “s” after “Road” in Clause 2.1.
11. Adding Clause 2.2 on Use and Development of Scheme Reserves as follows—
- “2.2 Use and Development of Scheme Reserves**
- 2.2.1 A person must not use a Scheme Reserve or commence or carry out development on a Scheme Reserve without first having obtained planning approval under part VI of the Scheme.
- 2.2.2 In determining an application for planning approval, the Council is to have regard to—
- (a) The matters set out in clause 6.5; and
  - (b) The ultimate purpose intended for the Scheme Reserve.
- 2.2.3 In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for planning approval.”
12. Clarifying Clause 3.2.2 for what constitutes permitted development through, after “means that the use is permitted by the Scheme”, adding “providing the use complies with the relevant development standards and the requirements of the Scheme”. In relation to the “AA” symbol, change “it” to “is”.
13. Modifying Clauses 3.2.2 ‘SA’ and 3.2.5(b) to refer to advertising procedures in Clause 6.4.
14. Adding the following new uses to the Zoning Table in Clause 3.2—
- Agriculture—Extensive
  - Agroforestry
  - Child Care Premises
  - Family Day Care
  - Construction Camp
  - Aged or Dependent Dwellings
  - Ancillary Accommodation

- Residential Building
  - Single House
  - Bed and Breakfast
  - Chalet
  - Guesthouse
  - Holiday Home
  - Park Home Park
  - Home Office
  - Home Business
  - Plant Nursery
  - Restricted Premises
  - Telecommunications Infrastructure
  - Tree Plantations
  - Veterinary Centre
  - Wayside Store
15. Deleting the following superseded uses from the Zoning Table in Clause 3.2—
- Aquaculture
  - Child Day Care Centre
  - Child Family Care Centre
  - Civic Building
  - Single Dwelling
  - Farm Stay
  - Health Centre
  - Holiday Cottage
  - Milk Depot
  - Nursing Home
  - Piggery
  - Poultry Farm
  - Veterinary Clinic
  - Veterinary Hospital
16. Adding those new Use Classes set out in the Zoning Table and assigning appropriate permissibility levels to each use being allowed to occur in each of the Zones, along with other changes to the Zoning Table as set out below—

ZONE		Residential	Special Residential	Rural	Rural Residential	Commercial	Industrial	Special Use	Small Holding
	Abattoir	X	X	SA	X	X	SA	AS PER APPENDIX 4	X
	Agriculture Extensive	X	X	P	X	X	X		P
	Agroforestry	X	X	AA	X	X	X		SA
	Amusement Facility	X	X	SA	X	AA	AA		X
	Animal Husbandry	X	X	AA	X	X	AA		SA
	Betting Agency	X	X	X	X	AA	X		X
	Builder's Storage Yard	X	X	AA	X	SA	P		X
	Car Park	SA	X	AA	X	AA	AA		X
	Child Care Premises	SA	SA	SA	SA	AA	X		X
	Family Day Care	IP	IP	IP	IP	AA	X		IP
	Cinema/Theatre	X	X	X	X	SA	SA		X
	Civic Use	SA	SA	AA	SA	AA	AA		SA
	Club Premises	SA	SA	AA	SA	AA	AA		SA
	Construction Camp	SA	X	SA	X	X	SA		X

ZONE	Residential	Special Residential	Rural	Rural Residential	Commercial	Industrial	Special Use	Small Holding
Consulting Rooms	SA	SA	AA	SA	AA	X	AS PER APPENDIX 4	SA
Convenience Store	X	X	SA	X	P	SA		X
Dog Kennels	X	X	AA	SA	X	SA		SA
Dry Cleaning Premises	X	X	X	X	AA	P		X
Dwellings—								
A) Aged or Dependent Persons Dwelling	AA	X	X	X	X	X		X
B) Ancillary Accommodation	AA	AA	AA	AA	AA	X		AA
C) Caretaker's Dwelling	X	X	AA	X	IP	X		X
D) Grouped Dwelling	AA	X	X	X	SA	X		X
E) Multiple Dwelling	SA	X	X	X	SA	X		X
F) Residential Building	AA	X	AA	X	AA	X		AA
G) Single House	P	P	P	P	AA	X		P
Eating House	X	X	SA	X	P	X		X
Educational Establishment	SA	SA	SA	SA	AA	X		X
Farm Supply Centre	X	X	AA	X	AA	P		SA
Fuel Depot	X	X	SA	X	X	AA		X
Hobby Farm	X	AA	P	P	X	X		P
Holiday Accommodation—								
A) Bed and Breakfast	SA	SA	AA	SA	AA	X		AA
B) Camping Area	X	X	AA	X	SA	X		X
C) Caravan Park	X	X	SA	X	SA	X		X
D) Chalet	X	X	SA	X	SA	X		SA
E) Guesthouse	X	X	AA	X	AA	X		SA
F) Holiday Home	SA	SA	AA	SA	AA	X		AA
G) Hotel	X	X	X	X	SA	X		X
H) Motel	X	X	SA	X	AA	X		X
I) Park Home Park	SA	X	X	X	SA	X		X
Home Occupation	AA	AA	AA	AA	AA	X		AA
Home Office	P	P	P	P	P	X		P
Home Business	SA	SA	AA	SA	AA	X		AA
Horse Stables	X	X	P	SA	X	X		AA
Hospital	X	X	SA	X	SA	X		X
Industry—Cottage	SA	SA	AA	SA	AA	X		AA
Industry—Extractive	X	X	SA	X	X	X		SA
Industry—General	X	X	SA	X	X	P		X
Industry—Hazardous	X	X	SA	X	X	SA		X
Industry—Light	X	X	SA	X	SA	P		X

ZONE	Residential	Special Residential	Rural	Rural Residential	Commercial	Industrial	Special Use	Small Holding
Industry—Noxious	X	X	SA	X	X	SA	AS PER APPENDIX 4	X
Industry—Rural	X	X	AA	X	X	AA		X
Industry—Service	X	X	SA	X	AA	P		X
Intensive Agriculture	X	X	AA	X	X	X		AA
Liquor Store	X	X	X	X	AA	SA		X
Medical Centre	SA	SA	X	X	AA	X		X
Motor Vehicles and Marine Sales Premises	X	X	SA	X	AA	AA		X
Motor Vehicle Repair	X	X	AA	X	SA	AA		X
Motor Vehicle Wrecking	X	X	SA	X	X	AA		X
Office	IP	IP	IP	IP	P	IP		IP
Open Air Display	X	X	SA	X	AA	AA		X
Plant Nursery	X	X	AA	SA	AA	AA		SA
Public Worship—Place of	SA	SA	SA	SA	AA	SA		SA
Restaurant	X	X	SA	X	AA	X		SA
Restricted Premises	X	X	X	X	SA	SA		X
Roadhouse	X	X	SA	X	SA	SA		SA
Rural Pursuit	AA	AA	P	P	X	X		P
Salvage Yard	X	X	SA	X	X	AA		X
Sawmill	X	X	SA	X	X	AA		X
Service Station	X	X	SA	X	SA	AA		X
Shop	X	X	X	X	P	SA		X
Showroom	X	X	X	X	AA	AA		X
Take-Away Food Outlet	X	X	X	X	P	AA		X
Tavern	X	X	X	X	SA	X		X
Telecommunications Infrastructure	SA	SA	SA	SA	SA	SA		SA
Trade Display	X	X	SA	X	AA	AA		X
Transport Depot	X	X	SA	X	SA	P		X
Veterinary Centre	X	SA	SA	SA	AA	X		AA
Warehouse	X	X	SA	X	AA	P		X
Wayside Store	X	X	SA	SA	AA	X		SA

17. Deleting the numbering system in the Zoning Table.
18. Inserting Clause 4.3.3 of the Model Scheme Text after Clause 3.2.5.
19. Replacing Clause 4.4 and replace with Clause 5.5 of the Model Scheme Text.
20. Inserting Clauses 4.5-4.15 inclusive as follows—

**“4.5 Residential Development in the Rural Zone**

4.5.1 Regardless of other provisions in the Scheme, including the Zoning Table, the Council will not support more than three dwellings on any title/lot regardless of the dwelling type (dwelling, ancillary accommodation, caretaker’s dwelling).

4.5.2 No more than one dwelling may be developed on a lot zoned Rural, except where the Council is satisfied that the accommodation is—

- (a) for ancillary accommodation; or
- (b) required for a caretaker's dwelling or workers accommodation which is necessary for the continuation of an agricultural, rural or other permitted use.

#### **4.6 Short Stay Residential Use**

No person shall occupy short stay residential accommodation, such as a chalet, caravan, camp or any other form of tourist accommodation for more than a total of 3 months in any 12 month period unless approved by the Council for management purposes and staff accommodation.

#### **4.7 Tree Planting and Tree Preservation**

4.7.1 In order to improve the environmental amenity of areas that the Council considers deficient in tree cover, the Council may require as a condition of any planning approval, the planting of such trees and/or groups of trees and species as specified by the Council.

4.7.2 The Council may also require tree planting and/or drainage measures in designated areas.

4.7.3 The Council may by notice served upon individual landowners or upon a subdivider of land require the preservation of a tree or group of trees. No landowner shall cut, remove or otherwise destroy any tree subject to a tree preservation notice unless approved by the Council.

#### **4.8 Landscaping**

The landscaping requirements referred to in the Scheme, means an open area designed, developed and maintained to the satisfaction of the Council.

#### **4.9 Services to All Development**

The Council shall not grant its consent to the carrying out of any development on any land unless—

- (a) a water supply and facilities for the removal or disposal of sewerage and drainage are available to that land;
- (b) appropriate legal and practical vehicular access are in place to the satisfaction of the Council; or
- (c) arrangements have been made for the provision of services to the satisfaction of Council.

#### **4.10 Flood Risk Land**

4.10.1 Notwithstanding any other provision in the Scheme, the Council shall not grant approval to the carrying out of development on land that is identified as being within a floodway of the Shire of Boddington Floodplain Management Study or in other areas at risk of flooding, in the opinion of the Council, unless an assessment has been made of—

- (a) the effect of the proposed development on the efficiency and capacity of the floodway to carry and discharge water;
- (b) the safety of the proposed development in time of flood; and
- (c) whether the proposed development involves any possible risk to life, human safety or private property in time of flood.

4.10.2 A person shall not carry out any development on land identified as flood fringe in the Shire of Boddington Floodplain Management Study or in other areas at risk of flooding, in the opinion of the Council, unless—

- (a) the floor of the dwelling or other habitable building is, or will be, raised a minimum of 500mm above the 1 in 100 year flood level identified for the land;
- (b) the base of the wastewater disposal system is a minimum of 300mm above the 1 in 100 year flood level identified for the land and fitted with appropriate devices to prevent back flow of effluent and groundwater. This requirement may be removed if an approved alternative treatment unit is installed to the satisfaction of the Council;
- (c) the receipt of an engineering certification which ensures that the proposed building or structure can be designed to take account of the potential forces of flood waters; and
- (d) a licensed surveyor confirms that the floor level height of the building meets the identified flood level for the portion of the subject land. This survey is to be carried out and submitted for local government endorsement upon completion of the sand pad or stumping network of the proposed building. No further works on the proposed building are to be commenced until local government endorsement of the survey information has been given.

#### **4.11 Bush Fire Management**

4.11.1 The Council will need to be satisfied that development will comply with the relevant Council and State Government policy on bushfire protection and that an acceptable fire management plan will be implemented.

4.11.2 In areas determined by the Council to be extreme bush fire hazard areas, all buildings, whether or not they require planning approval pursuant to the Scheme shall be constructed so as to comply with the requirements of the relevant Australian Standard.



4.11.3 In areas determined by the Council to be a moderate bush fire hazard area having regard to fire hazard mapping prepared from time to time, the Council may require any proposed new building to comply with the requirements of the Australian Standard.

4.11.4 Where a Fire Management Plan has been endorsed by the Fire and Emergency Services Authority of Western Australia and the Council, through the planning process, the affected land owners will be responsible for the ongoing implementation of the "land owners' responsibilities" as specified in that Fire Management Plan.

#### **4.12 Car Parking Requirements**

4.12.1 Land within the Scheme Area shall not be used or developed for any of the purposes requiring planning approval under the Scheme unless car parking accommodation, in accordance with the provisions of Appendix 2, is provided on the site the subject of the application in accordance with the standards and requirements, including parking space layouts and dimensions, as set out in the relevant Australian Standard. Additionally, the Council may require the provision of spaces for cycle racks and vehicles for the disabled as necessary.

4.12.2 Where land is to be developed or used for purposes not mentioned in Appendix 2, or where standard or requirement is not specified in that Schedule, the Council shall determine in each case the number of spaces to be provided on the land having due regard to the—

- (i) nature of the proposed development;
- (ii) number of employees or others likely to be employed or engaged in the use of the land;
- (iii) anticipated demand for visitor parking; and
- (iv) orderly, proper and sustainable planning of the area.

4.12.3 The off street car parking requirements for particular developments and land uses are listed in Appendix 2 or as varied by the provisions of this Scheme.

4.12.4 In determining Planning Applications, the Council will require that there is appropriate off-street parking to the satisfaction of Council. Unless otherwise agreed to by Council, the parking shall be provided on the land on which the development is proposed.

#### **4.13 Parking of Commercial Vehicles in Residential, Special Residential, Rural Residential and Special Use Zones**

4.13.1 A Planning Consent is not required where the proponent satisfies the following criteria—

- (i) A person shall not park, or cause to be parked, more than one commercial vehicle in the Residential, Special Residential, Rural Residential or Special Use zones.
- (ii) A person may park one commercial vehicle in the Residential, Special Residential, Rural Residential or Special Use zones if—
  - (a) no part of the vehicle is parked on any portion of a right-of-way or public road contiguous with the lot;
  - (b) the vehicle forms an essential part of the lawful occupation of an occupant of the dwelling and that occupation if carried on upon the lot does not contravene the Scheme;
  - (c) the vehicle is effectively screened from view from outside the lot;
  - (d) the vehicle does not exceed 3.0 metres in height or 8.0 metres in length;
  - (e) the vehicle is parked behind the front building line;
  - (f) any noise created by the vehicle does not contravene the *Environmental Protection (Noise) Regulations 1997*;
  - (g) major repairs to the vehicle are not undertaken on the lot;
  - (h) any minor repairs, servicing or cleaning of the vehicle are carried out in an area which is effectively screened from view from outside of the lot; and
  - (i) the vehicle is not brought to or taken from the lot between the hours of midnight and 6am.

4.13.2 For the purpose of Clause 4.13.1, a 'commercial vehicle' means a vehicle exceeding an unladen tare weight of 3 tonnes or a length of 5 metres.

#### **4.14 Standard of Development**

Notwithstanding that a proposed development conforms in all other respects with any provision of Scheme, the Council may at its discretion, refuse to grant approval if it considers that such development would by its siting, design, construction or materials result in a significant deterioration in the amenity and landscape of the general locality.

#### **4.15 Untidy Places**

4.15.1 No land within the Scheme Area shall on a permanent or regular basis be used for the purposes of storage and/or the disposal of rubbish, refuse, car bodies, industrial waste (whether liquid or solid) or any recycled materials or buildings without the written approval of the Council.

4.15.2 The Council may, by written notice as provided for in the Planning Act and in Schedule 3.1 of the *Local Government Act 1995* require the owner, occupier or lessee of any

land to undertake such works or actions for the improvement of the conditions and visual presentation of that property to a standard commensurate with those conditions prevailing in the locality.”

21. Deleting Clause 5.1 and replacing it with Part 7 of the Model Scheme Text.

22. Deleting Clause 5.2.7.3 which reads—

“5.2.7.3 Any person upon whom a notice is served pursuant to this Clause may, within a period of 60 days from the date of the notice, appeal to the Hon Minister for Planning or the Town Planning Appeal Tribunal in accordance with Part V of the Act, and where any such appeal is lodged the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known and shall thereafter have effect according to that decision.”

23. Modifying Clause 6.1.2 through—

- adding “T” prior to “he” in Clause 6.1.2(a);
- rewording and extending Clause 6.1.2(d) as follows—

The erection on a lot of a single house, including any extension, ancillary outbuildings, swimming pools and tennis courts, in a zone where the proposed use is designated with the symbol ‘P’ in the cross-reference to that zone in the Zoning Table, except where the proposal—

- (i) necessitates the exercise of a discretion by the Council under the Scheme to vary the Residential Design Codes, Appendix 2 or other Scheme provisions, is outside of a designated or approved building envelope or within a designated building exclusion area;
- (ii) involves development within a flood prone area;
- (iii) comprises transportable buildings;
- (iv) comprises a relocated second hand building or part thereof;
- (v) is on a lot or location which does not have access to a dedicated and constructed road;
- (vi) is located in a Heritage Area or Special Control Area;
- (vii) is inconsistent with a Local Planning Policy relating to development, design or related matter; or
- (viii) is for the construction of a tennis court which involves the use of lighting for night games.

A planning application will be required where otherwise provided by the Scheme.

- In Clause 6.1.2(f) following “external appearance of the building” add “except where the building is—
  - (i) located in a place that has been entered in the register of Heritage Places under the *Heritage of Western Australia Act 1990*;
  - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
  - (iii) included on the Heritage List under clause 5.1.2 of the Scheme.”
- Add the following to Clause 6.1.2(h) to (s) inclusive—
 

“(h) The demolition of any building or structure except where the building or structure is—

  - (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
  - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;
  - (iii) included on the Heritage List under clause 7.1 of the Scheme; or
  - (iv) located within a heritage area designated under the Scheme.

(i) A home office.

(j) Any works which are temporary and in existence for less than 48 hours or such longer time as the Council agrees.

(k) Any of the exempted classes of advertisements listed in Appendix 11 except in respect of a place included in the Heritage List or in a heritage area.

(l) Incidental structures such as a—

  - (i) dog house, domestic animal or bird enclosure or a cubby house which—
    - does not exceed 2.4 metres in height above natural ground level; and
    - does not have any part of its structure located within 1.0 metre of the boundary with an adjoining lot;
  - (ii) flag pole which does not exceed 6.0 metres in height above natural ground level;
  - (iii) pole, tower or device used solely for the purpose of providing outdoor lighting which is no more than 6.0 metres in height above natural ground level;
  - (iv) satellite dish and other domestic telecommunication installation located on a lot which is not in a designated Heritage Precinct or subject to a standard in an adopted Local Planning Policy;
  - (v) landscaping;
  - (vi) letter boxes;

- (vii) clothes lines;
  - (viii) effluent disposal systems where it complies with Scheme requirements;
  - (ix) LPG gas tanks for domestic purposes; or
  - (x) other structures as determined by the Council.
- (m) Agriculture Extensive, Hobby Farm and Rural Pursuit uses in the Rural and Rural Small Holdings zones and Hobby Farm use in the Rural Residential Zone (unless, in the opinion of the Council, such uses would have an adverse impact on remnant vegetation on the site).
- (n) The minor filling, excavation or re-contouring of land, provided there is no more than 0.9 metres change to the natural ground level and it is not within the flood plain or flood affected areas.
- (o) Retaining walls less than 0.9 metres in height unless the site is subject to an adopted Local Planning Policy which specifically addresses requirements for retaining walls or the site is located within a Heritage Precinct.
- (p) Rainwater tanks, unless proposed to be located outside a building envelope or within a building exclusion area or where it does not comply with Appendix 2 of the Scheme.
- (q) The clearing of vegetation where—
- (i) the clearing is exempt under the Environmental Protection (Clearing of Native Vegetation) Regulations;
  - (ii) the vegetation is non-native;
  - (iii) the vegetation is commercial in nature such as an orchard;
  - (iv) the trees are not listed in the Municipal Heritage Inventory.
- (r) A change of use where—
- (i) the general use class category remains the same and no additional floorspace is proposed (e.g. shop to shop);
  - (ii) the proposed use will not require additional car parking spaces;
  - (iii) where no additional floor space is proposed; and
  - (iv) there is no need to provide significantly improved public services and infrastructure.
- (s) Dams where—
- (i) the dam has been approved or does not require approval from any State Government agency or authority; and
  - (ii) the lower edge of the dam wall, and any other part of the dam including the stored water is further than 20 metres from boundaries of the subject lot.”
24. Deleting 6.1.3 on variations to R Codes which reads—
- “6.1.3 Notwithstanding that a single house does not require the prior approval of the Council pursuant to the Scheme, any person who wishes Council to vary any particular provision of the R-Codes relating to the erection of a single house shall, at the time of lodging an application for a building licence or earlier, apply in writing to Council, seeking Council’s approval for the variation.
- The Council may approve the variation with or without conditions or may refuse to approve the variation. The Council shall, before granting its approval, satisfy itself that—
- (a) the variation requested is one which the Council has the power to approve; and
  - (b) approval of that variation would not compromise the objectives of the R-Codes.”
25. Add Model Scheme Text Clause 9.2 (a)(ii) at the end of Clause 6.2.2(a).
26. Add Model Scheme Text Clause 9.2 (c) after 6.2.2(b) and renumber the remaining provision.
27. Add Clause 9.3 of the Model Scheme Text after Clause 6.2 and renumber remaining clauses accordingly.
28. Add the words ‘or a use not listed in the zoning table’ after SA use in Clause 6.4.1.
29. Add the words ‘use or’ after the word proposed in Clause 6.4.3 (a).
30. Add Clause 9.4.5 of the Model Scheme Text after Clause 6.4.4.
31. Inserting the words ‘objectives and’ at the beginning of Clause 6.5(a).
32. Extending the Matters to be Considered by Council in Clause 6.5, changing “Statement of Planning Policy” to “State Planning Policy” in Clause 6.5(c) and modifying “Clause 8.6” to “Clause 9.6” in Clause 6.5(e) as follows—
- “(j) any relevant submissions or objection received on the application;
  - (k) any approved Environmental Protection Policy under the *Environmental Protection Act 1986*;
  - (l) any heritage policy statement for a designated heritage precinct adopted under clause 5.1.3, and any other plan or guideline adopted by the Council under the Scheme;
  - (m) the conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage List, and the effect of the proposal on the character or appearance of a heritage area;

- (n) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
  - (o) the compatibility of a use or development with its setting;
  - (p) any social issues that have an effect on the amenity of the locality;
  - (q) the cultural significance of any place or area affected by the development;
  - (r) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
  - (s) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, subsidence, landslip, bush fire or any other risk;
  - (t) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
  - (u) the character, location, siting, bulk, size, height, density, design or external appearance of that development;
  - (v) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
  - (w) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
  - (x) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
  - (y) whether public utility services are available and adequate for the proposal;
  - (z) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
  - (aa) whether adequate provision has been made for access by disabled persons;
  - (bb) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
  - (cc) whether the proposal is likely to cause soil erosion or land degradation;
  - (dd) the potential loss of any community service or benefit resulting from the planning approval; and
  - (ee) Building and Landscaping Guidelines endorsed by the Council.”
33. Add the words ‘ As soon as practicable after making a determination in relation to an application’ at the beginning of Clause 6.7.2.
  34. Add Clause 10.5.2 of the Model Scheme Text after Clause 6.7.3.
  35. Add Clause 10.7 of the Model Scheme Text after Clause 6.7.5.
  36. Delete Clause 6.8 and replace with the following—
 

“The local government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval.”
  37. Add Clause 8.3 of the Model Scheme Text after Clause 6.8.
  38. Insert the words ‘use or’ prior to development in the first line of Clause 6.12.1.
  39. Replace Clauses 8.2 and 8.2 with Clause 4.9 of the MST.
  40. Replace ‘11’ with ‘173’ in Clause 9.3.1.
  41. Replacing Clause 9.5 on Rights of Appeal through deleting the following—
 

“An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with Part V of the Act and the rules and regulations made pursuant to the Act.”

 and adding the following—
 

“An applicant aggrieved by a determination of the local government in respect of the exercise of a discretionary power under the Scheme may apply for review to the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.”
  42. Modifying Clause 9.6 by adding “Local” prior to “Planning Policies” in the heading and adding “local” prior to “planning policies” in the first sentence.
  43. Add the following words ‘the subject and nature of the draft Policy’ after the word inspected in Clause 9.6.2 (a).
  44. Replace clause 9.6.2 (b) with Clause 2.4.3(b) of the Model Scheme Text.
  45. Add Clause 2.4.4 of the Model Scheme Text after Clause 9.6.2 and renumber subsequent Clauses accordingly.

46. Replace the word 'twice' with 'once a week for 2 consecutive weeks' in Clause 9.6.6 (b).
47. Deleting 9.7 "Delegation" and replace with "Delegation of Functions" in Clause 9.7 through deleting the following—

**"9.7 Delegation**

9.7.1 The Council may, either generally or in a particular case, or cases, by resolution passed by an absolute majority of the Council, delegate to the following eligible persons the authority to deal with an application for Planning Approval made under this Scheme—

- (a) a member of the Council being the Chairman of the committee required at the direction of Council to consider and report upon all applications for planning approval within its municipal district, and being qualified by experience with the work of any such committee; and/or
- (b) that officer of the Council holding, or eligible to hold, a Municipal Town Planners Certificate, appointed to the position of Town Planner for the purpose of the Local Government Act with overall responsibility for the planning functions of the Council, or appointed by the Council to supervise the development control functions of the Council,

or those persons who from time to time occupy the positions referred to in (a) and (b) above.

9.7.2 Any delegation made under sub-clause 9.7.1 shall have effect for the period of twelve (12) months following the resolution unless the Council stipulates a lesser or greater period in the resolution.

9.7.3 A delegation of authority pursuant to the provisions of this clause has effect and may be exercised according to its tenor, but is revocable at the will of the Council and does not preclude the Council from exercising the power.

9.7.4 The performance of the function by a delegate under subclause 9.7.1 shall be deemed to be the performance of the function by the Council in all circumstances where the Council is able to delegate its powers.

9.7.5 Without affecting the generality of the provisions of this clause, where in the exercise of any power under this Scheme the Council is required to form any opinion or view or have any state of mind or to consider to have due regard to any matter, then that requirement shall be satisfied if a person exercising delegated authority in respect of that power performs the function.

9.7.6 A resolution to revoke or amend a delegation under this clause may be passed by a simple majority.

9.7.7 An officer or member exercising the power delegated pursuant to the provisions of this clause shall comply with the provisions of the Scheme governing the exercise of the power by the Council, insofar as such provisions are reasonably applicable.

9.7.8 A person who is or has been a delegate of the Council is not personally liable for anything done or omitted in good faith in, or in connection with, the exercise or purported exercise of any powers conferred, or the carrying out of any duty imposed in the Council by this Scheme."

and adding the following—

**"9.7 Delegation of functions**

9.7.1 The Council may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the *Local Government Act 1995*, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.

9.7.2 The CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 9.7.1.

9.7.3 The exercise of the power of delegation under clause 9.7.1 requires a decision of an absolute majority as if the power had been exercised under the *Local Government Act 1995*.

9.7.4 Sections 5.45 and 5.46 of the *Local Government Act 1995* and the regulations referred to in section 5.46 apply to a delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act."

48. Replace the following in clause 9.9.1—"Twenty eight (28)' with 'Sixty (60)' and '10' with '214'.
49. Adding Clause 9.10 on Removal and Repair of Existing Advertisements as follows—

**"9.10 Removal and repair of existing advertisements**

9.10.1 Where an existing advertisement at, or at any time after, the coming into force of the Scheme, is, in the opinion of the local government, in conflict with the amenity of the locality, the Council may by written notice (giving clear reasons) require the advertiser to remove, relocate, repair, adapt or otherwise modify the advertisement.

9.10.2 Where, in the opinion of the Council, an advertisement has deteriorated to a point where it is in conflict with the aims of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, the Council may by written notice require the advertiser to—

- (a) repair, repaint or otherwise restore the advertisement to a standard specified by the Council in the notice; or
- (b) remove the advertisement.

9.10.3 For the purpose of clauses 9.10.1 and 9.10.2, any notice is to be served on the advertiser and is to specify—

- (a) the advertisement the subject of the notice;
- (b) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice; and
- (c) the period, being not less than 60 days from the date of the Council's determination, within which the action specified is to be completed by the advertiser.

9.10.4 A person on whom notice is served under this clause may apply for a review of the determination of the local government to the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act, 2005*."

50. Replace '10(2)' with '215' in clause 9.9.2.

51. Adding the following interpretations in Appendix 1—Interpretations—

**"Advertisement:**—means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising.

**Aged or Dependent Persons' Dwellings:**—has the same meaning as is given to that term in the Residential Design Codes.

**Agriculture—Extensive:**—means premises used for the raising of stock or crops but does not include agriculture—intensive or animal husbandry—intensive.

**Agroforestry:**—means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare.

**Ancillary Accommodation:**—has the same meaning as is given to that term in the Residential Design Codes.

**Animal Establishment:**— means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry—intensive or veterinary centre.

**Bed and Breakfast:**—means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.

**Chalet:**—means an individual self-contained unit which may contain cooking facilities, ensuite, living area and one or more bedrooms designed to accommodate short-stay guests, forming part of a tourism facility and where occupation by any person is limited to a maximum of three months in any 12-month period.

**Child Care Premises:**—has the same meaning as in the *Community Services (Child Care) Regulations 1988*.

**Construction Camp:**—means a temporary building or buildings used to accommodate workers associated with a mining or other construction project, where is it usually associated with facilities such as a kitchen, laundry and meeting area.

**Dam:**—means any man made structure or excavation designed and constructed to intercept, accumulate and impound water flowing across, through or under any land and includes an off-stream dam, an on-stream dam, a gully-wall dam, a turkey-nest dam, an excavated soak and any structure, excavation or other device designed to act either solely or partly as a nutrient stripping basin but does not include ornamental ponds or other water features associated with landscaping and gardens.

**Dam Construction:**—means any works involving construction of flow associated with a water course, but excludes any drainage works undertaken as part of an approved subdivision of land, or public works undertaken by the authority responsible for the management or maintenance of the particular water course.

**Family Day Care Centre:**—means premises used to provide family day care within the meaning of the *Community Services (Child Care) Regulations 1988*.

**Guesthouse:**— means integrated premises for short-stay guests comprising serviced accommodation units and on-site tourism facilities such as reception, centralised dining, and management, and where occupation by any person is limited to a maximum of three months in any 12-month period.

**Height:**—when used in relation to a building that is used for—

- (a) residential purposes, has the same meaning as in the Residential Design Codes; or
- (b) purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above.

**Holiday Home:**—means a residential building used to provide accommodation for short-stay guests, rather than permanent residency, and excluding those uses more specifically defined elsewhere.

**Holiday Accommodation:**—means land and buildings providing facilities for tourist and travellers, including chalets, cabins, farm stay, bed and breakfast, camping grounds, caravan parks and motels, none of which is occupied by the tenant for a period of more than three months in any one calendar year.

**Home Business:**—means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—

- (a) does not employ more than 2 people not members of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 50 square metres;
- (d) does not involve the retail sale, display or hire of goods of any nature;
- (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone.

**Home Office:**—means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not—

- (a) entail clients or customers travelling to and from the dwelling;
- (b) involve any advertising signs on the premises; or
- (c) require any external change to the appearance of the dwelling.

**Local Planning Strategy:**—means the Local Planning Strategy in respect of the Scheme, as endorsed by the Commission under regulation 12B of the *Town Planning Regulations 1967* and amended from time to time.

**Minerals:**—has the same meaning as in the *Mining Act 1978*.

**Outbuilding:**—an enclosed non-habitable structure that is detached from any dwelling.

**Park Home Park:**—has the same meaning as in the *Caravan Parks and Camping Grounds Regulations 1997*.

**Place:**—in Part 7 (Heritage Protection) has the same meaning as it has in the *Heritage of Western Australia Act 1990*.

**Plant Nursery:**—means land and buildings used for the propagation, rearing and sale of products associated with horticultural and garden decor.

**Plot Ratio:**—in the case of residential dwellings has the same meaning as in the Residential Design Codes.

**Precinct:**—means a definable area where particular planning policies, guidelines or standards apply.

**Residential Building:**—has the same meaning as is given to that term in the Residential Design Codes.

**Restricted Premises:**—means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of—

- (a) publications that are classified as restricted under the *Censorship Act 1996*;
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity.

**Telecommunications Infrastructure:**—means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunication network.

**Veterinary Centre:**—means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.

**Wayside Store:**—means a building or structure situated on private land which offers for sale to the general public produce or any commodity which is produced on the land upon which the buildings or structure is located.”

52. Modifying the following interpretations in Appendix 1—Interpretations as follows—

“**Act:**—means the *Planning and Development Act, 2005*.

**Animal Husbandry:**—the development of land for the keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat, or fur production), and other livestock in feedlots.

**Building Envelope:**—means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings on the lot must be contained.

**Caravan Park:**—has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*.

**Commission:**—means the Western Australian Planning Commission constituted under the *Planning and Development Act 2005*.

**Conservation:**—has the same meaning as the *Heritage of Western Australia Act 1990*.

**Consulting Rooms:**—means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care.

**Cultural Heritage Significance:**—has the same meaning as the *Heritage of Western Australia Act 1990*.

**Educational Establishment:**—means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre.

**Frontage:**—when used in relation to a building that is used for—

- (a) residential purposes, has the same meaning as in the Residential Design Codes; and
- (b) purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts 2 or more roads, the one to which the building or proposed building faces.

**Industry:**—means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land used for—

- (a) the storage of goods;
  - (b) the work of administration or accounting;
  - (c) the selling of goods by wholesale or retail; or
  - (d) the provision of amenities for employees,
- incidental to any of those industrial operations.

**Intensive Agriculture:**—means the use of land for the purposes of trade, commercial reward or gain, including such buildings and earthworks normally associated with the following—

- (a) the production of grapes, vegetables, flowers, exotic and native plants, fruit and nuts;
- (b) the establishment and operation of plant and fruit nurseries;
- (c) the development of land for irrigated fodder production and irrigated pasture (including turf farms);
- (d) dairy milking sheds;
- (e) the development of land for the keeping, rearing or fattening of other livestock above those stocking rates recommended by the Department of Agriculture in consultation with surrounding farmers for the applicable pasture type;
- (f) aquaculture.

**Lot:**—shall have the same meaning given to the term in, and for the purposes of, the Act, and “allotment” has the same meaning but does not include a survey strata or survey strata lot.

**Medical Centre:**—means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling).

**Minister:**—means the Minister for Planning, or the Minister of the Western Australian Government responsible for town planning.

**Zone:**—means a portion of the Scheme area shown on the Map(s) by distinctive colouring, patterns, symbols, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include reserved land or special control area.”

53. Deleting the following interpretations in Appendix 1—Interpretations—

**Aquaculture:**—means any fish farming operation for which a fish farm licence issued pursuant of the provisions of Part V of the *Fisheries Act 1905* (as amended) and the *Fisheries Regulations 1938* (as amended) is required.

**Civic Building:**—means a building designed, used or intended to be used by a Government Department, an instrumentality of the Crown, or the Council as offices, or for administrative or other like purpose.

**Child Day Care Centre:**—means any land or building(s) used for the daily or occasional care of children in accordance with the *Child Care Regulations 1968* (as amended) but does not include a Child Family Care Centre.

**Child Family Care Centre:**—means a Child Minding Centre conducted in a private dwelling where children and received for care but does not include a Child Day Care Centre.

**Farm Stay:**—means buildings used for the short term accommodation of tourists and holiday makers and includes halls and other buildings for the amenity of the residents but does not include a hotel or a motel.



**Health Centre:**—means any building(s) used as a maternity or x-ray centre, a district clinic, a masseur’s establishment, or a medical clinic and can include ancillary services such as pathologists, radiologists and paramedicals.

**Holiday Cottage:**—means two or more detached dwellings on one lot let for holiday purposes, none of which is occupied by the same tenant for a continuous period of more than 4 months.

**Milk Depot:**—means any land or building(s) to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised.

**Nursing Home:**—means any building used for the care and medical treatment of the aged or infirm, or the physically or mentally handicapped.

**Piggery:**—shall have the same meaning given to it in, and for the purposes of, the *Health Act 1911* (as amended).

**Poultry Farm:**—means any land or building(s) used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the Health Act, 1911-1990 (as amended).

**Veterinary Centre:**—means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.

**Veterinary Hospital:**—means a building used in connection with the treatment of animal injuries and ailments, and includes the care and accommodation of animals during or after such treatment.

54. Modifying Appendix 4 (Special Use Zone No. 2) under permitted uses, through deleting “Holiday Cottage” and replacing with “Chalet”.
55. Modifying Appendix 5—Special Residential Zones, by deleting Provision 2 as follows—
  - “2. That Council’s prior approval to commence development is required for all development including Residential Dwelling.”

And renumbering accordingly. Additionally, modifying the wording in Appendix 5 as follows—

In Provision 4(a), following “a building within 10m of the” add “front boundary (as determined by Council) or 5m from the rear or side boundaries” and delete “any boundary”.

In Provision 4(b) change “45m<sup>2</sup>” to “60m<sup>2</sup>”.

In Provision 7, delete “Town of Boddington”.

56. Modifying Appendix 6—Rural Residential Zones (RR1 and RR2) through adding to Provision 3 following “Subdivision Guide Plan” as follows—
  - “, except that Council may permit a variation of the building envelope if it is satisfied that for reasons of topography or landscape preservation, such variation will not adversely affect the amenity of the area”.

In Provision 6 change “45 square metres” to “60m<sup>2</sup>”.

57. Modifying Appendix 6—Rural Residential Zones (RR3), by amending Provision 5 following “Subdivision Guide Plan” as follows—
  - “, except that Council may permit a variation of the building envelope if it is satisfied that for reasons of topography or landscape preservation, such variation will not adversely affect the amenity of the area.”

58. Modifying Appendix 6—Rural Residential Zones (RR5), by amending Provision 5 from “45 square metres” to “60m<sup>2</sup>”.

59. Modifying Appendix 6—Rural Residential Zones (RR6), by amending Provision 4 from “45m<sup>2</sup>” to “60m<sup>2</sup>” and adding following “Subdivision Guide Plan” the following—

“, except that Council may permit a variation of the building envelope if it is satisfied that for reasons of topography or landscape preservation, such variation will not adversely affect the amenity of the area.”

60. Modifying Appendix 6—Rural Residential Zones (RR7), by amending Provision 3 through adding following “Subdivision Guide Plan” the following—

“, except that Council may permit a variation of the building envelope if it is satisfied that for reasons of topography or landscape preservation, such variation will not adversely affect the amenity of the area.”

In Provision 6 change “45m<sup>2</sup>” to “60m<sup>2</sup>”.

61. Modifying Appendix 6—Rural Residential Zones (RR8), by amending Provision 2 to now read—
  - “2) Council’s prior approval to commence development for a single house is only required where it is proposed outside a designated or approved building envelope or is inconsistent with clause 5 (part 2).”

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62. Modifying row 8 from “Collie River” to “Hotham River” and deleting Rows 10-18 in Appendix 12—Shire of Boddington Heritage List.
  63. Deleting the requirement for effluent disposal systems to be located within building envelopes in Rural Residential Zones 3, 5, 6 and 8.

P. R. CARROTTS, Shire President.  
G. A. SHERRY, Chief Executive Officer.

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