

SHIRE OF WEST ARTHUR
LOCAL PLANNING SCHEME NO.2



NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

Planning and Development Act 2005
Shire of West Arthur

DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

Property Details:

Street Address: Lot 4652 Stewart Road, Moodjarup (Note: no street address number assigned)

Lot No: 4652

Plan/Diagram No: 208721

CT Volume No: 383

CT Folio No: 100A

Property Details:

Street Address: Lot 3962 Trigwell (Unnamed Public Road) (Note: no street address number assigned)

Lot No: 3962

Plan/Diagram No: 146905

CT Volume No: 2121

CT Folio No: 704

Application Date: 14 August 2024

Application Fee Received: 22 August 2024

Description of proposed development:

Construction and use of a proposed meteorological monitoring mast on one (1) of the abovementioned properties.

The application for development approval is:



Approved subject to the following conditions

~~Refused for the following reason(s)~~

Conditions:

1. The proposed development shall be undertaken in accordance with the documentation and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by the local government.
2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of the local government.
3. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period it shall not be carried out without the further approval of the local government having first being sought and obtained.
4. This approval is valid for a period of five (5) years only unless otherwise approved by the local government.
5. Prior to the commencement of development the applicant shall provide written confirmation to the local government's Chief Executive Officer of which lot it intends to

develop. In so doing the approval to develop the alternative lot is no longer valid and may not be acted upon by the applicant or the landowner.

6. Prior to the commencement of any development on Lot 4652 the applicant shall provide written confirmation to the local government's Chief Executive Officer of Mr Michael Owen Meredith's agreement to allow all access to/from Lot 4652 via his Lot 3440 on Deposited Plan 202867 located immediately west.
7. Within 120 days of the commencement of development on Lot 4652, unless otherwise approved by the local government, the applicant shall ensure a legal right of access to/from Lot 4652 via Lot 3440 on Deposited Plan 202867 is formalised and maintained for the duration of the approval. Evidence of the measures taken by the applicant to satisfy the requirements of this condition shall be provided to the local government prior to the commencement of development.
8. The proposed mast shall be constructed with alternating markings for at least the top one third portion of the structure (i.e. alternating contrasting bands of colour) in accordance with Part 139 (Aerodromes) Manual of Standards 2019. Marker balls or high visibility flags/sleeves must also be installed on the upper one third portion of the outside guy wires to improve the mast's visibility for the benefit of aircraft operators.
9. Details of the proposed mast's coordinates and elevation shall be provided to Airservices Australia by the applicant for inclusion in an obstacle database maintained by that agency and publication on aeronautical charts. Evidence of the notification required by this condition shall be provided to the local government within seven (7) days of the notification being provided to Airservices Australia.
10. The removal and/or trimming of any native vegetation within any local road reserves used to access the proposed development is not permitted.
11. The applicant shall, at its own cost, arrange for the immediate repair of any damage and/or extraordinary wear and tear on the local road network arising from the proposed development in accordance with any written directive and specifications issued by the local government's Chief Executive Officer.
12. All waste generated during the construction process shall be disposed or recycled at an approved/licensed waste disposal and/or recycling facility. No waste is permitted to be stored and disposed on the land.
13. The proposed mast and all associated improvements shall be removed from the land in their entirety with the area they occupied reinstated to its original condition insofar as practicable within 90 days of expiry of this approval unless otherwise approved by the local government.

Advice Notes

1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the local government to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the local government's attention.
2. This is a development approval of the Shire of West Arthur under its Local Planning Scheme No.2. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. In accordance with section 70 of the *Building Act 2011* and Schedule 4 of the *Building Regulations 2012*, a building permit application for the proposed structure is not required. To confirm this please contact the local government's Building Surveyor Mr Peter Hulme on 9257 9941 or peter.hulme@kalamunda.wa.gov.au.

4. The applicant is reminded of its obligation to ensure compliance with the requirements of the *Public Health Act 2016* and associated guidelines for the management of public health risks associated with temporary toilets in Western Australia. To confirm the relevant requirements in this regard please contact the local government's Environmental Health Officer Mr Peter Toboss on 9890 0900 or eho@narrogin.wa.gov.au.
5. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of West Arthur Local Planning Scheme No.2 and may result in legal action being initiated by the local government.
6. If the applicant/landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted directly to the State Administrative Tribunal within 28 days of the



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Vin Fordham Lament
Chief Executive Officer
Shire of West Arthur

15 November 2024

