



Department of **Planning,**
Lands and Heritage



Community schemes guidelines

June 2021

The Department of Planning, Lands and Heritage acknowledges the traditional owners and custodians of this land. We pay our respect to Elders past and present, their descendants who are with us today, and those who will follow in their footsteps.

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CONTENTS

[click to follow](#)

1	COMMUNITY SCHEMES IN WESTERN AUSTRALIA	1
2	WHAT IS A COMMUNITY SCHEME?	1
2.1	Community title scheme tiers	1
3	APPROPRIATE FORM OF SUBDIVISION	3
4	PURPOSE OF A COMMUNITY DEVELOPMENT STATEMENT	3
4.1	Context in which community schemes may be applied	4
4.2	Relationship of the community development statement to the existing planning framework	4
4.3	Determining 'Consistent'	5
4.4	Waiver of other requirements relating to plans or instruments	6
5	OPERATION OF A COMMUNITY DEVELOPMENT STATEMENT	6
5.1	Approval Period	6
5.2	Development Period	6

6	SUBDIVISION AND DEVELOPMENT OF LAND WITHIN A COMMUNITY SCHEME	7
7	DEVELOPMENT PERIOD EXTENSION	7
8	PREPARATION AND INFORMATION REQUIREMENTS FOR COMMUNITY DEVELOPMENT STATEMENTS	8
8.1	Considerations for the preparation of a community development statement	8
9	PRE-LODGE MENT APPLICATION	9
10	REFERRAL OF COMMUNITY DEVELOPMENT STATEMENT	9
11	ADVERTISING COMMUNITY DEVELOPMENT STATEMENTS	10
12	DECISION OF THE WAPC	11
13	STAGING AND SEQUENCING	11

14	VARYING THE R-CODES	12
15	AMENDING A COMMUNITY DEVELOPMENT STATEMENT	13
16	EXTENDING THE DEVELOPMENT PERIOD OF A COMMUNITY DEVELOPMENT STATEMENT	13
17	PUBLICATION OF COMMUNITY DEVELOPMENT STATEMENTS	14
18	TERMINATION OF A COMMUNITY SCHEME OR A TIER WITHIN THE SCHEME	14
19	TIER COMMUNITY CORPORATION AND MANAGEMENT	15
	APPENDIX 1 – FORMAT OF A COMMUNITY DEVELOPMENT STATEMENT	16
	APPENDIX 2 – ENDORSEMENT PAGE EXAMPLE	22
	APPENDIX 3 – COMMUNITY DEVELOPMENT STATEMENT WEBSITE ADVERTISING NOTICE	23



1 COMMUNITY SCHEMES IN WESTERN AUSTRALIA

These guidelines should be read in conjunction with the Operational Policy 1.11: Community Schemes, to assist with the implementation of the *Community Titles Act 2018* (CT Act).

The CT Act provides for the development of community schemes through the subdivision of land into community titles schemes. This type of scheme does not replace other schemes such as survey-strata or strata, but provides an alternative.

A proponent may elect to apply community titles to their land. This is an 'opt in' land tenure and the provisions of the CT Act and *Community Titles Regulations 2021* (the Regulations) need to be addressed to facilitate the implementation of the tenure 'community title'.

From a land use and planning perspective, community schemes are similar to strata schemes; however, community schemes have the added ability to:

- allow separate schemes to occur, and for these proposals to be tied through the parent lot
- create more detailed by-laws that specify management responsibility and financial commitments
- share infrastructure, resources or facilities between the different schemes on the parent lot.

Land may be subdivided by a community scheme if it is a whole parcel of freehold land held in fee simple. If the land is already subdivided by a strata titles scheme under the *Strata Titles Act 1985* or is a caravan park or camping ground (as defined by the *Caravan Parks and Camping Grounds Act 1995*) it cannot be subdivided by a community scheme.

Before land can be subdivided by a community scheme, the Western Australian Planning Commission (WAPC) must determine that subdivision by a community scheme is an appropriate form of subdivision for the land by considering a statement of grounds and approving a community development statement.

Where a proponent seeks to subdivide land by a community scheme, this document sets out the manner and form for the preparation of a community development statement under section 18 of the CT Act and Part 3 of the Regulations, as well as outlining procedural issues associated with community development statements.

The framework will be reviewed after coming into operation once a sufficient number of applications have been received, to ensure it is functioning effectively.

To assist the tracking of community development statements, the WAPC has introduced a single form for all applications under the CT Act. Subdivision and development associated with community schemes is in accordance with the existing forms and processes under the *Planning and Development Act 2005*.

2 WHAT IS A COMMUNITY SCHEME?

A community scheme is the subdivision of a freehold green title parcel of land into a tier 1 community titles scheme. Each community scheme will have one community development statement that sets out how the community scheme is to be subdivided and developed, including staging, management and implementation (either as tier 1; tier 1 and 2 or tier 1, 2 and 3).

Each individual scheme within a community scheme is called a community titles scheme.

Community schemes are made up of individual community titles schemes that are either:

- **community titles (land) schemes:** defined by land area, similar to existing survey-strata lots, or
- **community titles (building) schemes:** defined by cubic space referenced to a building such as an apartment or unit, similar to a strata lot.

These two types of community titles schemes can exist within the same community scheme, providing for a mix of development types and land use within the scheme.

2.1 COMMUNITY TITLES SCHEME TIERS

2.1.1 There are up to three tiers of community titles schemes in a community scheme, as shown in Figure 1:

- A tier 1 lot can be subdivided by a tier 2 community titles scheme.



- A tier 2 lot can be subdivided by a tier 3 community titles scheme.
- A tier 3 lot cannot be further subdivided into further tiers.

2.1.2 Each community titles scheme needs to consist of two or more lots, with or without common property.

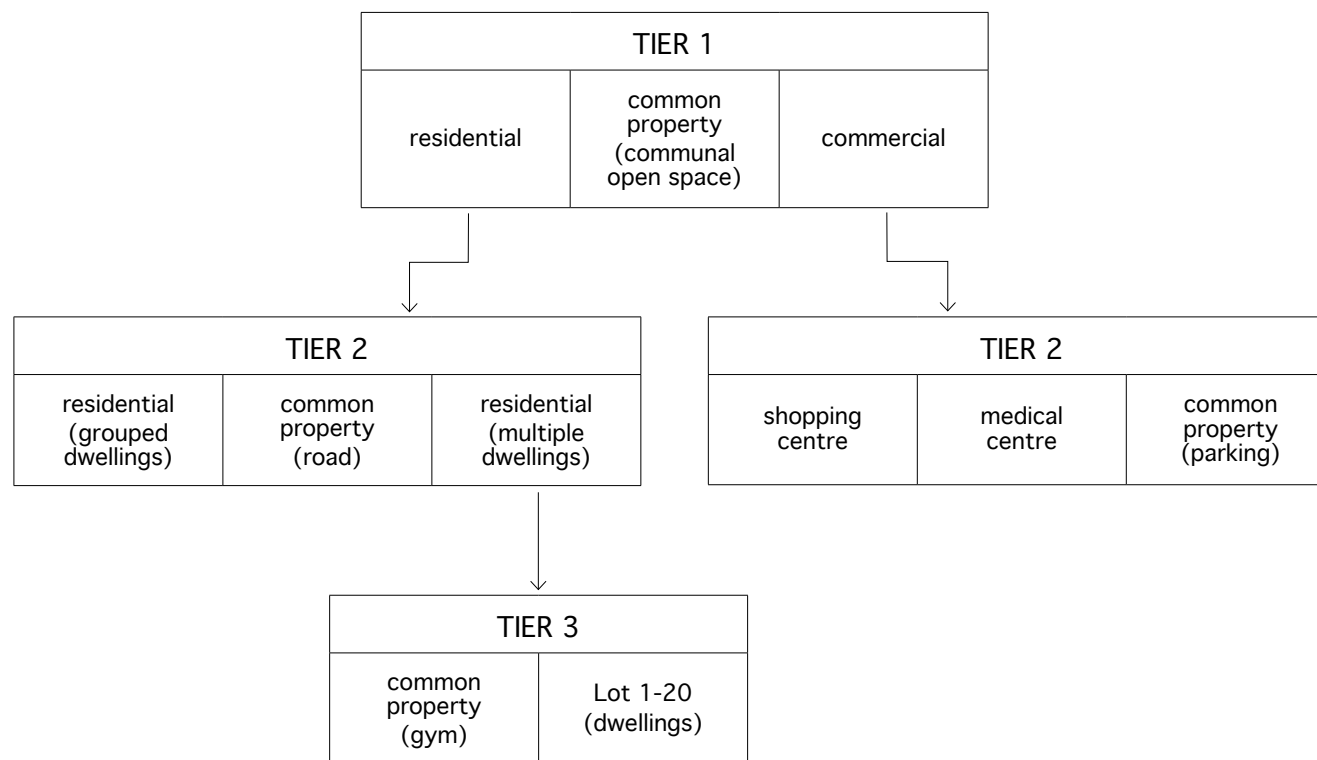
2.1.3 Each community titles scheme will have:

- its own community corporation established on registration of the scheme with the Registrar of Titles; and
- its own set of scheme by-laws, to govern the scheme.

2.1.4 The community titles scheme may have common property (although this is not mandatory) which the owners of the lots in that scheme own, use and are responsible for maintaining. Where common property is provided, owners in the subsequent tiers may also utilise the common property; for example:

- The owner of a lot in a tier 2 scheme may have a share in the common property in that scheme and a share in the common property of the tier 1 scheme.
- The owner of a lot in a tier 3 scheme may have a share in the common property of the tier 2 scheme and a share in the common property of the tier 1 scheme.

Figure 1: Community scheme tiers





3 APPROPRIATE FORM OF SUBDIVISION

- 3.1 The WAPC is responsible for determining whether a community scheme is an appropriate form of subdivision for a parcel of land.

In accordance with sections 18 and 23 of the CT Act in making this determination, the WAPC must consider:

- relevant State planning policies, planning schemes or interim development orders in effect;
- whether some other form of subdivision of the land, or no subdivision, would be more appropriate;
- any comments received from local government, public authorities or utility service providers and the public; and
- any other matters as set out in Regulations.

In accordance with section 21(2)(a) of the CT Act the proponent must justify their application by providing a **statement of grounds**, and a draft **community development statement**.

- 3.2 The **statement of grounds** will form the executive summary of the **community development statement** and should justify why a community scheme is an appropriate form of subdivision for the subject land. The WAPC may require additional information to assist in determination of an application.

- 3.3 If the WAPC decides that subdivision in the form of a community scheme is not an appropriate form of subdivision for the subject land, it must refuse the application and give the applicant written notice of the refusal and reasons for the refusal.
- 3.4 Section 34 of the CT Act allows an applicant to appeal a decision of the WAPC to refuse a community development statement and statement of grounds.

4 PURPOSE OF A COMMUNITY DEVELOPMENT STATEMENT

In accordance with section 19 of the CT Act, a community development statement may control:

- subdivision of land by a community scheme;
- development of land subdivided by a community scheme;
- the purpose for which the land may be used;
- staging and sequencing of subdivision and development; and
- any other matter relevant, including infrastructure provision and developer obligations for a community scheme.

The community development statement fulfils several purposes including:

- guiding decision-making by the WAPC and local government concerning subdivision and development applications;
- providing a basis for investment and for the coordination and implementation of investment;
- designing and coordinating detailed infrastructure and service provision, providing guidance on land requirements and costs; and
- providing clarity and certainty for owners and occupiers on what will be developed when.



A community development statement applies to a single freehold parcel of land. Only one community development statement is prepared per community scheme, which will guide the subdivision and development of subsequent tier 1, tier 2 and tier 3 (where applicable) community titles schemes. The community development statement may facilitate community titles (land) or community titles (building) subdivision or a mix of the two tenure options.

4.1 CONTEXT IN WHICH COMMUNITY SCHEMES MAY BE APPLIED

A community development statement for a community scheme may be lodged in the following instances:

- a) *where a proponent has an existing approved development application or development has commenced in accordance with a development approval and seeks to subdivide the land as a community scheme.*

This allows for a proponent to seek necessary approvals to undertake the construction of a building/s for their land and to apply community title as a land tenure, once the development form and land use has been defined and, in most instances, construction has commenced. This is the recommended method of progressing community schemes.

or

- b) *where a proponent has a parcel of land within an existing local structure plan area and seeks to implement a subdivision and/or development proposal in accordance with that local structure plan.*

This allows for the land to be developed in accordance with the guidance of a district and/or local structure plan and effectively provides an indicative subdivision proposal, with building envelopes, in compliance with these documents, and allows for site specific matters to be addressed via the subsequent subdivision and/or development application processes.

or

- c) *where a proponent has a parcel of land without an existing local structure plan or approved development application, but seeks to implement a subdivision and/or development proposal in accordance with the existing local planning scheme and framework provisions.*

This may apply where the land is not subject to the requirements of a local structure plan; that is, a residential density or a zone has been allocated by the local planning scheme and there is no requirement for the consideration of local/ neighbourhood facilities (roads, public open space). In this regard the community development statement would provide an indicative subdivision proposal, with building envelopes, and allows for site specific matters to be addressed via the subdivision and/or development application processes.

or

- d) *where a proponent has a parcel of land without an existing local structure plan or approved development application and seeks to provide additional subdivision and/or development guidance in addition to the existing local planning scheme provisions.*

This may apply where a proponent seeks to address onsite characteristics or provide for a more detailed form of development. In this instance, the additional provisions proposed cannot conflict with the existing planning framework but may provide additional detail where no detail is provided (for example proposing a development style) or may address matters from the subdivision or development stage, within the community development statement.

4.2 RELATIONSHIP OF THE COMMUNITY DEVELOPMENT STATEMENT TO THE EXISTING PLANNING FRAMEWORK

It should be noted that a community development statement has the capacity to adopt an existing document as opposed to duplicating all the provisions of that document. It should be noted that although not mandatory, the community development statement may adopt a document:

- 'as in force at the time the application is made' and therefore should any amendments occur to the document, they will not apply to the community development statement, which will remain with the provisions as in place at the time the application was made.
- 'as in force at a specified time' and therefore should any amendments occur to the document, they will apply to the community development statement. This can only be considered where appropriate approvals have been granted for the document.
- 'as in force from time to time' and therefore a document will only apply to the community development statement for a specified period.



It is acknowledged that where a community development statement seeks to provide the planning framework for the subject land, supporting technical information, for example, a Local Water Management Report or Traffic Report, may be required to be submitted as part of that community development statement. Key technical information would need to form part of the community development statement, whilst supporting information can be attached as appendices.

Subdivision and development within that community scheme would be required to be consistent with the community development statement and supporting documents.

This may lead to subsequent amendments to the community development statement being required, should variations to these documents be necessary as further detail is identified through the subdivision or development application process.

In undertaking the assessment of a statement of grounds and community development statement, the WAPC will have regard to the impact of the proposal on the subdivision and development of the broader area as well as within the subject land. Where a community development statement has the potential to impact on the development of adjoining lots, the WAPC may refuse the community development statement until such time as the broader planning considerations have been considered and implemented through the planning framework.

It is important to acknowledge that in accordance with section 24 of the CT Act, the **WAPC cannot approve a community development statement if it conflicts with a State planning policy, a local planning scheme or interim development order that has effect in the locality in which the land is situated.**

A community development statement is predominantly intended to outline the staging for subdivision and development, though in some cases it might be appropriate to include some built form details. The local government and the WAPC need to consider whether the proposed lots are capable of being developed for their intended use, consistently with the provisions of the local planning scheme, the Residential Design Codes (R-Codes), relevant State planning policy, other WAPC policies and, if applicable, a structure plan.

If guidelines on built form are required for specific sites (for example, heights, setbacks, materials etc.) within the community scheme, these may be specified in the community development statement.

4.3 DETERMINING 'CONSISTENT'

This section should be read in conjunction with section 24 of the CT Act, regulation 19 of the Regulations and part 5 of the community schemes policy.

In determining whether an application is consistent with the applicable requirement/s, each application will be assessed on a case by case basis and will be dependent on wording used in the community development statement and ensure minor differences do not displace the requirement, objective and/or intent.

In accordance with section 24 of the CT Act, in determining whether a community development statement or an amendment to a community development statement is consistent with the planning framework, the following should be considered:

- Does the application meet and not contradict with the objectives and intent of the planning framework?
- Would it result in the delivery of an outcome the owners and occupiers wouldn't anticipate?

In accordance with section 19 of the CT Act, a community development statement has a binding effect in that it compels a decision maker to approve applications, provided those applications are consistent with the community development statement. In determining whether an application is consistent with the community development statement the following should be considered:

- Should the community development statement be amended prior to determination of the application?
- The terms of the community development statement must be considered in assessing whether there is harmony or not.
- Does the approved community development statement establish specific thresholds for subdivision or development?

For example, a 10 storey building could be approved if the community development statement contemplates a 10 storey building. Whether it can be less or more depends upon the wording used in the community development statement. If the statement says "not more than 10 storeys" an application for 8 storeys would be consistent with the statement, whereas an application for 12 storeys would not.

All determinations should achieve planning framework outcomes, orderly and proper planning, and follow due planning processes.



4.4 WAIVER OF OTHER REQUIREMENTS RELATING TO PLANS OR INSTRUMENTS

In accordance with section 20 of the CT Act the WAPC may, by instrument in writing, waive requirements for the preparation of particular plans or instruments under a planning scheme or interim development order for land that has been or is proposed to be subdivided by a community scheme.

Waiving of planning instruments will only be considered with or after the determination of the community development statement.

The WAPC will only consider waiving the requirement for other planning instruments where:

- The community development statement provides sufficient detail to guide subdivisions and development of the site; and
- The area subject to the community development statement covers the entire area identified in the scheme that requires the preparation of an instrument.

The decision to waive the requirement would only stand whilst there is a valid community development statement in place for the subject site. For example, if the scheme plan for the tier 1 is not registered within the Approval Period, the decision to waive falls away.

5 OPERATION OF A COMMUNITY DEVELOPMENT STATEMENT

A community development statement identifies the subdivision and development of the subject land.

5.1 APPROVAL PERIOD

Once the WAPC has determined that subdivision by a community scheme is an appropriate form of subdivision for the subject land and approves the community development statement, the applicant has four (4) years to register the community development statement with the tier 1 subdivision. This four year period is known as the **Approval Period** (between approval and registration).

During the **Approval Period**, a subdivision **must be approved where it is consistent** with the community development statement.

A community development statement will cover all tiers (i.e. a separate community development statement is not required for each tier) and will come into effect on registration of the tier 1 subdivision by the Registrar of Titles.

5.2 DEVELOPMENT PERIOD

Once a community development statement has been registered with the tier 1 subdivision, the community scheme enters the 10-year **Development Period**.

During the 10-year **Development Period** the community development statement is binding on the determining authority:

- Subdivision applications made any time before the final four years of the Development Period **must be approved if consistent with** the community development statement.
- Subdivision applications made in the final four years of the Development Period **must not be approved if inconsistent with** the community development statement.
- Development applications made during the Development Period **must not be approved if inconsistent** with the community development statement.
- At all other times the community development statement is to be given **due regard** for subdivision or development applications.

Development applications will be determined in accordance with the existing instrument of delegation, i.e. local government, Development Assessment Panels.

In accordance with section 19 of the CT Act, a determining authority cannot support a subdivision or development proposal that is inconsistent with the community development statement. In this regard, a determining authority may request that an application be withdrawn, or may refuse an application, until such time as the community development statement has been amended to remove any inconsistency.



6 SUBDIVISION AND DEVELOPMENT OF LAND WITHIN A COMMUNITY SCHEME

- 6.1 Due to the binding nature of a community development statement, the WAPC needs to ensure that the community development statement will not result in subsequent non-compliance during the life of the community scheme.

Furthermore, the WAPC needs to ensure that the subdivision and development application process is not fettered by a community development statement to such an extent that it:

- removes opportunities for innovation, flexibility or site responsive design in accordance with local structure plan incentives or bonuses, new technology and materials, changing buyer preferences or improved site understanding,
- delays the implementation of subdivision or development, or
- results in unintended and significant costs to facilitate subdivision or development, for example, the requirement for development to be built at a higher BAL rating, where flexibility was not applied to allow lot configuration or build layout to be amended to achieve required separation distances, to reflect compliance with State planning policy.

- 6.2 The implementation of a community scheme is an 'opt in' form of subdivision. The subdivision and/or development of land within a community scheme is subject to the same considerations as any other subdivision or development proposal. All applicable existing instruments within the planning framework such as an existing local planning scheme, structure plan or policies apply. Assessment under the community development statement is in addition to these standard considerations.
- 6.3 Subdivision and development within a community scheme is subject to the provisions of State planning policies, the *Planning and Development Act 2005 Act* and CT Act, which may include but is not limited to the following:
- ceding of land for major roads, local roads or railway reserves
 - ceding of land for regional reservations, adjacent to the coast, rivers, and the like.
 - ceding of land or payment of cash in lieu, for the purposes of public open space
 - infrastructure contributions that may apply in the area
 - infrastructure costs associated with the provision of utility services to the lots, which may include contributions to headworks.
- 6.4 In accordance with section 30(1)(i) of the CT Act, all subdivision by community schemes has a prescribed period of four years, regardless of the number of lots proposed or if it is subdivision by community titles (land) or community titles (building).

7 DEVELOPMENT PERIOD EXTENSION

- 7.1 An applicant may propose to extend the Development Period of a community scheme.
- 7.2 It is recommended that an applicant apply for pre-lodgement advice with the WAPC prior to lodging an application for extension to the Development Period.
- 7.3 Where the Development Period has ended, and no extension to the Development Period has been sought, then due regard must be given to the community development statement when determining an application for subdivision or development.
- 7.4 The WAPC may determine that a community development statement ceases to exist, once the Development Period has lapsed for more than six (6) months and no application for an extension to the Development Period or amendment to the community development statement has been received. The cessation of a community development statement takes effect on the date the Registrar of Titles registers the notice.



8. PREPARATION AND INFORMATION REQUIREMENTS FOR COMMUNITY DEVELOPMENT STATEMENTS

8.1 CONSIDERATIONS FOR THE PREPARATION OF A COMMUNITY DEVELOPMENT STATEMENT

- 8.1.1 The applicant should consider whether a community scheme is appropriate for their proposal, having consideration to whether they want subdivision and development to be bound by the community development statement, and if they are looking for a management and maintenance mechanism for the scheme.

A community development statement may be used for both purposes, but the content and detail of the document will be determined by its intention.

- 8.1.2 To adequately address both strategic and operational aspects when preparing a community development statement, consultation with relevant stakeholders at the earliest possible stage in the planning process is essential.

Detail of a community development statement

- 8.1.3 The information that may be included in a community development statement is outlined in section 25 of the CT Act and expanded on in Part 3 of the Regulations. A community development statement is to provide information relevant to the site and commensurate with the scale of planning being proposed.

- 8.1.4 The list of information outlined in Appendix 1 of these guidelines, which is in line with the requirements of section 25 of the CT Act and Regulation 13 of the Regulations, is to be applied as appropriate and relevant to the particular site and circumstances to which the community development statement relates.

Appendix 1 is to be used as a guide only and information may be deleted as required based on the nature of subdivision/development proposed and site specific elements.

The level of detail and information provided in a community development statement will need to respond to the site context. Complexity of provisions and requirements will vary depending on each proposal and the planning for the locality in which the community scheme is located.

Any proposal will need to be consistent with the content of the community development statement, and any deviation is likely to require an amendment to be undertaken.

- 8.1.5 A community development statement is to identify the layout that will be used to guide subdivision. Individual lot layout is not to be pre-determined by the community development statement, as the design may be further refined prior to final approval of the subdivision. However, an indicative plan demonstrating key site characteristics may inform the application.

Where building envelopes are indicated in the community development statement, subsequent development would need to be assessed within those parameters, having regard for impacts such as light, ventilation and fire rating.

Technical and supporting information

- 8.1.6 Due to the binding nature of a community development statement, and that any proposed variation may require an amendment to the community development statement, technical documentation may be:

- incorporated into the community development statement, effectively becoming binding information or requirements, or
- provided as a guide only.

This would be dependent on the specifics of the proposal and the subject land.

Final or amended technical documents may be considered as part of a local structure plan, subdivision or development application.



Additional Information

8.1.7 The acceptance of a community development statement amendment for assessment and advertising does not indicate that it is supported by the WAPC or that the community development statement or amendment will be approved.

The WAPC reserves the right to request further information (section 21 (3) and (4) of the CT Act) as and when required during the assessment of the community development statement. Where additional information is not provided within the timeframe as specified by the WAPC, the WAPC may refuse a community development statement or amendment.

8.1.8 In determining if additional information to that submitted with the community development statement is needed the WAPC is to consider whether additional information:

- is required for a planning purpose relevant to the community development statement;
- is required by the planning framework; and
- it is fair and reasonable to request the additional information in the particular circumstances.

9 PRE-LODGE MENT APPLICATION

- 9.1 Community schemes is an opt-in form of subdivision.
- 9.2 Pre-lodgement consultation with the WAPC is strongly recommended prior to preparing a community development statement, to clearly define the matters to be addressed and the level of detail required. An application for pre-lodgement is made on form 21 which is available online.
- 9.3 The purpose of pre-lodgement is to assist applicants in navigating the requirements of a community development statement. Until a complete community development statement and statement of grounds is lodged with the WAPC for determination, a formal decision on the suitability of subdivision in the form of a community scheme cannot be provided.

10 REFERRAL OF COMMUNITY DEVELOPMENT STATEMENT

- 10.1 In accordance with section 22 of the CT Act the WAPC is required to refer a community development statement to the relevant local government, public authorities and utility service providers for comment.
- 10.2 Section 22(2) of the CT Act specifies that where the WAPC refers a proposal to a local government, the local government must refer the application for public comment.
- 10.3 Section 22(3) of the CT Act allows the WAPC to identify the period in which comments are to be made.

The WAPC will apply the following referral response periods:

- public authorities and utility service providers **28 days** (refer to section 6.1.15 of the community schemes policy)
- local government have either **28** or **42 days** to provide a referral response. This allows time for any submissions received to be considered (if the local government considers it appropriate) and sent to the WAPC with the referral response.

In accordance with section 21(3) of the CT Act, the WAPC may seek additional technical advice or review from the local government to assist in the review and determination of a community development statement of amendment.



11 ADVERTISING COMMUNITY DEVELOPMENT STATEMENTS

- 11.1 The notice in Appendix 3 can be used as the basis for advertising community development statements and amendments to community development statements.
- 11.2 The advertising of a community development statement is to provide an opportunity for public comment as ***to whether subdivision by a community scheme is an appropriate form of subdivision for the subject land.***
- In some instances, a community development statement may not reflect an approved development application and/or it clarifies or expands on the existing planning framework (structure plan/local planning scheme/interim planning order). In this regard, in addition to the appropriateness of the form of subdivision, public comment should also be sought on the proposed discretionary provisions.
- 11.3 The WAPC, in consultation with the local government, may identify any accompanying material that should be advertised as part of a community development statement.
- 11.4 The notice only needs to be made available on the relevant local government website and, where possible, be available at local government offices.

If the site already has valid development approval which is being implemented, additional methods of consultation are not considered to be necessary.

Where a community development statement includes information that requires discretion to be exercised (e.g. change to building heights), additional methods of public consultation may be undertaken including newspaper advertisement, letters to owners and occupiers within the vicinity of the site subject to the proposed community development statement, and/or signs onsite. This is at the discretion of the local government (in accordance with regulation 10(4)).

- 11.5 The WAPC will determine the period for public consultation and will stipulate this public consultation period in the referral letter to local government (as per section 22(3)(b) of the CT Act).
- 11.6 Where the subject land has an existing development approval or seeks to reflect the existing planning framework, the public consultation period will be **14 days**.
- 11.7 Where a community development statement does not propose any discretionary planning considerations; for example, where the subject land has an existing development approval or seeks to reiterate the existing planning framework the public consultation period will be **14 days**.
- 11.8 Where the community development statement seeks to amend or further define the existing planning framework, a longer consultation period may be applied, to a **maximum of 21 days**.

- 11.9 The local government must publicly advertise the community development statement or amendment, as soon as is practical in accordance with section 22(2) of the CT Act.
- 11.10 The referral response period allows local government to consider the submissions received as part of its referral response, should they so choose. It should be noted that the local government is not required to consider or address the public comments received.
- The local government will collate all submissions and provide them to the WAPC.
- 11.11 In accordance with section 22(6) of the CT Act, the WAPC will give due regard to comments received.



12 DECISION OF THE WAPC

- 12.1 In accordance with sections 23 and 24 of the CT Act, the WAPC may determine if subdivision by community schemes is an appropriate form of subdivision and if the submitted community development statement should be approved, approved subject to conditions (requiring the modification of the community development statement) or refused.
- 12.2 Where a community development statement is refused, the WAPC will provide reasons for this refusal.
- 12.3 In accordance with section 24(2) of the Act, the WAPC will only determine that a community development statement should be approved subject to modifications, where the modifications are 'minor' in nature.
- 12.4 A 'minor' modification to a community development statement is a change or departure that does not:
- materially alter the purpose and intent of any plan/s within the community development statement; or
 - change the intended lot / dwelling yield by more than 10 per cent (where discretion has not already been exercised); or
 - adversely impact upon the amenity of landowners and occupiers; or

- restrict the use and development of land; or
- impact on infrastructure provision; or
- impact upon the environment.

Where approved subject to modifications the applicant is to provide the following documents in support of the application:

- tracked change version, identifying changes completed in accordance with the conditions of approval; and
- copy of final consolidated document; and
- updated technical appendices as applicable; and
- if the tier 1 scheme has been registered, evidence to the satisfaction of the WAPC that the tier 1 corporation has by special resolution approved of the modified draft within the specified period.

- 12.5 Once endorsed the community development statement will be published on the WAPC website. An endorsement template is provided in Appendix 2.

13 STAGING AND SEQUENCING

- 13.1 A community development statement is to include a staging and sequencing plan demonstrating the provision of regional, neighbourhood and/or local site infrastructure.

This may include the provision of land, infrastructure or contributions.

- 13.2 The following are required at the tier 1 subdivision stage:

- public open space (land and/or contributions)
- strategic infrastructure including land and/or contributions
- any contributions applicable under State Planning Policy 3.6: Infrastructure Contributions (SPP 3.6).

- 13.3 The staging plan is to demonstrate at what tier land, contributions or strategic infrastructure is to be provided, to demonstrate ongoing compliance with the planning framework across each stage/ tier of development and/or subdivision. This may include temporary and permanent infrastructure.

- 13.4 Where temporary infrastructure is proposed (e.g. road reserve, water pump stations, strategic bushfire access and associated easement), it is to be removed at the completion of the relevant stage. This should all be outlined in detail in the staging plan submitted as part of the community development statement.



- 13.5 The WAPC requires land and contributions to be provided at the tier 1 stage.

In some limited circumstances, on advice from the local government, public authorities and utility service providers, there may be instances where some infrastructure, land or contributions may be provided at a later date.

- 13.6 The staging plan should identify how the costs for such infrastructure will be delivered and by whom, for example if it is 100 per cent community schemes funded, or where there may be cost sharing arrangements, such as where a road abuts the subject land and an adjoining lot with 50 per cent contribution from the community scheme and 50 per cent from the adjoining landholder.
- 13.7 The staging plan may identify a requirement for further information or studies to be undertaken at a later stage of the planning process.
- 13.8 In undertaking the assessment of a draft community development statement, the WAPC will ensure that relevant referral agencies have been consulted on proposed infrastructure provision, funding and timing.
- 13.9 Where specific actions have not been identified as part of the community development statement, the WAPC reserves the right to apply conditions to the approval of a community development statement, requiring the modification of the community development statement to identify the provision of temporary or permanent infrastructure in accordance with the planning framework applicable at the time of subdivision and/or development.

- 13.10 Where the provision of the further information, land, studies or infrastructure is not provided through subdivision or development at the stage or time identified in the community development statement, the determining authority may refuse a subsequent development application or subdivision application until the subject works have been implemented. This is to avoid instances where the functionality of a future stage of subdivision or development would be impacted by any changes to the staging sequence and that change would require an amendment to the community development statement.

14 VARYING THE R-CODES

- 14.1 The Regulations do not provide for a community development statement to vary the deemed to comply requirements of the R-Codes.

The Regulations do however, provide for any existing approved R-Code variations in structure plans or approved development applications to be identified and implemented through a community development statement (in accordance with regulation 14 of the Regulations).



15 AMENDING A COMMUNITY DEVELOPMENT STATEMENT

- 15.1 It is recommended that an applicant apply for pre-lodgement advice with the WAPC prior to lodging an application for approval of an amendment to a community development statement.
- 15.2 An application to amend a community development statement may be received at any time. It is acknowledged that due to the timeframe associated with a community development statement, amendments may be proposed to address changing market conditions, or development concepts.
- 15.3 Where a subdivision or development application proposal is inconsistent with the community development statement a determining authority may refuse an application or may request an application be withdrawn, until such time as a community development statement is amended to remove any inconsistency.
- 15.4 Where a proposal to terminate all or part of a community scheme is made, the determining authority may refuse an application or may request an application be withdrawn, until such time as a community development statement is amended to remove any inconsistency. Where termination of an entire scheme is proposed, the WAPC may consider whether amendment to the community development statement is required, or whether the community development statement should be ceased.

- 15.5 Termination proposals should consider the future management and maintenance of the community scheme area.
- 15.6 An application for amendment is to include the following:
- a tracked-change version of the community development statement identifying the proposed amendment;
 - a consolidated version of the community development statement incorporating the amendment; and
 - if a community development statement has been registered, a copy of the tier 1 corporation consent to the amendment.
- 15.7 Section 28(2) of the CT Act identifies that to the extent of any inconsistency between a community development statement approved by the WAPC and published on the WAPC website and a community development statement incorporated in the Register, the statement incorporated in the Register prevails.
- 15.8 Where the WAPC has approved an amendment to a community development statement once a community development statement has been registered with the tier 1 subdivision, the WAPC will register the community development statement amendment with the Registrar of Titles in accordance with regulation 18 of the Regulations.
- 15.9 The approved consolidated version of the community development statement will be published on the WAPC website.

16 EXTENDING THE DEVELOPMENT PERIOD OF A COMMUNITY DEVELOPMENT STATEMENT

- 16.1 The community development statement has a 10-year Development Period from the date it is registered by the Registrar. At the end of the Development Period the community development statement is no longer binding, however, due regard must be given to it (note 16.4 below).
- 16.2 A proponent may apply to the WAPC for the extension of the Development Period in accordance with section 26 of the CT Act.
- 16.3 An application for an extension to the Development Period can be made at any time after registration and is to be accompanied by a copy of the special resolution of the tier 1 corporation approving the extension.

Where an application is received after the Development Period has ended, the WAPC may request an amendment to the community development statement prior to considering an extension to the Development Period. This is in accordance with regulation 17 of the Regulations.



- 16.4 The WAPC may declare that a community development statement ceases to have effect if after six (6) months following the end of the Development Period, no application for an extension to the Development Period or an amendment to the community development statement has been received. If it has been determined that a community development statement ceases to exist, due regard is no longer applied to the document. The cessation of a community development statement takes effect on the date the Registrar of Titles registers the notice.

17 PUBLICATION OF COMMUNITY DEVELOPMENT STATEMENTS

- 17.1 The publication of a community development statement on the WAPC's website will be deemed the appropriate form of publication in accordance with section 28(1) of the CT Act.
- 17.2 The publication will identify when the community development statement was approved by the WAPC, and, as appropriate, when the community development statement was registered with the tier 1 scheme plan, any approved amendments to a community development statement, and if an extension to the Development Period has been sought and granted.
- 17.3 The publication of this information will assist in determining whether:
- the Approval Period or Development Period are in operation or have ceased, and
 - the status and effect of the community development statement on subdivision and development.

18 TERMINATION OF A COMMUNITY SCHEME OR A TIER WITHIN THE SCHEME

- 18.1 In accordance with Part 11 of the CT Act, a proponent may seek to terminate the entire community scheme or a community titles scheme/s within the community scheme (that is, for land or a building to cease being subdivided by a community titles scheme).
- 18.2 If the proposal is to terminate the entire scheme, the proposal must include a proposal to terminate each tier which belongs to that scheme.
- 18.3 To progress a termination, the proponent is to apply for subdivision approval (amalgamation for the purpose of termination) with the WAPC.
- 18.4 If the proposal is to terminate one or more community titles schemes within a community scheme (but not the entire community scheme), the proponent is to apply for subdivision to amend the scheme in accordance with Part 3 Division 3 of the CT Act.
- For applications to terminate one or more community titles schemes within a community scheme (but not an entire community scheme), the WAPC may require amendment to the community development statement.
- 18.5 An application for subdivision to facilitate termination is to include a copy of the outline of termination proposal and a copy of the ordinary resolution of each community titles scheme being terminated, supporting the proposal.



- 18.6 Applications for endorsement of a subdivision to facilitate termination are to include a copy of the full termination proposal and a copy of the ordinary resolution of each tier being terminated, supporting the proposal.
- 18.7 In considering applications for termination, the WAPC will have regard for the ongoing management and maintenance of any land formerly considered common property, including but not limited to roads, communal open space and infrastructure lots.
- 18.8 In considering an application for termination the WAPC may apply conditions requiring the upgrading, repair or replacement of infrastructure proposed to be ceded to the specifications and satisfaction of the WAPC, in consultation with the local government, public authorities and utility service providers.
- 18.9 This infrastructure will be required to be updated to the relevant Australian Standard or similar, at the cost of the relevant tier corporation, prior to being ceded. This is to ensure local governments, public authorities and utility service providers are not unduly burdened.
- 18.10 The WAPC notes that once land is transferred it will be managed and maintained in accordance with the operational procedures of the relevant local government, public authority and utility service provider. This may not be to the same standard as previously experienced by the community scheme.

19 TIER COMMUNITY CORPORATION AND MANAGEMENT

- 19.1 While a community development statement only relates to planning matters it is acknowledged that many aspects of a community development statement will guide the use and enjoyment and long-term management of the subject land, including repairs, maintenance and management of the tier corporation (community corporation) and scheme by-laws.

In this regard, the WAPC recommends that a proponent have regard for the implications of the community development statement on the management of the community scheme and individual community titles schemes, prior to lodgement. Assessment of a community development statement will be in relation to the planning outcomes rather than management of the scheme itself.

Further information can be found within the CT Act, Regulations, and on Landgate's website.



APPENDIX 1 – FORMAT OF A COMMUNITY DEVELOPMENT STATEMENT

NUMBERING OF COMMUNITY DEVELOPMENT STATEMENTS

All community development statements are to be numbered to allow for easy identification and reference, in accordance with the convention outlined below:

CDS/ first four letters of local government name / community development statement number – amendment number (if applicable).

Example: CDS/MUND/1 – 1: Smith Street, Mundaring
CDS/JOON/17 – 2: Ronald Road, Warwick

The WAPC will allocate the identifying number when the community development statement is lodged.

The community development statement number is to be included on any written report, plan or map, and any correspondence provided when submitting the community development statement, an amendment or a request to extend the Development Period.

Any subdivision proposal will be required to reference the community development statement number.

Street name and suburb are to be provided to assist in identifying and locating land subject to a community scheme.

CONTENT

Endorsement page

The endorsement page (contained in Appendix 2) is to specify the commencement of the **Approval Period**, i.e. the date the **community development statement** is approved by the WAPC.

Once registered by the Registrar of Titles as part of the tier 1 subdivision, Landgate will advise the WAPC of the commencement of the Development Period.

The WAPC will note on the endorsement page to identify (as applicable):

- the date the Approval Period commences, and ends, should it not be registered with a tier 1 subdivision;
- the date of registration of the tier 1 subdivision and the commencement and end date of the Development Period;
- the date of registration of any extension to the Development Period and the date the extension commences and ends;
- the date an amendment to a community development statement is approved;
- where a termination has been sought of the tier 1 scheme and granted, the date of the termination and that the community development statement ceases to have an effect; and/or
- the date where the WAPC has determined that a community development statement ceases to have effect.

TABLE OF AMENDMENTS

Each time a community development statement is amended, the amendment is to be recorded in the table of amendments at the front of the community development statement, including the amendment type.

AMENDMENT NO.	SUMMARY OF THE AMENDMENT	AMENDMENT TYPE (e.g. text, plan)	DATE APPROVED BY WAPC	DATE REGISTERED WITH LANDGATE



EXECUTIVE SUMMARY

The executive summary is the statement of grounds for the proposed community scheme. The statement of grounds and the community development statement are to identify:

- the subject land
- why community schemes is an appropriate form of subdivision
- the land use(s) and development proposed
- staging and sequencing of the proposal
- what common property, services, or facilities will be shared between lots e.g.: communal open space, parking bays
- a summary table of all key statistics and planning outcomes of the community development statement.

INDICATIVE COMMUNITY DEVELOPMENT STATEMENT

ITEM	DATA (EXAMPLES)
Property description	
25(1)(a) of the <i>Community Titles Act 2018</i> – a community development statement must identify the location of the parcel of land subdivided by the community scheme.	<i>Identify subject land</i>
Total area covered by the community development statement	<i>XX m²</i>
Development description	<i>Provision of: 300-350 residential lots at a density of R40 (minimum 180m², average 200m² lot size) Local Centre maximum net leasable area of 500m²</i>
<i>Community Titles Regulations 2021 Regulation 13 – Additional content to be included in the community development statement</i>	
13(1)(a) maps or other related information or material required by the Planning Commission;	<i>Indicative lot layout plan to be provided</i>
13(1)(b) a description of the key attributes and constraints of the area covered by the statement including the natural environment, landform and topography of the area;	<i>For example: Wetlands, contours, water courses, contamination</i>
13(1)(c) the planning context for the area covered by the statement and the neighbourhood and region within which the area is located;	<i>For example: subject to XX Local Structure Plan</i>
13(1)(d) any existing land uses or zoning and any proposed land uses;	<i>As per existing scheme/local structure plan Where land uses are proposed to be restricted this should be specified Where land uses are proposed to be allocated a locational area, this should be specified</i>



ITEM	DATA (EXAMPLES)
13(1)(e) an estimate of the proposed number of lots in the area covered by the statement and the extent to which the statement provides for dwellings, retail floor space or other land uses;	<p><i>Minimum and maximum number of lots proposed</i></p> <p><i>Minimum and maximum retail floor space proposed</i></p> <p><i>Any other floor space caps or land use specification</i></p> <p><i>for example: Maximum of 15 Industrial lots of a minimum 2000m² lot size</i></p>
13(1)(f) the population impacts that are expected to result from the implementation of the statement;	<p><i>For example: the proposal will accommodate 150 infill lots to facilitate a population of 330 persons.</i></p>
13(1)(g) a description of the extent to which the statement provides for the coordination of key transport and other infrastructure;	<p><i>For example: the statement provides for the extension of XX road as identified under the Metropolitan Region Scheme.</i></p>
13(1)(h) if a requirement for land to be vested in the Crown under the <i>Planning and Development Act 2005</i> section 152 has been specified in the statement – a staging plan or report that identifies the stage at which the land is to be vested;	<p><i>For example: The subject land has an area of 10,500m² therefore an area of public open space of 1,050m² will be provided at the 1 subdivision stage.</i></p>
13(1)(i) if a requirement for a road to be delineated as a new road and dedicated under the <i>Planning and Development Act 2005</i> section 168 has been specified in the statement a staging plan or report that identifies the stage at which the land is to be dedicated as a road;	<p><i>For example:</i></p> <p><i>The Primary Regional Road reservation on the northern lot boundary will be ceded at the tier 1 subdivision stage.</i></p> <p><i>The entrance road marked 'Avenue B' will be ceded at the tier 1 subdivision stage</i></p> <p><i>All local roads will be provided at each tier as part of each subdivision proposal.</i></p>
13(1)(j) where a registered place (as defined by the Heritage Act 2018) is included within the subject site - identify the registered place, description of any expected impacts and a management plan;	
13(1)(k) where an Aboriginal site (as defined by the <i>Aboriginal Heritage Act 1972</i>) is included within the subject site - identify the Aboriginal site, description of any expected impacts and a management plan;	
<p>13(1)(l) a staging plan or report that —</p> <p>(i) details the utility infrastructure, sustainability infrastructure, public infrastructure or any other infrastructure that will be needed at each stage of the subdivision and development of the land by the community scheme, whether temporary or permanent, and how that infrastructure will be provided; and</p> <p>(ii) identifies whether that infrastructure is inside or outside the area covered by the statement; and</p> <p>(iii) identifies the person who is responsible for the costs associated with that infrastructure.</p>	<p><i>For example:</i></p> <p><i>A temporary bushfire access road will be provided at tier 1 stage connecting existing road reserve A to existing road reserve B.</i></p> <p><i>At tier 2 subdivision stage, the temporary bushfire access road will be replaced with a permanent strategic firebreak connecting each subdivision stage to existing road reserve A and road reserve B.</i></p> <p><i>All internal roads will be provided at 100% completion of the community scheme.</i></p> <p><i>The road widening to accommodate the roundabout as identified in Traffic Report XX located on the north of the subject land will be provided as follows:</i></p> <p><i>Land will be ceded at the tier 1 subdivision stage.</i></p> <p><i>Contributions to 50% of the total cost of the roundabout construction will be ceded to the local government at the tier 1 subdivision stage, the remaining 50% contribution will be provided by the adjacent lot.</i></p>



ITEM	DATA (EXAMPLES)
13(2) A staging plan or report provided under subregulation (1)(l) may include, but is not limited to, the following information – (a) requirements for the provision of traffic management infrastructure; (b) requirements for the provision of community-related infrastructure; (c) requirements for the provision of bushfire management infrastructure, such as temporary or permanent fire breaks or the provision of emergency egress or ingress; (d) requirements for the ceding of land.	
Section 25 of the <i>Community Titles Act 2018</i> – a community development statement may: (delete if not applicable to the subject community development statement)	
Community scheme	
25(1)(b)(i) Limitations on the number of tiers	Proposed (1-3) tier scheme
25(1)(b)(ii) Limitations on type community titles (building) or community titles (land)	<i>Maximum and minimum number of community titles (building) schemes</i> <i>Maximum and minimum number of community titles (land) schemes</i> <i>Any limitations on the location/size/scale of community titles (land) or community titles (building) schemes.</i>
25(1)(b)(iii) Limitations on number or location of tier 2 and 3 parcels	<i>Any limitations on the location/size/scale of tier 2 or tier 3 community titles scheme lots.</i> <i>Please note- although not the subject of a community development statement, an applicant should have regard to unit entitlement and voting requirements when considering the number/size of tier 1, 2 and 3 community titles scheme lots.</i>
Land use, lot configuration and lot sizes	
25(1)(b)(iv) limitation on number, size or arrangement of lots Area of each land use proposed: • Residential • Commercial • Industrial • Rural Residential • Common Property	Hectare Lot yield Tier
25(1)(b)(v) requirements for restricted use conditions	Vi Vii Viii
Total estimated lot yield	Tier 1 _____ Tier 2 _____ Tier 3 _____
Estimated number of dwellings	Tier 1 _____ Tier 2 _____ Tier 3 _____



ITEM	DATA (EXAMPLES)
Estimated residential site density	Tier 1 _____ dwellings per site/ hectare Tier 2 _____ dwellings per site/ hectare Tier 3 _____ dwellings per site/ hectare
Estimated population	Tier 1 _____ Tier 2 _____ Tier 3 _____
Estimated commercial floor space	Tier 1 _____ net lettable area Tier 2 _____ net lettable area Tier 3 _____ net lettable area
Built form, landscaping, architectural design and themes	
25(1)(c)(i) limitations on the location and scale of improvements	
25(1)(c)(iv) architecture and design themes	
25(1)(c)(iii) landscaping	
Open space and Crown land 25(1)(b)(vii) S 152 <i>Planning and Development Act 2005</i> vesting, 25(1)(b)(x) open space requirements 25(1)(b)(xi) POS CIL 25(1)(b)(viii) S168 <i>Planning and Development Act 2005</i> roads	
Estimated area and percentage of public open space given over to: <ul style="list-style-type: none"> Regional open space District open space Neighbourhood parks Local parks 	_____ hectares _____ % _____ hectares _____ % _____ hectares _____ parks _____ hectares _____ parks
Estimated percentage of natural area	_____ hectares _____ %
Proposed provision of public open space as cash in lieu	<input type="checkbox"/> Yes <input type="checkbox"/> No Justification and percentage
Proposed roads or road widening	<input type="checkbox"/> Yes <input type="checkbox"/> No Name of road, dimensions, referenced on plan
Infrastructure and utilities	
25(1)(b)(ix) acquisition of land by local government or public authority	<i>Identify land requirements; or proposed lot/s numbers and what infrastructure requirements apply</i>



ITEM	DATA (EXAMPLES)
25(1)(c)(ii) requirements for provision of utility infrastructure, sustainability infrastructure or other infrastructure	<i>Identify infrastructure provision, allocation across tier/s and lot/s</i>
25(1)(c)(v) requirements for collection and disposal of waste	<i>Is waste proposed to be collected by private agreements or local government?</i>
25(1)(d) provision for utility services and for utility infrastructure to be constructed, commissioned and maintained.	<i>Identify infrastructure costs, maintenance, access and repair provisions</i>
Easements, restrictive covenants	
25(1)(b)(vi) easements, restrictive covenants or interests	Identify any easements, restrictive covenants or interests that may apply. Identify land requirements; or proposed lot/s numbers
Infrastructure contribution arrangements	
25(1)(b)(xii) infrastructure contributions	Infrastructure Contribution Area XX and Infrastructure Contribution Plan 'Name XX' applies to this community scheme
Staging and sequencing	
25(1)(e) Proposed staging and sequencing of development (i) requirements for when the stage must be commenced or completed; (ii) arrangements for movement to, from and within the land for occupiers of existing lots and visitors; (iii) arrangements for the continued provision of utility services to existing lots and common property and for access to existing infrastructure and common property; (iv) the works required to be completed, including those required for utility services.	Tier 1 _____ year start/end _____ hectares _____ land use/s Tier 2 _____ year start/end _____ hectares _____ land use/s Tier 3 _____ year start/end _____ hectares _____ land use/s
Any Other Matters	
25(1)(b)(xiii) requirements under the <i>Planning and Development Act 2005</i>	
25(1)(f) planning scheme by-law	
25(1)(g) any other matter specified by regulations	
25(1)(h) any other matter required by WAPC (e.g. number of parking/loading bays and cycle storage/end of trip facilities)	



APPENDIX 2 – ENDORSEMENT PAGE EXAMPLE

IT IS CERTIFIED THAT THIS COMMUNITY DEVELOPMENT STATEMENT WAS APPROVED BY RESOLUTION OF THE WESTERN AUSTRALIAN PLANNING COMMISSION ON:

[DATE]

Signed for and on behalf of the Western Australian Planning Commission:

an officer of the Commission duly authorised by the Commission pursuant to sections 23 and 24 of the *Community Titles Act 2018* for that purpose, in the presence of:

_____ Witness

_____ Date

_____ Date of Expiry

This was approved [DD MM YYYY] If no tier 1 subdivision is lodged for registration with the Registrar of Titles by [DD MM YYYY + 4 years] the community development statement will lapse.

THIS COMMUNITY DEVELOPMENT STATEMENT WAS REGISTERED WITH THE REGISTRAR OF TITLES ON:	THE TERMINATION OF THIS COMMUNITY DEVELOPMENT STATEMENT WAS REGISTERED WITH THE REGISTRAR OF TITLES ON:	AN EXTENSION TO THE DEVELOPMENT PERIOD OF THIS COMMUNITY DEVELOPMENT STATEMENT WAS REGISTERED WITH THE REGISTRAR OF TITLES ON:
[DATE]	[DATE]	[DATE]
THE TIER 1 SCHEME PLAN WAS REGISTERED WITH THE REGISTRAR OF TITLES ON: [DATE] THE DEVELOPMENT PERIOD FOR THIS COMMUNITY DEVELOPMENT STATEMENT IS FROM [DATE] TO [DATE PLUS TEN YEARS]	AS A RESULT OF THIS TERMINATION THIS COMMUNITY DEVELOPMENT STATEMENT CEASES TO HAVE EFFECT	THE DEVELOPMENT PERIOD FOR THIS COMMUNITY DEVELOPMENT STATEMENT IS FROM [DATE] TO [DATE]



APPENDIX 3 – COMMUNITY DEVELOPMENT STATEMENT OR AMENDMENT TO A COMMUNITY DEVELOPMENT STATEMENT WEBSITE ADVERTISING NOTICE

Community Titles Act 2018

COMMUNITY DEVELOPMENT STATEMENT / AMENDMENT TO A COMMUNITY DEVELOPMENT STATEMENT
AVAILABLE FOR INSPECTION

(Insert Name or Number of Community Development Statement)

Notice is hereby given that **[NAME OF PROPONENT]** has prepared the abovementioned community development statement in regard to land located at **[ADDRESS]**.

Plans and documents setting out and explaining the community development statement are available online at **[WEBSITE]** and have been deposited at **[ADDRESSES]** and will be open for inspection during office hours up to and including **[END DATE]**.

Submissions on the community development statement can be lodged in writing and are to include the community development statement name, the property affected and details of the submission and lodged with the undersigned on or before **[END DATE]**.

The community development statement is being advertised to seek public comment on the appropriateness of the proposed form of subdivision for the subject land.

* Public comment is also sought on the following aspects of the community development statement:

(A)

(B) (where applicable)

* (Only used where matters of discretion are proposed or when the community development statement is not appropriately guided by an approved development application or local structure plan).

The advertising of the community development statement does not indicate any formal support of the proposal by the City / Town / Shire of **[NAME]** or the Western Australian Planning Commission.

(Chief Executive Officer)

* delete if not applicable