

Contents

SHIRE OF YALGOO

Local Planning Scheme No. 2

Updated to include AMD 2 GG 25/01/2019



Department of Planning,
Lands and Heritage

Prepared by the
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal
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Preamble

This Local Planning Scheme of the Shire of Yalgoo consists of this Scheme Text and the Scheme Maps. The Scheme Text should be read with the Local Planning Strategy for the Shire.

Part 2 of the Scheme Text sets out the Local Planning Framework. At the core of this Framework is the Local Planning Strategy which sets out the long-term planning directions for the local government, applies State and regional planning policies and provides the rationale for the zones and other provisions of the Scheme. In addition to the Local Planning Strategy, the Framework provides for Local Planning Policies which set out the general policies of the local government on matters within the Scheme.

The Scheme divides the local government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.

The Shire of Yalgoo

Local Planning Scheme No. 2.

DISTRICT ZONING

The Shire of Yalgoo under the powers conferred by the *Planning and Development Act 2005* makes the following Local Planning Scheme.

Shire of Yalgoo LPS 2 – Text Amendments

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
Gazetted	05/10/11	22/10/11	NM	Text Gazetted.
1	17/11/15	21/01/16	RO	<ul style="list-style-type: none"> • Reclassify Unallocated Crown Land (Lot 500 – Plan 65697, Reserve 35346) from a 'Residential R10' zone, 'No Zone' and 'Local Reserve Recreation' to a Local 'Civic and Cultural' Reserve, as indicated on the Scheme Amendment Map. • Reclassify Lot 305 (Reserve 38039), Lot 4234 (Plan 185840) and Lot 4315 (Plan 190649) from a 'Local Reserve Recreation' to a 'Special Use – Road House' Zone, as indicated on the Scheme Amendment Map. • Amend Schedule 4 to include item 2. • Amend Schedule 1 to include Land Use Definitions – 'Roadhouse – a service station' and 'Short-term accommodation'.
2	25/01/19	30/01/19	MLD	<p>a) Rezoning and reclassifying the land identified as Lot 65 (No. 42) Gibbons Street and Lot 66 (No.44) Gibbons Street, Yalgoo WA 6635 from 'Public Purposes' to 'Residential (R10)'; and</p> <p>b) Modifying the Scheme Map accordingly.</p>

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Contents Summary

Part 1 - Preliminary - sets out the Scheme title, responsible authority for implementing the Scheme, definitions used in the Scheme, Scheme area, contents, purpose, aims and relationship to other Schemes and laws.

Part 2 - Local Planning Policy Framework - sets out the relationship between the Scheme and the Local Planning Strategy and the procedures for preparing and adopting Local Planning Policies.

Part 3 - Reserves - sets out the reserves which apply in the Scheme area and related provisions.

Part 4 - Zones and the use of land - sets out the zones which apply in the Scheme area and the uses which may require approval or may be prohibited.

Part 5 - General development requirements - sets out the planning requirements which may apply to a particular use or development in a zone.

Part 6 - Special control areas - sets out particular provisions which may apply in addition to the zone requirements and generally concerns landscape, environmental, built form, and land and site management issues.

Part 7 - Heritage protection - sets out special provisions which apply to heritage places and areas.

Part 8 - Development of land - sets out the circumstances under which approval is required for the development of land as distinct from the use of land.

Part 9 - Applications for planning approval - sets out the procedure for applying for planning approval including both the use and development of land.

Part 10 - Procedure for dealing with applications - sets out the procedure for dealing with applications for planning approval and the matters to be taken into account.

Part 11 - Enforcement and administration - sets out the general provisions for the administration and enforcement of the Scheme.

PART 1 – PRELIMINARY

1.1 Citation

1.1.1. The Shire of Yalgoo Scheme No. 2. (“the Scheme”) comes into operation on its Gazettal date.

1.1.2. The following Scheme is revoked —

Name: Shire of Yalgoo Town Planning Scheme No.1 Gazettal date: June 5, 1992

1.2 Responsible authority

The Shire of Yalgoo is the responsible authority for implementing the Scheme.

1.3 Scheme area

The Scheme applies to the Scheme area which covers all of the local government district of the Shire as shown on the Scheme Map.

1.4 Contents of Scheme

The Scheme comprises —

- (a) the Scheme Text;
- (b) the Scheme Map (sheets 1).

The Scheme is to be read in conjunction with the Local Planning Strategy.

Note: The Scheme Map comprises 1 sheet.

1.5 Purposes of Scheme

The purposes of the Scheme are to —

- (a) set out the local government’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 to the Planning and Development Act.

1.6 The aims of the Scheme

The aims of the Scheme are to —

- (a) provide for future land-use needs and townsite expansion;
- (b) identify future residential land to meet the needs of the private sector;
- (c) encourage new industries and businesses;
- (d) encourage tourism opportunities;
- (e) provide for mining activities;
- (f) protect the natural environment and bio-diversity while ensuring appropriate development opportunities;

- (g) promote sustainable management of natural resources including energy, water, land, minerals and basic raw materials by preventing land degradation and integrating land and catchment management with land use planning; and
- (h) preserve, protect and enhance the natural and built environments.

1.7 Definitions

1.7.1 Unless the context otherwise requires, words and expressions used in the Scheme have the same meaning as they have —

- a) in the Planning and Development Act; or
- b) if they are not defined in that Act —
 - (i) in the Dictionary of defined words and expressions in Schedule 1; or
 - (ii) in the Residential Design Codes.

1.7.2 If there is a conflict between the meaning of a word or expression in the Dictionary of defined words and expressions in Schedule 1 and the meaning of that word or expression in the Residential Design Codes —

- a) in the case of a residential development, the definition in the Residential Design Codes prevails; and
- b) in any other case the definition in the Dictionary prevails.

1.7.3 Notes, and instructions printed in italics, are not part of the Scheme.

1.8 Relationship with local laws

Where a provision of the Scheme is inconsistent with a local law, the provision of the Scheme prevails.

1.9 Relationship with other Schemes

There are no other Schemes of the Shire of Yalgoo which apply to the Scheme area.

PART 2 - LOCAL PLANNING POLICY FRAMEWORK

2.1 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 local government under the Scheme are to be consistent with the Local Planning Strategy.

2.2 Local Planning Policies

The local government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply —

- (a) generally or for a particular class or classes of matters; and
- (b) throughout the Scheme area or in one or more parts of the Scheme area, and may amend or add to or rescind the Policy.

2.3 Relationship of Local Planning Policies to Scheme

2.3.1 If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

2.3.2 A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Note: Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In considering an application for planning approval, the local government must have due regard to relevant Local Planning Policies as required under clause 10.2.

2.4 Procedure for making or amending a Local Planning Policy

2.4.1 If a local government resolves to prepare a Local Planning Policy, the local government —

- a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of —
 - (i) where the draft Policy may be inspected;
 - (ii) the subject and nature of the draft Policy; and
 - (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;
- b) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the local government considers appropriate.

2.4.2 After the expiry of the period within which submissions may be made, the local government is to —

- a) review the proposed Policy in the light of any submissions made; and
- b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.

2.4.3 If the local government resolves to adopt the Policy, the local government is to —

- a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and

- b) if, in the opinion of the local government, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.

2.4.4 A Policy has effect on publication of a notice under clause 2.4.3 a).

2.4.5 A copy of each Local Planning Policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.

2.4.6 Clauses 2.4.1 to 2.4.5, with any necessary changes, apply to the amendment of a Local Planning Policy.

2.5 Revocation of Local Planning Policy

A Local Planning Policy may be revoked by —

- (a) the adoption by a local government of a new Policy under clause 2.4 that is expressed to supersede the existing Local Planning Policy; or
- (b) publication of a notice of revocation by the local government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.

PART 3 – RESERVES

3.1 Reserves

Certain lands within the Scheme area are classified as Local Reserves.

3.2 Regional Reserves

There are no regional reserves in the Scheme area.

3.3 Local Reserves

“Local Reserves” are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

3.4 Use and development of Local Reserves

3.4.1 A person must not —

- a) use a Local Reserve; or
- b) commence or carry out development on a Local Reserve,
without first having obtained planning approval under Part 9 of the Scheme.

3.4.2 In determining an application for planning approval the local government is to have due regard to —

- a) the matters set out in clause 10.2; and
- b) the ultimate purpose intended for the Reserve.

3.4.3 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.

PART 4 - ZONES AND THE USE OF LAND

4.1 Zones

4.1.1 The Scheme area is classified into the zones shown on the Scheme Map.

4.1.2 The zones are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

4.2 Objectives of the zones

The objectives of the zones are -

4.2.1 Residential Zone

The use of land in the Residential Zone shall be consistent with the following objectives:

- a) The zone shall be predominantly residential.
- b) Non-residential uses shall be compatible in character, scale and operation with the predominant residential use.
- c) A non-residential use shall only be permitted if the use does not detract from the amenity of the area.
- d) Where practical, to encourage mining workforce accommodation to be located in towns to support the pattern of settlement and local economy when the site is within commuting distance of the town.

4.2.2 Commercial Zone

The use of land in the Commercial Zone shall be consistent with the following objectives:

- a) To provide a variety of service functions, predominantly commercial, service, and administrative uses.
- b) To maintain a compact and accessible centre.
- c) To centralise commercial and service functions.
- d) To maintain safety and efficiency of traffic flows and provide for adequate facilities for the storage and circulation of vehicles.
- e) To preclude the storage of bulky and unsightly goods where they may be in public view.
- f) To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.
- g) To provide sheltered places for pedestrians.
- h) To restrict industrial type uses to service or low impact, labour intensive industries that relate to the centre functions.
- i) To reduce uses attracting large volumes of truck traffic other than to service retail outlets.
- j) To provide for residential uses only where the uses are combined with a commercial use, e.g. hotel, or where the residential uses occupy a floor level where it is impracticable or inappropriate to establish a shop or office.

4.2.3 Industrial Zone

The use of land in the Industrial Zone shall be consistent with the following objectives:

- a) To provide a location for diverse industries that would otherwise have a detrimental impact on the other uses in the town.
- b) To provide a location where separate vehicular access is provided.
- c) To provide a location for depots, warehouses, and large vehicle parking and servicing areas.

4.2.4 Special Use Zone

The use of land in the Special Use Zone shall be consistent with the following objectives:

- a) To provide an area where special uses can be operated under the specific control of the Council in order to maintain the safety, health and welfare of surrounding users.
- b) To enable the Council to impose specific conditions to restrict the use and operation of any development that would normally not fit within the ambit of any other zone in this Scheme.

4.2.5 Rural/Mining Zone

The use of land in the Rural/Mining Zone shall be consistent with the following objectives:

- a) The zone shall consist of predominantly rural and mining uses.
- b) To protect land from urban uses that may jeopardise the future use of that land for other planned purposes which are compatible with the zoning.
- c) To protect the land from closer development which would detract from the rural character and amenity of the area.
- d) To prevent any development which may affect the viability of a rural holding.
- e) To provide for and monitor mining activities and its associated works, however, restricting the development of the residential component to areas with specific additional use rights.
- f) Where practical, to encourage mining workforce accommodation to be located in towns to support the pattern of settlement and local economy when the site is within commuting distance of the town.

4.3 Zoning Table

4.3.1 The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any uses is determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

4.3.2 The symbols used in the cross reference in the Zoning Table have the following meanings —

‘P’ means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;

‘D’ means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;

'A' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4;

'X' means a use that is not permitted by the Scheme.

4.3.3 A change in the use of land from one use to another is permitted if —

- a) the local government has exercised its discretion by granting planning approval;
- b) the change is to a use which is designated with the symbol 'P' in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;
- c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or
- d) the change is to an incidental use that does not change the predominant use of the land.

- Notes:
1. The planning approval of the local government is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land.
 2. The local government will not refuse a 'P' use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.
 3. In considering a 'D' or 'A' use, the local government will have regard to the matters set out in clause 10.2.
 4. The local government must refuse to approve any 'X' use of land. Approval to an 'X' use of land may only proceed by way of an amendment to the Scheme.

Table 1 - Zoning Table

	RESIDENTIAL	COMERICAL	INDUSTRIAL	SPECIAL USE	RURAL/MINING
Ancillary Accommodation	D	D	X	Uses as determined by the Council as per Schedule 4 and the Scheme Map.	D
Aged & Dependent Persons` Dwelling	D	X	X		D
Agriculture–Extensive	X	X	X		P
Agriculture – Intensive	X	A	D		P
Animal Establishment	X	X	X		X
Bed and Breakfast	D	X	X		D
Caravan Park	X	X	X		X
Caretaker's Dwelling	X	D	A		D
Carpark	D	D	D		D
Civic Use	X	D	X		X
Consulting Rooms	A	D	X		X
Drive-In Theatre	X	X	A		X
Educational Establishment	X	X	X		X
Fuel Depot	X	X	P		X
Funeral Parlour	X	D	D		X
Home Occupation	D	D	X		D
Hospital	X	X	X		X
Hotel	X	P	X		X
Industry – Extractive	X	X	A		A
Industry – General	X	X	D		X
Industry – Light	X	X	P		X
Industry – Mining	X	X	A		D
Industry – Rural	X	X	P		D
Industry – Service	X	A	P		X
Motel	A	D	X		X
Motor Vehicle Repair	X	D	P		X
Motor vehicle, Boat or Caravan Sales	X	P	D		X
Office	X	P	D		X
Place of Worship	A	X	X		D
Residential – Grouped Dwelling	D	D	X		A
Residential Building	D	D	X		X
Residential – Single House	P	D	X		P
Restaurant	D	P	X		D
Rural Pursuit	D	X	X		P
Service Station	X	D	P	X	
Shop	X	P	X	X	
Short-Stay Accommodation	D	X	X	D	
Showroom	X	P	P	X	
Trade Display	X	D	P	X	
Transient Workforce Accommodation	D	X	X	D	

4.4 Interpretation of the Zoning Table

- 4.4.1 Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.
- 4.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may —
- a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
 - b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or
 - c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

4.5 Additional uses

Despite anything contained in the Zoning Table, the land specified in Schedule 2 may be used for the specific use or uses that are listed in addition to any uses permissible in the zone in which the land is situated subject to the conditions set out in Schedule 2 with respect to that land.

Note: An additional use is a land use that is permitted on a specific portion of land in addition to the uses already permissible in that zone that applies to the land.

4.6 Restricted uses

There are no restricted uses which apply to the Scheme.

4.7 Special use zones

- 4.7.1 Special use zones are set out in Schedule 4 and are in addition to the zones in the Zoning Table.
- 4.7.2 A person must not use any land, or any structure or buildings on land, in a special use zone except for the purpose set out against that land in Schedule 4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land.

Note: Special use zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme.

4.8 Non-conforming uses

Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent —

- (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorize the development to be carried out, were duly obtained and are current; or
- (c) subject to clause 11.2.1, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.

Note: "Land" has the same meaning as in the Planning and Development Act and includes houses, buildings and other works and structures.

4.9 Extensions and changes to a non-conforming use

4.9.1 A person must not —

- a) alter or extend a non-conforming use;
- b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or
- c) change the use of land from a non-conforming use to another non-conforming use,
- d) without first having applied for and obtained planning approval under the Scheme.

4.9.2 An application for planning approval under this clause is to be advertised in accordance with clause 9.4.

4.9.3 Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the local government is not to grant its planning approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone.

4.10 Discontinuance of non-conforming use

Where a non-conforming use of any land has been discontinued for a period of 6 months the land must not be used after that period otherwise than in conformity with the provisions of the Scheme.

4.11 Termination of a non-conforming use

The local government may affect the discontinuance of a non-conforming use by the purchase of the land, or by the payment of compensation to the owner or occupier or to both the owner and occupier of that land, and may enter into an agreement with the owner for that purpose.

Note: Section 13 of the Planning and Development Act enables the local government to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a Local Planning Scheme, subject to Part 9 of the *Land Administration Act 1997*, that section and the Scheme.

4.12 Destruction of non-conforming use buildings

If a building used for a non-conforming use is destroyed to 75% or more of its value, the building is not to be repaired, rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the planning approval of the local government.

PART 5 - GENERAL DEVELOPMENT REQUIREMENTS

5.1 Compliance with development standards and requirements

Any development of land is to comply with the provisions of the Scheme.

5.2 Residential Design Codes

5.2.1 A copy of the Residential Design Codes is to be kept and made available for public inspection at the offices of the local government.

5.2.2 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.

5.2.3 The Residential Design Codes density applicable to land within the Scheme area is to be determined by reference to the Residential Design Codes density number superimposed on the particular areas contained within the borders shown on the Scheme Map or where such an area abuts another area having a Residential Design Code density, as being contained within the area defined by the centre-line of those borders.

5.3 Restrictive covenants

5.3.1 Subject to clause 5.4.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme.

5.3.2 Where clause 5.4.1. operates to extinguish or vary a restrictive covenant the local government is not to grant planning approval to the development of the land which would, but for the operation of clause 5.4.1, have been prohibited unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of clause 9.4.

5.4 Variations to site and development standards and requirements

5.4.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

5.4.2 In considering an application for planning approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to —

- a) consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and
- b) have regard to any expressed views prior to making its determination to grant the variation.

5.4.3 The power conferred by this clause may only be exercised if the local government is satisfied that —

- a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and
- b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

5.5 Environmental conditions

- 5.5.1 Environmental conditions to which the Scheme is, or amendments to the Scheme are, subject are incorporated into the Scheme by Schedule 10 of the Scheme.
- 5.5.2 Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.
- 5.5.3 The local government is to —
- a) maintain a register of all relevant statements published under sections 48F and 48G of the EP Act; and
 - b) make the statements available for public inspection at the offices of the local government.

Note: Environmental conditions are those required to be incorporated into a Scheme or an amendment to a Scheme following assessment under the *Environmental Protection Act 1986*.

5.6 Development on land subject to dampness or flooding

5.6.1 Country Sewerage Policy

In considering subdivision and development applications for residential use in the Residential R12.5 the Council will take into account the provisions of the Draft Country Sewerage Policy

- 5.6.2 Where, in the opinion of the Council, the dampness of the site on which a building is proposed to be constructed so warrants, the Council may require that one or all of the following measures shall be carried out;
- a) the subsoil shall be effectively drained;
 - b) the surface of the ground beneath the building shall be regraded or filled and provided with adequate outlets to prevent any accumulation of water beneath the building;
 - c) the surface of the ground beneath the building shall be covered with an approved damp-resisting material.
- 5.6.3 A building shall not be constructed upon any land defined by the Council as being liable to flooding and/or inundation.
- 5.6.4 Where a development is proposed on a site such that, in the opinion of Council, that the development may be impacted upon by flooding, Council may require the proponents to provide technical advice from an appropriately qualified person to demonstrate that the development will not be adversely impacted on by flooding.

5.7 Development table

Any development that is permitted under the provisions of Part 3 and Part 4, of this Scheme shall conform to the requirements for that use as specified in Table II – Development Table, or in the Residential Design Codes for residential development.

5.7.1 Development Requirements

Where requirements for a particular use are not set out in this Scheme, the development shall conform to the provisions for the predominant use of the zone in which it is situated, as determined by the Council, or where such provisions are inappropriate, to such requirements as the Council shall determine.

For the purposes of this Clause, the predominant uses in zones and local reserves shall be deemed to be as outlined in their respective objectives.

5.7.2 Combined Uses

Where two or more uses are combined in a single development, the development shall conform to the requirements for each use respectively, or where such requirements are inappropriate, to such requirements as the Council shall determine.

Table 2 - Development Table

Use/Controls	Minimum Boundary setback (metres)			Maximum Plot Ratio	Minimum Landscaped Area %	Minimum Number of Car Parking Bays
	Front	Rear Average	Sides			
Consulting Rooms	*	*	*	0.4 in Res. Zone 0.5 Elsewhere	30 in Res. Zone	1 for every 30m ² of gross floor area, plus 1 for each person employed
Day Care Centre	7.5	7.5	*	*	*	1 for every employee.
Educational Establishment	9.0	7.5	5.0	*	30	1 per full time employee, plus bays for students as determined by the Council.
Funeral Parlour	*	*	*	*	10	As determined by the Council (minimum 6).
Hospital	9.0	7.5	5.0	0.4 in Res. Zone 0.5 Elsewhere	20	1 per 4 beds and 1 per employee
Hostel	7.5	7.5	*	*	30	1 per dwelling.
Hotel	*	*	*	*	10	1 for every bedroom plus 1 per 2m ² of bar and lounge area.
Industrial – Service	7.5	7.5	*	*	10	1 per 2 employees.
Industrial – Service	7.5	7.5	*	*	10	1 per 2 employees.
Industrial – Light	7.5	7.5	*	*	10	1 per 2 employees.
Industrial – General	7.5	7.5	*	*	15	1 per 2 employees.
Motel	9.0	7.5	3	1.0	30	1 per unit, plus 1 space per 25m ² of service area.
Office	*	*	*	*	*	1 for every 30m ² plot ratio area.
Restaurant	*	*	*	*	*	1 for every 10m ² of gross floor area or 1 for every 4 seats provided, whichever is the greater.
Service Station	7.5	7.5	*	*	5	1 for every working bay, plus 1 for each person employed on site.
Shop	*	*	*	*	*	1 for every 15m ² of gross floor area.
Showroom	*	*	*	*	10	1 for every 100m ² of gross floor area.
Motor Vehicle, boat or caravan sales	*	*	*	*	5	1 for every 250m ² of sales area, plus 1 for every person employed on site.

Notes:

* means 'to be determined by the Council' in each particular case.
Landscaping to be generally at street frontage.

5.8 Development of land subject to non-conforming use rights

- 5.8.1 Except where otherwise provided, development of non-conforming uses shall be in conformity with the provisions of the Scheme relevant to that use. In a particular case, the Council may require that a non-conforming use comply with the setbacks and other provisions set out for the predominant use of that zone.
- 5.8.2 Any change of use or development shall be in accordance with Table 1 provided that the Council may permit:
- a) minor repairs or maintenance necessary to ensure the safety and health of the public and users of the property;
 - b) an extension of the buildings subject to the non-conforming use by up to 20% of the floor area of the building existing at the time of gazettal of the Scheme, or by such greater proportion which the Council considers will not prejudice the objectives of this Scheme, provided always that such extension is within the limits of the setbacks in this Scheme.

5.9 Development on land abutting a Residential zone

Any non-conforming development on land abutting a Residential Zone shall conform to such standards as the Council determines. These standards shall be assessed on the basis of the potential nuisance of the proposed development on the residential area. When considering an application for residential development on Gibbons Street, Council will have regard to the entry into town.

5.10 Commercial development

- 5.10.1 Commercial development in the Commercial Zone shall comply with the requirements of Table II and the objectives for that Zone as outlined in Part 4.
- 5.10.2 Loading Docks and access ways shall be provided sufficient in size to wholly contain delivery vehicles on site or within the building and to permit the passage of vehicles from and to the street without backing.
- 5.10.3 Where the Council considers it appropriate, rear access shall be provided to each tenement, in order to avoid using the front entrance, another tenement or an arcade for service deliveries.

5.11 Industrial development

- 5.11.1 Industrial Development in the Industrial Zone shall comply with the requirements of Table II and the objectives for that Zone as outlined in Part 4.
- 5.11.2 The front setback area may be used only for the purposes of landscaping, visitors carparking or access. The Council may approve the use of the front setback area for display or for loading and unloading of vehicles. No material or product may be stored within the front setback area.
- 5.11.3 Where an open storage area is visible from a public place or street, and is not of a display nature, it shall be screened to the satisfaction of the Council.
- 5.11.4 Street setback areas shall be landscaped, including an area of not less than one metre wide adjacent to each side boundary, except where an access is shared between adjacent lots. Areas other than the front setback that are visible from a public street or place shall be developed with landscaped open space or screened to the approval of the Council.
- 5.11.5 Loading docks and access ways shall be provided sufficient in size to wholly contain delivery vehicles on site or within the building and to permit the passage of vehicles from and to the street without backing.

5.11.6 Where the Council considers it appropriate, rear access shall be provided to each tenement, in order to avoid using the front entrance, another tenement or an arcade for service deliveries.

5.12 Special use development

5.12.1 Where Council considers a particular development or use to be incompatible with the predominant uses in other zones, it may require such a development or use be restricted to the Special Use Zone.

5.12.2 Schedule 4 outlines the restricted uses allowed in the Special Use Zone.

5.12.3 Development in a Special Use Zone shall be permitted in accordance with the requirements of Table II for the use specified on the Scheme Map and outlined in Schedule 4, and with any other requirements specified by the Council.

5.13 Rural/Mining development

Development in the Rural/Mining Zone shall comply with the objectives for that Zone as outlined in Part 4 and with such requirements as the Council shall see fit relative to the proposed use.

In determining an application Council shall have regard to and may impose conditions relating to the demand for additional services, facilities and infrastructure, the impact on surrounding land uses, and shall require a management plan to manage the impact and operation of a mine.

5.14 Development of Other Structures

Development standards, including the height, area, setbacks and construction materials, for the following structures shall be determined by the Council; an out-building; carport or garage; pergola; shadehouse or conservatory; shed or workshop; any accommodation designed to house livestock, including a kennel, stable, aviary, fowlhouse and pigeon loft.

5.15 Car Parking

5.15.1 Car parking required to be provided pursuant to the provisions of this Scheme shall be laid out and constructed in accordance with the layouts of parking bays and manoeuvring aisles required by Council, except that where the angles of car parking vary from those shown, Council may determine the width of the manoeuvring aisle which in no case shall be less than four metres. Car parking bays shall be capable of use independently of each other.

All driveways and parking areas shall be:-

- a) constructed and surfaced to the Council's satisfaction with appropriate measures for drainage and the disposal of surface water, and,
- b) provided at the time of the development and thereafter maintained to the satisfaction of Council.

5.15.2 Where the Council so decides, it may accept cash payments in lieu of the provision of paved parking spaces but only subject to the following requirements being satisfied:-

- a) The cash-in-lieu payment shall not be less than the estimated cost to the owner or developer of providing and constructing the parking spaces required by the Scheme, plus the value, as estimated by Council of that area of his land which would have been occupied by the parking space.
- b) Payments made under this Clause shall be paid into a special fund to be used for the provision of public car parking facilities and the Council may use this Fund to provide public parking facilities anywhere within the proximity of the site in respect of which a cash-in-lieu arrangement is made.

- c) If an owner or developer objects to the amount or the costs or values determined by Council pursuant to sub-clause a), the matter may be referred to arbitration.

5.16 Townscape Character

When considering applications for the town centre and in order to enhance the existing character and complement the existing pattern of development Council shall have regard to the scale, colours, materials and design of new buildings and extensions.

5.17 Tourist Facilities and Accommodation

Council may permit tourist facilities and accommodation in selected locations but only where the development in the opinion of the Council:

- (a) does not adversely affect the amenity of the area;
- (b) provides a tourist facility;
- (c) in a location considered appropriate by Council;
- (d) has no significant adverse environmental impact; and
- (e) complies with all other Scheme requirements and any relevant policy of Council.

5.18 Town Entries

Council when considering attractive entries into each of the townsites may restrict some land uses, require greater setbacks and landscaping to maintain or improve the entries in to towns.

5.19 Local Planning Strategy Map

Council has adopted a Local Planning Strategy Map for Yalgoo. In considering applications for Scheme Amendments or development the Local Planning Strategy Map shall be used by Council as a guide in determining the proposal.

5.20 Declared Rare Flora

Prior to the subdivision or development of any lot where there is remnant native vegetation, Council may seek advice from the Department of Conservation and Land Management as to whether any declared rare flora will be affected by the proposal, and shall put in place measures to preserve the remnant native vegetation, if the lot contains declared rare flora.

5.21 Mining

Planning approval is required for all extractive industry. In determining an application Council shall have regard to and may impose conditions relating to the demand for additional services, facilities and infrastructure, the impact on surrounding land uses, and shall require a management plan to manage the impact and operation of a mine.

5.22 Caretakers Dwellings

5.22.1 The purpose and intent of the following provisions is to limit the scale of caretakers' dwellings in industrial areas to be incidental to the predominant industrial use.

5.22.1 The provisions of this clause are to apply for all caretakers' dwellings in the Industrial and Commercial zones:

- a) a caretakers dwelling should be incidental to the predominant industrial use of the site.
- b) only one caretaker's dwelling is permitted on a lot and that dwelling should be on the same lot as the associated industrial use;

- c) a caretaker's dwelling is to have a total floor area that does not exceed 100 square metres measured from the external face of walls; and;
- d) open verandas may be permitted but must not be enclosed by any means unless the total floor area remains within the 100 square metres referred to in paragraph c).

PART 6 - SPECIAL CONTROL AREAS

6.1 Operation of Special Control Areas

6.1.1 The following special control areas are shown on the Scheme Maps:

- a) Public Drinking Water Source Area (SCA1)
- b) DAFWA Depot (SCA2)

6.1.2 In respect of a special control area shown on a Scheme Map, the provisions applying to the special control area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

6.2 Public Drinking Water Source Area (SCA1)

6.2.1 Purpose of the Special Control Area - the purpose of the Public Drinking Water Source Areas is to:

- a) identify the proclaimed Public Drinking Water Source Areas; and
- b) ensure that land use and development within the Public Drinking Water Area is compatible with the protection and long term management of water resources for public water supply.

6.2.2 Relevant Considerations

- a) In determining land uses and development proposals within the PDWSA Special Control Area, the Council will have due regard to relevant State Government policies and the most recent Department of Water Land Use Compatibility Tables for PDWSAs.
- b) Notwithstanding the permissibility of land uses in the Zoning Table, the following uses are not permitted within the PDWSA Special Control Areas;
 - (i) Abattoir
 - (ii) Piggery
 - (iii) Power Station
 - (iv) Fish Processing
 - (v) Tannery
 - (vi) Woolscouring
- c) In determining proposals, the Council is to have due regard to any comments or recommendations from the Department of Water and may impose relevant conditions to prevent or minimise the potential risk of groundwater contamination. Council should also have regard to the management direction provided by the priority classification of the PDWSA Special Control Area, noting that Priority (P2) areas are defined to ensure there is no increased risk of pollution to the water source.

6.2.3 Referral of Applications

The Council is required to refer any development application which involves the following activities to the Department of Water for advice prior to determination of the application:

- a) potential for increased nutrient loading, in particular point source for nutrients, e.g. poultry farm, piggery;
- b) intensification of application of fertilisers and pesticides;

- c) storage of chemicals, fuels and other potentially polluting substances;
- d) substantial increase in runoff;
- e) any other impact which Council considers could have an impact on the quality of public drinking water.

6.3 Department of Agriculture and Food WA Depot (SCA2)

6.3.1 Purpose and Intent

- a) to identify the area of land which is subject to contamination.
- b) to ensure that the site is appropriately remediated prior to any development or disturbance of the soil.

6.3.2 Relevant considerations

- a) an application for planning approval is required for all forms of development including the construction or extension of a dwelling.
- b) all applications are to be referred to the Department of Environment and Conservation for advice on contamination issues and to determine whether planning approval can be issued.

PART 7 - HERITAGE PROTECTION

7.1 Heritage List

- 7.1.1 The local government is to establish and maintain a Heritage List to identify those places within the Scheme area which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme, together with a description of each place and the reasons for its entry.
- 7.1.2 In the preparation of the Heritage List the local government is to —
- a) have regard to the municipal inventory prepared by the local government under section 45 of the *Heritage of Western Australia Act 1990*; and
 - b) include on the Heritage List such of the entries on the municipal inventory as it considers to be appropriate.
- 7.1.3 In considering a proposal to include a place on the Heritage List the local government is to —
- a) notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used under clause 7.1.1 and the reasons for the proposed entry;
 - b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;
 - c) carry out such other consultations as it thinks fit; and
 - d) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.
- 7.1.4 Where a place is included on the Heritage List, the local government is to give notice of the inclusion to the Commission, the Heritage Council of Western Australia and to the owner and occupier of the place.
- 7.1.5 The local government is to keep a copy of the Heritage List with the Scheme documents for public inspection.
- 7.1.6 The local government may remove or modify the entry of a place on the Heritage List by following the procedures set out in clause 7.1.3.

- Notes:
1. The purpose and intent of the heritage provisions are —
 - a) to facilitate the conservation of places of heritage value; and
 - b) to ensure as far as possible that development occurs with due regard to heritage values.
 2. A “place” is defined in Schedule 1 and may include works, buildings and contents of buildings.

7.2 Designation of a heritage area

- 7.2.1 If, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area, the local government may, by resolution, designate that area as a heritage area.
- 7.2.2 The local government is to —
- a) adopt for each heritage area a Local Planning Policy which is to comprise —
 - (i) a map showing the boundaries of the heritage area;
 - (ii) a record of places of heritage significance; and
 - (iii) objectives and guidelines for the conservation of the heritage area;

and

- b) keep a copy of the Local Planning Policy for any designated heritage area with the Scheme documents for public inspection.

7.2.3 If a local government proposes to designate an area as a heritage area, the local government is to —

- a) notify in writing each owner of land affected by the proposed designation and provide the owner with a copy of the proposed Local Planning Policy for the heritage area;
- b) advertise the proposal by —
 - (i) publishing a notice of the proposed designation once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area;
 - (ii) erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and
 - (iii) such other methods as the local government considers appropriate to ensure widespread notice of the proposal;

and

- c) carry out such other consultation as the local government considers appropriate.

7.2.4 Notice of a proposal under clause 7.2.3 b) is to specify —

- a) the area subject of the proposed designation;
- b) where the proposed Local Planning Policy which will apply to the proposed heritage area may be inspected; and
- c) in what form and in what period (being not less than 21 days from the day the notice is published or the sign is erected, as the case requires) submissions may be made.

7.2.5 After the expiry of the period within which submissions may be made, the local government is to —

- a) review the proposed designation in the light of any submissions made; and
- b) resolve to adopt the designation with or without modification, or not to proceed with the designation.

7.2.6 If the local government resolves to adopt the designation, the local government is to forward a copy of the designation to the Heritage Council of Western Australia, the Commission and each owner of land affected by the designation.

7.2.7 The local government may modify or revoke a designation of a heritage area.

7.2.8 Clauses 7.2.3 to 7.2.6 apply, with any necessary changes, to the amendment of a designation of a heritage area.

7.3 Heritage agreements

The local government may, in accordance with the *Heritage of Western Australia Act 1990*, enter into a heritage agreement with an owner or occupier of land or a building for the purpose of binding the land or affecting the use of the land or building insofar as the interest of that owner or occupier permits.

Notes: 1. A heritage agreement may include a covenant intended to run with the land relating to the development or use of the land or any part of the land.

2. Detailed provisions relating to heritage agreements are set out in the *Heritage of Western Australia Act 1990*.

7.4 Heritage assessment

Despite any existing assessment on record, the local government may require a heritage assessment to be carried out prior to the approval of any development proposed in a heritage area or in respect of a heritage place listed on the Heritage List.

7.5 Variations to Scheme provisions for a heritage place or heritage area

Where desirable to —

- (a) facilitate the conservation of a heritage place entered in the Register of Places under the *Heritage of Western Australia Act 1990* or listed in the Heritage List under clause 7.1.1; or
- (b) enhance or preserve heritage values in a heritage area designated under clause 7.2.1,

the local government may vary any site or development requirement specified in the Scheme or the Residential Design Codes by following the procedures set out in clause 5.5.2.

PART 8 - DEVELOPMENT OF LAND

8.1 Requirement for approval to commence development

Subject to clause 8.2, all development on land zoned and reserved under the Scheme requires the prior approval of the local government. A person must not commence or carry out any development without first having applied for and obtained the planning approval of the local government under Part 9.

- Notes:
1. The planning approval of the local government is required for both the development of land (subject of this Part) and the use of land (subject of Part 4).
 2. Development includes the erection, placement and display of any advertisements

8.2 Permitted development

Except as otherwise provided in the Scheme, for the purposes of the Scheme the following development does not require the planning approval of local government —

- (a) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is —
 - a) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*;
 - b) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - c) included on the Heritage List under clause 7.1 of the Scheme;
- (b) the erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where —
 - a) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes; or
 - b) the development will be located in a heritage area designated under the Scheme;
- (c) the demolition of any building or structure except where the building or structure is —
 - a) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
 - b) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;
 - c) included on the Heritage List under clause 7.1 of the Scheme; or
 - d) located within a heritage area designated under the Scheme;
- (d) a home office;
- (e) any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees; and
- (f) any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included in the Heritage List or in a heritage area.

Note: Development carried out in accordance with a subdivision approval granted by the Commission is exempt under section 157 of the Planning and Development Act.

8.3 Amending or revoking a planning approval

8.3.1 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.

8.4 Unauthorized existing developments

8.4.1 The local government may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.

8.4.2 Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of planning approval, and the continuation of the development unlawfully commenced is taken to be lawful upon the grant of planning approval.

Notes: 1. Applications for approval to an existing development are made under Part 9.
2. The approval by the local government of an existing development does not affect the power of the local government to take appropriate action for a breach of the Scheme or the Act in respect of the commencement or carrying out of development without planning approval.

PART 9 - APPLICATIONS FOR PLANNING APPROVAL

9.1 Form of application

9.1.1 An application for approval for one or more of the following —

- a) a use or commencement of development on a Local Reserve under clause 3.4;
- b) commencement of a 'P' use which does not comply with all relevant development standards and requirements of the Scheme as referred to in clause 4.3.2;
- c) commencement of a 'D' use or an 'A' use as referred to in clause 4.3.2;
- d) commencement of a use not listed in the Zoning Table under clause 4.4.2 b);
- e) alteration or extension of a non-conforming use under clause 4.9;
- f) a change of a non-conforming use under clause 4.9;
- g) continuation of a non-conforming use under clause 4.12;
- h) variation of a site or development requirement under clause 5.5;
- i) commencement of development under clause 8.1;
- j) continuation of development already commenced or carried out under clause 8.4;
- k) a subsequent planning approval pursuant to an approval under clause 10.8.1; and
- l) the erection, placement or display of an advertisement,

is, subject to clause 9.2, to be made in the form prescribed in Schedule 6 and is to be signed by the owner, and accompanied by such plans and other information as is required under the Scheme.

9.1.2 An application for the erection, placement or display of an advertisement is to be accompanied by the additional information set out in the form prescribed in Schedule 7.

9.2 Accompanying material

9.2.1 Unless the local government waives any particular requirement every application for planning approval is to be accompanied by —

- a) a plan or plans to a scale of not less than 1:500 showing —
 - (i) the location of the site including street names, lot numbers, north point and the dimensions of the site;
 - (ii) the existing and proposed ground levels over the whole of the land the subject of the application and the location, height and type of all existing structures, and structures and vegetation proposed to be removed;
 - (iii) the existing and proposed use of the site, including proposed hours of operation, and buildings and structures to be erected on the site;
 - (iv) the existing and proposed means of access for pedestrians and vehicles to and from the site;
 - (v) the location, number, dimensions and layout of all car parking spaces intended to be provided;

- (vi) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
 - (vii) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same; and
 - (viii) the nature and extent of any open space and landscaping proposed for the site;
- b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;
 - c) any specialist studies that local government may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies; and
 - d) any other plan or information that the local government may require to enable the application to be determined.

9.3 Additional material for heritage matters

Where an application relates to a place entered on the Heritage List or within a heritage area, the local government may require an applicant to provide one or more of the following to assist the local government in its determination of the application —

- (a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;
- (b) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the local government exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot.

9.4 Advertising of applications

9.4.1 Where an application is made for planning approval to commence a use or commence or carry out development which involves a use which is —

- a) an 'A' use as referred to in clause 4.3.2; or
- b) a use not listed in the Zoning Table,

the local government is not to grant approval to that application unless notice is given in accordance with clause 9.4.3.

9.4.2 Despite clause 9.4.1, where application is made for a purpose other than a purpose referred to in that clause, the local government may require notice to be given in accordance with clause 9.4.3.

9.4.3 The local government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways —

- a) notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the local government by a specified date being not less than 14 days from the day the notice is served;

- b) notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local government by a specified day being not less than 14 days from the day the notice is published;
 - c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.
- 9.4.4 The notice referred to in clause 9.4.3 a) and b) is to be in the form prescribed in Schedule 8 with such modifications as are considered appropriate by the local government.
- 9.4.5 Any person may inspect the application for planning approval referred to in the notice and the material accompanying that application at the offices of the local government.
- 9.4.6 After the expiration of the specified period from the serving of notice of the application for planning approval, the publication of the notice or the erection of a sign or signs, whichever is the later, the local government is to consider and determine the application.

PART 10 - PROCEDURE FOR DEALING WITH APPLICATIONS

10.1 Consultation with other authorities

10.1.1 In considering an application for planning approval the local government may consult with any other statutory, public or planning authority it considers appropriate.

10.1.2 In the case of land reserved under the Scheme for the purposes of a public authority, the local government is to consult that authority before making its determination.

10.2 Matters to be considered by local government

10.2.1 The local government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application —

- a) the aims and provisions of the Scheme and any other relevant Local Planning Schemes operating within the Scheme area;
- b) the requirements of orderly and proper planning including any relevant proposed new Local Planning Scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- c) any approved statement of planning policy of the Commission;
- d) any approved environmental protection policy under the *Environmental Protection Act 1986*.
- e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State.
- f) any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;
- g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- h) 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 under clause 7.1, and the effect of the proposal on the character or appearance of a heritage area;
- i) the compatibility of a use or development with its setting;
- j) any social issues that have an effect on the amenity of the locality;
- k) the cultural significance of any place or area affected by the development;
- l) 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;
- m) 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, tidal inundation, subsidence, landslip, bush fire or any other risk;
- n) the preservation of the amenity of the locality;
- o) 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;

- p) 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;
- q) 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;
- r) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- s) whether public utility services are available and adequate for the proposal;
- t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- u) whether adequate provision has been made for access by disabled persons;
- v) 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;
- w) whether the proposal is likely to cause soil erosion or land degradation;
- x) the potential loss of any community service or benefit resulting from the planning approval;
- y) any relevant submissions received on the application;
- z) the comments or submissions received from any authority consulted under clause 10.1.1;
- aa) any other planning consideration the local government considers relevant.

10.3 Determination of applications

In determining an application for planning approval the local government may —

- (a) grant its approval with or without conditions; or
- (b) refuse to grant its approval.

10.4 Form and date of determination

10.4.1 As soon as practicable after making a determination in relation to the application, the local government is to convey its determination to the applicant in the form prescribed in Schedule 9 and the date of determination is to be the date given in the notice of the local government's determination.

10.4.2 Where the local government refuses an application for planning approval the local government is to give reasons for its refusal.

10.5 Term of planning approval

10.5.1 Where the local government grants planning approval for the development of land —

- a) the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and
- b) the approval lapses if the development has not substantially commenced before the expiration of that period.

10.5.2 A written request may be made to the local government for an extension of the term of planning approval at any time prior to the expiry of the approval period in clause 10.5.1.

10.6 Temporary planning approval

Where the local government grants planning approval, the local government may impose conditions limiting the period of time for which the approval is granted.

Note: A temporary planning approval is where the local government grants approval for a limited period, for example, where the land may be required for some other purpose in the future, and is different to the term of the planning approval which is the period within which the development must commence.

10.7 Scope of planning approval

Planning approval may be granted —

- (a) for the use or development for which the approval is sought;
- (b) for that use or development, except for a specified part or aspect of that use or development; or
- (c) for a specified part or aspect of that use or development.

10.8 Approval subject to later approval of details

10.8.1 Where an application is for a development that includes the carrying out of any building or works, the local government may grant approval subject to matters requiring the subsequent planning approval of the local government. These matters may include the siting, design, external appearance of the buildings, means of access, landscaping, and such other matters as the local government thinks fit.

In respect of an approval requiring subsequent planning approval, the local government may require such further details as it thinks fit prior to considering the application.

10.8.2 Where the local government has granted approval subject to matters requiring the later planning approval of the local government, an application for approval of those matters must be made not later than 2 years after the date of the determination of the first approval, or such other period as is specified in the approval.

10.9 Deemed refusal

10.9.1 Subject to clause 10.9.2, an application for planning approval is deemed to have been refused if a determination in respect of that application is not conveyed to the applicant by the local government within 60 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.

10.9.2 An application for planning approval which is the subject of a notice under clause 9.4 is deemed to be refused where a determination in respect of that application is not conveyed to the applicant by the local government within 90 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.

10.9.3 Despite an application for planning approval being deemed to have been refused, the local government may issue a determination in respect of the application at any time after the expiry of the period specified in clause 10.9.1 or 10.9.2, as the case requires, and that determination is as valid and effective from the date of determination as if it had been made before the period expired.

10.10 Application for review

An applicant aggrieved by a determination of the local government in respect of the exercise of a discretionary power under the Scheme may appeal under Part 14 of the Planning and Development Act.

PART 11 - ENFORCEMENT AND ADMINISTRATION

11.1 Powers of the local government

11.1.1 The local government in implementing the Scheme has the power to —

- a) enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matter pertaining to the Scheme;
- b) acquire any land or buildings within the Scheme area under the provisions of the Scheme or the Planning and Development Act; and
- c) deal with or dispose of any land which it has acquired under the provisions of the Scheme or the Planning and Development Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

11.1.2 An employee of the local government authorized by the local government may, at all reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

11.2 Removal and repair of existing advertisements

11.2.1 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 local government may by written notice (giving clear reasons) require the advertiser to remove, relocate, repair, adapt or otherwise modify the advertisement.

11.2.2 Where, in the opinion of the local government, 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 local government may by written notice require the advertiser to —

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

11.2.3 For the purpose of clauses 11.2.1 and 11.2.2 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 local government's determination, within which the action specified is to be completed by the advertiser.

11.2.4 A person on whom notice is served under this clause may apply for review under Part 14 of the Planning and Development Act against the determination of the local government.

11.3 Delegation of functions

11.3.1 The local government 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.

- 11.3.2 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 11.3.1.
- 11.3.3 The exercise of the power of delegation under clause 11.3.1 requires a decision of an absolute majority as if the power had been exercised under the *Local Government Act 1995*.
- 11.3.4 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.

11.4 Person must comply with provisions of Scheme

11.4.1 A person must not —

- a) contravene or fail to comply with the provisions of the Scheme;
- b) use any land or commence or continue to carry out any development within the Scheme area —
 - (i) otherwise than in accordance with the Scheme;
 - (ii) unless all approvals required by the Scheme have been granted and issued;
 - (iii) otherwise than in accordance with any conditions imposed upon the grant and the issue of any approval required by the Scheme; and
 - (iv) otherwise than in accordance with any standards laid down and any requirements prescribed by the Scheme or determined by the local government under the Scheme with respect to that building or that use.

Note: Section 214 of the Planning and Development Act provides that a person who —

- (a) contravenes or fails to comply with the provisions of a Local Planning Scheme; or
 - (b) commences or continues to carry out any development which is required to comply with a Local Planning Scheme otherwise than in accordance with that scheme or otherwise than in accordance with any condition imposed with respect to the development by the responsible authority pursuant to its powers under that scheme,
- is guilty of an offence, Penalty: \$50 000, and a daily penalty of \$5 000.

11.5 Compensation

11.5.1 A person whose land or property is injuriously affected by the making or amendment of the Scheme may make a claim for compensation under section 173 of the Planning and Development Act —

- a) in any case, within 6 months of the date of publication of notice of the approval of the Scheme or the amendment, as the case requires, in accordance with the *Town Planning Regulations 1967*; or
- b) where the land has been reserved for a public purpose and —
 - (i) an application made under the Scheme for approval to carry out development on the land is refused; or
 - (ii) an application made under the Scheme for approval to carry out development on the land is granted subject to conditions that have the effect of permitting the land to be used or developed for no purpose other than a public purpose,
 - (iii) not later than 6 months after the application is refused or the permission granted.

11.5.2 A person whose land or property is injuriously affected by the making of a Scheme may not claim compensation for that injurious affection more than once under clause 11.5.1.

Note: A claim for compensation under section 11(1) of the Planning and Development Act may be made in the Form No. 7 in Appendix A of the *Town Planning Regulations 1967*.

11.6 Purchase or taking of land

11.6.1 If, where compensation for injurious affection is claimed under the Planning and Development Act, the local government elects to purchase or take the land compulsorily the local government is to give written notice of that election to the claimant within 3 months of the claim for compensation being made.

11.6.2 The local government may deal with or dispose of land acquired by it for the purpose of a Local Reserve upon such terms and conditions as it thinks fit but the land must be used, and preserved, for a use compatible with the purpose for which it is reserved.

Note: Section 190 & 191 of the Planning and Development Act empowers the local government to purchase or compulsorily acquire land comprised in a scheme.

11.7 Notice for removal of certain buildings

11.7.1 Under section 214 of the Planning and Development Act, 28 days written notice is prescribed as the notice to be given for the removal of a building or other work referred to in that subsection.

11.7.2 The local government may recover expenses under section 214 of the Planning and Development Act in a court of competent jurisdiction.

SCHEDULES

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Schedule 1 - Dictionary of defined words and expressions

[cl. 1.7]

1. General definitions

In the Scheme —

“**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;

“**amenity**” means all those factors which combine to form the character of an area and include the present and likely future amenity;

“**building envelope**” means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained;

“**conservation**” has the same meaning as in the *Heritage of Western Australia Act 1990*;

“**cultural heritage significance**” has the same meaning as in the *Heritage of Western Australia Act 1990*;

“**floor area**” has the same meaning as in the *Building Code of Australia 1996* published by the Australian Building Codes Board;

“**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;

“**Gazettal date**”, in relation to a Scheme, means the date on which the Scheme is published in the *Gazette* under section 87 of the Planning and Development Act;

“**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 ground level and the finished roof height directly above;

“**incidental use**” means a use of premises which is ancillary and subordinate to the predominant use;

“**local government**” means the Shire of Yalgoo;

“**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;

“**lot**” has the same meaning as in the Planning and Development Act but does not include a strata or survey strata lot;

“**minerals**” has the same meaning as in the *Mining Act 1978*;

“**net lettable area (nla)**” means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas -

- (a) all stairs, toilets, cleaner’s cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- (b) lobbies between lifts facing other lifts serving the same floor;
- (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building;

“**non-conforming use**” has the same meaning as it has in section 17 of the Planning and Development Act;

“**owner**” in relation to any land, includes the Crown and every person who jointly or severally whether at law or in equity —

- (a) is entitled to the land for an estate in fee simple in possession;
- (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of that land;
- (c) is a lessor or licensee from the Crown; or
- (d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive, the rents and profits from the land, whether as beneficial owner, trustee, mortgagee in possession or otherwise;

“**place**”, in Part 7 (Heritage Protection) has the same meaning as it has in the *Heritage of Western Australia Act 1990*;

“**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;

“**predominant use**” means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary;

“**premises**” means land or buildings;

“**Residential Design Codes**” means the Residential Design Codes in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy (Variation No.2) as amended from time to time;

“**retail**” means the sale or hire of goods or services to the public;

“**substantially commenced**” means that work or development the subject of planning approval has been begun by the performance of some substantial part of that work or development;

“**Planning and Development Act**” means the *Planning and Development Act 2005*;

“**wholesale**” means the sale of goods or materials to be sold by others;

“**zone**” means a portion of the Scheme area shown on the map 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 a reserve or special control area.

2. Land use definitions

In the Scheme —

“**ancillary accommodation**” has the same meaning as described 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 care;

“aged & dependent persons` dwelling” has the same meaning as described 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;

“agriculture – intensive” means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following –

- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
- (b) the establishment and operation of plant or fruit nurseries;
- (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); or
- (d) aquaculture;

“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;

“caravan park” has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*;

“caretaker’s dwelling” means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant;

“carpark” means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any premises in which cars are displayed for sale;

“civic use” means premises used by a government department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purposes;

“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;

“drive-in theatre” means land and buildings used to make provision for an audience to view the entertainment while seated in motor vehicles;

“educational establishment” means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;

“fuel depot” means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises;

“funeral parlour” means premises used to prepare and store bodies for burial or cremation;

“home occupation” means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which —

- (a) does not employ any person not a member 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 20 square metres;
- (d) does not display a sign exceeding 0.2 square metres;
- (e) does not involve the retail sale, display or hire of goods of any nature;
- (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (g) 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; or
- (c) require any external change to the appearance of the dwelling;

“hospital” means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital;

“hotel” means premises providing accommodation the subject of a hotel licence under the *Liquor Licensing Act 1988*, and may include a betting agency on those premises, but does not include a tavern or motel;

“industry” means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing 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;

“industry - extractive” means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry – mining;

“industry - general” means an industry other than a cottage, extractive, light, mining, rural or service industry;

“industry - light” means an industry —

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;
- (b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;

“industry - mining” means land used commercially to extract minerals from the land;

“industry - rural” means —

- (a) an industry handling, treating, processing or packing rural products; or
- (b) a workshop servicing plant or equipment used for rural purposes;

“industry - service” means —

- (a) an industry – light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
- (b) premises having a retail shop front and used as a depot for receiving goods to be serviced;

“motel” means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the *Liquor Licensing Act 1988*;

“motor vehicle, boat or caravan sales” means premises used to sell or hire motor vehicles, boats or caravans;

“motor vehicle repair” means premises used for or in connection with —

- (a) electrical and mechanical repairs, or overhauls, to vehicles; or
- (b) repairs to tyres,

but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;

“office” means premises used for administration, clerical, technical, professional or other like business activities;

“place of worship” means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;

“residential building” has the same meaning as described in the Residential Design Codes;

“residential – grouped dwelling” has the same meaning as described in the Residential Design Codes;

“residential – single house” has the same meaning as described in the Residential Design Codes;

“restaurant” means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the *Liquor Licensing Act 1988*;

“roadhouse – a service station” that is accessed from a State road and may provide the following services:

- (a) a full range of automotive repair services;
- (b) restaurant and fast food outlet for the travelling public;
- (c) short-stay accommodation, including motel and caravan park;
- (d) public ablution facilities, including provision for the disabled and an infant changing room;
- (e) parking for passenger and freight vehicles;
- (f) outdoor rest stop facilities such as picnic tables and shade; and
- (g) a muster point in response to accidents, floods, crime and other emergencies;

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“rural pursuit” means any premises used for —

- (a) the rearing or agistment of animals;
- (b) the stabling, agistment or training of horses;
- (c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or
- (d) the sale of produce grown solely on the lot,

but does not include agriculture – extensive or agriculture – intensive;

“service station” means premises used for —

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles,

but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;

“shop” means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet;

“short-term accommodation” means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period;

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“showroom” means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature;

“trade display” means premises used for the display of trade goods and equipment for the purpose of advertisement;

“transient workforce accommodation” dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractors camp and dongas.

Schedule 2 - Additional uses

No	Description of Land	Zone	Additional Use	Conditions
1.	Reserve 22148 (Lot 26) Stanley St., Yalgoo	Residential	Nursing Post	As determined by Council
2.	Lot 44 Cnr Queen and Campbell Streets, Yalgoo	Residential	Workshop	As determined by Council

Schedule 3 - Restricted Uses

Schedule 4 - Special use zones

No.	Description of land	Permitted Special Use	Conditions
1.	Proposed Lot Ptn Reserve 39961 Piesse St, Yalgoo	Caravan Park	Nil
2.	Lot 4315, 4234 and Lot 305 Great Northern Highway, Paynes Find. <i>AMD 1 GG 17/11/15</i>	Road House Short-term accommodation Caravan Park	1. Permitted use of Lot 305 is restricted to service station and automotive repair services that are consistent with motor vehicle repair.

Schedule 5 - Exempted advertisements

Land Use and/or Development Requiring Advertisement	Exempted Sign Type and Number (Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	Maximum Area of Exempted Sign
Residential Dwellings	One professional name-plate as appropriate	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation	0.2m ²
Places of Worship	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinemas, Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ²
Shops, Showrooms and Other Uses Appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	Not applicable
Industrial Warehouse Premises	<p>A maximum of four advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building.</p> <p>A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.</p>	<p>Total area of any such advertisement shall not exceed 15 metres.</p> <p>Maximum permissible total area shall not exceed 10m² and individual advertisement signs shall not exceed 6m²</p>
Showrooms	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned, either from other private land or from public places and streets.	N/A
Public Places and Reserves	<p>a. Advertisement signs (illuminated and non-illuminated) relating to the functions of government, a public authority or council of a municipality, excluding those of a promotional nature constructed or exhibited by, or on behalf of, any such body;</p> <p>b. Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed of a government department,</p>	<p>N/A</p> <p>N/A</p>

Land Use and/or Development Requiring Advertisement	Exempted Sign Type and Number (Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	Maximum Area of Exempted Sign
	public authority or the council of a municipality; and c. Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation of the like made pursuant to powers contained within a statute, provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	N/A
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m ² in area.
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings	N/A
All classes of buildings other than single family dwellings	One advertisement sign containing name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²

Temporary Signs	Exempted sign Type and Number (All non-illuminated signs unless otherwise stated)	Maximum Area of Exempted Sign
Building Construction Sites (advertisement signs displayed only for duration of the construction as follows):		
a) Dwellings	One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.	2m ²
b) Multiple dwellings, Shops, Commercial and Industrial Projects	One sign as for a) above.	5m ²
c) Large Development or Redevelopment Projects Involving Shopping Centres, Office or other Buildings Exceeding three Storeys in Height	One sign as for a) above. One additional sign showing the name of the project builder.	10m ² 5m ²
Sales of Goods or Livestock	One sign per lot displayed for a period not exceeding three months advertising the sale of	2m ²

Temporary Signs	Exempted sign Type and Number (All non-illuminated signs unless otherwise stated)	Maximum Area of Exempted Sign
	goods or livestock upon any land or within any building upon which the sign is exhibited, provided that the land is not normally used for that purpose.	
Property Transactions Advertisement signs Displayed for the Duration of the Period over which Property Transactions are Offered and Negotiated as Follows:		
a) Dwellings	One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed	Each sign shall not exceed an area of 2m ²
b) Multiple dwellings, Shops, Commercial and Industrial Properties	One sign as for a) above.	Each sign shall not exceed and area of 5m ²
c) Large Properties Comprised of Shopping Centres, Building in Excess of Four Storeys and Rural Properties in Excess of 5 hectares	One sign as for a) above.	Each sign shall not exceed an area of 10m ²
Displayed Homes	i) One sign for each dwelling on display	2m ²
Advertisement Signs Displayed for the Period over which Homes are on Display for Public Inspection.	ii) In addition to i) above, one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	5m ²

Schedule 6 - Form of application for planning approval**APPLICATION FOR PLANNING APPROVAL**

OWNER DETAILS	
Name:	
Address:	
Postcode:	
Phone:	(work):
	(home):
	(mobile):
Fax:	
E-mail:	
Contact person:	
Signature:	Date:
Signature:	Date:
Signature:	Date:
<i>The signature of the owner(s) is required on all applications. This application will not proceed without that signature/s.</i>	

APPLICANT DETAILS	
Name:	
Address:	
Postcode:	
Phone:	(work):
	(home):
	(mobile):
Fax:	
E-mail:	
Contact person for correspondence:	
Signature:	Date:

<< Complete Property Details overleaf >>

PROPERTY DETAILS		
Lot No:	House/Street No:	Location No:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Title encumbrances (e.g. easements, restrictive covenants):		
Street name:		Suburb:
Nearest street intersection:		

EXISTING BUILDING/LAND USE
Description of proposed development and/or use:
Nature of any existing buildings and/or use:
Approximate cost of proposed development:
Estimated time of completion:

OFFICE USE ONLY	
Acceptance Officer's initials:	Date received:
Local government reference no:	

Schedule 9 - Notice of determination on application for planning approval

[cl. 10.4.1]

Planning and Development Act 2005

Shire of Yalgoo

Determination on application for planning approval

Location:

Lot: Plan/Diagram:

Vol. No.: Folio No.:

Application date: Received on:

Description of proposed development:

The application for planning approval is:

granted subject to the following conditions:

refused for the following reasons(s):

Conditions/reasons for refusal:

.....

.....

.....

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant is aggrieved by this determination there is a right of appeal under Part 14 of the *Planning and Development Act 2005*. An appeal must be lodged within 60 days of the determination.

Signed: Dated:

.....

for and on behalf of the Shire of Yalgoo

Schedule 10 - Environmental Conditions

[cl. 5.6.1]

Scheme or Amendment No.	Gazettal Date	Environmental Conditions

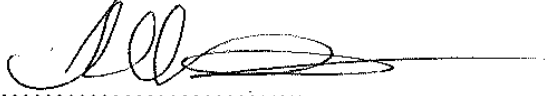
Adoption

Adopted by the resolution of the Council of the Shire of Yalgoo at the Ordinary meeting held on 23rd day of October 2008 (C2008-1006).

.....

.....
President


..... 15 . 12 . 2010
..... Date

.....

.....
Chief Executive Officer

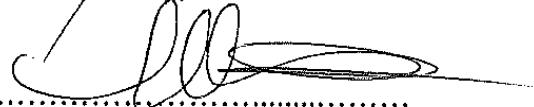
..... 15 . 12 . 2010
..... Date

Final Approval

1. Adopted by the resolution (C2010-0604) of Council of the Shire of Yalgoo at the ordinary meeting of Council held on the 17th day of June 2010 and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of,

.....

.....
President Terry Iturbide

..... 15 . 12 . 2010 2.
..... Date


.....

.....
Chief Executive Officer Sharon Daishe

..... 15 . 12 . 2010
..... Date

Recommended/submitted for final approval by the Western Australian Planning Commission.

.....
Delegated under S.16 of Planning and
Development Act 2005

.....
It is hereby certified that this is a true copy of the
Scheme/Amendment, final approval to which was
endorsed by the Minister for Planning on 25/8/11.
Date

.....

.....
Certified by

3. Final Approval Granted

.....
Minister for Planning

.....
Officer of the Commission Duly authorised pursuant to
Section 24 of the Planning and Development Act 2005
and Regulation 22(3) of the Town Planning Regulations
1967.

.....
Date