

## PLANNING AND DEVELOPMENT ACT 2005

### APPROVED LOCAL PLANNING SCHEME AMENDMENT Shire of Yilgarn

#### LOCAL PLANNING SCHEME No. 2 - AMENDMENT No. 3

Ref: TPS/3003

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Yilgarn Local Planning Scheme amendment on 5 September 2023 for the purpose of:

1. Delete reference to the following terms and replace them with the corresponding term throughout the Scheme:
  - i. Town Planning Scheme No 2 with Local Planning Scheme No 2.
  - ii 'Council' with 'local government'.
2. Delete the preamble in its entirety and insert:

#### SHIRE OF YILGARN LOCAL PLANNING SCHEME NO. 2

The Shire of Yilgarn under the *Planning and Development Act 2005* makes the following Local Planning Scheme.

3. Delete Appendix 4, Appendix 5 Appendix 6, Appendix 7, and the 'Application for Planning Approval.
4. Replace roman numerals with numbers used for each part throughout the Scheme text consistent with the model provisions as follows:  
  
Part I – PRELIMINARY to Part 1 – PRELIMINARY;  
Part II – RESERVES to Part 2 – RESERVES  
Part III – ZONES to Part 3 – ZONES AND USE OF LAND;  
Part IV – GENERAL DEVELOPMENT REQUIREMENTS to Part 4 - GENERAL DEVELOPMENT REQUIREMENTS  
Part V – SPECIAL CONTROLS to Part 5 - SPECIAL CONTROL AREAS.
5. In Part 1 deleting clauses 1.1 – 1.8 and inserting clauses 1-12 of the model provisions (as applicable ) and:
  - i. inserting Shire of Yilgarn Local Planning Scheme No. 2 after 'the' in clause 1;
  - ii. inserting Shire of Yilgarn Local Planning Scheme No. 1 – Southern Cross Townsite –
  - iii. Gazetted 13 December 1968 in clause 3;
  - iv. inserting Shire of Yilgarn adter 'The' in clause 5;

- v. inserting (c) the supplemental provisions to the deemed provisions contained in Schedule A. in clause 7(1);
  - vi. inserting the following scheme aims under clause 9:
    - (a) facilitate an independent, growing and vibrant community;
    - (b) encourage, direct and control quality and orderly development in the Scheme area so as to promote and protect the health, safety, and general economic and social well being of the community, and the amenity of the area;
    - (c) promote sustainable development that integrates consideration of economic, social and environmental goals for the Scheme area;
    - (d) provide a sufficient supply of suitable serviced land for housing, rural, mining, commercial, industrial and tourism development, community facilities, recreation and open space;
    - (e) assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial and tourism development, as well as providing opportunities for home-based employment;
    - (f) manage the use and development of land by means of zoning and development controls to achieve compatibility between land uses, and the preservation and where possible the enhancement of amenity for urban and rural uses;
    - (g) maintain and protect valuable areas of agricultural production and conserve its non-rurban character whilst accommodating other complementary rural activities;
    - (h) retain the primary of the Great Southern townsite as the commercial centre of the Scheme area;
    - (i) maintain and enhance the positive aspects of a country lifestyle enjoyed by the inhabitants of the Scheme area through appropriate control over the layout and design of developed areas by fostering a distinctive character based on good design principles;
    - (j) conserve, protect and enhance the biodiversity (genetic, species and ecosystem diversity, environmental values and natural heritage) of the Scheme area and its environs by ensuring that land use and development is undertaken sustainably with biodiversity values at the fore-front of decision-making.
6. inserting the words 'there are no other local planning schemes that apply to the Shire of Yilgarn' in clause 11 and 'there are no region planning schemes which apply to the Scheme area' in clause 12.
7. In Part 2, deleting clause 2.1 and inserting clauses 13, 14(1) and 15 of the model provision and:
- i. inserting 'There are no regional reserves in the Scheme area,' in clause 13;
  - ii. inserting clause 14(2) as follows:

Local reserves are shown on the Scheme Map accordingly to the legend on the Scheme Map and are listed hereunder:

- (i) Nature Reserves;
- (ii) State Forest;
- (iii) Recreation;
- (iv) Public purposes;
- (v) Railway; and
- (vi) Waterways

iii. inserting 'There are no additional uses for land in local reserves that apply to this Scheme.' In clause 15.

8. In Part 3:

- i. deleting Clauses 3.1-3.4 and inserting Clause 16(1) and 16(2) of the model provisions;
- ii. inserting the following model zones and objectives within Table 1 - Zone Objectives in Clause 16(2) - Residential, Commercial and Special Use; and
- iii. inserting the model objectives for the model 'General Industry' zone in Table 1 – Zone Objectives in Clause 16(2) under the existing zone name 'Industrial'
- iv. inserting existing Townsite and Rural/Mining zones and objectives within Table 1 - Zone Objectives in Clause 16(2) as follows:

Zone Name	Objectives
Townsite	<ul style="list-style-type: none"> <li>• To be used primarily for residential development, different forms of accommodation and public recreation.</li> <li>• The local government may consider uses in accordance with Table 2 Zoning Table where they may benefit the community and / or will not result in a negative impact on amenity.</li> </ul>
Rural/Mining	<ul style="list-style-type: none"> <li>• To be used primarily for rural, mining, agricultural, single houses, and public recreation.</li> </ul>

- v. deleting clause 3.2, 3.3 and 3.4 and inserting Clause 17, 18, 19, 20 and 21 of the model provisions; and
- vi. inserting 'There are no restricted uses which apply to this Scheme' under clause 20.

9. Relocate 'Table 1 - Zoning Table' to Clause 17 and modify it as follows:

- i. replace the symbols listed as 'AA' and 'SA' with the correlating 'D' and 'A' symbol from the model provisions;
- ii. insert an 'X' symbol where no symbol appears in the cross reference for a use class against a zone to show those uses are not permitted;
- iii. rename 'Table 1-Zoning table' to 'Table 2-Zoning Table';
- iv. replace existing land use terms with correlating terms from the model provisions as follows, and in the Scheme text as required:
  - Car Sales with motor vehicle, boat or caravan sales;
  - Civic Building with civic use;
  - Consulting Room with consulting rooms;
  - Health Centre to medical centre;
  - Hotel/Tavern as separate hotel and tavern;

- Industry General with Industry;
  - Motor Repair Station with motor vehicle repair;
  - Public Worship with place of worship;
  - Radio/TV Installation with telecommunications infrastructure;
  - Restaurant with restaurant/café;
  - Industry cottage with rural home business/ industry cottage;
  - Rural Pursuit with rural pursuit/hobby farm; and
  - Veterinary Consulting Rooms with Veterinary Centre;
  - Showroom with Bulky goods showroom;
- v. delete cemeteries/crematoria, drive in theatre, attached house, fish shop, industry hazardous, industry-noxious, industry – service, dry cleaning premises, milk depot, public amusement, public assembly, public recreation, public utility, petrol filling station, professional office, reception centre, sportsground, stables, showroom and zoological gardens;
- vi. delete the heading 'residential' and list a single house and a grouped dwelling separately; and
- vii. delete 'Refer to Appendix 3' and insert 'Refer to Clause 21 and Table 4' in the Special use zone column.
- viii. insert 'Tavern' within the Zoning table with the following permissibility:

<b>LANDUSE</b>	<b>Residential</b>	<b>Commercial</b>	<b>Industrial</b>	<b>Special Use</b>	<b>Townsite</b>	<b>Rural Mining</b>
Tavern	X	P	X		D	X

10. In Part 3, Inserting the following as "Table 3 - Specified additional uses for zoned land in the scheme area" in clause 19(1)(b):

<b>No</b>	<b>Description of land</b>	<b>Additional use</b>	<b>Conditions</b>
1	Lot 64 (No 37) & Lot 63 (No 39) Altair Street, Southern Cross	roadhouse	To the discretion of the local government
2	Lot 159 (92) Antares Street, Southern Cross	shop motor vehicle repairs	To the discretion of the local government
3	Lot 700 (No 51), Lot 70 (No 53), Lot 71 (No 55) & Lot 72 (No 57) Antares Street, Southern Cross	Bulky goods showroom arehouse	To the discretion of the local government

11. In Part 3, inserting the following as "Table 4- Special use zones in scheme area" in clause 21(1):

No.	Description of land	Special use	Conditions
1.	Lot 501 (6) Orion Street, Southern Cross	hotel	To the discretion of the local government
2.	Lot 768 (70) & Lot 899 (79) Canopus Street, Southern Cross Portion Lot 300, Reserve 8902, Canopus Street, Southern Cross	motel	To the discretion of the local government
3.	Lot 40 (No 21) Antares Street, Southern Cross	hotel	To the discretion of the local government
4.	Lot 203 (94), Lot 202 (92) Sirius Street & Lot 201 (90) Sirius Street, Southern Cross	hotel	To the discretion of the local government
5.	Lot 438 (50) & Lot 439 (48) Altair Street, Southern Cross	Place of worship public assembly	To the discretion of the local government
6.	Lot 607 (66) & Lot 278 (60) Antares Street, Southern Cross	Place of worship public assembly	To the discretion of the local government
7.	Lot 755 (10) Coolgardie Street, Southern Cross	caravan park camping ground	To the discretion of the local government

12. Delete 'PART VII - NON ONFORMING USES' in its entirety and in Part 3 insert Clause 22, 23, and 24 from the model provisions.
13. Delete clauses 4.1, 4.2, 4.3, 4.4, 4.5 (excluding Table 2 - Development Table) and insert model provisions 25 – 31 in Part 4 and:
- i. inserting " There are no modifications to the R-Codes which apply to this Scheme" in clause 26;
  - ii. inserting "There are no modifications to State Planning Policy 3.6" in clause 28;
  - iii. inserting "There are no other State planning policies that are to be read as part of the Scheme" in clause 29;
  - iv. inserting "There are no modifications to a State planning policy that, under clause 29 is to be read as part of the Scheme" in clause 30; and
  - v. inserting 'There are no environmental conditions imposed under the Environmental Protection Act 1986 that apply to this Scheme' In clause 31.
14. In Part 4, inserting clause 32 of the model provisions with the heading 'General site and development requirements' and;
- i. inserting clause 32(1) to state 'The Table sets out requirements relating to development that are additional to those set out in the R-Codes, precinct structure plans, local development plans or State or local planning policies.';
  - ii. relocating 'Table 2 - Development Table' to clause 32(1) and re-naming 'Table 2- Development Table' to 'Table 5 - Development Table';
  - iii. deleting and replacing the following terms in existing 'Table 2 - Development Table':
    - 'Club' to 'Club Premises';
    - 'Consulting Room' to 'Consulting Rooms';

- 'Day Care Centre' to 'Family Day Care';
  - 'Industrial Light' to 'Industry – Light';
  - 'Industrial General' to 'Industry';
  - 'Restaurant' to 'Restaurant/Café';
  - 'Vehicle Sales' to 'Motor Vehicle, Boat or Caravan Sales'; and
  - 'Veterinary Consulting Rooms' to 'Veterinary Centre'.
15. Delete clauses 5.1 (Heritage), 5.2.2, 5.2.3, 5.2.5, 5.2.6, 5.2.7, 5.2.8 and 5.2.9 as they have been superseded by the deemed provisions.
16. Renumber clause 5.2 'Control of Advertisements' to clause 32.1 in Part 4 and replacing clauses 5.2.1.1 and 5.2.1.2 as follows:

### **32.1 Control of Advertisements**

#### 32.1.1 Power to control advertisements

Applications for development approval pursuant to this Part shall be in accordance with Clause 62 and 63 of the deemed provisions and accompanied by the form set out in Clause 86(1) and 86(2) of the deemed provisions.

17. Delete Clause '5.3 Transportable dwellings and insert new heading 'Repurposed or second hand dwellings' in Part 4 inserting new clauses as follows:

32.2.1 Notwithstanding any other provision in this Scheme, a second hand or repurposed dwelling requires development approval.

32.2.2 Applications for development approval pursuant to this Part shall be in accordance with Clause 62 and 63 of the deemed provisions, and accompanied by the form set out in Clause 86(1) and 86(2) of the deemed provisions.

32.2.3 In determining an application for a Repurposed Dwelling or Second Hand Dwelling, the local government will have regard to the following matters:

- (a) The objectives of the relevant zone;
- (b) The ability of the built form including roof pitch, eaves, colours, material and architectural details to complement the expected character of the locality;
- (c) The potential for negative visual impact or conflict with any established streetscape and character of the locality;
- (d) Any proposed upgrading, alterations and additions which will enhance the elevations and architectural detail of proposed development;
- (e) Use of new external materials to upgrade the dwelling to have the equivalent of the appearance of a new dwelling;
- (f) The potential for existing or proposed landscaping and vegetation to mitigate visual impacts of the development;
- (g) The visibility of the dwelling from any street, public place or neighbouring lots having regard for matters such as lot size and setbacks.

18. In Part 4 inserting model provision clauses 33-35 and:
  - i. inserting 'There are no additional requirements that apply to this Scheme' in clause 33; and
  - ii. modifying clause 34(1) to 'in this clause general site and development requirements means requirements set out in clause 32.
19. In Part 5, inserting model provision clause 36 and stating 'There are no special control areas which apply to this Scheme'.
20. Delete Parts VI, VII, VIII Appendix 1-3, in their entirety.
21. Inserting 'Part 6 - Terms referred to in Scheme' consistent with clause 37 and 38 of the model provisions with the exception of the land use terms and definitions for 'bed and breakfast', 'fast food outlet / lunch bar', 'industry primary production', 'marina', 'marine filling station', 'rural home business', 'tree farm' and 'wind farm'.
22. Inserting the following land use terms and their definitions from approved drafting instructions and/or WAPC policy:

**industry – rural** means premises used for an industry that:

- (a) supports and/or is associated with primary production; or
- (b) services plant or equipment used in primary production;

**renewable energy facility** means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or relating to, the generation of energy by a renewable resource. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business premises and any on selling to the grid is secondary;

**Independent living complex** means a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, but does not include a development which includes these features as a component of a residential aged care facility;

**nature based park** means premises as defined in the *Caravan Parks and Camping Grounds Regulations 1997*;

**rural home business/ industry- cottage** means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation –

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 200m<sup>2</sup>; and
- (d) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (e) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle more than 30 tonnes gross weight;

**second hand dwelling** means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a modular home or transportable dwelling;

**repurposed dwelling** means a building or structure not previously used as a single house which has been repurposed for used as a dwelling;

**airfield** means any premises used for purposes relating to aircraft landing, take-off and maintenance and does not include a private airstrip incidental to farming operations;

**fast food outlet** means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten –

- (a) without further preparation; and
- (b) primarily off the premises;

**lunch bar** means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;

**tree farm** means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered;

**residential aged care facility** means a residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation, includes:

- (a) appropriate staffing to meet the nursing and personal care needs of residents;
- (b) meals and cleaning services;
- (c) furnishings, furniture and equipment.

This may consist of multiple components that include communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short-term) care, and/or an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility;

**camping ground** means an area used for a camping ground as defined in the *Caravan Parks and Camping Grounds Act 1995*.

23. Inserting "Schedule A - Supplemental provisions to the deemed provisions" after Division 2, with the following -

These provisions are to be read in conjunction with the deemed provisions (Schedule 2) contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Supplementary provisions in this Schedule A are numbered to correlate with the clauses outlined in Schedule 2 Deemed Provisions, as per the *Planning and Development (Local Planning Schemes) Regulations 2015*:

61(1)(b) – Table

(note that clause 61 includes a preamble setting out that the uses in the table are exempt from requiring a DA, subject to the conditions being met. Numbering continues the numbers in the Regs)

No.	Column 1 Works	Column 2 Conditions
22	The erection of, or alterations or additions to, a single house on a lot including ancillary outbuildings.	(a) Within the Townsite or Rural/Mining zones if a single house is a permitted ("P") use in the zone (where the R-Codes do not apply); (b) The works are not a 'second-hand' or 're-purposed' dwelling. (c) The works are not located in a heritage-protected place.
23	Any of the exempted classes of advertisements listed in Schedule B	(a) The works are not located in a heritage protected place.
24	the erection of a boundary fence	(a) The fence is not located in the street setback area on land zoned Residential and does not comply with the R-Codes.

61(2) (note that numbering follows the Regulations)

- (i) The use of the land in a reserve, where such land is vested in the local government or vested in a Public Authority:
    - (i) for the purpose for which the land is reserved under the Scheme; or
    - (ii) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority;
24. Rename Appendix 8 to Schedule B and Appendix 9 to Schedule C.
25. Amend the Southern Cross townsite zoning map as follows:
- i. Labelling lots that have existing Additional Uses as A1 to A3 consistent with proposed Table 3.
  - ii. Numbering the existing Special Use zones SU 1 to SU6 consistent with proposed Table 4.
  - lii, Updating the map legend in accordance with the scheme amendment maps
26. Any editorial matters arising from these modifications, including renumbering, cross referencing to new clause numbers and deemed provisions as required; updating the Table of Contents and headings to align with the model provisions and revised scheme format.

W DELLA BOSCA  
PRESIDENT

N WARREN  
CHIEF EXECUTIVE OFFICER