

Shire of Yalgoo

October 2013



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RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME

Shire of Yalgoo Local Planning Scheme No.2

	amend the above Town Planni		ning and Development Act
a)			
Dated this	day of	20	
			Chief Executive Officer

REPORT – AMENDMENT NO.1

FILE NO:

PART OF AGENDA

MINISTER FOR PLANNING

PROPOSAL TO AMEND A TOWN PLANNING SCHEME

1. Local Government: Shire of Yalgoo

2. Description of Scheme: Shire of Yalgoo Local Planning Scheme No. 2

Serial Number: Amendment No.1 3.

- 4. Proposal:
 - 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 'Recreation' Reserve to a 'Commercial' Zone, as indicated on the Scheme Amendment Map.
 - Amend Schedule 2 to include an Additional Use designation (No.3) over Lots 4315 and 4234, for the purposes of 'short stay accommodation' and a 'caravan park', as follows:

No	Description of Land	Zone	Additional Use	Conditions
3	Lot 4315 and Lot 4234 Great Northern Highway, Paynes	Commercial	Short Stay Accommodation	Nil.
	Find		Caravan Park	

Delete Clause 4.6 of the Scheme and replace with the following text:

4.6 Restricted Uses

4.6.1 Despite anything contained in the Zoning Table, the land specified in Schedule 3 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 3 with respect to that land.

Note: A restricted use is the only use or uses that is permitted on a specific portion of land and other uses that would otherwise be permissible in the zone are not permitted.

e) Amend Schedule 3 – Restricted Uses by including a Restricted Use designation applicable to Lot 305 Great Northern Highway, Paynes Find, as follows:

No	Description of Land	Zone	Restricted Use	Conditions
1	Lot 305 Great Northern Highway, Paynes Find (Reserve 38039)	Commercial	Service Station Motor Vehicle Repair	Nil.

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Introduction

The Shire of Yalgoo seeks the support of the Western Australian Planning Commission (WAPC) and the approval of the Hon. Minister for Planning to the proposed Scheme Amendment.

OVERVIEW OF PROPOSALS

The proposed Scheme Amendment seeks to:

- 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.
- 2. Reclassify Lot 305 (Reserve 38039), Lot 4234 (Plan 185840) and Lot 4315 (Plan 190649) from a 'Local Reserve Recreation' to a 'Commercial' Zone, as indicated on the Scheme Amendment Map.
- 3. Amend Schedule 2 to include an Additional Use designation (No.3) over Lots 4315 and 4234, for the purposes of 'short stay accommodation' and a 'caravan park'.

No [Description of Land	Zone	Additional Use	Conditions
N	Lot 4315 and Lot 4234 Great Northern Highway, Paynes Find	Commercial	Short Stay Accommodation Caravan Park	Nil.

4. Delete Clause 4.6 of the Scheme and replace with the following text:

4.6 Restricted Uses

4.6.1 Despite anything contained in the Zoning Table, the land specified in Schedule 3 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 3 with respect to that land.

Note: A restricted use is the only use or uses that is permitted on a specific portion of land and other uses that would otherwise be permissible in the zone are not permitted.

5. Amend Schedule 3 – Restricted Uses by including a Restricted Use designation applicable to Lot 305 Great Northern Highway, Paynes Find, as follows:

No	Description of Land	Zone	Restricted Use	Conditions
1	Lot 305 Great Northern Highway, Paynes Find (Reserve 38039)	Commercial	Service Station Motor Vehicle Repair	Nil.

This Scheme Amendment request is essentially a 'tidy up' of the Yalgoo planning scheme to ensure the zoning/reservations relating to the Yalgoo Community Precinct and Paynes Find Commerical/Service Precinct accurately reflects the development existing and proposed on site, whilst providing flexibility for the future development of the land.

CONTEXT

Yalgoo is an inland town situated in the Mid-West region and Central Murchison sub-region of Western Australia. The town of Yalgoo is located approximately 200km east of Geraldton and 600km north-east of Perth. The town was one of the early settlements in the Central Murchison region, with its growth originally triggered by the discovery of gold in 1892. The town is now an administrative centre for the Shire of Yalgoo, with a population of approximately 120 within the townsite, and 410 people within the broader Shire.

Paynes Find is a former gold rush settlement, located approximately 430km northeast of Perth and approximately 140km south-east of the town of Yalgoo. Its Gold Battery, which was established in 1911, is today the only working battery in the State. Paynes Find is one of the most spectacular wildflower areas in Western Australia and during the wildflower season (July – October), attracting tourists to the area. The settlement comprises a roadhouse, located on Great Northern Highway, which serves as a fuel stop for passing vehicles.

The balance of the Shire is largely undeveloped, with mainstay industries being agriculture and mining.

1 Site Description

1.1 LOCATION

The areas subject to this Scheme Amendment are located within the townsites of Yalgoo and Paynes Find, within the Shire of Yalgoo.

1.1.1 YALGOO COMMUNITY PRECINCT

With respect to the reclassification relating to the Yalgoo Community Precinct, the site is bound by Campbell Street to the east and Gibbons Street to the west, with vacant land located to the north and low density residential development to the south.

Figure 1, below, illustrates the location of the Yalgoo Community Precinct:

FIGURE 1 - LOCATION PLAN - YALGOO TOWN (SOURCE: LANDGATE 2013)



Scheme Amendment Area

1.1.2 PAYNES FIND COMMERCIAL PRECINCT

With respect to the Paynes Find Commercial/Service Precinct, there are 3 fragmented portions of land subject to this Scheme Amendment request, including 2 lots located on the truck layover road, approximately 120m north of Great Northern Highway, and 2 portions of 1 lot which straddle the Great Northern Highway. The location of the Scheme Amendment area affecting Paynes Find is shown in Figure 2, below:

FIGURE 2 - LOCATION PLAN - PAYNES FIND (SOURCE: LANDGATE 2013)



1.2 SITE DESCRIPTION

Scheme Amendment Area

1.2.1 YALGOO COMMUNITY PRECINCT

The western portion of the Yalgoo Community Precinct site currently comprises a water park which is located to the north-west of the precinct which was built in 2011, as well as a 'rage cage' sports facility, to accommodate approximately 10 different sports facilities; including soccer, hockey, netball and basketball. The water park consists of a themed playground which incorporates local children's artwork and elements of local flora and various other water activities.

The eastern portion of the Scheme Amendment area is proposed to accommodate a Community Centre, comprising a hall, youth centre, TAFE area, community arts and sewing room, kitchen, offices and a gallery.

Land within the eastern portion of the Scheme Amendment area is currently vacant, comprising some informal access tracks and scattered vegetation. The right-of-way which previously separated the eastern and western portions of the precinct has now been closed through approval of a road closure application by the Department of Lands.

1.2.2 PAYNES FIND COMMERCIAL AREA

With respect to the Paynes Find Scheme Amendment area, the northern lots currently comprise the Tavern/Roadhouse facility, which provides a small emergency stop for caravans, with some existing accommodation provided.

The lot to the west (Lot 4315) provides storage for larger machinery and vehicles and comprises a sewerage pond to the west of the northern portion of the Scheme Amendment area, which handles all effluent disposal generated within the developed areas.

A series of photographs depicting the current Yalgoo Community Precinct and Paynes Find Commercial/Service Area is provided below

FIGURE 3 – YALGOO COMMUNITY PRECINCT (SOURCE: SHIRE OF YALGOO 2013)

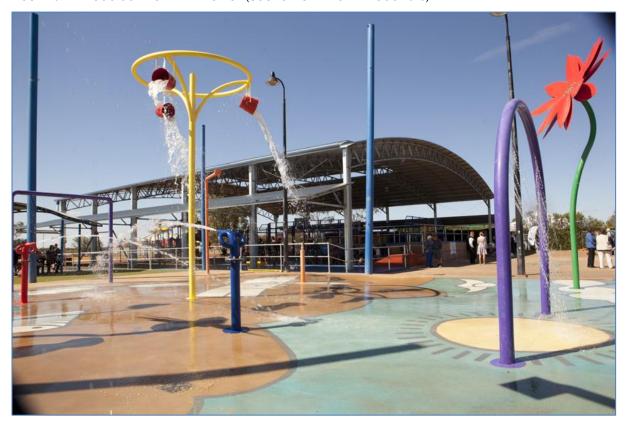


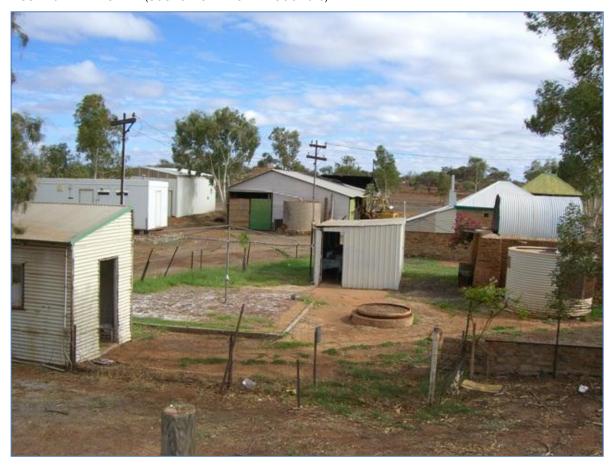
FIGURE 4 – YALGOO COMMUNITY PRECINCT (SOURCE: SHIRE OF YALGOO 2013)



FIGURE 5 – PAYNES FIND – ROADHOUSE (SOURCE: SHIRE OF YALGOO 2013)



FIGURE 6 – PAYNES FIND (SOURCE: SHIRE OF YALGOO 2013)



1.3 LAND TENURE AND SITE DETAILS

1.3.1 YALGOO COMMUNITY PRECINCT

There is 1 Unallocated Crown Land lot subject to the rezoning relating to the Yalgoo Scheme Amendment Area, as outlined in Table 1 and Figure 7, below. This lot was recently subject to a Crown Land Amalgamation, which amalgamated Lots 49, 50 and 51 (to the east) and the central portion of right-of-way into Lot 207 (Reserve 35346), resulting in a new Unallocated Crown Land Lot 500.

A road closure application was recently approved by the Department of Lands, to close the portion of right-of-way previously located centrally in the Yalgoo Community Precinct.

TABLE 1 - LANDGATE DETAIL

LOT NO.	STREET	PLAN	AREA	RESERVE	PROPIETER
UCL 500	Gibbons Street	P65697	6,550m ²	R35346	State of WA

FIGURE 7 - LANDGATE PLAN - YALGOO (SOURCE: LANDGATE 2013)



Yalgoo Community Precinct'

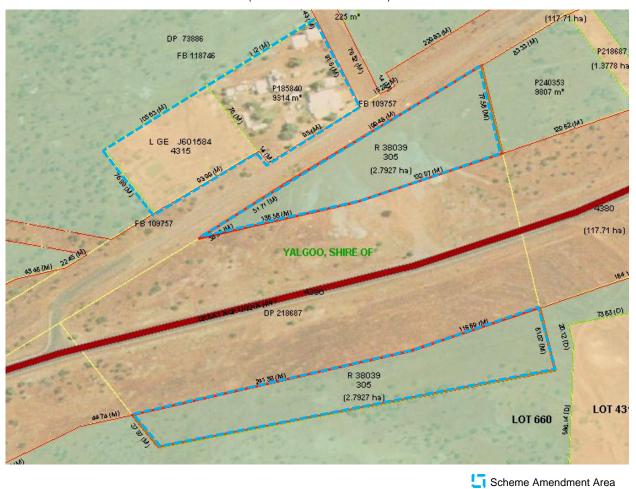
1.3.2 PAYNES FIND COMMERCIAL PRECINCT

There are three (3) lots subject to the rezoning relating to the Paynes Find commercial area, as outlined in Table 2 and Figure 8 below:

TABLE 2 - LANDGATE DETAIL

LOT NO.	STREET	PLAN	RESERVE	AREA	REGISTERED PROPIETER
305	Great Northern Highway	45606	R38039 (Recreation)	2.79ha	Management Orders – Shire of Yalgoo
4234	Great Northern Highway	P185840		9,314m²	Outback Enterprises WA Pty Ltd
4315	Great Northern Highway	P190649		7,955m²	State of WA

FIGURE 8 - LANDGATE PLAN - PAYNES FIND (SOURCE: LANDGATE 2013)



A copy of the Certificate of Titles and Sketches relating to this Scheme Amendment are included at **Appendix A.**

1.4 ENVIRONMENTAL AND HERITAGE CONSIDERATIONS

1.4.1 YALGOO COMMUNITY PRECINCT

The Yalgoo Community Precinct largely comprises cleared land, with some scattered vegetation.

1.4.2 PAYNES FIND COMMERCIAL PRECINCT

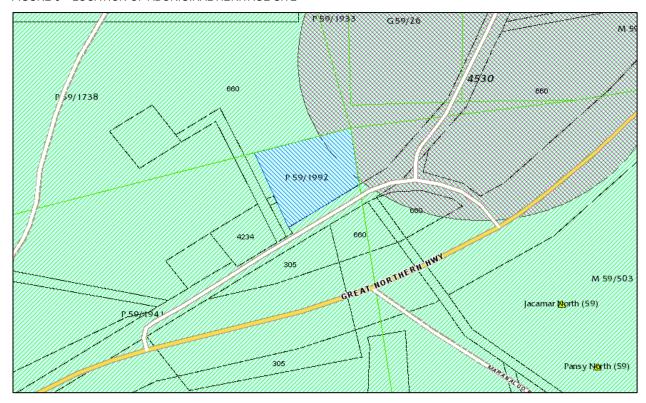
The Paynes Find Commercial Precinct comprises some scrub vegetation within the southern portions of the Scheme Amendment area.

The precinct also comprises sewerage ponds, which are located to within Lot 4315, to the west of the site. Should further development/expansion occur within the Scheme Amendment area, the removal and remediation of the site will need to be considered by the Applicant.

Soil types in the Shire generally are primarily York Gum Soil (light/heavy) interspersed with Salmon Gum Clay. The light land soils are yellowish brown sands or clayey sands, normally 1m in depth overlying laterite or gravel.

A search of the Department of Indigenous Affairs Heritage Inquiry System confirmed there are no Aboriginal heritage sites located within the Yalgoo Community Precinct or Paynes Find Commercial Precinct. There is, however, an Aboriginal heritage site located east of the Payne's Find site, as shown in Figure 9 (Site 4530), below:

FIGURE 9 - LOCATION OF ABORIGINAL HERITAGE SITE



The Paynes Find Tavern/Roadhouse Facility (Coodinghow Hotel) is also listed on the State Heritage Register (Place Number 02777), as well as the Shire of Yalgoo Municipal Heritage Inventory. The Paynes Find Tavern/Roadhouse has both historic and social significance. The building is a single storey structure, originally timber framed and clad with corrugated iron sheeting.

The Paynes Find State Battery is also located within proximity to the Scheme Amendment area (approximately 1.5km north). The Gold Battery has historic significance for its association with the mining industry in this location and is still in working order. It is a large timber framed structure clad with corrugated iron sheeting.

1.5 TRAFFIC AND ACCESS CONSIDERATIONS

1.5.1 YALGOO COMMUNITY PRECINCT

The Shire of Yalgoo is traversed by Great Northern Highway, with Paynes Find located centrally between Wubin to the south and Mt Magnet to the north on the Highway. The proposed Commercial Precinct within Paynes Find is located approximately 130m north of Great Northern Highway, on a truck layover road.

The Community Precinct is bound by Campbell Street to the east and Gibbons Street to the west. Gibbons Street is the main commercial thoroughfare in town, accommodating the general store, post office, hotel, fuel outlet and telecommunications office. It is the intention of the Shire that Gibbons Street continues to operate as the main commercial strip in town, with opportunities for further commercial investment.

1.5.2 PAYNES FIND COMMERCIAL PRECINCT

Great Northern Highway is classified as a primary distributor road under the Main Roads Road Hierarchy Classification. It is a strategic freight, tourist and inter-town route which carries a diverse range of vehicle types, including oversized vehicles bound for the Pilbara and Kimberley regions.

The Main Roads 2025 Mid-West Development Strategy comments that the portion of Great Northern Highway traversing the Mid-West region accommodates a significant mix of all vehicle types, including higher than average tourist traffic during the wildflower season.

1.6 SERVICING CONSIDERATIONS

The servicing context of the town of Yalgoo, applicable to the Yalgoo Community Precinct, is summarised below:

- Water Water Corporation provides a potable water supply from a bore field approximately 6km from the Yalgoo townsite. The supply was upgraded in 2005, and there are currently proposals for upgrading the town's water supply.
- Sewer there is no reticulated sewerage system in Yalgoo. Water Corporations wastewater treatment plant and evaporation ponds are proposed 7km to the north-east of the town. It is understood there is a proposal for a waste water treatment plant to the north-east of town.
- Power a nearby power station was commissioned in 2004 and is owned and operated by Western Power.
- Telecommunications land lines are provided by Telstra. ADSL is available, however Broadband is currently not provided.

The servicing context of Paynes Find is summarised below:

- Water there is no reticulated potable water supply provided within Paynes Find, with individual landowners required to provide on-site water supply.
- Sewer there is no reticulated effluent disposal system in Payne's Find, with individual property owners responsible for providing on-site effluent disposal. The Payne's Find Tavern currently discharges waste into existing sewerage ponds
- Power there is no reticulated power supply to the Paynes Find area, with individual landowners required to provide power to properties.
- Telecommunications there is no mobile phone coverage within the Payne's Find area but a Telstra landline system is available.

2 Proposals

2.1 YALGOO COMMUNITY PRECINCT

The Yalgoo Community Precinct exists as a consolidated and centrally located community hub in the town of Yalgoo. The Precinct aims to address the current undersupply of community infrastructure and facilities, aiming to cater particular for the youth population of Yalgoo, providing a range of sports facilities, encouraging active and healthy lifestyles. The facility encourages children to interact within the town in a more organised and safe manner, as well as encourage more structured team sports.

The western portion of the Yalgoo Community Precinct, which sits outside of the Scheme Amendment area, comprises a water park that was constructed in 2011. A new Multi-Purpose Sports Facility (known as a 'rage cage') was also recently constructed within the south-western portion of the existing Recreation reserve in June 2013, replacing the old tennis courts, to accommodate a range of sports including soccer, hockey, basketball, cricket and wall climbing. An undercover playground, BMX track, skate park, mini golf course and refurbished tennis courts are also nearing completion in this area and the Shire has plans for an ablutions block to service this area.

Stage 2 of the redevelopment of the Community Precinct involves the construction of a Youth and Community Centre, which will be located within the eastern portion of the precinct, within the Scheme Amendment area.

The complex is being jointly funded by Variety, Royalties for Regions and the Department of Sport and Recreation.

2.2 PAYNES FIND COMMERCIAL/SERVICE PRECINCT

The Paynes Find Commercial/Service Precinct is located in the settlement of Payne's Find, on Great Northern Highway, and comprises three (3) fragmented portions of land, separated by Great Northern Highway and a truck layover road. The precinct exists as a small commercial/service centres for large road trains and vehicles that use the Great Northern Highway route, including tourists.

In order to appropriately accommodate and cater for the type of vehicles and road trains utilising this remote stretch of Highway and the tourist population visiting Paynes Fid, particular in the wildflower season, the landowner of the roadhouse/tavern facility proposes to install an additional service station, comprising a fast flow diesel bowser to service large road trains and wide loads that utilise this portion of road. This service station is proposed within the northern portion of Lot 305, which is the triangular portion of land located between Great Northern Highway and the truck layover road.

Whilst this 'service station' use and other uses can be contemplated on the current 'Local Reserve Recreation' at Council's discretion, the Shire considers a reclassification to the 'Commercial' zone to more appropriately reflect the development existing and proposed on the ground, achieving consistency with the key objectives of orderly and proper planning.

Key matters Council will consider as part of assessing any future application for a service station in this locality, and other commercial or tourist uses include:

- Site contamination.
- Control of dust emissions.
- Buffer/interface treatments with Great Northern Highway and existing commercial development.
- Surface of the travel area.

3 Planning Assessment

STATE PLANNING FRAMEWORK 3.1

PLANNING BULLETIN NO.49 - CARAVAN PARKS 3.1.1

Planning Bulletin No.49 (PB 49) provides advice and seeks comments on matters to be taken into consideration in planning for the development of caravan parks. PB 49 provides guidance on various locational and site selection factors, as well as various environmental, access and infrastructure matters.

Future applications for caravan parks within the Paynes Find Commercial Precinct will be required to have due regard to the requirements of PB 49 as well as the Caravan Parks and Camping Grounds Act and Regulations.

PLANNING BULLETIN NO.83 – PLANNING FOR TOURISM 3.1.2

Planning Bulletin 83 (PB 83) sets out the policy position of the WAPC in tourism development within the State, to guide decision-making by the WAPC and local government on the subdivision, development and scheme amendment proposals for tourism proposals. Given the envisaged tourism development proposed for the Paynes Find precinct, this planning bulletin is considered relevant.

Future applications for tourism development within the Paynes Find Commercial Precinct will be required to consider the following, in accordance with PB 83:

- Accessibility.
- Uniqueness.
- Settina.
- Tourism activities and amenities.
- Supply of land.
- Suitability in a land use context.
- Capability.
- Size.
- Function.

3.2 REGIONAL PLANNING FRAMEWORK

3.2.1 DRAFT MID WEST REGIONAL PLANNING AND INFRASTRUCTURE FRAMEWORK (NOVEMBER 2011)

The Draft Mid-West Regional Planning and Infrastructure Framework (released for public comment in November 2012) aims to present an agreed framework on behalf of the region's key stakeholders, including local communities, that will maximise the opportunities to attract private and public investment.

With respect to social infrastructure and services, the Framework states that it is important that all communities to have access to adequate social infrastructure and services. The provision of such infrastructure makes a significant contribution to the liveability and attractiveness of a local community. The reclassification of land within the Yalgoo townsite to facilitate the Yalgoo Community Precinct is consistent with this aim.

3.2.1.1 YALGOO COMMUNITY PRECINCT

The town of Yalgoo is identified in the Framework as a 'local centre' under the activity centre hierarchy. The role and function of local centres within the Mid-West region is outlined below:

'Local centres offer a level of service that can deal with the detail needs of their service population but with a lower level of choice than Regional Centres. Some Local Centres may also be the seat of local government'.

With respect to the town of Yalgoo, the Framework also identifies the following role and function:

'Often but not always serves functions including civic administration, limited retail, primary school, limited health. Generally supports the mining and pastoral sectors. Can include Aboriginal Communities'.

The Scheme Amendment relating to the Yalgoo Community Precincts aims to appropriately reserve land to further develop the site for civic and community purposes, suitable for a local centre of this size.

3.2.1.2 PAYNES FIND COMMERCIAL PRECINCT

With respect to road infrastructure, the Framework states that roads within the Mid-West region carry a large number of freight vehicles, with the volume of freight vehicles not expected to decrease in the short term, as there will be a need to carry out extensive construction work on mine sites and other infrastructure projects.

Accordingly, the rezoning of the Paynes Find Commercial/Service Precinct to facilitate the expansion of the service centre is considered critical in order to provide an appropriately level of facilities for freight vehicle drivers travelling north to the Pilbara and Kimberley regions, and for tourists during the wildflower season.

The settlement of Paynes Find is identified in the activity centre hierarchy as a 'service centre'. The role and function of service centres in the Mid-West region is described below:

'Service centres are those centres that are located on a major State arterial road and offer the basic 'roadhouse' facilities, including minor vehicle repair and servicing'.

The proposed Scheme Amendment will appropriately reclassify land within the Paynes Find service centre from a Local 'Recreation' Reserve to a 'Commercial' zone, in order to more accurately reflect the existing development on the ground, as well as provide for future service and tourist uses.

The amendment to include Additional Uses relating to tourist facilities will also provide the Shire with a level of flexibility to expand the service centre to include additional accommodation for freight vehicles drivers and tourists during peak (wildflower) season. Similarly, restricting uses on land directly adjoining Great Northern Highway (Lot 305) will guide development on site.

In summary, the proposed Scheme Amendment is generally aligned with the overall intent and objectives of the Framework, and specifically the role and function of local and service centres in the Mid-West region.

3.3 LOCAL PLANNING FRAMEWORK

3.3.1 SHIRE OF YALGOO LOCAL PLANNING STRATEGY

The Shire of Yalgoo Local Planning Strategy (LPS) was adopted in December 2010 and provides the framework for land use planning within the Shire for the next 10-15 years. The key objectives for the town of Yalgoo are as follows:

- 'To maintain a small town atmosphere.
- To maintain current uses within the town.
- To allow a variety of uses necessary to service the normal functions of a townsite.
- Where practical, to encourage mining workforce accommodation to be located in town to support the pattern of settlement and local economy when the site is within commuting distance of the town'.

The proposed Scheme Amendments relating to the Yalgoo Community Precinct and Paynes Find Commercial Precinct are generally aligned with the above objectives. The reclassification of the Yalgoo Community Precinct to a Local 'Civic and Cultural' Reserve will deliver an accessible and high quality community facility available for use by the local community, particularly children.

The reclassification of the Paynes Find Commercial/Service Area will ensure land is appropriately zoned as an important commercial/service centre for passing traffic, including freight vehicle drivers and tourists, providing essential services and accommodation.

3.3.2 SHIRE OF YALGOO LOCAL PLANNING SCHEME NO.2

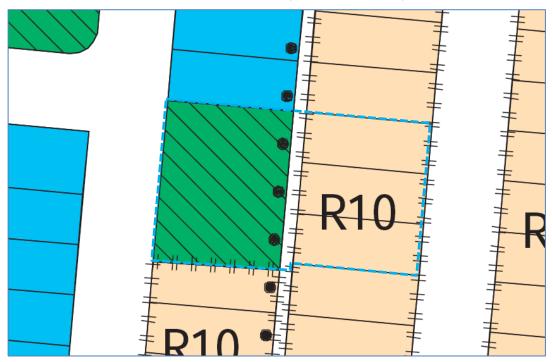
The Shire of Yalgoo Local Planning Scheme No.2 (LPS 2) provides the statutory basis for land use and development within the Yalgoo townsite and Paynes Find settlement. A brief assessment of the Scheme Amendment proposals against the relevant provisions of the Scheme is provided below.

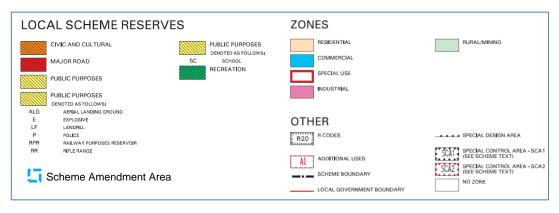
3.3.2.1 YALGOO COMMUNITY PRECINCT

The western portion of the Yalgoo Community Precinct is reserved under LPS 2 for 'Recreation' purposes, with the eastern portion contained within a 'Residential' zone, with a zoning of R10. The zoning plan illustrates that the precinct is separated by a right-of-way which is included within a 'No Zone' area under the Scheme. However, a road closure application has recently been approved by the Department of Lands to close this portion of right-of-way and include it within the broad Reserve 35346.

The existing zoning and classification of the site is shown in the figure below:

FIGURE 10 - ZONING EXTRACT - YALGOO TOWNSITE (SOURCE: WAPC 2013)





The key objectives of the existing 'Residential' zone, affecting the eastern portion of the Amendment area, are as follows:

- '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'.

In accordance with the above, it is apparent that the intent for the Residential zone is primarily for residential purposes. Accordingly, in order to appropriately accommodate the Yalgoo Community Precinct, a reclassification to a Local 'Civic and Cultural' Reserve is considered appropriate from an orderly and proper planning perspective, to accommodate the existing and proposed development. To ensure consistency, it is also proposed to reclassify the existing Local Recreation Reserve and No Zone (right of way) to a Local 'Civic and Cultural' Reserve also.

Part 3 of the Scheme deals with land reserved under the Scheme. In accordance with Clause 3.4.2 of the Scheme, planning approval is required for all development that occurs within a reserve. In determining these applications, Council shall have regard for the matters set out in Clause 10.2 of the Scheme and the ultimate purpose intended for the reserve, which in this case, is for civic and cultural purposes.

It is also noted that western portion of the Yalgoo Scheme Amendment area is contained within a 'Special Design Area' of the Scheme. Whilst there are no specific Scheme provisions relating to special design areas, it is noted that Clause 5.16 of the Scheme, relating to townscape character, states that:

'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 extension'.

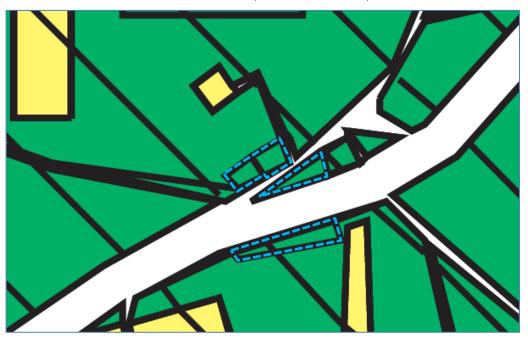
Accordingly, new development occurring within the eastern portion of the site will be required to achieve a specific design, colours and materials appropriate to its town centre location.

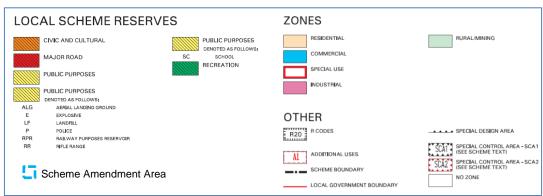
3.3.2.2 PAYNES FIND COMMERCIAL PRECINCT

The Paynes Find Commercial Area is currently reserved under the Scheme for Recreation purposes, as shown in Figure 11 below.

This Scheme Amendment proposes the reclassification of the Scheme Amendment area relating to Paynes Find to a 'Commercial' zone, which is considered a more appropriate zone for the existing development located on the site, as well as any future proposed commercial and tourist developments to service passing traffic.

FIGURE 11 – ZONING EXTRACT – PAYNES FIND (SOURCE: WAPC 2013)





3.3.2.3 COMMERCIAL ZONE

The objectives of the 'Commercial' zone are set out in Clause 4.4.2 of the Scheme:

- 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 traffic other than to service retail outlets.
- j) To provide for residential uses only where the uses are combined with a commercial use, eg. hotel, or where the residential uses occupy a floor level where it is impracticable or in appropriate to establish a shop or office'.

The Scheme Amendment is generally aligned with the above objectives, in that it will appropriately zone land in Paynes Find to provide a variety of service functions to large road trains and tourist traffic travelling along Great Northern Highway. Regional and remote service centres such as Paynes Find are important from a safety perspective, in that they provide a rest and refuelling stop for truck drivers and tourists.

The proposed reclassification to a 'Commercial' zone is preferred over a reclassification to other zones in the Scheme (for example, 'Special Use' or 'Industrial') as it is considered that the objectives for the Commercial zone are generally aligned with the intent for the area. Given the nature of the Paynes Find Commercial/Service Precinct is slightly different to other commercial areas in the Shire of Yalgoo, a number of additional and restricted uses are proposed to be incorporated into the Scheme, in order to frame the planning framework to respond specifically to this unique area.

Other uses that can be contemplated in the Commercial zone include:

- Ancillary Accommodation
- Agriculture Intensive
- Caretaker's Dwelling
- Carpark
- Civic use
- Consulting Rooms
- Funeral Parlour
- Home Occupation
- Hotel
- Industry Service
- Motel
- Motor Vehicle Repair
- Motor Vehicle, Boat or Caravan Sales
- Office
- Residential Grouped Dwelling
- Residential Building
- Residential Single House
- Restaurant
- Service Station
- Shop
- Showroom
- Trade Display

3.3.2.4 ADDITIONAL USES

Further, this Scheme Amendment proposes to designate 2 Additional Uses to Lots 4234 and 4315 to facilitate the potential future development of a caravan park and to facilitate the proposed relocation and potential expansion of short stay accommodation. This is being undertaken in accordance with Clause 4.5 of the Scheme:

'4.4.5 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'.

In accordance with the above clause, the caravan park and short stay accommodation uses will apply to Lots 4234 and 4315 only, in addition to the permitted uses listed in the Scheme Zoning Table (as stated above). This will be formalised through the proposed amendment to the Scheme Map and Schedule 2 of the Scheme (Additional Uses). Tourist uses are not considered appropriate for Lot 305, given the sites immediate interface with Great Northern Highway. Accordingly, the additional use provisions do not apply to Lot 305.

In relation to tourist development, Clause 5.17 of the Scheme states the following:

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

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

In accordance with the Clause 5.17, Council will have regard for the above matters in their consideration of any tourist proposal within the proposed Commercial zone in Paynes Find.

3.3.2.5 RESTRICTED USES

To ensure future development within Lot 305 is restricted to commercial uses appropriate for this location, this Scheme Amendment also proposes to restrict uses on the site to a 'Service Station' and 'Motor Vehicle Repair' only.

Clause 4.6 and Schedule 3 of the Scheme deal specifically with restricted uses. Conditions to such development will be at the discretion of Council.

SHIRE OF YALGOO MUNICIPAL INVENTORY OF HERITAGE PLACES 3.3.3

The Shire's Municipal Inventory was prepared in 1995, and identifies 26 places as having heritage significance. Of relevance to the Scheme Amendment relating to Paynes Find, the Municipal Inventory identifies the following heritage place:

TABLE 3 - HERITAGE PLACES OF RELEVANCE (SOURCE: SHIRE OF YALGOO 1995)

PLACE NO.	PLACE	DESCRIPTION	MANAGEMENT CATEGORY
17	Paynes Find Tavern	Single storey structure, originally timber farmed and clad with corrugated iron sheeting.	High level of protection appropriate – provide maximum encouragement to the owner to conserve the significance of the place.

Based on the above, any future applications relating to the Paynes Find Scheme Amendment area should have due regard to the protection and enhancement of the Paynes Find Tavern heritage site, given its historical significance.

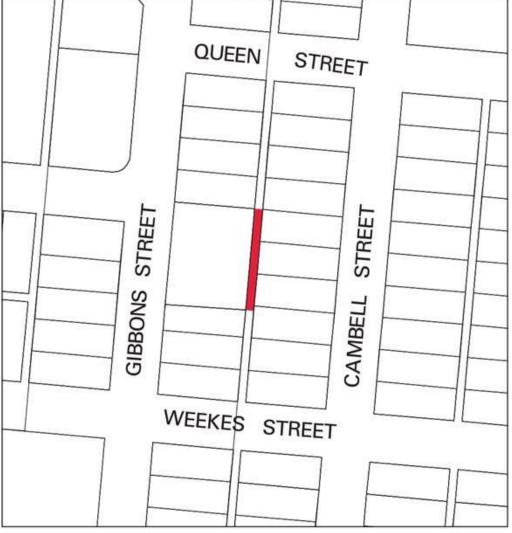
4 Matters for Consideration

4.1 YALGOO COMMUNITY PRECINCT

4.1.1 APPROVED ROAD CLOSURE APPLICATION

In order to facilitate the proposed Yalgoo Community Precinct, a road closure application was recently approved by the Department of Lands to close the portion of right-of-way (311sqm) located centrally within the Yalgoo Community Precinct, to facilitate further development. The road closure application affects the below portion of right-of-way:

FIGURE 12 - YALGOO COMMUNTIY PRECINCT - AREA AFFECTED BY ROAD CLOSURE



Portion of right-of-way affected by road closure application

4.1.2 CROWN LAND AMALGAMATION AND MODIFICATION TO RESERVE 35346

A Crown Land Amalgamation application was recently finalised by the Shire and Department of Lands, affecting the Yalgoo Community Precinct. Specifically, the application amalgamated the eastern lots (Lots 49, 50 and 51) and the portion of right-of-way, into Reserve 35346 (Lot 207) to the west of the Scheme Amendment area. Essentially, this process created 1 lot and 1 Reserve over the Scheme Amendment area (Lot 500, Reserve 35346).

A new Deposited Plan has also been prepared (P65697)

4.2 PAYNES FIND COMMERCIAL PRECINCT

4.2.1 PROPOSED AMALGAMATION - LOTS 4234 AND 4315

It is understood the landowner of Lots 4234 and 4315 proposes to amalgamate the 2 lots to facilitate additional development, including a licensed caravan park and the relocation of existing accommodation units. It is anticipated that a separate application to the WAPC will be progressed by the landowner in the future.

4.2.2 SERVICING CONSIDERATIONS

A sewerage pond currently exists to the west of Lot 4315, which handles all effluent disposal generated on the adjoining Lot 4234 (including the roadhouse facility and accommodation units). In accordance with the *EPA's Guidance Statement No.3 – Separation Distances between Industrial and Sensitive Land Uses*, buffer requirements to wastewater treatment plans (including pond systems) are generally subject to individual buffer studies, however it is understood that typically a nominal 500m separation distance is required, unless it can be demonstrated that a different buffer is appropriate, having regard for a site specific analysis.

Accordingly, it is acknowledged that the Shire will likely place a condition on any future proposal for sensitive development on site (such as tourist accommodation), requiring the landowner to remove and remediate the sewerage ponds and replace with an on-site effluent disposal system, constructed to Water Corporations standards. This will be required to be considered at the development application stage.

4.2.3 INTERFACES

The proposed tourist accommodation component of the Paynes Find Commercial/Service Precinct, comprising short term accommodation and potentially a caravan park in the future, will be located adjacent to the proposed service station and machinery/vehicle storage areas. Accordingly, the future development of the proposed Commercial/Service Precinct needs to be carefully planned and designed to ensure interfaces with these bounding land uses are appropriately treated.

Appropriate interface treatments may include:

- Vegetated buffers.
- Appropriate building placement requirements.
- Building/site design requirements.
- Increased development setbacks.

The application of these and various other treatment methods will be explored in further depth at the development application stage.

5 Conclusion

The proposed Scheme Amendment relating to the Yalgoo Community Precinct and Paynes Find Commercial/Service Precinct is being progressed to more appropriately reflect the development existing on the ground as well as facilitate future development, consistent with overall principles of orderly and proper planning.

It is therefore respectfully requested that the Western Australian Planning Commission support, and Minister for Planning approve, the Amendment.

SCHEME AMENDMENT NO.1

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF YALGOO

The Council of the Shire of Yalgoo, under and by virtue of the power conferred upon it on behalf of the Planning and Development Act 2005 (as amended), hereby amends Local Planning Scheme No.2, to:

- a) 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.
- b) Reclassify Lot 305 (Reserve 38039), Lot 4234 (Plan 185840) and Lot 4315 (Plan 190649) from a 'Local Reserve Recreation' to a 'Commercial' Zone, as indicated on the Scheme Amendment Map.
- c) Amend Schedule 2 to include an Additional Use designation (No.3) over Lots 4315 and 4234, for the purposes of 'short stay accommodation' and a 'caravan park', as follows:

No	Description of Land	Zone	Additional Use	Conditions
3	Lot 4315 and Lot 4234 Great Northern Highway, Paynes	Commercial	Short Stay Accommodation	Nil.
	Find		Caravan Park	

d) Delete Clause 4.6 of the Scheme and replace with the following text:

4.6 Restricted Uses

4.6.1 Despite anything contained in the Zoning Table, the land specified in Schedule 3 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 3 with respect to that land.

Note: A restricted use is the only use or uses that is permitted on a specific portion of land and other uses that would otherwise be permissible in the zone are not permitted.

e) Amend Schedule 3 – Restricted Uses by including a Restricted Use designation applicable to Lot 305 Great Northern Highway, Paynes Find, as follows:

No	Description of Land	Zone	Restricted Use	Conditions
1	Lot 305 Great Northern Highway, Paynes Find (Reserve 38039)	Commercial	Service Station Motor Vehicle Repair	Nil.

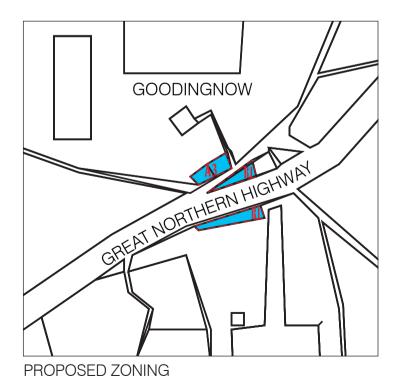
Initiate Scheme Amendment

Adopted by resolution of the Council of the 20	Shire of Yalgoo at the Ordinary Meeting of the Council held on
PRESIDENT	CHIEF EXECUTIVE OFFICER
Final Approval	
Adopted for final approval by resolution of the on 20	he Shire of Yalgoo at the Ordinary Meeting of the Council held
The Common Seal of the Shire of Yalgoo win the presence of:	vas hereunto affixed by authority of a resolution of the Council
	PRESIDENT
	CHIEF EXECUTIVE OFFICER
RECOMMENDED/SUBMITTED	
FOR FINAL APPROVAL	DELEGATED UNDER S.16 OF THE
	PLANNING AND DEVELOPMENT ACT
	2005
	DATE
FINAL APPROVAL GRANTED	
	MINISTER FOR PLANNING

SHIRE OF YALGOO LOCAL PLANNING SCHEME NO.2 (DISTRICT SCHEME) AMENDMENT NO. 1



EXISTING ZONING



LEGEND

LOCAL SCHEME RESERVES



ZONES



OTHER

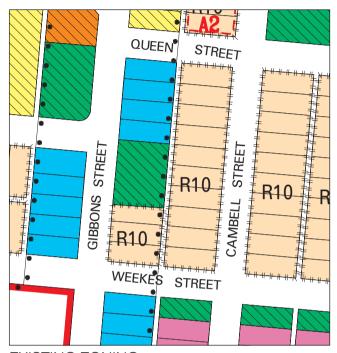




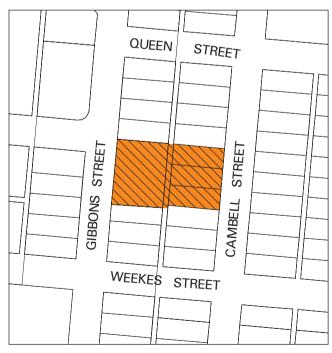
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REV A

SHIRE OF YALGOO LOCAL PLANNING SCHEME NO.2 (DISTRICT SCHEME) AMENDMENT NO. 1



EXISTING ZONING



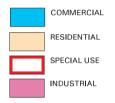
PROPOSED ZONING

LEGEND

LOCAL SCHEME RESERVES



ZONES



OTHER





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REV A

Appendix A Certificates of Title and Sketches





AUSTRALIA

REGISTER NUMBER
305/DP45605

DUPLICATE EDITION
N/A
N/A
N/A

RECORD OF QUALIFIED CERTIFICATE

OF

VOLUME LR3135

FOLIO **627**

CROWN LAND TITLE

UNDER THE TRANSFER OF LAND ACT 1893 AND THE LAND ADMINISTRATION ACT 1997

NO DUPLICATE CREATED

The undermentioned land is Crown land in the name of the STATE of WESTERN AUSTRALIA, subject to the interests and Status Orders shown in the first schedule which are in turn subject to the limitations, interests, encumbrances and notifications shown in the second schedule.

REGISTRAR OF TITLES

REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 305 ON DEPOSITED PLAN 45605

STATUS ORDER AND PRIMARY INTEREST HOLDER:

(FIRST SCHEDULE)

STATUS ORDER/INTEREST: RESERVE UNDER MANAGEMENT ORDER

PRIMARY INTEREST HOLDER: SHIRE OF YALGOO

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:

(SECOND SCHEDULE)

1. J286013 RESERVE 38039 FOR THE PURPOSE OF RECREATION REGISTERED 16.5.2005.
MANAGEMENT ORDER. CONTAINS CONDITIONS TO BE OBSERVED.

Warning: (1) A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required. Lot as described in the land description may be a lot or location.

(2) The land and interests etc. shown hereon may be affected by interests etc. that can be, but are not, shown on the register.

(3) The interests etc. shown hereon may have a different priority than shown.

------END OF CERTIFICATE OF CROWN LAND TITLE------END OF CERTIFICATE OF CROWN LAND TITLE------

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

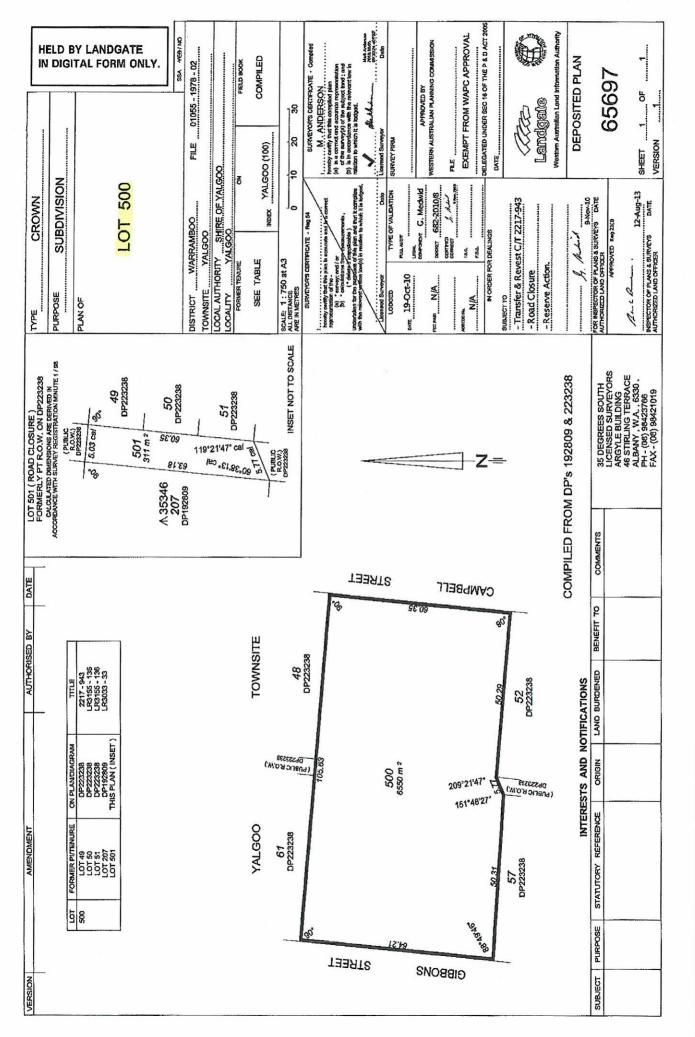
SKETCH OF LAND: DP45605. PREVIOUS TITLE: THIS TITLE

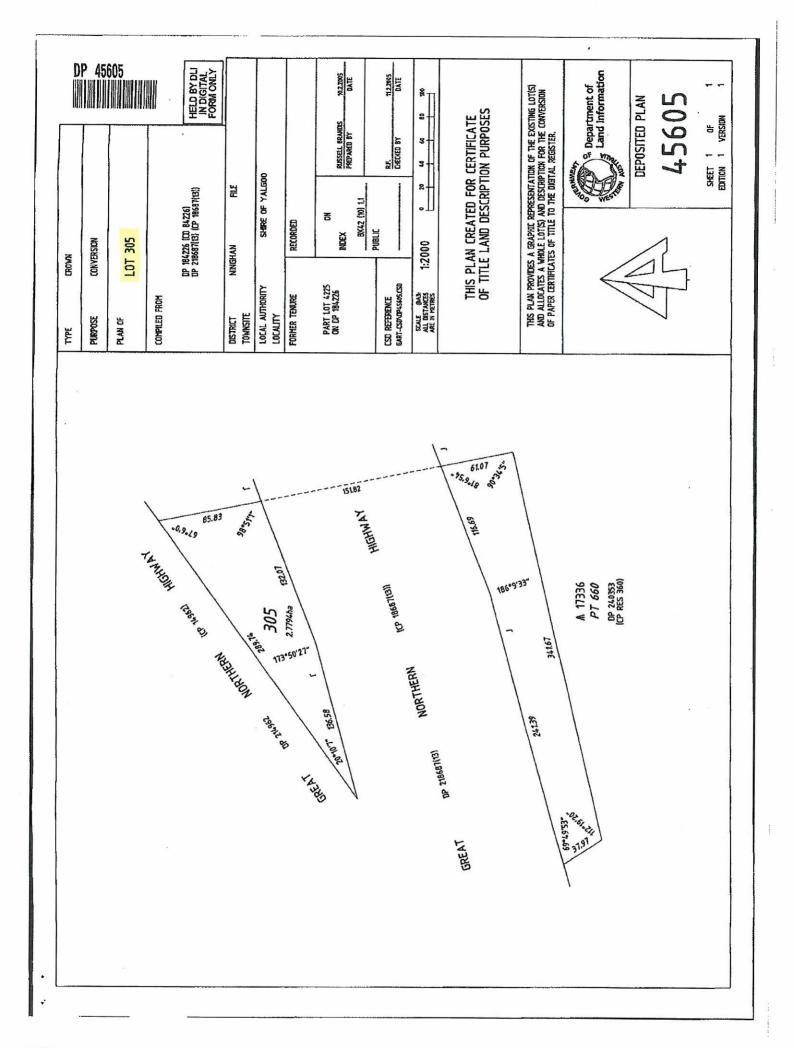
PROPERTY STREET ADDRESS: LOT 305 GREAT NORTHERN HWY, PAYNES FIND.

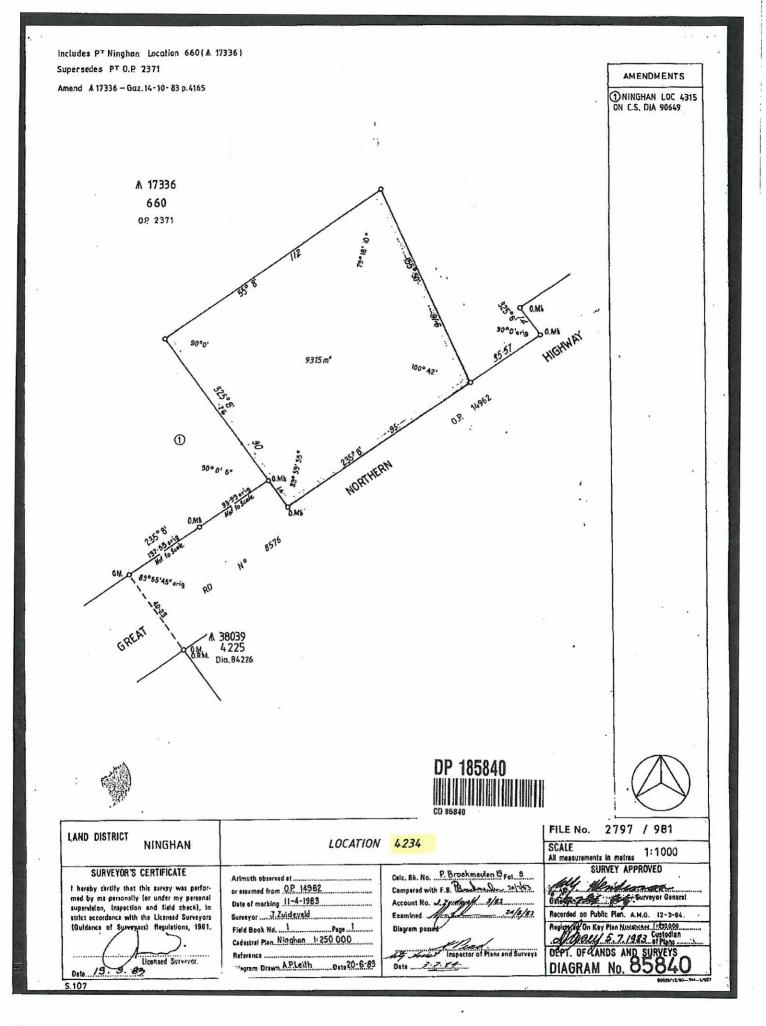
LOCAL GOVERNMENT AREA: SHIRE OF YALGOO.

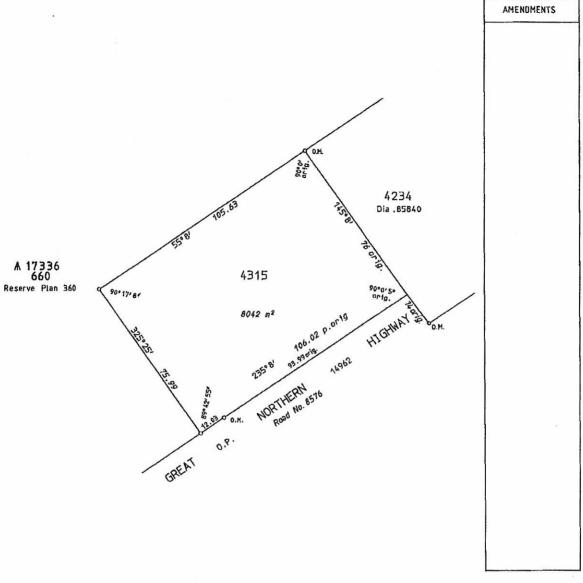
RESPONSIBLE AGENCY: DEPARTMENT OF LANDS (SLSD).

NOTE 1: J286012 CORRESPONDENCE FILE 02266-1979











LAND DISTRICT



NINGHAN	LOCAT.	ION 43	315		41
I hereby certify that:- SURVEYOR'S CERTIFICATE (a) this plan of survey is a correct and occurate representation of the survey certied out by as personally / under my owns personal supervision, tapaction and field check and recorded in Fieldstocks todged for the purpose of this plan of survey.		SCALE BUBSUTESS	1:1000 nts in setres	FILE	1522-980
b) the seasurements are in strict accordance with the life and in particular regulations 23 and 3 of those regul- ted this survey and this plan of survey are in strict accor- sistance of surveyors' Regulations 1961 and the relay	ntions; and dence with the requirements of the Licensed Surveyors	SURVEYOR	1 TTD2A9, 8	PUBLIC PLAN	NINGHAN 1:250000
Licensed Surveyor (s stelke out which ever does not apply)	Date	FIELD BOOK	2	INDEX PLAN	1007/3010
Prepared S.HULLIGAN	In order for certification Date 20/11/92.	AZINUTH FROM	DIA 88009	RECORDED ON KEYPLAN INDEX PLAN	NINGHAN 11250000
DIAGRAM CERTIFIED CORRECT		RECORDED ON PUBLIC PLAN L.R. MORGAN 11-11-92		DEPARTMENT OF LAND ADMINISTRATION	
In order for further action Date 10719	Authorized Lond Officer Date 25-11-92	REGISTERED	R.F.P. 9.6.92	DIAGRAM	90649

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