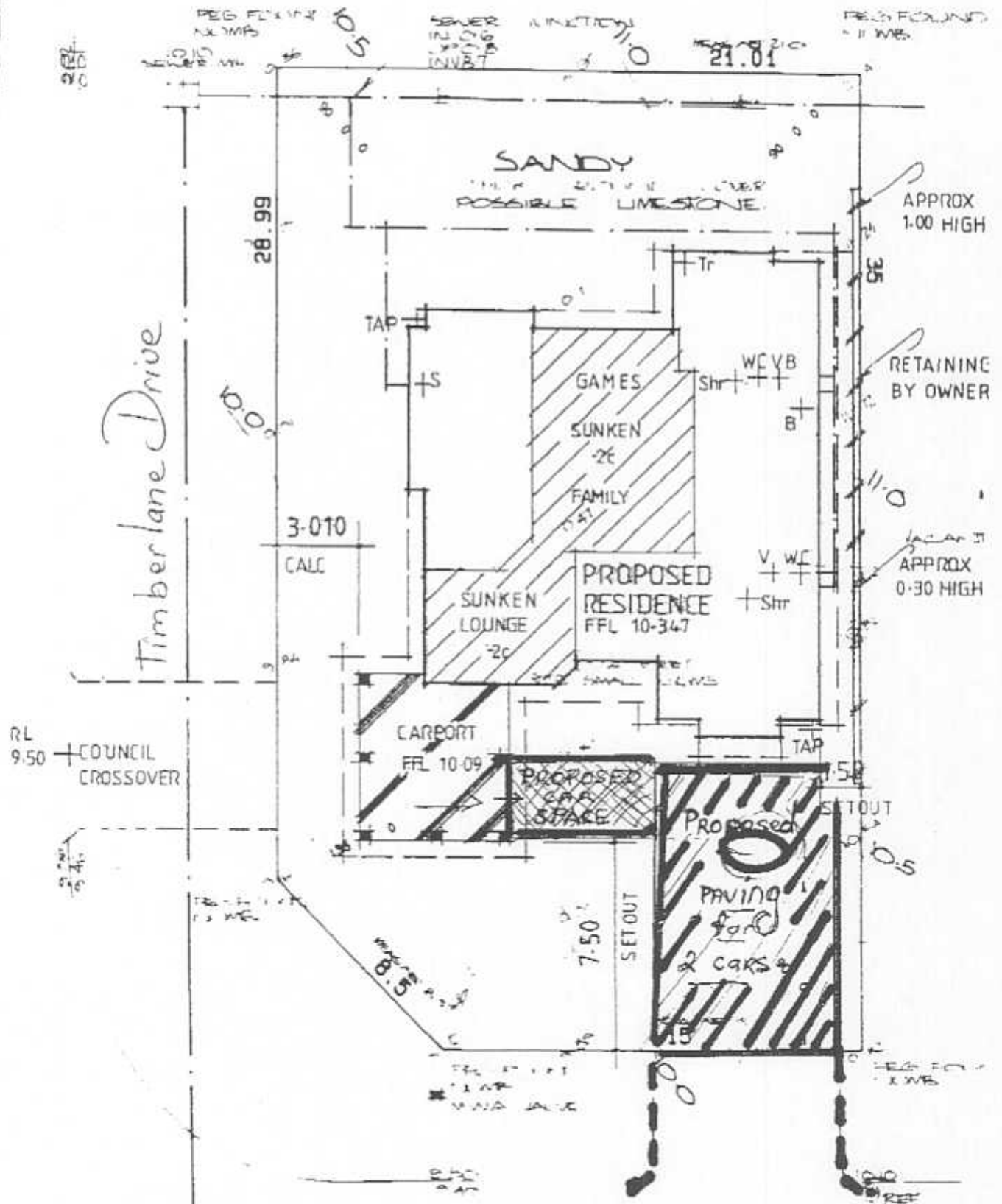




LOCATION PLAN

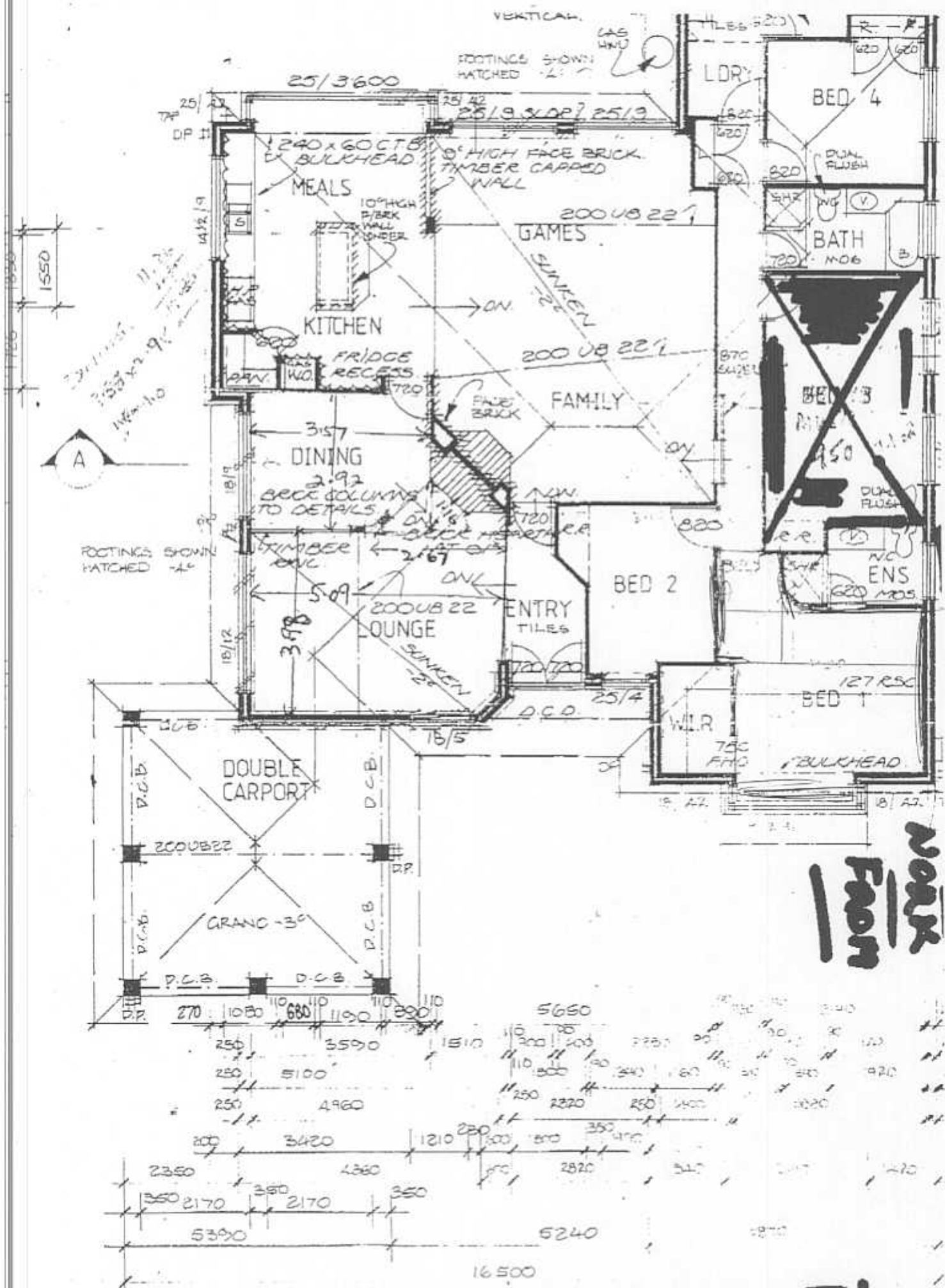


for 151 Timberlane Drive



OWN DIAGRAMMATICALLY ONLY
 PROPOSAL BY OWNER
 SEWER CONNECTION

TEAK CRT.



North East

FLOOR PLAN 1:100

Actual Floor

6.5 DEEMED REFUSAL

- 6.5.1 Notwithstanding the provisions of item (d) of subclause 6.9.1 an application which by the terms of the Scheme is required to be determined by the Council may be deemed by the applicant or proponent to have been refused where a decision determining the application has not been conveyed to the applicant or proponent by the Council within 60 days of the Council's receipt of the application or within such further time as may be agreed in writing between the applicant or proponent and the Council.

6.6 DEALING WITH "P", "D", "A" AND "X" USES

- 6.6.1 "P" Uses – If an application under the Scheme for Planning Approval involves a "P" use, the Council shall not refuse the application by reason of the unsuitability of that use, but notwithstanding that, the Council may in its discretion impose conditions upon the Planning Approval and if the application proposes or necessarily involves any building or other work, the Council upon considering that building or other work may exercise its discretion as to the approval or refusal and the conditions to be attached to the proposed development.

- 6.6.2 "D" Uses – The Council in exercising its discretion as to the approval or refusal of an application for Planning Approval, shall have regard to the provisions of clause 6.8.

If in any particular case Council considers that it would be appropriate to consult with the public generally or with the owners or occupiers of properties adjoining or in the vicinity of a site the subject of an application for Planning Approval involving a "D" use, the Council may direct that the provisions of clause 6.7 shall apply to that application.

- 6.6.3 "A" Uses – The use is not permitted unless the Council has exercised its discretion and has granted planning approval after having regard to the provisions of clause 6.8 giving special notice in accordance with clause 6.7.

- 6.6.4 "X" Uses – The council shall refuse to approve any application for planning approval which involves an "X" Use unless the use complies with clause 3.15.

6.7 PUBLIC NOTICE

6.7.1 Notification of "A" Uses

Before considering an application for planning approval involving an "A" use, the Council shall:

- (a) cause to be advertised one or more times in a newspaper circulating in the district notice of the Council's intention to consider the application for the proposed use. Any such advertisement shall state that the application and associated documents are available for inspection at the office of the Council and that written comments on the application may be lodged with the Council before a specified date, being not less than three weeks after the first publication of the notice; and
- (b) give notice to ratepayers and/or occupiers likely to be affected by the granting of the approval; such notice shall be in writing supplying at least the information referred to in item (a) of this subclause, and allowing a like time after receipt of the notice for objections to be lodged with the Council; and may
- (c) use any other methods or media considered appropriate to ensure widespread notice of the proposal;

6.7.2 Notification of "D" Uses

Before considering an application for planning approval involving a "D" use, the Council may give notice in accordance with subclause 6.7.1.

6.7.3 Consideration of Submissions on "D" and "A" Uses

If Council has advertised an application for planning approval pursuant to subclause 6.7.1 or 6.7.2, Council shall not make a decision to approve the application until after the latest date for submissions stated in any notice given or published pursuant to subclause 6.7.1 or 6.7.2 and until after Council has considered submissions lodged in accordance with the notice.

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

- 6.8.1 The Council when considering an application for Planning Approval shall have due regard to the following:
- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;
 - (b) any relevant submissions by the applicant;
 - (c) any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;
 - (d) any planning policy of the Council adopted under the provisions of clause 8.11;

- (e) any other matter which under the provisions of the Scheme the Council is required to have due regard;
- (f) any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;
- (g) any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;
- (h) the comments or wishes of any public or municipal authority received as part of the submission process;
- (i) the comments or wishes of any objectors to or supporters of the application;
- (j) any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and
- (k) any other matter which in the opinion of the Council is relevant.

6.8.2 In addition to the matters referred to in the preceding subclause of this clause, the Council when considering whether or not to approve a "D" or "A" use application shall have due regard to the following (whether or not by implication or otherwise they might have required consideration under the preceding subclauses of this clause):

- (a) the nature of the proposed use and its relationship to the use of other land within the locality;
- (b) the size, shape and character of the parcel of land to which the application relates and the nature and siting of any proposed building;
- (c) the nature of the roads giving access to the subject land;
- (d) the parking facilities available or proposed and the likely requirements for parking, arising from the proposed development;
- (e) any relevant submissions or objections received by the Council; and
- (f) such other matters as the Council considers relevant, whether of the same nature as the foregoing or otherwise.

6.9 POWER TO DETERMINE APPLICATIONS FOR PLANNING APPROVAL

- 6.9.1 The Council having regard to the appropriateness of any proposed application for planning approval may:
- (a) refuse to grant its approval;
 - (b) grant approval without conditions;
 - (c) grant approval subject to such conditions and requirements as it deems fit; or
 - (d) defer consideration or determination of the application to a later meeting if in the Council's view additional information for, or more detailed investigation of the proposal is required.
- 6.9.2 Without limiting the generality of the foregoing, the Council may, where it deems appropriate, grant a Planning Approval which:
- (a) if not commenced, substantially commenced, or completed as the case may be within the period of time specified in the Approval shall cease to be valid; or
 - (b) permits the use and/or other development of land to occur for a limited period of time specified in the approval, after the expiration of which period the use and/or other development shall cease and unless otherwise stipulated by the Council the site shall be restored to the condition existing at the time when the Approval was given, unless a further Approval has been sought and obtained.
- 6.9.3 The Council shall convey its decision to an applicant by way of the form prescribed under the Metropolitan Region Scheme for such purpose, or in any format that may be determined by the Council from time to time.
- 6.9.4 If the Council in exercising any discretion is required by the Scheme or by any other written law to have due regard to any matter or thing, it shall be deemed to have had due regard to such matter or thing unless the contrary is expressly stated in the Minutes of the relevant Council Meeting or the document communicating the determination for decision to the applicant, or is otherwise proved. In any event, due regard to the matter or thing by the responsible Committee or officer of the Council under delegated authority shall be sufficient compliance.