

Summary of proposed amendments to Local Planning Policies

Policy No.	Title	Purpose	Summary of Suggested changes	Suggested Recommendation	Reason
9.1	Road Contribution	To outline developer contribution requirements in relation to road upgrading and maintenance based on a standardised calculation	Revoke policy. The policy is not consistent with how a reasonable condition is imposed. Decisions for contributions are required to be linked directly to specific needs generated by a proposal or in an area that is covered by a Development Contributions Area in a Local Planning Scheme	Revoke policy	Policy is inconsistent with State Planning Framework and the approach is not supported by WAPC or SAT decisions.
9.2	Public Open Space Contributions from Rural Residential Rezonings	To outline minimum standards for open space provision within Rural Residential subdivision/rezonings	Revoke Policy. Open space in Rural Residential areas are determined on specific site conditions/hot a pre-determined formula. Recommendations based on this policy would not be given any weight by the State Government when making decisions on rezoning/subdivisions.	Revoke policy	Policy is inconsistent with State Planning Framework and the approach is not supported by WAPC or SAT decisions
9.3	Private Tree Plantations – Agroforestry	To assist in determining applications for private tree plantations/agroforestry	Minor changes proposed to improve clarity	Minor text changes	The policy provide relevant advice and reflects contemporary planning requirements
9.4	Outbuilding Control	To provide outbuilding control for non-residential or commercial zoned land	Minor changes proposed to control the scale of additions to sheds such as lean too extensions	Minor text changes	To ensure that additions to sheds do not adversely impact local streetscape amenity. It is noted that the policy was recently amended by Council at its November 2017 meeting.

Summary of proposed amendments to Local Planning Policies

9.5	Bonding of outstanding works, legal agreements	To provide administrative guidance for the processing and returning of bonds	Revoke policy and place in Management Operations Directions	Revoke policy and place in procedures manual	Relates to internal administration procedure only
9.6	Signage Policy	To provide a consistent approach to signage within the Shire.	No change proposed	No change proposed	The policy provide relevant advice and reflects contemporary planning requirements
9.7	Interpretation – Extractive Industry	To provide an interpretation of extractive industry that exempts extraction for private use on their property	No change proposed	No change proposed	The policy provides relevant advice and assists the Shire with enabling local landowners to extract from their land without unnecessary interference
9.8	Stocking Rates Policy	To provide guidance on animal stocking calculations for Rural Residential zoned land	Minor text changes proposed	Minor text changes	The policy provides relevant advice and reflects contemporary planning requirements
9.9	Chalet development and Bed and Breakfasts	To provide definitions for accommodation uses and detailing the need for planning approval	Revoke policy	Revoke policy	The details covered are now addressed in LPS7. The policy is an unnecessary duplication
9.10	Road Closure	To provide advice on matters to consider when assessing a road closure request.	No change proposed	No change proposed	The policy provides relevant advice and reflects contemporary planning requirements

Summary of proposed amendments to Local Planning Policies

9.11	Relocation and Use of Second hand dwellings	To ensure a suitable standard of local amenity is retained when considering the use of second hand buildings.	No change proposed	No change proposed	The policy provides relevant advice and reflects contemporary planning requirements
9.14	Recreation Contribution Residential land	To outline contribution requirements for developers based on a standardised calculation	Revoke policy	Revoke policy	Policy is inconsistent with State Planning Framework and the approach is not supported by WAPC or SAT decisions.
9.15	Commercial Vehicle Parking	To control parking of commercial vehicles in Residential/Rural Residential areas.	No change proposed	No change proposed	The policy provides relevant advice and reflects contemporary planning requirements
9.16	Transportable Structures	To provide guidance for assessing the appropriateness of transportable structures such as sea containers and dongers.	Changes proposed to clarify requirements and introduce support for "tiny houses" in limited situations for the residential zone	changes	To improve clarity
9.17	Industrial and Commercial Development Control	To provide guidance on development standards within Industrial and Commercial zoned areas	Minor changes proposed.	Minor change proposed	This change is proposed to address an issue of building scale highlighted by discussions with SAT. It is noted that this policy was recently reviewed at Council's November ordinary meeting

Summary of proposed amendments to Local Planning Policies

9.18	Residential Development Guidelines	To provide guidance for variations to the Residential Design Codes for residential zoned land located at the south eastern portion of Donnybrook Townsite (characterised by long narrow lots).	Minor changes proposed to ensure correct cross referencing with Residential Design Code	Minor changes proposed	To ensure correct cross referencing
9.19	Memorials and public art policy	To provide guidelines for the location, design and process for assessing memorials and public art.	No change proposed	No change proposed	The policy provides relevant advice and reflects contemporary planning requirements
9.20	Ancillary Accommodation – Rural and Rural Residential zones	To establish guidelines for the development of ancillary accommodation within Agricultural and Rural Residential areas	Minor change proposed	Minor change proposed	To ensure correct cross referencing and reflecting recent changes introduced by Deemed Provisions of the Planning Regulations regarding ancillary accommodation
9.21	Balingup Village Centre – Special Character Area	To protect and enhance the unique character of the Balingup town site	No change proposed but seek detailed community feedback on the future direction/need for the policy	Review of direction and need of policy. To be discovered through advertising process	Review to be discovered through separate detailed advertising process
9.22	Advertising of Planning Proposals	To clarify the processes and advertising specifications for different types of land use and development proposals	Revoke policy	Revoke policy and place in Management Operations Directions.	Relates to internal administration procedure only

Summary of proposed amendments to Local Planning Policies

9.23	Animal Husbandry Intensive	To provide guidelines and specify information required to support applications	No change proposed	No change proposed	The policy provides relevant advice and reflects contemporary planning requirements
9.24	Waiving of Planning Application Fees	To identify exceptional circumstances when the CEO may consider waiving planning fees	Revoke policy	Revoke policy and place in Management Operations Directions	Relates to internal administration procedure only

9.4 PRINCIPAL PLANNER

Cr Tan declared an interest affecting impartiality with regard to agenda item 9.4.1 – *Request to Close Portion of Unconstructed Road Reserve* with regard to her association with the applicant, Donnybrook Community Garden Inc.

9.4.1 REQUEST TO CLOSE PORTION OF UNCONSTRUCTED ROAD RESERVE (ABUTTING EGAN PARK) TO ALLOW DEVELOPMENT OF COMMUNITY GARDEN

Location	Road Reserve (abutting Egan Park)
Applicant	Donnybrook Community Garden Inc
File Reference	A162
Author	Bob Wallin (Principal Planner)
Attachments	9.4.1(1)– Location Plan 9.4.1(2) – Road reserve
Voting Requirements	Simple Majority
Executive Summary	<ul style="list-style-type: none"> • The proposal is to enable the use of a portion of unconstructed road reserve for the establishment of a community garden • Council supported the location of a community garden at this site at its February 2017 meeting; • This requirement has resulted as a request to the Minister for Lands to use the locality for a community garden. • Approval is recommended.

STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this proposal:

Outcome	Strategy	Action No.	Actions
3.3 A safe and healthy community environmental for all ages	Promote retention of youth and families within the district	3.3.2.2	Continue to provide and develop community facilities and services that appeal to youth and families.

BACKGROUND

Council at its 26 April 2017 meeting supported the location of a community garden at the rear of Egan Park (Attachment 9.4.1(1)) and authorised the Chief Executive Officer to request approval from the Department of Lands to use portions of land.

Preliminary feedback from the now Department of Planning, Lands and Heritage is that it is not possible to use the portion of unconstructed road reserve for this purpose. Advice received is that it is necessary to close the road reserve first. Attachment 2 shows the alignment and extent of the road reserve.

This request is before Council as the road closure process requires a Council resolution to commence the process.

The section of road reserve shown in (Attachment 9.4.1(2)) is not constructed, does not form or have potential to form part of wider road network and contains vegetation. It is proposed that the road reserve be closed and amalgamated with the adjoining reserve(s) that form part of the golf course and be vested for Recreation purposes.

DETAILS

Road closure requests fall under the Land Administration Act 1997. Section 58 of the Act describes the process relating to road closures. It requires the local government to advertise the proposal for a period of at least 35 days before requesting the Minister to grant the request.

The road reserve has no designation under Local Planning Scheme 7 (LPS7). Following the conclusion of any road closure process, it will be necessary to amend LPS7 maps. This process can be done as part of an omnibus amendment process. An omnibus amendment process is designed to pick up a number of minor changes and corrections to text and maps in one document and process.

CONSULTATION

It will be necessary to advertise the proposal. This will include a notice in the local paper, a mail drop to adjoining landowners and referral to relevant Government agencies and service providers.

FINANCIAL IMPLICATIONS

Discussion with the Department of Planning, Lands and Heritage indicated that current practice will not require a survey fee as the proposal is essentially transferring crown land with crown land.

An advert in the local paper will range in cost between \$120 to \$200.

POLICY COMPLIANCE

Planning Policy 9.10 provides guidance on road closures. The proposal is generally consistent with the intent of the policy as its closure will not impact on access or future connectivity potential.

STATUTORY COMPLIANCE

The Land Administration Act 1997 sets out requirements for road closure requests. This proposal will be processed following the requirements of the Act.

A future amendment will be required to LPS7. This would likely change the "no zone" designation to "Recreation" consistent with the adjoining land that forms part of the Egan Park and the Golf course.

CONCLUSION

The proposal is a request to close a portion of an unconstructed road reserve. The reserve is not required for access and unlikely to ever form part of a road network.

The start of the road closure process requires Council approval to commence advertising.

Approval is recommended.