

2.11: CONSIDERATION OF AMENDMENTS TO LOCAL PLANNING SCHEME 1A AND 3 POLICY MANUAL FOR POLICY 2A - OUTBUILDINGS

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| Land Description | : City of Albany |
| Proponent | : City of Albany |
| Owner | : City of Albany |
| Business Entity Name | : N/A |
| Attachments | : Amended Outbuilding Policy |
| Appendices | : Nil |
| Councillor Workstation | : Nil |
| Responsible Officer(s) | : Executive Director Planning & Development Services (Dale Putland) |

IN BRIEF

- It is recommended that Council adopt amendments to the Policy 2A – Outbuildings for advertising purposes in accordance with Clause 6.9 of Town Planning Scheme No. 3 and Clause 7.21 of Town Planning Scheme No. 1A.

RECOMMENDATION

ITEM 2.11 RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the amendments to the Local Planning Scheme 1A and 3 Policy Manual for Policy 2A Outbuildings be ADOPTED for the purposes of advertising in accordance with Clause 6.9 of Town Planning Scheme No. 3 and Clause 7.21 of Town Planning Scheme No. 1A.

ITEM 2.11: PROCEDURAL MOTION

MOVED: COUNCILLOR BOWLES
SECONDED: COUNCILLOR ATTWELL

THAT this item lay on the table.

CARRIED 12-0

BACKGROUND

1. The City adopted its Local Planning Scheme 1A & 3 Policy Manual in 2011. The policy manual consists of a consolidation of policies with provisions and objectives to be taken into account in respect to decision making.
2. Since the adoption of the policy manual, staff have been assessing applications for outbuildings with reference to provisions and objectives contained within. Contentious issues have arisen in regards to the following:
 - There are no provisions to address the size of outbuildings on lots <450m² and lots between 2000m² and 4000m²;
 - The community is concerned that the amenity of an area may be impacted as a result of outbuildings being approved on vacant lots; and
 - The Policy is being used contrary to Part 5 of the Residential Design Codes.

DISCUSSION

3. The current outbuilding policy restricts the size of outbuildings relative to the size of a lot. For example, the larger the lot, the larger the size of outbuilding permitted. However, the policy fails to adequately indicate a suitable size outbuilding for Lots <450m² and for lots between 2000m² and 4000m².
4. Further, the outbuilding policy does not adequately address the potential amenity impact of outbuildings on vacant lots. If not sensitively located (eg behind dwelling), outbuildings can impact on the amenity of nearby residents, the streetscape, character and environmental attributes of the area.
5. There is some concern that the WAPC R Codes contain some ambiguities.

Part 5 of the Residential Design Codes states the following:

5.3.1 Local Planning policies may contain provisions that:

(a) *Vary or replace the following acceptable development provisions set out in part 6 and part 7 of the codes:*

streetscape

building design/appearance

boundary walls

site works

building height

external fixtures

Special purpose dwelling requirements or aged or dependent persons dwellings

6. The above clause implies that new provisions may not be adopted to vary the acceptable development provisions for outbuildings – as identified in clause 6.10.1. However, clause 5.3.2 states:

5.3.2

Despite clause 5.3.1, a council may, with the approval of the WAPC, vary any other acceptable development provision within the codes by means of a local planning policy where it can be demonstrated to the satisfaction of the WAPC that there is a need specific to a particular region that warrants such a variation.

7. While clause 5.3.1 implies that the acceptable development provisions for outbuildings cannot be varied, clause 5.3.1 does make an allowance for a variation as long as the variations are endorsed by the WAPC.
8. It is recommended that the outbuilding policy is amended by adding the following additional provisions and by getting endorsement from the WAPC:
 - to restrict the development of outbuildings on Lots <450m² and between 2000m² and 4000m²; and
 - to restrict the development of outbuildings on vacant lots.

GOVERNMENT CONSULTATION

9. It is considered appropriate that should Council adopt the amendments to the outbuilding policy for the purposes of advertising, the WAPC should also be invited to make comment.

PUBLIC CONSULTATION / ENGAGEMENT

10. Should Council adopt the amendments to the outbuilding policy for the purposes of advertising, the policy 2A - Outbuildings will be advertised once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.
11. The Council shall then review the amended provisions in the light of any representations made, decide to finally adopt the policy with or without amendments and refer to the WAPC for endorsement.
12. Following final endorsement of the policy, details thereof shall be advertised publicly and a copy kept with the scheme documents (Policy Manual) for inspection during normal office hours.

STATUTORY IMPLICATIONS

13. Clauses 6.9 of the City of Albany Town Planning Scheme 3 and 7.21 of Town Planning Scheme 1A set out the processes to adopt and modify town planning scheme policies and also provides direction on what function the policies have in the decision-making process.
14. The Policy may only be altered or rescinded by:
 - (a) Preparation and final adoption of a new policy, specifically worded to supersede an existing policy; and
 - (b) Publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.

STRATEGIC IMPLICATIONS

15. The amendments are consistent with the City's Strategic Plan as follows:

Governance.

The City of Albany will be an industry leader in good governance and service delivery.

16. The policy also supports the strategic principles in the Albany Local Planning Strategy in relation to issues such as land use conflict, tourism, housing diversity, protection of agricultural land, environmental management, transport, industry and the settlement hierarchy.

POLICY IMPLICATIONS

17. Should the amendments to the policy be adopted by Council for advertising purposes, after the advertising period has been completed and the policy is re-presented to Council for final consideration, Council will need to formally rescind the existing planning policy.

RISK IDENTIFICATION & MITIGATION

The risk identification and categorisation relies on the City's Risk Management Framework.

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|--|-------------------|--------------------|----------------------|---|
| <i><u>Organisational Operations</u> Poor decision making as a result of peculiarities, inconsistencies and lack of provisions in the City's Policy Manual.</i> | <i>Likely</i> | <i>Medium</i> | <i>Medium</i> | <i>Adopt amendments to the Policy to solve peculiarities, inconsistencies and lack of provisions.</i> |

FINANCIAL IMPLICATIONS

18. There are no financial implications related to this item.

LEGAL IMPLICATIONS

19. There are no legal implications related to this item.

ALTERNATE OPTIONS

20. Council has the options of:
- a. adopting the amended policy for advertising;
 - b. not adopting the amended policy for advertising, which would leave in place the existing planning policy framework; or
 - c. adopting the amended policy for advertising, with additional modifications.

SUMMARY CONCLUSION

21. It is recommended that Council releases the amended Outbuilding Policy for government and public exhibition.

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| Consulted References | : | Local Planning Scheme 1A and 3 Policy Manual |
| File Number (Name of Ward) | : | City of Albany |
| Previous Reference | : | OCM 19/04/11 - Item 1.1 (Adoption of Final version of Policy Manual). |