



MINUTES

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING

Wednesday 13 November 2024

6.00pm

Council Chambers

The Five Strategic Pillars



Development & Infrastructure Services Committee
Terms of Reference

Functions:

This Committee is responsible for:

- Sustainable management of natural areas, balancing conservation with responsible access and enjoyment.
- Shared responsibility for climate action.
- Responsible growth, development, and urban renewal.
- Creating interesting, vibrant, and welcoming places.
- Valuing and preserving local history, heritage, and character.
- Ensuring a safe, sustainable, and efficient transport network.

It accomplishes this by:

- Developing policies and strategies.
- Creating progress measurement methods.
- Receiving progress reports.
- Considering officer advice.
- Debating current issues.
- Offering advice on effective community engagement and progress reporting.
- Making recommendations to Council.

Membership: Open to all elected members.

Meeting Schedule: Monthly Meeting

Location: Council Chambers

Executive Officers:

- Executive Director Infrastructure, Development & Environment Services
- Manager Development Services
- Manager Engineering & Sustainability

Delegated Authority: None

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE
MINUTES – 13/11/2024

TABLE OF CONTENTS

	Details	Pg#
1.	DECLARATION OF OPENING	4
2.	PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS	4
3.	RECORD OF APOLOGIES AND LEAVE OF ABSENCE	4
4.	DISCLOSURES OF INTEREST	5
5.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
6.	PUBLIC QUESTION TIME	5
7.	PETITIONS AND DEPUTATIONS	5
8.	CONFIRMATION OF MINUTES	5
9.	PRESENTATIONS	5
10.	UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS	5
	REPORTS	
DIS421	DRAFT LOCAL PLANNING POLICY 1.2 SHIPPING CONTAINERS	6
DIS422	INITIATION TO ADOPT AMENDMENT NO. 1 (OMNIBUS) TO LOCAL PLANNING SCHEME NO. 2 FOR ADVERTISING	10
11.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	17
12.	MEETING CLOSED TO PUBLIC	17
13.	CLOSURE	17

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE
MINUTES – 13/11/2024

1. **DECLARATION OF OPENING** The Chair declared the meeting open at 6.00pm

2. **PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**

“Heavenly Father, we thank you for the peace and beauty of this area. Direct and prosper the deliberations of this Council for the advancement of the City and the welfare of its people. Amen.”

“We would like to acknowledge the Noongar people who are the Traditional Custodians of the Land.

We would also like to pay respect to Elders past, present and emerging”.

3. **RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE**

Mayor

G Stocks

Councillors:

Deputy Mayor Councillor

P Terry

Councillor

D Baesjou

Councillor

S Grimmer

Councillor

M Traill (Deputy Chair)

Councillor

L MacLaren

Councillor

C McKinley

Councillor

M Lionetti

Staff:

Chief Executive Officer

A Sharpe

Executive Director Infrastructure, Development
& Environment

P Camins

Manager Development Services

J van der Mescht

Meeting Secretary

P Ruggera

Apologies:

Councillor

A Cruse (Leave of Absence)

Councillor

T Brough (Leave of Absence)

Councillor

R Sutton (Apology)

There were no media representatives, and 5 members of the public were in attendance.

4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest
Nil		

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil

6. PUBLIC QUESTION TIME

Conduct of Persons at Meetings: Members of the public attending meetings must be respectful of the Presiding Member, Council and City Officers to ensure the meeting runs efficiently.

Prevention of Disturbance:

- Members of the public are admitted to meetings with the understanding that no expressions of dissent, approval, conversations or other interruptions will take place during proceedings.
- Attendees must:
 - Refrain from interrupting the meeting through approval, dissent or conversation.
 - Conduct themselves appropriately and follow directions if asked to leave.
 - Avoid obstructing access to the meeting or causing disturbances.

Public Question Time. In accordance with clause 4.2 (Procedures for public question time) and clause 8.3 (Where this local law does not apply or is silent) of the *City of Albany Standing Orders Local Law 2014 (as amended)*:

- Public Question Time is limited to 30 minutes, extendable at the discretion of the Presiding Member.
- The Presiding Member may decline to respond to a question if:
 - The same or a similar question was asked at a previous meeting.
 - The question or statement is offensive, unlawful or defamatory. The Presiding Member may request that it be rephrased to ensure that it is appropriate.

Contents of Minutes As per the *Local Government (Administration) Regulations 1996*, regulation 11:

- The minutes of the meeting will include a summary of questions raised during Public Question Time and a summary of the response.

Documents Tabled at Meetings. Documents tabled during Public Question Time or Reports of Members will not be included in the minutes. The minutes will note who tabled the document and will provide a document reference number.

6.02pm John Morgan, Little Grove

Summary of key points:

Mr Morgan spoke regarding the CHRMAP for Princess Royal Harbour and its effects to his property in Little Grove.

6.06pm Christine King, Spencer Park

Summary of key points:

Ms King spoke against the Authorising Officer Recommendation DIS421: Draft Local Planning Policy 1.2 Shipping Containers. Ms King requested an information sheet for the public to help clarify the Shipping Containers policy.

6.10pm Naomi Gilchrist, McKail

Summary of key points:

Ms Gilchrist spoke against the Authorising Officer Recommendation DIS421: Draft Local Planning Policy 1.2 Shipping Containers

There being no further speakers the Chair declared Public Question Time closed at 6.12pm.

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE
MINUTES – 13/11/2024

7. PETITIONS AND DEPUTATIONS Nil

8. CONFIRMATION OF MINUTES

DRAFT MOTION

MOVED: COUNCILLOR MACLAREN

SECONDED: COUNCILLOR GRIMMER

THAT the minutes of the Development and Infrastructure Services Committee meeting held on 14 October 2024 as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 8-0

9. PRESENTATIONS Nil

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

DIS421: DRAFT LOCAL PLANNING POLICY 1.2 SHIPPING CONTAINERS

Land Description	: City of Albany
Proponent / Owner	: City of Albany.
Business Entity Name	: City of Albany.
Attachments	: 1. Draft LPP 1.2 Shipping Containers 2. DIS408 OCM Minutes - August 2024 3. Schedule of submissions with Officer Response
Supplementary Information & Councillor Workstation	: 1. Original Submissions
Report Prepared By	: Senior Planning Officer
Authorising Officer:	: Executive Director Infrastructure, Development & Environment

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Place
 - **Outcomes:**
 - Responsible growth, development and urban renewal.
 - Interesting, vibrant and welcoming places.
 - Local history, heritage and character is valued and preserved.

In Brief:

- A Draft Local Planning Policy 1.2: Shipping Containers (LPP1.2) was advertised for public comment in September and October, following Council's endorsement to advertise at its meeting in August 2024.
- Some general and administrative modifications are proposed to draft LPP1.2, informed by submissions received.
- Staff recommend Council resolve to adopt final draft LPP1.2 (Attachment 1) with modification.

RECOMMENDATION

DIS421: COMMITTEE RECOMMENDATION

MOVED: MAYOR STOCKS

SECONDED: DEPUTY MAYOR COUNCILLOR TERRY

THAT Council ADOPT Local Planning Policy 1.2: Shipping Containers, being the version attached to this agenda for report item DIS421 DRAFT LOCAL PLANNING POLICY 1.2 SHIPPING CONTAINERS, pursuant to Schedule 2, clause 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*

CARRIED 7-1

Record of the Vote

Against to Motion: Councillor Lionetti

Councillor Baesjou then proposed that a clarification of the correct version of the Local Planning Policy 1.2: Shipping Containers be included in the Committee Recommendation. The mover and seconder of the Authorising Officer Recommendation agreed to include the clarification in the substantive motion.

DIS421: AUTHORISING OFFICER RECOMMENDATION

MOVED: MAYOR STOCKS

SECONDED: DEPUTY MAYOR COUNCILLOT TERRY

THAT Council ADOPT Local Planning Policy 1.2: Shipping Containers, pursuant to Schedule 2, clause 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

BACKGROUND

2. Draft LPP 1.2 was endorsed for advertising by Council at its August 2024 Ordinary Council Meeting.
3. The requirements to obtain development approval for the placement of shipping containers is set out under the *City of Albany Local Planning Scheme No.2* and the *Planning and Development (Local Planning Schemes) Regulations 2015*.
4. Draft LPP1.2 aims to provide clarity and certainty over the assessment requirements applicable to shipping containers which would otherwise be unclear. It is considered this would also work to streamline assessment processes.
5. Refer to previous report item (DIS408) for further information and background on the draft policy.

DISCUSSION

6. Draft LPP 1.2 was advertised for public comment in September and October 2024 via an advert in a local paper and published on the City's website.
7. Five (5) submissions were received during advertising. Officer responses to the submissions can be found in the attached schedule of submissions with officer response.

Requirement for Development Approval

8. As referenced in DIS408, development approval is required for the placement of shipping containers. LPP1.2 seeks to provide clarity and certainty over the applicable assessment requirements.
9. Proposed LPP1.2 applies to the use of shipping containers for the purpose of outbuildings or storage in association with an approved land use under the City of Albany Local Planning Scheme No.2 only.
10. LPP1.2 also provides exemptions from the requirements to obtain development approval for the temporary placement of shipping containers, with further exemptions (in Agricultural Zones) proposed under planned amendments to the City of Albany Local Planning Scheme No.2 (LPS2).
11. It should also be noted that requiring a development approval does not mean the placement of a shipping container will not be supported however, this allows the Local Government to confirm the shipping container is located appropriately and does not impact the safety or expected amenity of the locality.
12. Officers are working on further exemptions from development approval requirements for shipping containers subject to criteria similar to that proposed by the submitter under an upcoming omnibus amendment to LPS2.

Amenity

13. Comments received during the advertising period both supported and raised concerns with the redevelopment measures and expressed conflicting views on the impacts of shipping containers on local amenity.
14. In response, officers consider that given the industrial function and appearance of shipping containers, redevelopment measures may be appropriate to ensure their appearance is consistent with the expected amenity of certain zones (if they are likely to be visible from adjoining properties or public places).

15. It should also be noted that shipping containers are generally only available for purchase when they have been degraded to the extent that they are no longer fit for purpose within the logistics industry and are therefore commonly rusted and/or damaged etc.

Structural requirements

16. Comments also questioned the requirement for shipping containers to be tied down.
17. Tie down requirements for shipping containers are contained within the Building Code of Australia and are not capable of being amended or altered under any local planning policy. This is a separate process governed under different legislation than the proposed local planning policy which does not mention tie downs for shipping containers.
18. The same submission also commented on the proposed requirement for shipping containers to be modified to enable opening from the inside and questioned how this would be possible.
19. Officers have given further consideration to this requirement and propose to expand this provision to facilitate the installation of a window, roof ventilator, air vent or similar as another means of achieving the desired safety outcome. Larger shipping container sales and hire companies, already offer these modifications to make containers suitable for alternative uses.
20. Officers also believe this provision would be better suited to an advice note within proposed LPP1.2 which would ensure this is not a mandatory requirement and is considered a recommendation only.

Administrative updates

21. Submissions have highlighted a conflict in provision 8 with the timeframe required for redevelopment measures listed as both 30 and 60 days. This provision has now been amended to allow 60 days for redevelopment measures to be implemented.
22. Finally, a submission highlighted that the previous provision 13, in which it is stated that redevelopment measures may be waived for the temporary placement of shipping containers is superfluous given the redevelopment measures are stated as applying to permanent placement of shipping containers only. Officers agree with this comment and the provision has since been deleted.

GOVERNMENT & PUBLIC CONSULTATION

23. The draft policy was advertised in accordance with Schedule 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for a period of 21 days.
24. Details of advertising as follows:

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Notice in Local Paper	17/09/2024	5 submissions received	Yes
Consult	Public comment – City website	17/09/2024 to 08/10/2024		Yes

STATUTORY IMPLICATIONS

25. A periodic review of the City's local planning policy (LPP) suite is currently underway.
26. Consideration of draft new LPPs and proposed modifications to existing LPPs require resolution of Council for endorsement to advertise and final adoption following advertising, subject to modifications, in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* (Planning Regulations).
27. Should Council resolve to adopt LPP1.2, a notice of the policy must be published in accordance with clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

POLICY IMPLICATIONS

28. Adoption of proposed LPP1.2 will add an additional LPP to the City of Albany Local Planning Policy suite

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Business Operation Risk: Not approving draft LPP1.2 for advertising could result in inconsistent advice and/or assessment of applicable development proposals, leading to undesired outcomes.	Possible	Minor	Low	Policy provisions are consistent with the scheme standards and requirements, to provide guidance and supporting information for the consideration of applicable proposals.
Opportunity: To provide clarity and certainty on requirements for the development of shipping containers and to ensure shipping containers do not detract from the amenity of the area in which they are situated, or effect the existing operation of the site.				

FINANCIAL IMPLICATIONS

30. There are no financial implications beyond what will be used for notice of adoption

LEGAL IMPLICATIONS

31. There are no legal implications relating to adopting draft LPP1.2.

ENVIRONMENTAL CONSIDERATIONS

32. There are no environmental implications relating to the adoption of draft LPP1.2

ALTERNATE OPTIONS

33. Council has the following alternate options in relation to this item, which are:
- To resolve to proceed with the policy with modifications.
 - To resolve not to proceed with the policy.

CONCLUSION

34. Based on the discussion above, staff recommend Council resolve to adopt LPP1.2: Shipping Containers, with modifications informed by submissions received during advertising.
35. Upon formal adoption of LPP1.2, a notice will be published in a local newspaper and on the City of Albany website advising of the adoption of LPP1.2, in accordance with clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Consulted References	:	1. Draft Local Planning Scheme No. 2 2. Planning and Development (Local Planning Schemes) Regulations 2015 City of Albany Non-Habitable Structures Local Planning Policy.
File Number (Name of Ward)	:	All
Previous Reference	:	OCM 27/08/2024 – DIS408

DIS422: INITIATION TO ADOPT AMENDMENT NO. 1 (OMNIBUS) TO LOCAL PLANNING SCHEME NO. 2 FOR ADVERTISING

Land Description	: City of Albany
Attachments	: Draft Scheme Amendment No.1 Report
Report Prepared By	: Senior Planning Officer – Strategic Planning
Authorising Officer:	: Executive Director Infrastructure, Development & Environment

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** Place
 - **Outcome:**
 - Responsible growth, development and urban renewal.
 - Interesting, vibrant and welcoming places.
 - Local history, heritage and character is valued and preserved.
 - A safe, sustainable and efficient transport network.
 - **Pillar:** Planet
 - **Outcome:**
 - Sustainable management of natural areas; balancing conservation with responsible access and enjoyment.
 - A resilient community that can withstand, adapt to, and recover from natural disasters.
 - **Pillar:** Prosperity
 - **Outcome:**
 - A strong, diverse and resilient economy with work opportunities for everyone.
 - A highly sought-after tourist destination.
 - **Pillar:** Leadership
 - **Outcome:** Grow awareness, understanding and engagement in City projects, activities and decisions.
2. The *Albany Local Planning Strategy 2019* (the Planning Strategy) is the local planning strategy that sets out the long-term planning directions for the Scheme area.
3. Scheme Amendment No. 1 (AMD001 Omnibus) aligns with the strategic objectives and actions identified under the Planning Strategy.

In Brief:

- An 'omnibus' amendment is used to address a range of unrelated issues or improvements to a local planning scheme.
- Various minor technical and administrative updates require minor changes to Local Planning Scheme No. 2 (LPS2). Staff have prepared AMD001 Omnibus to address these matters, as well as introduce improvements such as additional exemptions, and implement minor mapping updates.
- Council is requested to support initiation to adopt the AMD001 Omnibus to LPS2, for referral to the Western Australian Planning Commission (WAPC) and seek approval from the Minister to advertise.

RECOMMENDATION

DIS422: PROCEDURAL MOTION

MOVED: DEPUTY MAYOR COUNCILLOR TERRY

SECONDED: COUNCILLOR MACLAREN

THAT Report Item DIS422: INITIATION TO ADOPT AMENDMENT NO. 1 (OMNIBUS) TO LOCAL PLANNING SCHEME NO. 2 FOR ADVERTISING be DEFERRED to be re-presented to November 2024 Ordinary Council Meeting.

CARRIED 8-0

Councillor's Reason:

To enable the Elected Members to gather more information to make a better-informed decision.

DIS422: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

1. Pursuant to section 75 of the *Planning and Development Act 2005*, RESOLVES to adopt Scheme Amendment No. 1 (Omnibus) to Local Planning Scheme No. 2, in accordance with the changes set out under Form2A in the Scheme Report (Attachment 1).
2. Pursuant to regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES that the amendment is 'standard' in accordance with regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as it satisfies the following criteria:
 - (a) Amendments relating to zone/s are consistent with the objectives identified in the scheme for that zone or reserve;
 - (b) The amendments are consistent with the City of Albany Local Planning Strategy 2019, that has been endorsed by the Western Australian Planning Commission;
 - (e) It is considered the amendments will have a minimal impact on land in the scheme area that is not the subject of the amendment;
 - (f) The amendments do not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 - (g) It is not considered a complex or basic amendment.
3. Pursuant to section 81 of the *Planning and Development Act 2005*, DELEGATE the Chief Executive Officer to refer the scheme amendment to the Environmental Protection Authority.
4. Pursuant to regulation 46C of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DELEGATE the Chief Executive Officer to:
 - a) Undertake modifications to Amendment No. 1 as required by the Minister, in accordance with section 83A (2)(b) of the *Planning and Development Act 2005*;
 - b) Undertake any further referrals of modified Amendment No. 1 to the EPA, if required, in accordance with section 83A(3) and section 81 and section 82 of the *Planning and Development Act 2005*; and
 - c) Resubmit the modified amendment to the Minister for approval, in accordance with section 83A (1) of the *Planning and Development Act 2005*.
5. In accordance with the requirements of regulation 47 (1) and (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DELEGATE the Chief Executive Officer to ADVERTISE Amendment No. 1 to Local Planning Scheme No. 2, as soon as reasonably practicable after the Minister grants approval in accordance with section 83A(2)(a) of the *Planning and Development Act 2005*.

Note:

- Advertisement of Amendment No. 1 including publication of a notice to be undertaken in accordance with Part 5 Division 3 regulation 47 and Schedule 2 Deemed Provisions Part 12 cl. 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, in a form approved by the Western Australian Planning Commission.
- In accordance with Part 5 Division 1 regulation 35A of the *Planning and Development (Local Planning Schemes) Regulations 2015*, when the proposed amendment takes effect, the approval of any approved structure plans under the scheme is not affected.

BACKGROUND

4. The *Planning and Development Act 2005* (P&D Act) enables local governments to prepare and maintain local planning schemes to guide the use and development of land in their area.
5. These are maintained through periodic reviews and amendments to ensure the local planning framework remains contemporary.
6. Amendments to local planning schemes are required to follow the process set out under the P&D Act, the *Planning and Development (Local Planning Schemes) Regulations 2015* (Planning Regulations) and other associated legislation.
7. Refer to Statutory Implications section below for further information.
8. Since the gazettal and implementation of LPS2, officers have identified technical and administrative errors that require correction, plus updates required following changes to the state planning framework.
9. Further improvements to LPS2 have also be identified to provide clarity, remove ambiguity and increase efficiencies.

DISCUSSION

10. This amendment (AMD001 Omnibus) was subsequently prepared to justify the proposed amendments.
11. The purpose of the proposed amendment is to:
 - a) Resolve administrative errors and minor technical matters that have been identified since LPS2 was gazetted
 - b) Update provisions to incorporate recent changes to the state planning framework and ensure consistency
 - c) Introduce new exemptions for certain developments to reduce requirements for Development Applications; and
 - d) Introduce further refinements to remove ambiguity and ensure LPS2 is maintained as a current and contemporary local planning scheme.
12. Details and rationale for the proposed changes to LPS2 are outlined under Attachment 1 Scheme Amendment No. 1 Report.
13. The proposed modifications fall into broad categories as follows:
 - Improvements to LPS2 provisions to reduce requirements for Development Applications.
 - Updates to reflect changes to legislation and the state planning framework since gazettal
 - Minor updates and corrections to technical and administrative errors and anomalies in the scheme text and map

Improvements

14. Updates are proposed across various provisions under LPS2, specifically Table 3 – Zoning Table and associated development requirements for land uses, to remove ambiguity, provide clarity and further refine and streamline development approval requirements.

Exemptions

15. New exemptions to the requirement for development approval for certain types of minor development.

Zoning table

16. Updates to permissibility of residential related land uses in the Zoning Table (Single House, Grouped Dwelling and Multiple Dwelling) to further support housing affordability and encourage diversity of dwelling typology and densities in certain zones, by the exempting requirement for development approval for change of use where proposal meets applicable requirements.
17. Updates proposed to delete assigned permissibility symbology for land uses under the Urban Development Zone
18. To remove ambiguity and ensure due regard can be given for appropriate development proposed in accordance with an endorsed structure plan, and enable minor development in areas without an endorsed structure plan. and replacing symbology with text referring to 'Land use permissibility in accordance with cl. 21 Schedule 5 Table 12 Urban Development zone' (specific updates to Table 12 provisions outlined below)
19. Minor updates to the permissibility of various land uses in certain zones, to remove ambiguity, ensure alignment with zone objectives, streamline and refine associated development provisions, and provide greater flexibility in the local planning framework where appropriate – such as proposed update from 'X' to 'A' for 'Bulky Goods Showroom' in the Mixed Use zone in alignment with zone objectives.
20. Updates to land use permissibility for certain land use proposals to reflect recent changes to the interpretation and consideration of certain land uses in specific zones, that may have a greater impact on adjoining sensitive uses and the locality.
21. The proposed updates aim to ensure a consistent approach to assessment and decision-making for such proposals – such as proposed update from 'D' to 'A' Home Business in the Rural Residential zone.
22. These updates are proposed to ensure a consistent approach during the consideration and decision-making proposed land uses, including public consultation where required, and that proposals demonstrate potential community concerns and identified impacts on amenity can be adequately managed.

State Planning Framework updates

23. Recent updates to the state planning framework and legislation include:
 - a) Implementation of changes throughout LPS2 following short-term rental accommodation (STRA) updates to the state planning framework and Planning Regulations, including deletion of existing and replacement with new land use definitions, changes to general definitions, associated updates to deletion and insertion of new land uses and assigned permissibility in the Zoning Table and general development provisions as required.
 - b) The new general and land use definitions relating to STRA and specifically in relation to unhosted and hosted short-term rental accommodation uses, have been added to Schedule 2 - Deemed Provisions of the Planning Regulations. Definitions and provisions under the Deemed Provisions, and not Schedule 1 - Model Provisions, are read as part of a local planning scheme. This means that local governments aren't required to update their local planning scheme with changes to the Deemed Provisions.

- c) However in this instance, it was considered that insert the new land use definitions should be inserted into the relevant section of LPS2, to provide a better customer experience assisting various users and stakeholders navigating the local planning framework when seeking information and guidance on hosted or unhosted STRA proposals.
- d) In addition to STRA, updates to LPS2 to support the implementation of further changes to the local planning framework as part of continued implementation of Planning Reform by State government. Includes the introduction of references to planning codes and removal of the ability for local planning schemes to modify state planning policy through specific provisions.

Minor text and mapping updates

- 24. Following gazettal and implementation of LPS2, staff have identified various minor updates required to the scheme text and map, to address technical and/or administrative errors, address anomalies, to provide further clarity and remove ambiguity.

GOVERNMENT & PUBLIC CONSULTATION

- 25. In accordance with s. 83A(2)(a) of the P&D Act, following approval by the Minister to advertise a proposed standard amendment, the local government must, as soon as reasonably practicable, advertise the proposed standard amendment for 42 days.
- 26. Advertising to be undertaken in accordance with applicable requirements. including publishing a notice in a form approved by the Commission, in the local newspaper, on the website and letters sent to landholders directly affected by the amendment.

STATUTORY IMPLICATIONS

- 27. A local planning scheme is a statutory document that defines the way land can be used and developed.
- 28. The key elements of the statutory environment in relation to adoption and maintenance of local planning schemes including scheme amendments are set out in the P&D Act, the Planning Regulations.
- 29. The proposed omnibus scheme amendment has been prepared having regard to the Act, the Regulations and Model Scheme Text and Deemed Provisions contained therein.
- 30. The Planning Regulations identifies three different levels of amendments – basic, standard and complex.
- 31. Draft AMD001 is considered a standard amendment in accordance with the Planning Regulations as it satisfies applicable criteria as outlined under the Officer Recommendation above.
- 32. In accordance with r. 35 of the Planning Regulations, the local government may resolve to prepare or adopt an amendment to a local planning scheme, with the amendment then required to be forwarded to the Commission to seek approval from the Minister to advertise.
- 33. In accordance with the *Environmental Protection Amendment Regulations 2024* if a proposed amendment is unlikely to have an impact on the environment, there is no need to refer the amendment proposal to the Environmental Protection Authority.
- 34. This initiative is part of the Streamline WA initiatives to reduce the administrative burden and focus assessment on planning schemes that are likely to have an environmental impact requiring EPA consideration under the applicable legislation.

35. As referenced in the officer recommendation, should the Minister under section 83A(2)(b) of the Act require the local government to modify a proposed standard amendment submitted for approval to advertise, the local government must —
- modify the proposed amendment as required; and
 - resubmit the modified proposed amendment to the Minister in accordance with s. 83A of the P&D Act.

POLICY IMPLICATIONS

36. There are no specific policy implications relating to the changes outlined under the proposed amendment.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Operational: <i>Adoption for advertising of the omnibus amendment is not supported.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Staff to review and update the Scheme Amendment as proposed and resubmit with further information/clarification to address issues/concerns raised.</i>
Opportunity: <i>To facilitate further improvements and refinements by maintaining a contemporary and current local planning scheme and subsequently facilitate coherent regulatory outcomes.</i>				

FINANCIAL IMPLICATIONS

38. The proposed scheme amendment has been developed within budget, with estimated future administrative costs adequately catered for within the current and forecasted budget.

LEGAL IMPLICATIONS

39. There are no legal implications relating to the proposed scheme amendment.

ENVIRONMENTAL CONSIDERATIONS

40. As outlined above, the proposed changes outlined under AMD001 are unlikely to have a significant environmental impact that would warrant referral and formal assessment of the amendment by the Environmental Protection Authority, as otherwise required under s. 81 of the P&D Act.

ALTERNATE OPTIONS

41. In accordance with r. 46A of the Planning Regulations, the local government must resolve:
- a) to proceed to seek approval to advertise the proposed amendment, without modification, under section 83A of the Act; or*
 - b) to proceed to modify the proposed amendment and to seek approval to advertise the modified proposed amendment under section 83A of the Act; or*
 - c) not to proceed with the proposed amendment.*
42. If Council were to consider undertaking additional modifications to the amendment as proposed to be forwarded with the resolution seeking approval to advertise by the Minister, it is requested that Council defer the item to further workshop any significant modifications to the amendment with staff, prior to progressing.

CONCLUSION

43. AMD001 Omnibus proposes various changes to LPS2 to ensure consistency with recent changes to the state planning framework, provide clarity and remove ambiguity by correcting minor administrative and technical matters and introduce new provisions to improve effectiveness and reduce red tape.
44. The changes proposed outlined under the scheme amendment are not expected to have environmental implications, meaning referral to the EPA is not required in this instance.
45. Council is requested to support initiation to adopt AMD001 to refer the amendment to the Commission, seeking approval to advertise from the Minister.

Consulted References	<ul style="list-style-type: none">• <i>Local Planning Scheme No.2</i>• <i>Planning and Development Act 2005</i>• <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>• <i>Environmental Protection Amendment Regulations 2024</i>
File Number	Synergy File Number - DB.PLA.8
Previous Reference	OCM 28/02/23 Resolution DIS333.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil

12. MEETING CLOSED TO THE PUBLIC 7.25pm

13. CLOSURE

There being no further business the Chair declared the meeting closed at 7.25pm

(Unconfirmed Minutes)

Councillor Malcolm Traill
DEPUTY CHAIR