

(To be confirmed 14 August 2018)

### 14.10 Recommendation from the Future Planning Committee - Review of Local Planning Policies 3, 4 and 5

<b>File Reference:</b>	PLA/9/0001
<b>Appendices:</b>	<ol style="list-style-type: none"> <li>1. Current version of Local Planning Policy 3 'Non-Residential Uses in or Adjacent to Residential Areas'</li> <li>2. Current version of Local Planning Policy 4 'Residential Uses in Non-Residential Areas'</li> <li>3. Current version of Local Planning Policy 5 'Mixed Residential/Commercial Development'</li> </ol>
<b>Attachments</b>	No
<b>Date:</b>	12 June 2018
<b>Reporting Officer:</b>	R. Cruickshank
<b>Responsible Officer:</b>	R. Cruickshank
<b>Voting Requirement:</b>	Simple Majority
<p><b>Executive Summary:</b>  <b>Recommended:</b> That the Draft Local Planning Policies 3 and 4 as contained in the Appendices, be advertised for public comment for a minimum period of 21 days in accordance with deemed clause 4 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <ul style="list-style-type: none"> <li>• Council's Urban Planning Business Unit have undertaken a review of all 37 Local Planning Policies (LPPs). It is intended to progressively amend and advertise a number of LPPs.</li> <li>• This report deals with a review of the following LPPs : <ul style="list-style-type: none"> <li>○ LPP3 'Non-Residential Uses in or Adjacent to Residential Areas';</li> <li>○ LPP4 'Residential Uses in Non-Residential Areas'; and</li> <li>○ LPP5 'Mixed Residential/Commercial Development'.</li> </ul> </li> <li>• In reviewing the LPPs, consideration has been given to a number of matters including: the effectiveness of the current Policies including any issues of interpretation, application and gaps or deficiencies; like Policies of other Local Governments; alignment with relevant State legislation, policy and/or guidelines (where applicable); greater clarity in the objectives of the Policies; improving the presentation of the Policies.</li> <li>• It is recommended that all three (3) Policies be amended as detailed within the Officer's Report and the Attachments, with Policies 4 and 5 to be amalgamated into a single Policy (a new LPP 4).</li> <li>• It is recommended that the draft LPPs be advertised for public comments.</li> </ul>	

**TABLED ITEMS:**

Nil

**BACKGROUND:**

The subject Policies were previously Policies forming part of the Town Planning Scheme No. 1 (TPS 1) Policy Manual.

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Amendment 69 to TPS 1, which was gazetted on 2 December 2016, removed the Policies as forming part of the Town Planning Scheme.

At the Ordinary Council Meeting on 9 February 2016, Council resolved to adopt a number of planning policies as Local Planning Policies, including the Policies the subject of this review.

**DETAILS:**

A review of all three (3) LPPs has been undertaken by Council Officers including considering:

- the effectiveness of the current Policies including any issues of interpretation, application and gaps or deficiencies;
- like Policies of other Local Governments;
- alignment with relevant State legislation, policy and/or guidelines (where applicable);
- greater clarity in the objectives of the Policies; and
- improving the presentation of the Policies.

The review of each of the Policies is summarised as follows:

LPP3 'Non-Residential Uses in or Adjacent to Residential Areas

Policy is presently lacking in terms of the number, and clear articulation, of its provisions, but can be amended to provide clearer, more specific requirements for non-residential uses in or adjacent to residential areas, which will contribute to the improved location and quality of non-residential development and promote reasonable streetscape and amenity outcomes.

1. Incorporate standardised formatting changes consistent with all other reviewed policies.
2. Incorporate minor grammatical and formatting changes.
3. Expand the policy Introduction and Aim to more comprehensively explain and justify the basis of the Policy.
4. Separately title/list the Policy Clauses according to the aspects/matters they are dealing with (i.e. 'Landscaping', 'Privacy', 'Fencing' etc.)
5. Include expanded traffic impact provision having regard to the WAPC's Traffic Impact Assessment Guidelines.
6. Insert new provision relating to the preferred location.
7. Insert new provision relating to front setback requirements on residential zoned land to be as for residential development under adopted Council Policy (rather than R-Codes as is stated presently).
8. Alter provision relating to side setbacks, such that a R-Codes setback applies to any neighbouring residential zoned property (not only if the non-residential development is located on Residential zoned land as is stated presently).
9. Policy to refer to Council's Boundary Walls policy in relation to side setback requirements.
10. Insert new provision relating to the ability for Council to apply conditions of approval related to scale or operations, operating hours, deliveries, etc.
11. Include new provision explicitly relating to visual privacy and protection of residential amenity from overlooking from adjoining non-residential development.

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12. Expand landscaping requirement, to reference the landscaping requirements of the car parking policy and specify a minimum landscape buffer between car parking areas and the front boundary, as well as provision of landscaping down the length of any vehicular access leg abutting a residential property boundary
13. Insert provision relating to signage requirements (design to minimise amenity impacts in surrounding residences) and provision of a signage strategy where final details are unknown.
14. Include new general provision relating to CPTED principles. It is also recommended that the Council adopt a new stand-alone LPP relating to CPTED.

#### LPP4 'Residential Uses in Non-Residential Areas'

1. Incorporate standardised formatting changes consistent with all other reviewed policies.
2. Consolidate policy with Local Planning Policy 5 'Mixed Residential/Commercial Development' to form new combined Local Planning Policy 4 'Mixed-Use Development and Residential Uses in Non-Residential Areas'.
3. Incorporate minor grammatical and formatting changes as identified in the Tracked Changes version of the Policy.
4. Expand the policy Introduction and Aim to more comprehensively explain and justify the basis of the Policy.
5. Other changes as identified under Local Planning Policy 5 review, relating to mixed use (residential/commercial) development.

#### LPP5 'Mixed Residential/Commercial Development'

Changes as per LPP4 above.

A copy of the proposed draft revised Policies are contained as an Attachment to this report. For comparison, the current and operative versions of the Policies are contained as Appendices.

#### **Legal Compliance:**

##### Local Planning Policies

The amendment of a Local Planning Policy is to be undertaken in accordance with deemed clauses 4 and 5 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, including:

- Community consultation for a period of not less than 21 days; and
- Consideration of public submissions and a Council resolution to proceed with the policy with or without modifications, or not proceed.

#### **Policy Implications:**

The proposed draft revised Policies provide greater clarity in the objectives, application and applicable requirements, and form part of a review of all of the Town's LPPs.

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**Risk Management Considerations:**

<b>Risk &amp; Consequence</b>	<b>Consequence + Rating</b>	<b>Likelihood = Rating</b>	<b>Overall Risk Analysis</b>	<b>Mitigation/Actions</b>
Application of Policies which could be clearer in their intent, and in some instances could have been more effective if clearer and containing additional requirements	Moderate	Likely	Low	Support the proposed draft revised Policies for the purposes of community consultation.

**Strategic Plan Implications:**

Environment

EN1 – Land use planning that puts people first in urban design, allows for different housing options for people with different housing needs and enhances the Town’s character.

Economic

EC1 – A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.

**Financial Implications:**

There will be a cost for advertising of the proposal in the Southern Gazette newspaper, with their being funds available to cover this cost.

**Sustainability Assessment:**

External Economic Implications:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

**COMMENT:**

The relevant LPPs have been reasonably effective in dealing with the forms of development that they relate to. However it is considered that revisions should be made to further improve their effectiveness and ease of use and understanding by members of the public.

It is recommended that the Future Planning Committee recommend to Council that draft revised Policies 3 and 4 as attached to this report, be advertised for public comment. A further report will be presented to Council in the future following the conclusion of the advertising period, reporting on any submissions received, and seeking a final decision from Council as to whether or not to adopt the draft Policies (in their current revised form or in a further modified form). It will be necessary at this time to also formally revoke the current Local Planning Policy 5 ‘Mixed Residential/Commercial Development’.

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**RESOLVED BY EXCEPTION RESOLUTION:**

**Moved: Cr Anderson**

**Seconded: Cr Ife**

**That draft revised Local Planning Policies 3 ‘Non-Residential Uses in or Adjacent to Residential Areas’ and 4 ‘Mixed Use Development and Residential Uses in Non-Residential Areas’ as contained in the Appendices, be advertised for public comment for a minimum period of 21 days in accordance with deemed clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

**CARRIED (8-0)**