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<b>11.2</b>	<b>LOCAL PLANNING SCHEME No. 2 AMENDMENT No. 14 - CONSIDERATION OF SUBMISSIONS AND FINAL APPROVAL.</b>
<b>Location:</b>	Lot 2387 (No. 9) Strathaven Road, Gnowangerup
<b>Proponent:</b>	Edge Planning & Property for Alistair Richardson
<b>Date of Report:</b>	3 September 2024
<b>Business Unit:</b>	Strategy & Governance
<b>Officer:</b>	Phil Shephard, Planning Officer
<b>Disclosure of Interest:</b>	Nil

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#### ATTACHMENTS

1. Schedule of Submissions
2. Copy of Submissions
3. Amendment 14 document

#### PURPOSE OF THE REPORT

The draft scheme amendment has now been referred and advertised for public submissions as required under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

At the close of the submission period, a total of 7 submissions had been received. The Council must now consider the submissions received and resolve to seek final approval from the WA Planning Commission/Minister for Planning for either:

- the amendment without modification; or
- the amendment with modifications to address issues raised in the submissions; or
- not to support the amendment.

#### BACKGROUND

The scheme amendment would enable the current 2.7 hectare lot to be rezoned to rural residential and ultimately subdivided into 2 lots of approx. 1.66 hectares covering the existing dwelling and a new vacant 1.04 hectare lot (see Attachment 5 of the Scheme Amendment Report). The property (and existing dwelling and new lot area) are shown in the image below.



Land to be rezoned bordered in red (Image Landgate Map Viewer Plus)

The Council at its 28<sup>th</sup> February 2024 Ordinary Meeting (Resolution 0224:04) resolved to initiate the draft scheme amendment as follows:

*That Council:*

- a) *Requires the modifications noted in the report to be completed prior to endorsement of the amendment documents.*
- b) *Pursuant to Section 75 of the Planning and Development Act 2005, amend the Shire of Gnowangerup Local Planning Scheme No. 2 by:*
  1. *Rezoning Lot 2387 on Deposited Plan 111237 Strathaven Road, Gnowangerup from 'General Agriculture' to 'Rural Residential'.*
  2. *Inserting Rural Residential Zone No. 4 (RR4) into Schedule 11 – Rural Residential Zone Provisions and adding Special Conditions and Provisions to control subdivision and land use/development.*
  3. *Amending the Scheme Map accordingly.*

*The Amendment is standard under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:*

- *The amendment proposal is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;*
- *The amendment proposal relates to a development that would have minimal impact on land in the scheme area that is not subject of the amendment; and*
- *The amendment proposal does not result in any significant environmental, social, economic, or governance impacts on land in the scheme area.*

## COMMENTS

The draft scheme amendment was referred to the Environmental Protection Authority (EPA) as required under section 81 of the *Planning and Development Act 2005*. The EPA advised (Submission 1) that the scheme amendment was not required to be formally assessed, and it can be successfully implemented through the proposed scheme provisions and placement of conditions to be applied on subdivision and development approvals.



Following receipt of the EPA's advice, notice of the amendment was advertised for public comment through the Great Southern Herald newspaper, Council website and Public Notice Board as set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*. The amendment was referred to relevant government agencies and to adjoining landowners.

The submissions are summarised with the planning consultants' response and officer comment and recommendation for each submission in the attached Schedule of Submissions and a copy of the submissions are also attached.

In summary, from the submissions:

- Those received from government agencies do not oppose the amendment.
- Those submissions received from adjoining and other local landowners support the amendment.

#### CONSULTATION WITH THE COMMUNITY AND GOVERNMENT AGENCIES

The draft scheme amendment has been advertised as required under the *Planning and Development (Local Planning Schemes) Regulations 2015* for a 42-day submission period which included:

- Publishing the amendment notice in the Great Southern Herald.
- Displaying the amendment notice on the Public Notice Board at the Council Office.
- Making the amendment document and amendment notice available for public inspection during office hours at the Shire Office.
- Referring the amendment document and amendment notice to relevant government agencies and adjoining landowners likely to be affected by the amendment proposal with invite to comment on the proposal.
- Displaying the amendment notice and amendment document on the Council's website.

At the close of the submission period, a total of 7 submissions were received. The submissions were provided to the planning consultant for their responses to the submissions.

#### LEGAL AND STATUTORY REQUIREMENTS

*Planning and Development Act 2005 & Planning and Development (Local Planning Schemes) Regulations 2015* - The Act/Regulations set out the process and requirements for undertaking local planning scheme amendments.

#### POLICY IMPLICATIONS

There are no Local Planning Policies that apply to this report.

#### IMPACT ON CAPACITY

Nil.

#### STRATEGIC RISK MANAGEMENT CONSIDERATIONS

This item has been evaluated against the current Council approved Risk Management Register.

<b>Risk description</b>	<b>Not to approve the Schedule of Submissions and not to support the proposed amendment</b>
<b>Primary Strategic Risk Category</b>	Population Decline
<b>Primary Strategic Risk Category Description</b>	Lack of affordable or quality homes
<b>Consequence:</b> (Insignificant, Minor, Moderate, Major, Catastrophic)	Major
<b>Likelihood:</b> (Almost Certain, Likely, Possible, Unlikely, Rare)	Possible

#### FINANCIAL IMPLICATIONS

The cost of administering the scheme amendment is recouped from the applicant at the completion of the process in accordance with the *Planning and Development Regulations 2009* (Part 7 – Local government planning charges).

#### STRATEGIC IMPLICATIONS

The report impacts on the following item in the Strategic Community Plan 2017 – 2027 as follows:

Strategic Focus	Built Environment and Infrastructure
Goals:	A built environment and infrastructure that supports the community and the economy
Outcome 3.1:	<ul style="list-style-type: none"> <li>Appropriate planning and development</li> </ul>
Strategy 3.1.2	Provide planning and development advice on land developments.

Strategic Focus	Governance and Organisation
Goals:	Proactive leadership, good governance and efficient service delivery
Outcome 5.1:	<ul style="list-style-type: none"> <li>Strategic governance and leadership</li> </ul>
Strategy 5.1.5	Ensure compliance with Local Laws and statutory requirements.

#### ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council has a number of options available to it, which are discussed below:

##### *1 Seek final approval without modifications*

The Council can choose to support the amendment without modification. This option would be consistent with the Shire's Local Planning Strategy, officer recommendations and the lack of any opposition to the proposal proceeding being received from the submissions.

##### *2 Seek final approval with modifications*

The Council can choose to support the amendment with modifications required to the draft amendment. This option, to impose changes to the amendment, is not recommended due to

the lack of any request for modifications or opposition to the proposal proceeding being received from the submissions.

**3      *Not seek final approval***

The Council can choose to not support the amendment. This option would not be consistent with Council's February 2024 decision, Shire's Local Planning Strategy, officer recommendations and the lack of any opposition to the proposal proceeding being received from the submissions.

**CONCLUSION**

The submissions received generally support the amendment proceeding, and no objections were received. The scheme amendment proposal is recommended for final approval without modification to enable the development of an additional rural residential lot.

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL RESOLUTION**

**Moved: Cr R O'Meehan      Seconded:      Cr L Martin**

**0924.78      That Council:**

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and the *Planning and Development Act 2005* resolves to adopt the attached Schedule of Submissions and recommendation on each submission and to support Amendment No. 14 to the Shire of Gnowangerup Local Planning Scheme No. 2 without modification.

**UNANIMOUSLY CARRIED BY: 7/0**

**FOR:              Cr K O'Keeffe, Cr R O'Meehan, Cr M Creagh, Cr S Hmeljak, Cr L Martin,  
                         Cr P Callaghan, Cr R Kiddle**

**AGAINST:      Nil**