

1.2.1. PLANNING POLICY REVIEW

Location/Address	Shire of Augusta Margaret River
Applicant/Landowner	Shire of Augusta Margaret River
File Reference	LND/114
Report Author	Matt Cuthbert, Manager Planning and Development Services
Authorising Officer	Nick Logan, Director Sustainable Development and Infrastructure
Authority/Discretion	Legislative

Cr Bell declared a financial interest at Item 3.1. Cr Bell left Chambers at 6.54pm.

Cr Boland declared a financial and proximity interest at Item 3.2. Cr Boland left Chambers at 6.54pm.

IN BRIEF

- The gazettal of the Shire's Local Planning Scheme No. 2 is now imminent.
- For this reason, and to ensure that the Shire's suite of local planning policies continue to be relevant, it is an opportune time to undertake a bulk policy review.
- The review of Local Planning Policy No. 7 – Short Stay Accommodation (LPP7) is ongoing and also needs to be concluded.
- Changes to the Government's bushfire framework together with changes incorporated into LPS2 have consequential implications for LPP7 and other policies.
- It is recommended that policies be either deleted where no longer necessary or updated as detailed in this report.

ATTACHMENTS

1. LPP 1 Outbuildings Farming Buildings and Swimming Pools [11.2.1.1 - 7 pages]
2. LPP 2 Design Review [11.2.1.2 - 3 pages]
3. LPP 3 Extractive Industries [11.2.1.3 - 7 pages]
4. LPP 4 Boundary Fencing [11.2.1.4 - 4 pages]
5. LPP 7 Short Stay Accommodation [11.2.1.5 - 7 pages]
6. LPP 11 Jetties [11.2.1.6 - 3 pages]
7. LPP 13 Mobile Food Businesses [11.2.1.7 - 6 pages]
8. LPP 17 Exemptions from Development Approval [11.2.1.8 - 4 pages]
9. LPP 22 Witchcliffe Eco Village [11.2.1.9 - 5 pages]
10. LPP 26 Signage [11.2.1.10 - 12 pages]
11. LPP 27 Heritage Places [11.2.1.11 - 7 pages]
12. LPP 12 Witchcliffe Character Controls [11.2.1.12 - 15 pages]

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Proceeds with amendments to Local Planning Policies 1, 2, 3, 4, 7, 11, 13, 17, 22, 26, 27 as modified and contained within Attachments 1-11, pursuant to Schedule 2, Clause 5 of the Planning and Development (Local Planning Schemes) Regulations 2015.
2. Prepares a policy to be titled 'Witchcliffe Character Controls' (Attachment 12), pursuant to Schedule 2, clause 3 of the Planning and Development (Local Planning Schemes) Regulations 2015.

3. Requests the Chief Executive Officer to arrange for publication of a notice of the preparation of the Witchcliffe Character Controls Policy and the adoption of amended Local Planning Policies 1, 2, 3, 4, 7, 11, 13, 17, 22, 26 and 27 in accordance with Schedule 2, Clauses 4(4), and 87 of the of the Planning and Development (Local Planning Schemes) Regulations 2015.
 4. Revokes Local Planning Policies 5, 10, 12, 14, 15, 16, 19 and 20 pursuant to Schedule 2, Clause 6 of the Planning and Development (Local Planning Schemes) Regulations 2015.
 5. Prepares and publishes a notice of revocation for local planning policies 5, 10, 12, 14, 15, 16, 19 and 20 in accordance with Schedule 2, Clauses 6(b) and 87 of the Planning and Development (Local Planning Schemes) Regulations 2015.
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LOCATION PLAN

Nil

THE PROPOSAL

The proposal is a review of Local Planning Policies with a view to rescinding those which are no longer relevant and updating others to ensure they remain contemporary. An additional policy relating to the Witchcliffe commercial precinct is proposed.

BACKGROUND

On 27 July 2022 Council resolved (OM2022/122):

That Council directs the CEO to bring forward a report which sets out a range of possible changes to Local Planning Policy 7 'Short Stay Accommodation' aimed at modifying the permissibility of holiday homes in the priority and general agriculture and rural residential zones.

On 10 March 2023, Council resolved to endorse a draft (revised) version of LPP7 for the purposes of advertising.

On 13 March 2024 Council resolved (OM2024/41)

1. *Does not proceed with the amended Local Planning Policy 7 – Short Stay (Attachment 1) in accordance with the Schedule 2, Part 2 clause 4 of the Deemed Provisions; and*
2. *Requests that the CEO prepare a report for Council consideration on the merits of amending the policy after such time as the next version of the Planning in Bushfire Prone Area Guidelines has taken effect / the Shire's Bushfire Risk Management Plan has been reviewed.*

On 24 September 2024 the WAPC released revised versions of both State Planning Policy 3.7- Bushfire (SPP3.7) and the Planning for Bushfire Prone Area Guidelines ("the Guidelines").

On 13 August 2025, the Shire were advised that the Minister for Planning had approved LPS2 subject to a range of modifications being made.

STATUTORY AND POLICY REQUIREMENTS RELEVANT TO DECISION

SPP 3.7 and the Guidelines

The latest version of the Guidelines deliberately excludes holiday homes (now referred to as STRA – Short Term Rental Accommodation) meaning that bushfire risk and mitigation are no longer considered by the WAPC to be relevant considerations in the assessment of hosted and unhosted STRA. This aligns with the WAPC's view that in most areas of the State, STRA should be allowed without the need for Development Approval. Simply put, new applications for STRA are not required to be accompanied by BMP's and as a consequence the Shire/DFES no longer need to assess those BMP's against the Guidelines.

Planning and Development (Local Planning Scheme) Regulations 2015

The Regulations contain 'Deemed Provisions' which form part of all Schemes across the State.

Part 2 clause 3(4) of the Deemed Provisions provides that:

"The local government may amend or repeal a local planning policy."

Part 2 Clause 4 sets out the process for amending or repealing a policy. Amended policies must be subject to a 21 day (minimum) public consultation process.

STRATEGIC COMMUNITY PLAN 2025-2035

Focus Area: Caring for our natural environment

Outcome Statement E1: Natural landscapes are protected and managed to preserve and restore their biodiversity and cultural values

Focus Area: Caring for our natural environment

Outcome Statement E2: New development is concentrated within clearly defined areas to avoid impacts on remaining farmland and ecosystems

Focus Area: Managing our built environment

Outcome Statement B1: Townsites develop in a manner that retains their unique identity and encourages community connection, safety and vibrancy

CONSULTATION AND ADVICE

Subject to Council's approval, the new and modified policies will be advertised for a period no less than 21 days.

DISCUSSION / OFFICER COMMENTS

Aside from the specific changes to policies as outlined below, all retained policies are to be reformatted to accord with the WAPC's suggested 'manner and form' template and renumbered, taking account of those policies which are to be revoked.

LPP1 - Outbuildings, Farm Buildings and Swimming Pools

This policy has been working successfully to exempt compliant forms of development from the need for planning approval. It sets limits to the size of sheds which can be problematic in terms of impact on neighbours. It has emerged that there needs to be greater clarity regarding whether the size limits include or exclude a 'lean to' which are a common addition to the side of sheds.

It is recommended that in all zones except the Priority Agriculture zone, a 'lean to' will only meet the Acceptable Standards where they are no greater in size than 25% of the allowable shed size.

The order and wording of associated 'Performance Criteria' has also been modified to create additional clarity based upon issues arising from the ongoing application of the policy. (see Attachment 1)

LPP2 – Design Review

This policy was prepared relatively recently (July 2021) and has been operating effectively since that time. It guides the use of the Design Review Panel as a means to ensure that certain types of development achieve optimal design outcomes. It requires only minor formatting changes (see Attachment 2).

LPP3 – Extractive Industries

This policy was reviewed by Council in 2023. It has been operating effectively since then. It guides the Shire's approach to proposals for extracting basic raw materials such as sand and gravel. A change is proposed to add the necessity for proponents to provide documentation to the Shire on a yearly basis to confirm conditions of approval have been met, for example – truck movements, depth to groundwater etc. (see Attachment 3).

LPP4 – Boundary fencing

This policy requires only minor changes to remove references LPS1 and to ensure that the names of various zones accord with those included in LPS2 (see Attachment 4). An addition is proposed to cater for the revocation of LPP12.

LPP5 – Cellar door Sales

This landuse is undefined in LPS1 falling within the broader definition of 'rural produce sales'. In LPS2, the production of wine and its sale fall within the landuse of 'winery'. This change alone requires consideration of whether the policy ought to be renewed.

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This policy has been working successfully to exempt compliant forms of development from the need for planning approval. It sets limits to the size of sheds which can be problematic in terms of impact on neighbours. It has emerged that there needs to be greater clarity regarding whether the size limits include or exclude a 'lean to' which are a common addition to the side of sheds.

It is recommended that in all zones except the Priority Agriculture zone, a 'lean to' will only meet the Acceptable Standards where they are no greater in size than 25% of the allowable shed size.

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The issues which LPP5 deals with are, in the main, dealt with by provisions contained in LPS2, these include visual impact, parking, fire protection and landuse conflict. The policy focuses much of its attention on the issue of road upgrading and provides a formula for determining road upgrade requirements based upon the volume of wine produced and sold from the premises. The Shire's technical services unit has advised that this formula is no longer helpful in determining road upgrade requirements with processes having been established which accommodate various landuses and not just cellar door sales. For these reasons it is recommended that the policy be revoked.

LPP7 – Short Stay Accommodation

On 24 September 2024 the WAPC released revised versions of both State Planning Policy 3.7- Bushfire (SPP3.7) and the Planning for Bushfire Prone Area Guidelines ("the Guidelines").

The latest version of the Guidelines deliberately excludes STRA meaning that bushfire risk and mitigation are no longer considered by the WAPC to be relevant considerations in the assessment of hosted and unhosted short term rental accommodation. As such, new applications for STRA are not required by the Guidelines to be accompanied by BMP's and as a consequence the Shire/DFES no longer need to assess those BMP's against the Guidelines.

If Council were so inclined, LPP7 could be amended to refer to parts of the Guidelines or to bespoke bushfire requirements developed for this landuse type and therefore continue to require BMP's for unhosted STRA. If this is pursued, Council should be mindful that there is currently no agency or individual prepared to "approve" a BMP and bushfire consultants may not be inclined to 'certify' plans which have been prepared based on 'alternative' Guidelines. Council resolved to consider a range of planning responses to the bushfire threat at its meeting of 27th August 2025 and resolved not to progress with the options presented which included developing bespoke bushfire requirements.

There are consequential changes to the Shire's policy that have become necessary as a result of changes to the state-wide planning framework and incorporated into LPS2. They are: Reference to Short Term/Stay Accommodation in the title of the policy and elsewhere should be changed to 'Short Term Rental Accommodation' or STRA.

- Reference to 'Holiday Homes' should be changed to 'Short Term Rental Accommodation' (unhosted);
- Reference to Bed and Breakfasts (BnB's) should be removed from the policy altogether.
- AD2 relating to Ancillary Dwellings should be removed.
- The existing content at 'General-Fire' should be replaced with *"Unhosted STRA shall be required to have a Bushfire Emergency Evacuation Plan (BEEP) in place for use by guests in an emergency situation."*

Molloy Island has long been considered to be an area which holiday homes ought not to be allowed, despite being defined by the current policy as a 'coastal settlement' where STRA are not prohibited. The position of the Shire has generally been embraced by Molloy Island home owners and hence few applications have ever been received.

Despite the fact that the changes to SPP3.7 and the Guidelines remove impediments to the use of homes on Molloy Island for STRA, this is one area which the policy could be changed to prohibit STRA. This would be based on the undeniable fact that access to and from the island is inherently difficult and not conducive to the high levels of accessibility desired in emergency situations. Molloy Island should therefore be removed from the definition of a "coastal settlement".

The Structure Plan endorsed for the Witchcliffe Ecovillage specifies locations throughout the development which are 'acceptable holiday home locations'. To cater for this and other instances where structure plans similarly designate land for this purpose it is recommended that a 'Locational Criteria' be added to the policy which states:

"Located in areas identified for holiday home use by an applicable endorsed Structure Plan".

Council has previously expressed concerns that more recent subdivision and future land releases in Augusta are located further away from the coast and hence would not be consistent with the definition

of a coastal settlement, wherein holiday homes are permitted. For this reason, a map of allowable areas in Augusta is proposed.

If Council were of the view to want to further restrict holiday homes from certain areas of the Shire, it could revisit its previous intent to prohibit them in the Priority Agriculture and/or Rural Residential zones.

A revised version of LPP7 inclusive of the changes discussed above can be found at Attachment 5.

LPP8 – Surfing events

A revised draft of this policy is currently being prepared for the purposes of early engagement with stakeholders before Council consideration and broader consultation. Therefore, it's review does not form part of this report.

LPP9 - Events Assessment

This policy presents as a list of items which the organizer of an event may or may not need to address depending on the nature of the event and its location.

The Arts and Economic Development team are preparing their own and more contemporary Guidelines and information requirements which will be shared with event organisers, which may potentially make the current policy superfluous. It is likely that the policy would be modified or revoked once the Guidelines are concluded. In the meantime, it will remain unchanged.

LPP10 – Directional Signage

This policy is anomalous in that the form of development that it seeks to control is not one which is administered via the planning system. Directional signs located on public land (road reserves) are controlled via Shire processes administered by technical services staff who have their own publicly available Guidelines to guide decision making in this respect. It is therefore recommended that this policy be revoked.

LPP11 – Jetties

The construction of a jetty requires a range of approvals including development approval. The Shire's position with respect to jetties has been that they are not supported given that they essentially 'privatise' a portion of a public waterway. In the absence of this policy, that position would not be expressed in any publicly available document and hence it is recommended to be retained with minor wording updates (see Attachment 6).

LPP12 – Ashton Street Development

This policy sets controls specifically relating to an area generally bounded by Ashton Street and Railway Terrace. The area has been substantially developed, and controls are contained within LPS2 making the policy superfluous with the exception of bespoke fencing controls which warrant retention. It is recommended that these be transferred to LPP4 – Boundary Fencing and that the policy be revoked.

LPP13 – Mobile Food Business

This policy was created in July of 2024 and hence is not due for review. It does however require some minor changes to remove reference to LPS1 and replace with LPS2. It is also recommended that Druids Hall be removed from the list of approved mobile food business locations, given the lack of uptake to date and the conflict with wastewater irrigation on the lawn area (see Attachment 7)

Local Planning Policy 14 - Margaret River Development Investigation Areas Design and Development Policy

The purposes of this policy was to create a 'link' between the Rural Hamlet Design Guidelines and statutory planning processes such as the preparation of Structure Plans or Scheme amendments. Since 2011 when it was endorsed, reference to the Rural Hamlet Design Guidelines has been included in the Shire's Local Planning Strategy and LPS2. Furthermore, some of the development investigation sites referred to by the policy no longer form part of the Shire's future vision for residential growth as expressed by the Local Planning Strategy. For these reasons it is recommended that the policy be revoked.

LPP15 – Street Activation

This policy was created in order to encourage use of public places adjacent to commercial premises on the Margaret River Mainstreet post its redevelopment, for example – alfresco dining. It requires that a development approval and Local Law permit be obtained prior to any such activities taking place. Unfortunately, there was limited uptake of the opportunities contained within the policy.

The Shire announced in 2023 that there would be a period over which property owners could undertake street activation without needing a planning approval. This initially ran until April of 2024 and was subsequently extended until March 2025 including an additional exemption from the permit fee. Over that time, street activation initiatives have been pursued by many landowners along the Margaret River Mainstreet without incident. For this reason and given the adequacy of the local law permit as a suitable mechanism to control development on public land it is recommended for revocation. This is consistent with an applicable 'Key Project' outlined in the Shire's Corporate Business Plan 2025-2029.

LP16 - Subdivision for Conservation

This policy sets out the circumstances by which the Shire would support subdivision of rural land to create one or more 'conservation lots'. The vegetation on the conservation lots is thereafter protected from being cleared via a conservation covenant and hence the policy provides an incentive for bushland preservation. Since the policy was adopted, the WAPC have created their own policy on this matter (DC3.4) and given that the WAPC administer the subdivision process, the Shire's policy holds little value. This is especially so given that the WAPC's policy is more permissive. For this reason, it is recommended that the policy be revoked.

LPP17 – Exemptions from Development Approval

The Deemed Provisions, at clause 61, set out the types of development which do not require development approval. These include:

"Works specified in a local planning policy or local development plan that applies to the works as works that do not require development approval..."

As such, LPP17 provides the basis for the Shire to exempt development from the need for approval.

Many of the development types currently listed in the policy as being exempt from development approval are now listed in the Deemed Provisions or the provisions of LPS2 as being exempt. They are therefore recommended for deletion to avoid duplication.

In order to expand the development types which are exempt from development approval, additional low risk forms of development are recommended for inclusion in the policy. An example is the placement of solar panels where they are not parallel to a roof. (see Attachment 8).

LPP19 – Small House Policy

This policy provides for a variation to the Residential Design Codes in that it supports the provision of 'aged and dependant' forms of housing at a ratio (1) which differs from the requirements of the Codes (minimum 5). Since 2017 when it was adopted, it has had low levels of application likely due to the cost associated with building this form of housing. Furthermore, larger 'lifestyle villages' which cater for older residents have become more prevalent across the Shire (both existing and planned) meaning that this sector of the community is well provided for. Other forms of 'small housing' such as 'ancillary dwellings' and single bedroom dwellings are adequately administered by the R-Codes.

For these reasons it is recommended that this policy be revoked.

LPP20 – Sustainable Design Policy.

The purpose of this policy was to outline what 'sustainability features' a development was required to provide in order to support development at the higher of a 'split density code'. The passage of LPS2 through the approvals process has seen the Minister for Planning remove all split density codes and remove from the Scheme all sustainability requirements over and above those set out in the Residential Design Codes. In the absence of dual density codes the policy becomes superfluous.

Staff will continue to consider how best to improve the sustainability of new homes via other means given the lack of current support from the State Government for this initiative. It is recommended that this policy be revoked.

LP22 – Witchcliffe Eco Village

This policy, which is supported by the WAPC, creates a broad set of variations to otherwise applicable standards of the Residential Design Codes to be applied across the Witchcliffe Eco Village. Practically, it allows the Shire to adopt Local Development Plans which differ from the Residential Design Codes, without seeking the WAPC's permission in each instance which would otherwise be required. Whilst LDPs for the Eco Village have been finalised, it would not be unusual for revisions to be sought, and thus, the policy should be retained with minor updates (see Attachment 9).

LPP23 – Renewable Energy Systems

Council resolved on the 26 November 2025 to review this policy and undertake a period of public consultation. It was given final approval by Council on 25 March 2026.

LPP26 – Signage

This policy requires a change to the names of zones which have been altered as a result of LPS2. The policy at present makes reference to 31 sign types, some having only minor differences from one another. Some sign types are not reflected in LPS2 and thus the intent is to rationalise the sign types to make the policy more legible. Some sign types e.g election signs) are exempted via the Deemed Provisions and hence can be deleted (see Attachment 10)

LPP27 – Heritage Places

There are various references to clauses within LPS1 throughout the policy. These need to be updated to reflect LPS2. Otherwise, the policy continues to be relevant, having formed a key component in the assessment of various items recently considered by Council including the 'Inne Town Backpackers' redevelopment, Margaret River Hotel, and Old Goods Shed (see Attachment 11).

LPP30 – Public Art

This policy is not due for review until August 2027, having only (relatively) recently been created. It has been successful in ensuring that decision makers, including the Development Assessment Panel, apply conditions requiring contributions by proponents towards public art.

New policy – Witchcliffe Character Controls

The Shire undertook a Character Study of the Witchcliffe town centre in 2022. The purpose of the policy is to establish guiding policies for commercial development/redevelopment with the intent of maintaining the character of the Witchcliffe Village Centre and those elements which make it unique, as identified by the Character Study. Note that the policy has been subject to a design review via the Southwest Design Review panel with input included in the draft where appropriate (see Attachment 12)

FINANCIAL IMPLICATIONS

Implications, Long Term Financial Plan, Whole of Life Cycle Considerations

Properties which have approval for hosted STRA pay higher rates than those which do not, as they fall within the tourism category and in recognition of the commercial nature of the land use.

SUSTAINABILITY IMPLICATIONS

Environmental, Social, Economic, Contribution to 'Net Zero' Targets

The Shire intends to continue to investigate ways to improve the sustainability of new housing despite the Ministers decision to remove related content from deft LPS2.

ADVOCACY

The Shire's previous advocacy led to the State Government's Position Statement being changed such that it continues to allow Local Governments in the South West to set their own policy positions with regard to unhosted STRA.

RISK ASSESSMENT

There may be a view amongst some community members that the withdrawal of State Government bushfire policy from the STRA 'space', heightens the need for the Shire to exclude them from bushfire prone areas. Given Council's previous concerns about the use of the BRMP data to guide this, and in the absence of the Guidelines, there are no available fire risk related metrics upon which to base targeted modification of permissible areas.

As an alternative, Council have the option of removing reference in the policy to a minimum lot size of 1ha, which could be changed to (for example) 5ha, and this would essentially exclude all 'Rural Residential' zoned properties from the permissible area. A broad change of this type would be likely to draw significant objections from effected landowners, as have similar changes contemplated by Council in the past.

OFFICER RECOMMENDATION

That Council:

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2. Prepares a policy to be titled 'Witchcliffe Character Controls' (Attachment 12), pursuant to Schedule 2, clause 3 of the Planning and Development (Local Planning Schemes) Regulations 2015.
3. Requests the Chief Executive Officer to arrange for publication of a notice of the preparation of the Witchcliffe Character Controls Policy and the adoption of amended Local Planning Policies 1, 2, 3, 4, 7, 11, 13, 17, 22, 26 and 27 in accordance with Schedule 2, Clauses 4(4), and 87 of the of the Planning and Development (Local Planning Schemes) Regulations 2015.
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5. Prepares and publishes a notice of revocation for local planning policies 5, 10, 12, 14, 15, 16, 19 and 20 in accordance with Schedule 2, Clauses 6(b) and 87 of the Planning and Development (Local Planning Schemes) Regulations 2015.

The officer's recommendation was not moved.

Cr Muir moved the following motion:

MOTION / COUNCIL DECISION

CR MUIR, CR D'ATH OM2026/45

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6. Request the CEO to undertake further review of Local Planning Policy No.7 – Short Stay Accommodation considering data on current STRA approvals and housing supply context, including rental vacancies and dwelling approvals within the Shire.

CARRIED 6/0

FOR: CRS D'ATH, FORTE, JEAN-RICE, KENNAUGH, MUIR, WINTER

AGAINST: NIL

Cr Bell and Cr Boland re-entered Chambers at 7.00pm.