

**DEVELOPMENT SERVICES****DS01 - 11/24****Proposed Amendment to Local Planning Policy 1 – Sea Containers**

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	N/A
<b>Author</b>	Principal Planning Officer
<b>Authorising Officer</b>	Executive Manager Development Services
<b>Disclosure of interest</b>	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
<b>Voting requirements</b>	Simple Majority
<b>Attachments</b>	1. Local Planning Policy 29 – Sea Containers (current) 2. Draft Local Planning Policy 1 – Sea Containers

	<b>Authority / Discretion</b>	<b>Definition</b>
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input checked="" type="checkbox"/>	Legislative	<b><i>When Council initiates or adopts a policy position, or a local law</i></b>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i>
<input type="checkbox"/>	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

**Executive Summary**

Council is requested to consider initiating the amended Local Planning Policy 29 – Sea Containers for advertising to the public.

**Background**

Local Planning Policy 29 - Sea Containers (LPP 29) was initially adopted by Council in September 2005 and was last updated in August 2016; over eight years ago. Since then, changes to the local planning framework have occurred, such as the development of lots in the Residential zone in Wildflower Ridge Estate and other parts of the Shire. Furthermore, it has been identified that LPP 29 lacks clarity with regard to application/approval requirements and does not provide sufficient guidance on the Shire's position on the storage of sea containers on land in the Shire. This has made it difficult to ensure compliance with the Policy, and in some cases has resulted in a proliferation of unapproved sea containers which can negatively affect the visual amenity and rural character of the Shire. A copy of the existing LPP 29 is attached (Attachment 1) for reference.

Local Planning Policies are recommended to be reviewed and updated regularly to ensure they are kept up to date, remain fit for purpose, and reflect the current legislative and regulatory requirements. For these reasons, a draft updated version of LPP 29 has been prepared for Council to consider for advertising to the broader public for comment. After advertising the draft policy, the policy may be modified (if necessary) to reflect community feedback, and brought back to Council to be formally adopted.

The changes to the updated LPP 29 are summarised as follows:

1. Updated to be consistent with legislation and guidelines introduced for local planning policies by WALGA and the Department of Planning, Lands and Heritage;
2. Re-formatted for clarity;
3. New provisions introduced for the keeping of sea containers in particular zones (i.e. introducing restrictions for the Residential zone);
4. Further guidance on situations where sea containers may be stored on a property without approval;
5. Further guidance on what information needs to be provided with any application for a sea container; and
6. Removal of differing requirements and provisions for temporary versus permanent keeping of sea containers and the keeping of different sized sea containers in favour of a more streamlined, consistent approach.

A copy of the proposed amended Policy is attached (Attachment 2) for reference. Through this process, a renumbering of the Policy can also occur to commence a more coherent structure of the Shire's LPPs and as such, the proposed amended Policy will assume the No. 1.

### Consultation Summary

#### Local

Nil – consultation will be undertaken if Council resolves to amend LPP 29.

#### State

Nil – consultation will be undertaken if Council resolves to amend LPP 29.

### Legislative Implications

#### State

- Planning and Development (Local Planning Schemes) Regulations 2015

Local planning policies are prepared and amended under Part 2, Division 2 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations).

When amending a local planning policy, the local government is to follow the same procedure as for the preparation of a new policy. This includes the following steps:

1. If the local government resolves to amend a local planning policy; publishing the proposed policy and inviting comments and feedback for a period of at least 21 days;
2. Review the policy in light of any submissions made, and resolve to proceed with the policy with or without modification, or not to proceed with the policy;
3. Publish the policy.

The local government is not to vary the requirements of the Residential Design Codes (R-Codes) through a Local Planning Policy without the approval of the Western Australian Planning Commission. The proposed updated LPP 29 does not propose any variations to the R-Codes.

#### Local

- LPP 29 is required to be consistent with Local Planning Scheme No. 6. If there is any inconsistency between a local planning policy and the Local Planning Scheme, the Scheme provisions prevail. In preparing the draft updated LPP 29, it has been ensured that there is no inconsistency between the Policy and the Scheme.

### Policy Implications

#### State

- LPP 29 is required to be consistent with State planning policies. If there is any inconsistency between a local planning policy and a State planning policy, the State policy provisions prevail. In preparing the draft updated LPP 29, it has been ensured that there is no inconsistency between the policy and all State planning policies.

Local

- Updating LPP 29 will result in a more fit-for purpose policy that provides greater guidance and clarity to members of the public in understanding the Shire's position on the keeping of sea containers and approval requirements. Further, Shire officers will be able to apply the Policy more consistently, which overall will better protect the visual amenity and rural character of the Shire by limiting the inappropriate use and placement of sea containers.

**Financial Implications**

Nil

**Strategic Assessment / Implications**Local

- Strategic Community Plan 2024-2034

Engagement Theme: Built Environment

Aspiration: Balance Between Development and Conservation

Strategy Number: 3.4 – Country Charm &amp; Rural Design

*Elevating the visual appeal and character of our rural communities through detailed design, streetscape enhancements, and place-making endeavours. This encompasses the preservation of historic landmarks, the celebration of architectural diversity, and the integration of landscaping, public art, and streetscape amenities to craft charming and welcoming public spaces that embody the essence of our country lifestyle.*

Engagement Theme: Administration and Governance

Aspiration: Council Accountability and Transparency

Strategy Number: 5.6 – Continuous Improvement &amp; Evaluation

*Measuring the impact and adjusting our strategies through continuously evaluating and improving council practices, policies, and procedures to ensure accountability, transparency, and effectiveness. This includes soliciting feedback from residents and stakeholders, conducting regular performance reviews, and implementing recommendations for improvement.*

State

Nil

**Site Inspection**

Site inspection undertaken: Not applicable

**Environmental Consideration**

Environment consideration given: Yes

New provisions for sea containers establish that the Shire does not generally support the placement of sea containers in areas that will require the clearing of native vegetation.

**Risk Assessment / Implications**

Risk	Likelihood	Consequences	Risk Analysis	Mitigation
<b>People</b> – community not supportive to changes to sea container requirements	Possible	Minor	Moderate	Advertise proposed policy prior to adoption and incorporate community feedback
<b>Opportunity:</b> Improved visual amenity and protection of landscape and rural character of the Shire through improved control of sea container placement and use.				

**Officer Comment/Details**

The review of LPP 29 is part of a broader review of the Shire's local planning policies being undertaken by the Shire's Planning team. The review seeks to ensure all LPPs are relevant, facilitate appropriate community and built form outcomes, and are up to date with current legislative requirements.

The policy measures within LPP 29 have not been substantially modified. The main change is a new provision that states the Shire does not permit sea containers within the Residential zone (i.e. Wildflower Ridge Estate and other Residential zoned areas) unless they are kept on a temporary basis in accordance with the policy provisions, or fully enclosed within a shed. This is to address the visual amenity issues that have arisen with the keeping of sea containers in Residential areas due to the typically smaller lot sizes, meaning that sea containers and their industrial and utilitarian appearance have an overall greater negative impact on the character and visual amenity of the area.

The updated LPP also seeks to streamline the policy to provide greater clarity to the community on the Shire's position on sea containers, including when approval is and is not required, what information is required to apply, and what standards and requirements need to be met to obtain approval for a sea container. The new format is consistent with WALGA and the Department of Planning, Lands and Heritage's LPP template. Overall, the updated LPP 29 will provide greater protections for visual amenity and preservation of the Shire's rural and landscape character, and allow for easier implementation and compliance.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION 021124**

**Moved Cr King, seconded Cr Angus**

**That Council, pursuant to Clause 4 (1) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to amend Local Planning Policy 29 – Sea Containers as per Attachment 2, and commence the required public advertising.**

**CARRIED UNANIMOUSLY: 6 / 0**

**TIME: 7.20 PM**