



# *Shire of Coorow*

## **TOWN PLANNING SCHEME No 2**

District Zoning Scheme

### **AMENDMENT No 4**

- 1. Rezone Lot 58 & 59 Thomas Street, Leeman from Residential R50 to Residential R35.**
- 2. Amend zoning table to include references to single, grouped and multiple dwellings rather than all being covered under the generic reference of dwelling.**
- 3. Amend the scheme by including provisions relating to the development and adoption of Detailed Area Plans.**

# Proposal to amend Shire of Coorow Town Planning Scheme No. 2

## Amendment No 4 - Report

### INTRODUCTION

Approval is sought from the Hon Minister for Planning and Infrastructure to amend the Shire of Coorow Town Planning Scheme No. 2 as follows:

1. Modify the Scheme Map by recoding Lots 58 and 59 Thomas Street, Leeman from Residential R50 to Residential R35
2. Modify the zoning table (Table 1) to make reference to single, grouped and multiple dwelling development, with grouped and multiple dwellings being a discretionary use
3. Introduce provisions to enable the Shire to adopt Detailed Area Plans as a means of coordinating development.

### COMMENT

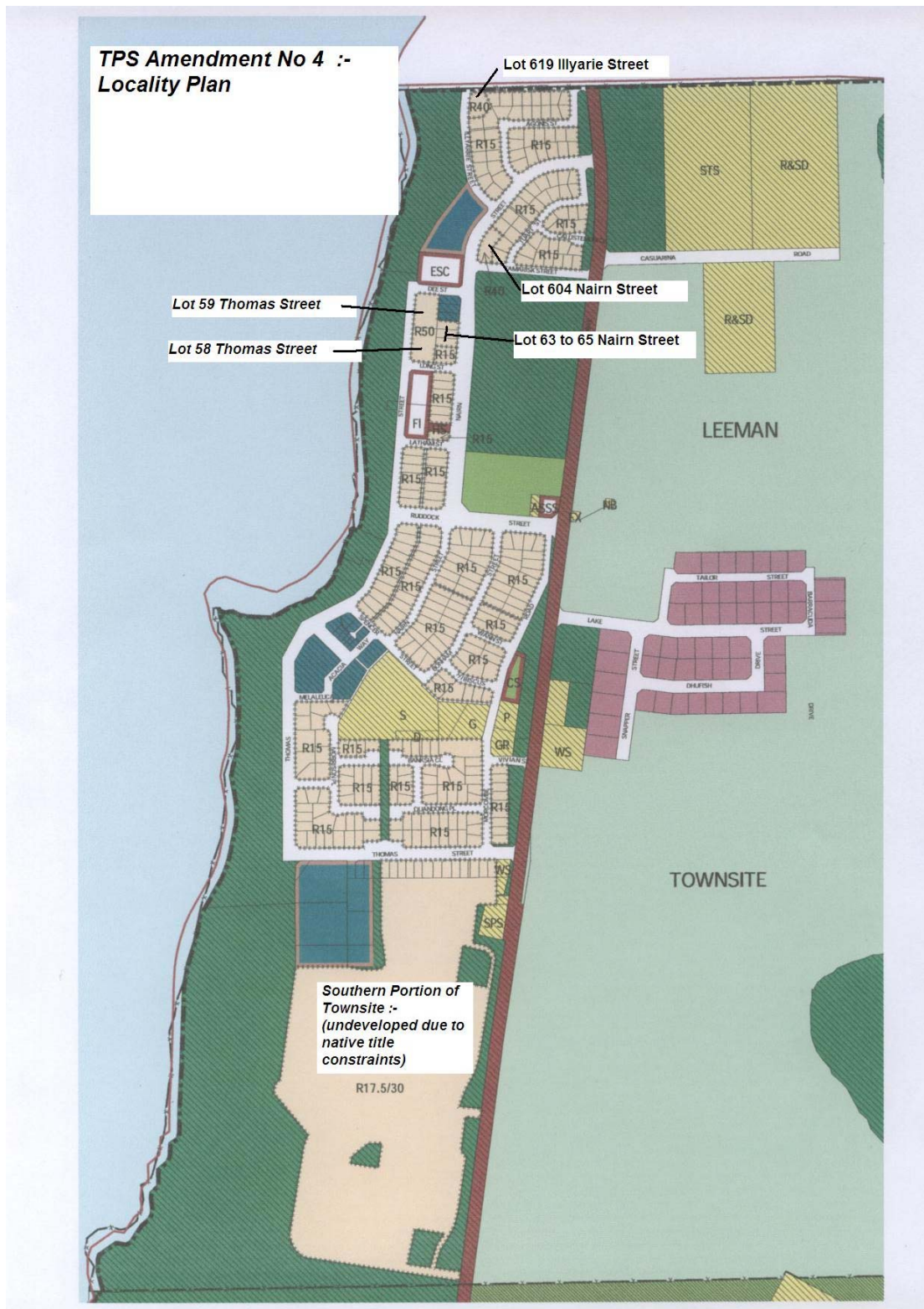
This amendment has three components. Comment on each of those components is as follows;

#### **1. Modification of the Scheme Map by recoding Lots 58 and 59 Thomas Street, Leeman from Residential R50 to Residential R35**

Apart from Lots 58 & 59 Thomas Street most of the "Residential" zoned land within the Leeman Townsite is coded R15, except for:

- i. Lot 619 Illyarie Street which is coded R40
- ii. Lot 604 Nairn Street which is coded R40,
- iii. Lots 63 to 65 Nairn Street which is coded R50, and
- iv. the southern portion of the Townsite, which has a split coding of R17.5/R30. *It should be noted that this area is still to be cleared of native title and as yet remains undeveloped.*

Attached is a map showing the locality of the parcels of land described above.

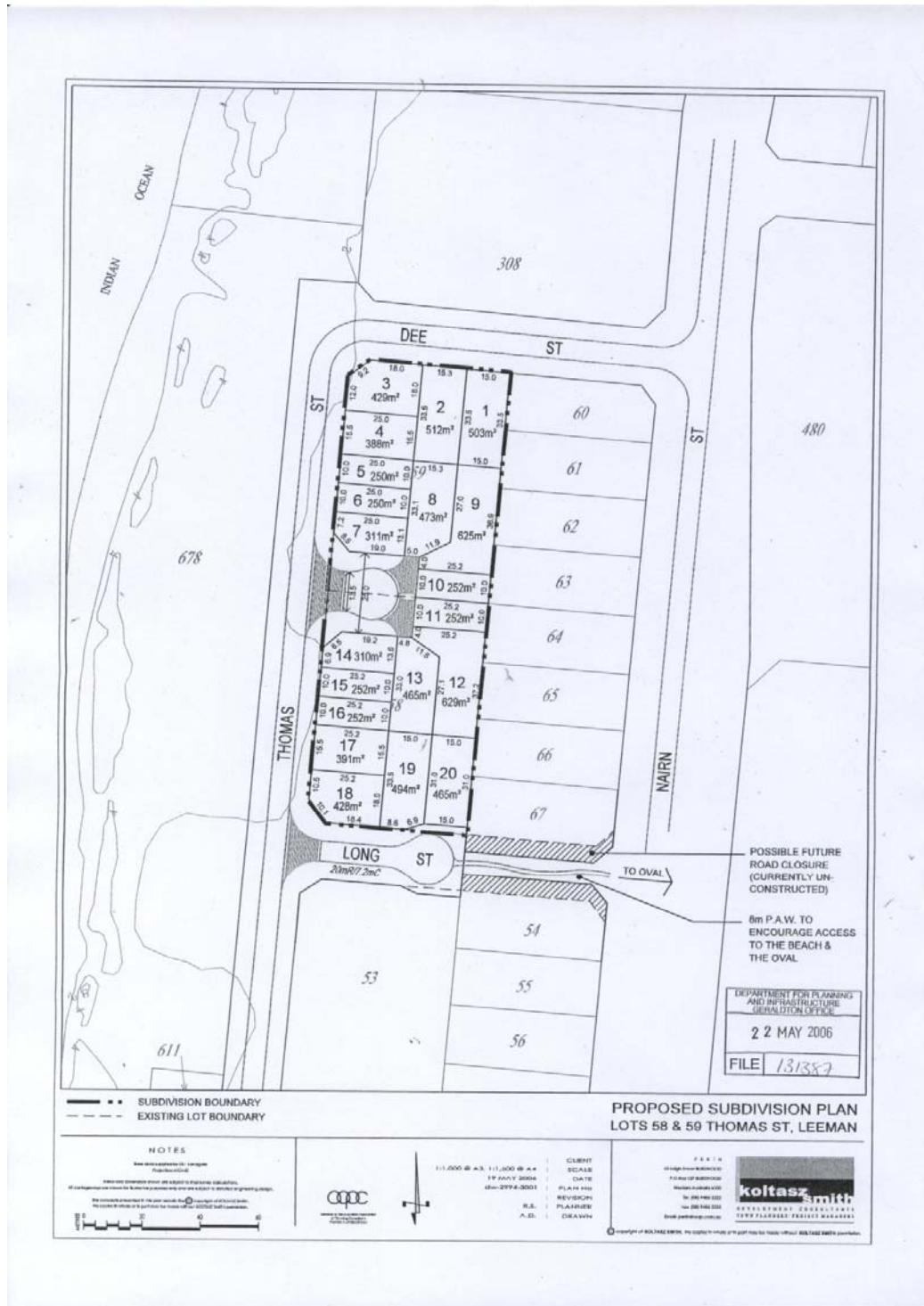


**Note:**

1. Amendment 3 (advertised concurrently with this proposal) proposes to give Council the discretion to approve a range of development densities within the residential zone, namely R20 & R30, subject property being sewered and certain requirements relating to lot area.
2. Amendment does not propose to change the development density of Lots 63 to 65 Nairn Street. This amendment proposal relates specifically to addresses Lot 58 & 59 Thomas Street, for which a sub-division application has already been lodged. If the zoned density for Lots 63 to 65 Nairn Street need to be adjusted some time in the future then an amendment for that purpose will be undertaken at that time.

Landcorp are in the process of developing Lots 58 and 59 Thomas Street, and investigations conducted to date have indicated that the development of the subject land to its maximum potential of R50 is not viable, given the lack of market demand for development of such a high density within this regional Townsite.

The sub-division proposal for Lots 58 & 59 Thomas Street proposes a range of lots sizes (see attached plan). The range of lot sizes proposed range from 252m<sup>2</sup> to 629m<sup>2</sup>.



dwelling developments on a number of the proposed lots. Multiple battle-axe type developments should in the opinion of Council be avoided where possible.

When the developer was approached on the basis that such development would be better served if some of the lots were combined to allow survey strata development down both sides of a common access, they indicated that they would their development policy prevented them from carrying out survey strata development.

As a result it was put to the developer the Council would only support the sub-division layout as proposed if the allocated density for the area was reduced from R50 to R35. This change in density removes the potential from all but two of the lots for grouped development.

**2. Modification of the zoning table (Table 1) to make reference to single, grouped and multiple dwelling development, with grouped and multiple dwellings being the subject of discretionary approval**

Table 1 of the Town Planning Scheme makes reference to “Dwelling” as a use class which is permitted by the scheme within the Residential Zone. No distinction is made on the form of development that the dwelling may be a part of. This in effect means that all forms of dwelling including grouped and multiple dwellings are permitted uses within the Residential zone (subject to compliance with the provisions of the Residential Design Codes).

Most contemporary Town Planning Schemes make a distinction between single, grouped and multiple dwellings given that different planning considerations apply to each of these classes of land use.

There are concerns that the classification of all residential dwelling development within a sole use class restricts the ability for the local government to exercise its discretion in its consideration of residential development proposals, particularly for grouped and multiple dwelling developments where it is generally accepted that the scope of consideration for such proposals goes beyond simply achieving compliance with the relevant development standards and the Scheme.

The change proposed brings the Town Planning Scheme into line with normal practice.

**3. Introduction of provisions relating to the adoption of Detailed Area Plans as a means of coordinating development.**

The existing Scheme does not make any provision for the consideration and adoption of Detailed Area Plans as a framework for coordinating development on smaller lots by defining building envelopes and access requirements.

It has been identified that scheme provisions relating to detailed area plans are needed to best control the development of the lots created from the sub-division of lots 58 & 59 Thomas Street.

Further, such control will allow the council a greater level of control options when it comes to other development, given the existence of undeveloped land within the Shire of Coorow with the potential for the subdivision and development of lots under 350m<sup>2</sup> in area, it is considered appropriate to introduce a statutory framework within the Town Planning Scheme to ensure that development on smaller lots can be coordinated within an orderly framework.

The form of the amendment will allow the consideration of Detailed Area Plans as a part of the overall development approval process for;

- i. sub-division approval,
- ii. mixed use development,
- iii. tourist site development, and
- iv. residential development encompassing grouped or multiple dwellings (normally where a residential density of R25 or greater applies).

Some form of Detailed Area Planning is necessary with the sub-division of lots 58 & 59 Nairn Street, specifically for those lots having frontage to Thomas Street.

# THE AMENDMENT

## PLANNING & DEVELOPMENT ACT 2005

### Shire of Coorow

#### **TOWN PLANNING SCHEME NO. 2 - AMENDMENT NO. 4**

The Shire of Coorow under and by virtue of the powers conferred upon it by the Planning and Development Act 2005 (as amended), hereby amends the above Town Planning Scheme as follows:

1. Modifying the Scheme Map by recoding Lots 58 and 59 Thomas Street, Leeman from Residential R50 to Residential R35
2. Deleting the use class of "Dwelling" indicated in Table 1: Zoning Table comprised within Part 4 of the Scheme, and inserting the following into Table 1:

Use Classes	ZONES							
	Residential	Commercial	Industrial	Tourist Accom	Rural	Rural Residential	Places Public Assembly	Private Clubs & Institutions
Dwelling - Single	P	X	X	D	P	P	X	X
Dwelling - Grouped	D	X	X	D	D	D	X	X
Dwelling - Multiple	D	X	X	D	X	X	X	X

3. Amend the Table of Contents by inserting Part 12 – Detailed Area Plans – Page 41.
4. Inserting a new part – Part 12 - Detailed Area Plans

#### **12.1 Detailed Area Plan May Be Required**

12.1.1 (a) The Council or the Commission may require a person to prepare and submit to the Council a Detailed Area Plan.

(b) A Detailed Area Plan is to be consistent with the Scheme.

12.1.2 A Detailed Area Plan shall be submitted to the Council in quadruplicate or such other quantity specified by the Council.

12.1.3 A Detailed Area Plan is to relate to a particular lot or lots and may be prepared and submitted:

- (a) to satisfy a condition of subdivision and/or planning approval;
- (b) in place of an application for planning approval required to comply with Clause 2.3.3 of the Residential Design Codes; or
- (c) for any other planning purpose.

#### **12.2 Matters that may be included in a Detailed Area Plan**

12.2.1 A Detailed Area Plan may include details as to:

- (a) building envelopes and setbacks;
- (b) distribution of land uses within a lot;
- (c) private open space;
- (d) services;
- (e) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;
- (f) the location, orientation and design of buildings and the space between buildings;
- (g) advertising signs, lighting and fencing;
- (h) landscaping, site and building levels and drainage;
- (i) protection of sites of heritage, conservation, flora or environmental significance;
- (j) special development controls and guidelines; and
- (k) such other information considered relevant by the Council.

### **12.3 Consideration of a Detailed Area Plan**

12.3.1 Upon submission of a Detailed Area Plan to Council for consideration the Council is to assess the Detailed Area Plan within sixty (60) days if advertising is not required and ninety (90) days if advertising is required, and:

- (a) adopt the Detailed Area Plan with or without conditions and/or modifications which the Council may make or require the proponent to make; or
- (b) refuse to approve the Detailed Area Plan.

12.3.2 If within sixty (60) days if advertising is not required and ninety (90) days if advertising is required of receiving a Detailed Area Plan under subclause 12.3.1, or such longer period as may be agreed in writing between the proponent and the Council, the Council has not made one of the determinations referred to in subclause 12.3.1, the Council is deemed to have refused to approve the Detailed Area Plan.

12.3.3 If the Council requires modifications under subclause 12.3.1(a), the proponent shall make the modifications in consultation with the Council and resubmit the Detailed Area Plan. The Council may make the modifications required under subclause 12.3.1(a).

12.3.4 Following approval by the Council and any modifications required by the Council under subclause 12.3.1(a) being made to the Detailed Area Plan where required, the Detailed Area Plan should be certified by an officer authorised by Council.

12.3.5 A copy of the certified Detailed Area Plan is to be sent to the Commission for its adoption within 14 days of certification of the Detailed Area Plan, where such detailed area plans relates to or may have bearing on the sub-division of land.

### **12.4 Public Notice of a Detailed Area Plan**

12.4.1 The Council may at its discretion require a Detailed Area Plan to be advertised with or without conditions and/or modifications, prior to Council considering the Detailed Area Plan under Clause 12.3.1.

12.4.2 The Council may at its discretion require an Amendment to a Certified Detailed Area Plan to be advertised with or without conditions and/or modifications, prior to Council considering the Amendment to the Agreed Detailed Area Plan under Clause 12.4.1.

12.4.3 Such publicity shall be undertaken by the proponent in accordance with the provisions of Clause 9.4 as may be directed by the Council.

## **12.5 Operation of a Certified Detailed Area Plan**

12.5.1 A Certified Detailed Area Plan shall come into operation on the date it is certified under Clause 12.3.4.

12.5.2 Once a Detailed Area Plan has been approved by Council it shall be used, as the basis for:

- (a) making recommendations to the Commission on subdivision applications;
- (b) determining requests to clear a condition of subdivision approval; and
- (c) determining applications for planning approval.

12.5.3 Once a detailed area plan has been approved by the Commission the Commission will give due consideration to the requirements of the Detailed Area Plan in relation to its decisions in respect of the development and/or sub-division of land.

12.5.4 Under a Detailed Area Plan:

- (a) the standards and requirements applicable to zones and R-Codes under the Scheme shall apply to the same extent to the areas having corresponding designations under the Agreed Detailed Area Plan; however notwithstanding the provisions of subparagraph (c), an Agreed Detailed Area Plan may by a clear statement of intent to do so, make provision for the design standards and requirements applicable to R-Codes and zones to be varied, and the design standard or requirement varied in that way shall apply within the area of the Agreed Detailed Area Plan, or any stipulated part of that area of the Agreed Detailed Area Plan;
- (b) provisions duplicating or substantially to the same effect as any provisions of the Scheme shall have the same force and effect in regard to the land in the Detailed Area Plan as if they were provisions of the Scheme;
- (c) any other provision, standard or requirement in relation to the R-Codes and zones in the Agreed Detailed Area Plan shall be given the same force and effect as if it was a provision, standard or requirement of the Scheme, but subject to the provision of subclause 12.5.3(a) allowing for a specific variation to the design standards and requirements by a Detailed Area Plan, if there is any other inconsistency or conflict not addressed as an intended variation by the Agreed Detailed Area Plan, the provision, requirement or standard of the Scheme shall prevail.

**12.6 Amendment or Revocation of an Agreed Detailed Area Plan**

12.6.1 A Detailed Area Plan may be amended provided the process of consideration of such an amendment complies requirements of clauses 12.1, 12.2, 12.3, 12.4, & 12.5

12.6.2 The Council may revoke a Detailed Area Plan. Following the Council's decision to revoke a Detailed Area Plan, the Council is to advise the Commission of its decision to revoke the Detailed Area Plan.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
G SHERRY  
CHIEF EXECUTIVE OFFICER

PLANNING & DEVELOPMENT ACT 2005

Shire of Coorow

**TOWN PLANNING SCHEME NO. 2 - AMENDMENT NO. 4**

Adopted by resolution of the Council of the Shire of Coorow at the meeting of the Council held on the 12<sup>th</sup> day of April, 2006.

M. J. GIRANDO  
SHIRE PRESIDENT

DATE

G. SHERRY  
CHIEF EXECUTIVE OFFICER

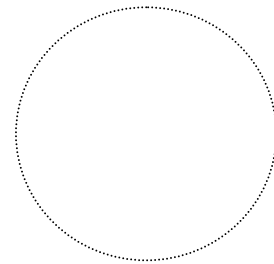
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Adopted for final approval by resolution of the Shire of Coorow at the meeting of the Council held on the    day of                      and the Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

M. J. GIRANDO  
SHIRE PRESIDENT

DATE



G SHERRY  
CHIEF EXECUTIVE OFFICER

DATE

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Recommended/Submitted for Final Approval by the Western Australian Planning Commission

CHAIRMAN  
WA PLANNING COMMISSION

DATE

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Final Approval granted

MINISTER FOR PLANNING AND INFRASTRUCTURE    DATE