

Shire of Halls Creek
Local Planning Scheme No. 2

Amendment No. 3

Planning and Development Act 2005

**RESOLUTION TO PREPARE AMENDMENT
TO LOCAL PLANNING SCHEME**

SHIRE OF HALLS CREEK LOCAL PLANNING SCHEME NO. 2

AMENDMENT NO.2

The Shire of Halls Creek Council resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. Modifying Table 3 - Zoning Table by changing the land use permissibility of 'Residential-Grouped Dwellings' in the 'Mixed Use' zone from 'X'- not permitted, to 'A', meaning grouped dwellings are not permitted in the Mixed Use zone unless Council exercises its discretion after community consultation.
2. The amendment is standard under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:
 - a) It is consistent with the Shire's Local Planning Strategy
 - b) It will have minimal impacts on land in the scheme area that is not subject to the amendment; and
 - c) it will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Dated this _____ day of _____ 20 ____

Chief Executive Officer

PROPOSAL TO AMEND A LOCAL PLANNING SCHEME

- 1) LOCAL AUTHORITY** SHIRE OF HALLS CREEK

- 2) DESCRIPTION OF LOCAL PLANNING SCHEME** LOCAL PLANNING SCHEME NO.2

- 3) TYPE OF SCHEME** LOCAL PLANNING SCHEME

- 4 SERIAL NUMBER OF AMENDMENT** AMENDMENT NO. 3

- 5) PURPOSE** MODIFYING TABLE 3 - ZONING TABLE TO CHANGE THE LAND USE PERMISSIBILITY OF 'RESIDENTIAL-GROUPED DWELLINGS' IN THE 'MIXED USE' ZONE FROM 'X'- NOT PERMITTED, TO 'A', - NOT PERMITTED IN THE MIXED UNLESS COUNCIL EXERCISES ITS DISCRETION AFTER COMMUNITY CONSULTATION.

AMENDMENT REPORT

1.0 Purpose

On 17 September 2019 the Shire of Halls Creek Local Planning Scheme No. 2 (LPS2) was published in the *Government Gazette* and came into operation. LPS2, which incorporates the Scheme text and Scheme maps, controls and guides development and growth within the Shire of Halls Creek.

The purpose of the proposed Amendment 3 is to enable the development of grouped dwellings in the Mixed Use zone at Councils discretion.

2.0 Background

The amendment proposes to modify Table 3 – Zoning Table by changing the land use permissibility of 'Residential-Grouped Dwellings' in the 'Mixed Use' zone to 'A', meaning grouped dwellings are not permitted in the Mixed Use zone unless Council exercises its discretion after community consultation.

USE AND DEVELOPMENT CLASS	Residential	Urban Development	Cultural and Natural Resource Use	Rural	Rural Residential	Rural Enterprise	General Industry	Commercial	Mixed Use	Tourism
Residential Aged Care Facility	D	D	D	X	D	X	X	X	A	X
Residential Building	X	A	D	X	X	X	X	X	X	X
Residential - single house	P	P	P	P	P	P	X	X	A	I
Residential - grouped dwelling	D	D	D	X	A	A	X	X	X	I
Residential - multiple dwelling	A	A	D	X	X	X	X	X	A	X

Figure 1 Grouped Dwellings not permissible in Mixed Use zone.

USE AND DEVELOPMENT CLASS	Residential	Urban Development	Cultural and Natural Resource Use	Rural	Rural Residential	Rural Enterprise	General Industry	Commercial	Mixed Use	Tourism	Settlement
Repurposed dwelling	D	D	D	D	D	D	X	X	A	X	
Residential Building	X	A	D	X	X	X	X	X	X	X	
Residential Aged Care Facility	D	D	D	X	D	X	X	X	A	X	
Residential - single house	P	P	P	P	P	P	X	X	A	I	
Residential - grouped dwelling	D	D	D	X	A	A	X	X	A	I	
Residential - multiple dwelling	A	A	D	X	X	X	X	X	A	X	

Figure 2 Grouped dwelling not permissible unless Council exercised discretion after public consultation.

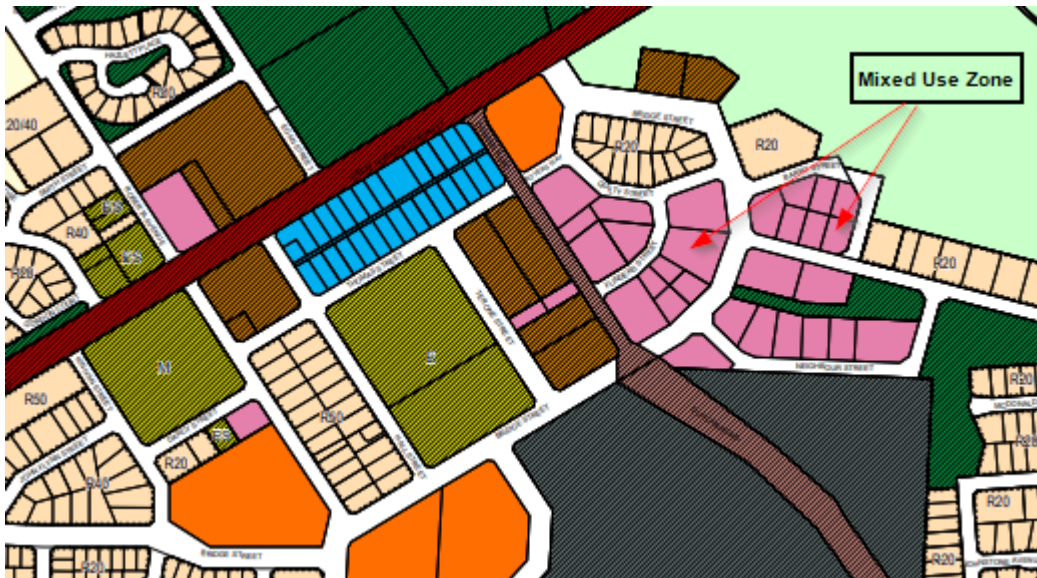


Figure 3 Mixed-use zone - Extract _Halls Creek Town Scheme Map

See appendix 1 – Halls Creek Town Scheme Map

In June 2020, the Shire of Halls Creek submitted a Crown Land Enquiry on Lot 567 with the intention of developing a residential subdivision. This would make new lots available for developers. The Halls Creek townsite currently has no land available for residential development. Developers now resort to grouped dwellings on existing lots to increase the housing stock.

3.0 Planning Considerations

3.1 Shire of Halls Creek Local Planning Strategy

The Shire of Halls Creek Local Planning Strategy was endorsed by the Western Australian Planning Commission on the 25th May 2016. The Local Planning Strategy sets out the medium to long term planning directions for the Shire over the next 10-15 years, and provides the rationale for the zones and other provisions of LPS2. The zoning changes in this Amendment are consistent with the objectives, strategies and actions in Clause 6.6 - Residential (Existing and Future), of the Local Planning Strategy.

4.0 Planning Rationale for Proposed Scheme Amendment Changes

The changes proposed in this Amendment are consistent with the Shire of Halls Creek Local Planning Scheme No. 2 (Amendment 1), whose objectives for the 'Mixed-Use' zone are,

- *To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels.*
- *To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.*

- *To ensure light industrial uses are located so as to avoid land use conflicts with other adjoining uses.*

5.0 Conclusion

This amendment is a standard amendment under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:

- a) It is consistent with the Shire's Local Planning Strategy
- b) It will have minimal impacts on land in the Scheme area that is not subject to the amendment; and
- c) it will not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.

The proposed amendment is considered to be consistent with all relevant elements of the State and local planning frameworks.

On the basis of the information contained in this report, it is recommended that the amendment be supported.

COUNCIL ADOPTION

This [Standard] Amendment was adopted by resolution of the Council of the [HALLS CREEK] at the [NAME] Meeting of the Council held on the [day] day of [month], 20[21].

.....

SHIRE PRESIDENT

.....

CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

by resolution of the Council of the [SHIRE OF HALLS CREEK] at the [NAME] Meeting of the Council held on the [day] day of [month], 20[year], proceed to advertise this Amendment.

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SHIRE PRESIDENT

.....

CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended [for support/ not to be supported] by resolution of the [SHIRE OF HALLS CREEK] at the [NAME] Meeting of the Council held on the [number] day of [month], 20[year] and the Common Seal of the [SHIRE OF HALLS CREEK] was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....

SHIRE PRESIDENT

.....

CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

.....

**DELEGATED UNDER S.16 OF
THE P&D ACT 2005**

DATE.....

APPROVAL GRANTED

.....

MINISTER FOR PLANNING

DATE.....

Appendix 1 – Halls Creek LPS – Map 4T

