



# LOCAL PLANNING SCHEME NO.2

## SCHEME AMENDMENT No.22

Shire of



Boyup Brook



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<b>Document</b>	<b>Procedure</b>	<b>Date</b>
Council report item and scheme amendment document	Shire Boyup Brook Council resolution (Commission Form 2A) to prepare Amendment 22.	30 June 2022
Scheme Amendment document	Referral to Environmental Protection Authority	
Scheme Amendment document	Advertising	
Council report item, submissions and scheme amendment document	Shire Boyup Brook Council resolution to finally approve Amendment 22.	



## RESOLUTION

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***Planning and Development Act 2005***  
**RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME**  
**SHIRE OF BOYUP BROOK**  
**LOCAL PLANNING SCHEME NO.2**  
**Amendment No 22**

Resolved that the local government pursuant to section 72 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. *Rezoning Lot 1 Forrest Street, Boyup Brook from the 'Residential' zone classification to the 'Town Centre' zone classification and amending the Scheme maps accordingly, which includes deleting the density coding R15/30.*
2. *Rezoning Lot 35 Barron Street, Boyup Brook from the 'Residential' zone classification to the 'Town Centre' zone classification and amending the Scheme maps accordingly, which includes deleting the density coding R15.*
3. *Amending the scheme maps by replacing the 'Commercial' zone classification with the 'Town Centre' zone classification.*
4. *Deleting the clause 30(2) as follows:*

*Where a lot has dual density coding R15/30, the local government may approve residential development at a higher code where development is connected to a Septic Tank Effluent Disposal (STED) community scheme; and*

5. *Re-numbering subsequent sub-clauses accordingly.*
6. *Amend text in the "Table of Contents" by:*
  - a. *At Part 3, 28, replacing 'commercial' with 'Town centre'.*
7. *Amend text at Table 2 by:*
  - a. *Replacing the 'Commercial' zone classification with the 'Town Centre' zone classification.*
8. *Amend text at Table 3 by:*
  - a. *Replacing 'Commercial' (column 2) with 'Town Centre'.*
9. *Amending text at clause 28 and Table 6 by:*
  - a. *Replacing the words 'COMMERCIAL' and 'Commercial', with the words 'TOWN CENTRE' and 'Town Centre' respectively.*
10. *Amending text at schedule 4, under column 1 (land use and/or development requiring advertisement), row 3 (Property Transactions) by:*
  - a. *Replacing the word 'Commercial' at b), with the words 'Town Centre'.*



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

- a) The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
- b) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Dated this 30 day of June 2022

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Dale Putland  
Chief Executive Officer

## SCHEME AMENDMENT REPORT

### 1. INTRODUCTION

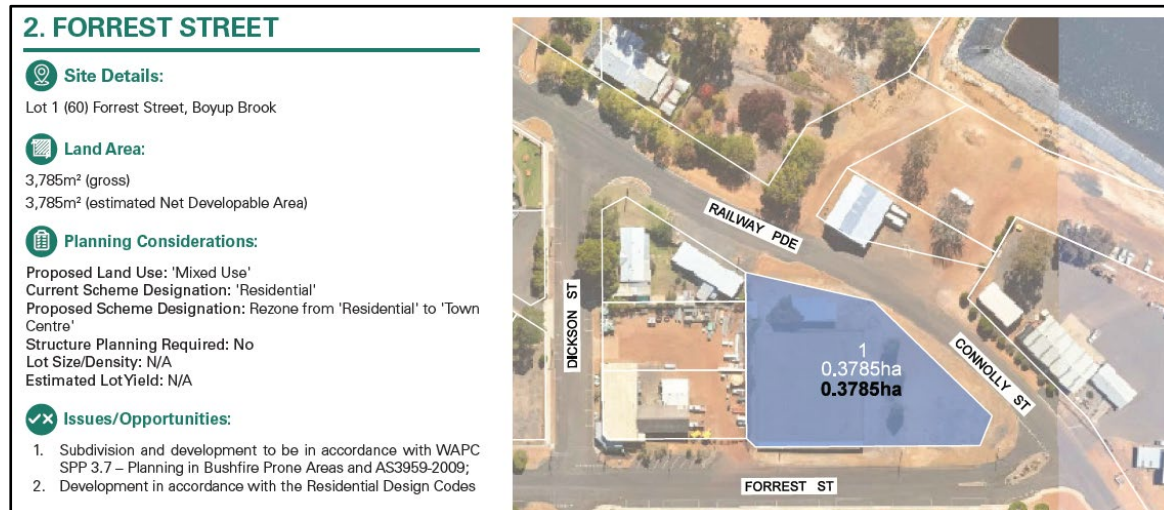
The Shire of Boyup Brook seeks the support of the Western Australian Planning Commission (WAPC) and the approval of the Hon. Minister for Planning to amend the Shire of Boyup Brook *Local Planning Scheme No. 2*, as follows:

- a) This amendment seeks to alter various parts of the *Local Planning Scheme No. 2* text and mapping to transfer the 'Commercial' zone classification to the 'Town Centre' zone classification.
- b) This amendment document also seeks to rezone Lot 1 Forrest Street and Lot 35 Barron Street, from the 'Residential' zone classification, to the 'Town Centre' zone classification.

### 2. BACKGROUND

The Shire of Boyup Brook Council has resolved to request the approval of the Commission, to advertise a draft Local Planning Strategy, which recommends that the Lot 1 Forrest Street is rezoned from 'Residential' to 'Town Centre'. The below is an extract from the draft Local Planning Strategy.

*Figure 1 – local planning strategy recommendation*



Originally, the Lot 1 Forrest Street was reserved for the purpose of 'Parks and Recreation' and used as a bowling green. To allow for the development of grouped housing for the purpose of aged persons, the land was rezoned to 'Residential'. The development of housing has not progressed, partly due to constraints associated with developing an on-site effluent disposal system, capable of servicing grouped housing. Instead, demand has occurred for commercial development, in-particular, expansion of a neighbouring farm supplies shop.

The Boyup Brook Farm Co-operative (farm supply shop), which is located at Lot 301 Forrest St has requested support from the Shire to rezone the Lot 35 Barron St, to allow for commercial expansion.

Figure 2 – Boyup Co-Op farm supplies



The rezoning from 'Residential' to 'Town Centre' would allow for a range of commercial activities and/or housing.

The Shire's *Local Planning Scheme No.2* does not have a 'Town Centre' zone classification. The draft strategy is suggesting that the scheme's 'Commercial' zone classification is transferred to the 'Town Centre' zone classification.

### 3. MODEL SCHEME

The *Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 1, Part 3*, recognizes 'Centre' and 'Commercial' as being model zone classifications.

The Shire's *Local Planning Scheme No.2* does not have a 'Centre' zone classification, however it does have a 'Commercial' zone classification.

The *Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, Part 1, Terms used*, states:

**commercial, centre or mixed use zone means —**



*(a) if this Scheme includes the model provision set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 1 clause 16 — a Commercial zone, Centre zone or Mixed Use zone; or*

*(b) otherwise — a zone (however named) the objectives of which as set out in this Scheme indicate that it is an area suitable for —*

*(i) a range of shops, offices, restaurants and other commercial outlets (whether or not in a town centre or activity centre); or*

*(ii) a wide variety of active uses on street level that are compatible with residential and other non-active uses on upper levels;*

Rather than using the 'Centre' model zone classification, the draft strategy seeks to use a similar zone classification being 'Town Centre'. It is proposed that the 'Town Centre' zone classification is used to replace the 'Commercial' zone classification. The naming reflects the central location of the current 'Commercial' zone properties, within the Boyup townsite.

#### **4. SUBJECT LOTS**

This scheme amendment is seeking to rename 'Commercial' zone properties, located within the Boyup townsite, to the 'Town Centre' zone classification. This scheme amendment is also seeking to include the Lot 1 Forrest Street and Lot 35 Barron Street, into the 'Town Centre' zone classification. The Lots 1 Forrest St and Barron St are currently zoned 'Residential'. The Lot 1 Forrest St is owned by the Shire and is currently vacant. The neighbouring farm shop to Lot 1 Forrest St, has indicated an interest in expanding its operations. Likewise, the neighbouring farm shop to 35 Barron St (Lot 301 Forrest St – Boyup Co-Op), has also indicated interest to expand its operations.

The following figures illustrate the location of the 'Commercial' zone properties and the Lots 1 Forrest Street and 35 Barron Street.



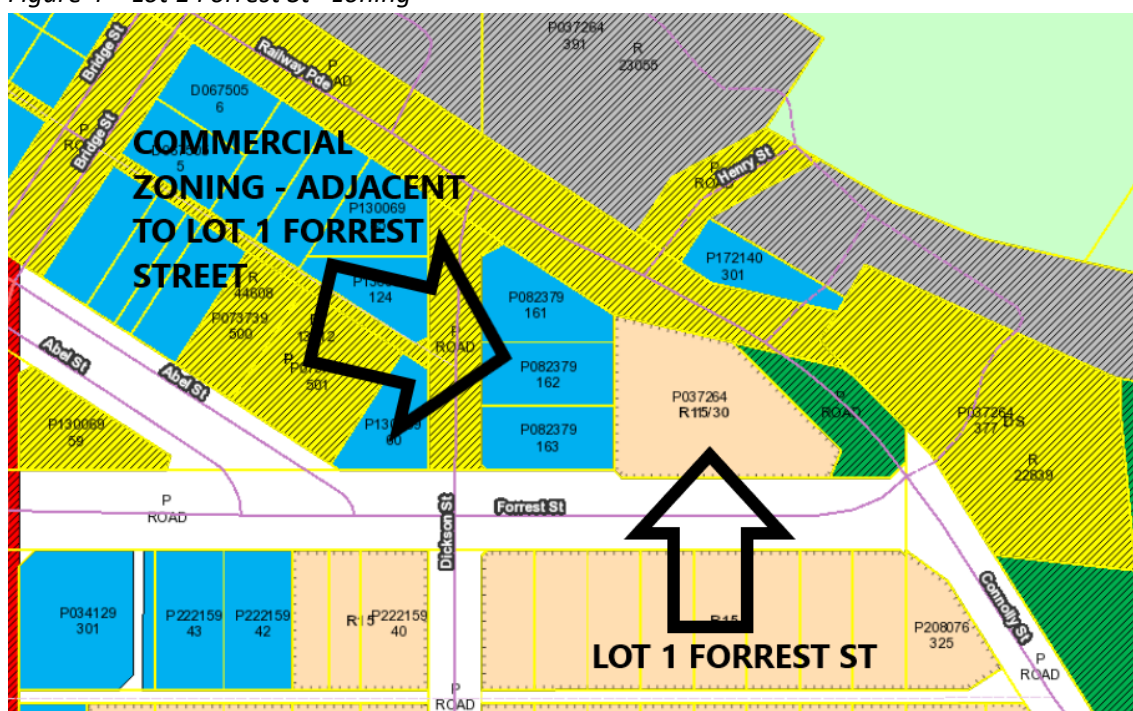


Figure 3 – Lot 1 Forrest Street - aerial



Lot 1 Forrest Street directly adjoins 'Commercial' zone properties, one of which is currently used to sell farming equipment...see below figure.

Figure 4 – Lot 1 Forrest St - zoning

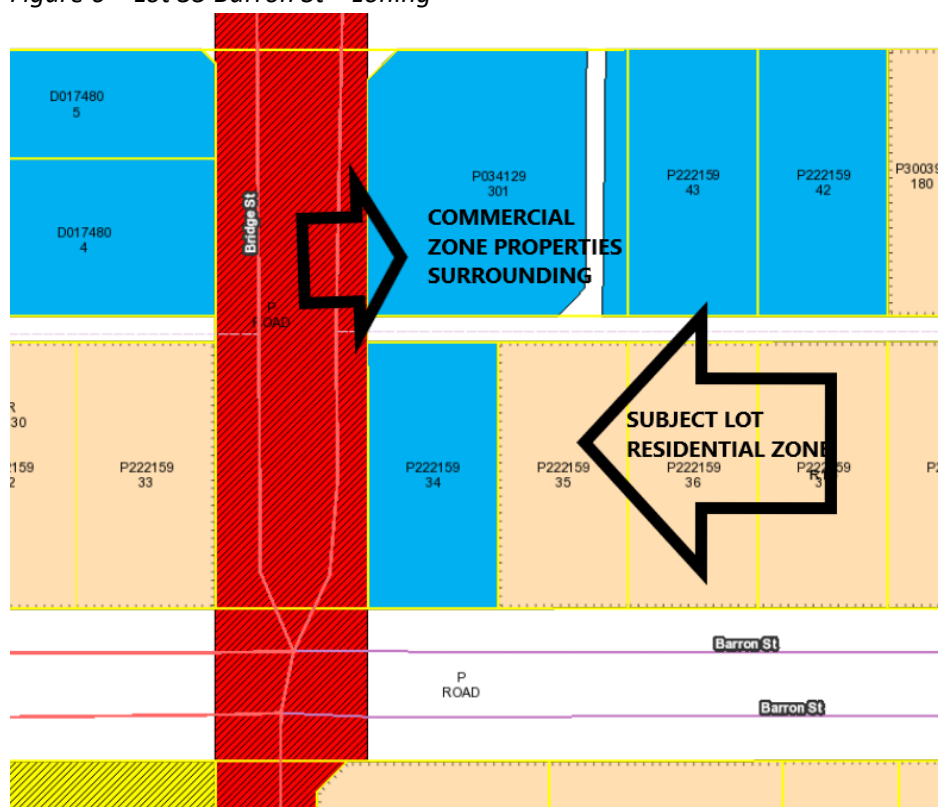


*Figure 5 – Lot 35 Barron Street - aerial*



The Lot 301 (neighbouring farm supplies shop) is looking to expand its operations over the neighbouring Lots 34 and 35 Barron St.

*Figure 6 – Lot 35 Barron St – zoning*





The below figure illustrates properties currently zoned 'Commercial'. It is proposed that the 'Commercial' zone classification for these properties (along with the 'Residential' zone classification for Lot 1 Forrest St and Lot 35 Barron St) is transferred to the 'Town Centre' zone classification.

Figure 7 – Commercial zone properties in the Boyup town centre



## 5. CONSULTATION

Community and agency consultation will occur post Council resolution to prepare the scheme amendment and referral to the Environmental Protection Authority.

## 6. HERITAGE

The scheme amendment does not implicate any land designated for heritage consideration. The scheme amendment is simply proposing to change the zone classification of various properties within the Boyup townsite. The subject lots proposed for rezoning from Residential to Town Centre are not of heritage significance.

## 7. ENVIRONMENT

The rezoning and change of zone classification is not expected to create any detrimental environmental implications.

The Lot 36 Barron Street, which is located alongside the Lot 35 Barron Street (proposed for rezoning to allow commercial uses), is used for habitation purposes. Conditions of any commercial development or use of the Lot 35, can be imposed to mitigate any nuisance (e.g. noise walls).



## **8. INFRASTRUCTURE**

The properties the subject of the scheme amendment have suitable services available, including sealed road frontage, stormwater management infrastructure, water mains and power mains.

## **9. PLANNING CONTEXT**

The following section outlines how the proposed 'Town Centre' zoning suitably addresses the planning framework. In summary, the scheme amendment request is considered consistent with the planning framework.

### **Physical Characteristics**

The subject properties are ideally located to be classified with a 'Town Centre' zone classification and to be used for commercial activities.

- The subject lots are within walking distance (300m - 400m) to services including medical, shops and recreation.
- The Lots 35 Barron Street and 1 Forrest Street are located alongside other properties currently used or classified for commercial activities.
- The subject lots are suitably connected to utilities including stormwater, sealed roads, power, telecommunications and water.

### **Statutory**

#### **State Planning Strategy 2050**

The *State Planning Strategy 2050* (SPS) provides an overall strategic planning framework for the State. This strategy seeks to achieve sustainable and prosperous growth and to enable small settlements like Boyup Brook to maintain economic and community land use.

The proposed Amendment seeks to meet principles of the State Planning Strategy 2050, including:

- Assisting in the creation of regional wealth; and
- Providing diversity, liveability and connectedness.

#### **State Planning Policy No.1 - State Planning Framework Policy (SPP1)**

The SPP1 ensures all state and regional planning documents meet State Planning Strategy principles.

Principles of the SPP1 that the amendment seeks to abide by include:

- Environment:
  - To protect and enhance the key natural and cultural assets; and
  - To deliver a high quality of life which is based on environmentally sustainable principles.
- Community: To respond to social changes and facilitate the creation of vibrant, safe and self-reliant communities.
- Economy: To actively assist in the creation of regional wealth with sustainable development principles.
- Infrastructure: To facilitate strategic development by making provision for efficient and equitable public utilities.
- Regional Development: To assist the development of regional Western Australia by taking account of the special assets and accommodating the individual requirements of the region.



*State Planning Policy No. 3 – Urban Growth and Settlement (2006) (SPP3)*

This Policy sets out the principles and considerations which apply to urban growth and settlement in Western Australia. The policy promotes a sustainable settlement pattern, supports building on existing communities, and seeks convenient access to employment and services.

The requested scheme amendment is consistent with SPP 3 given the site is conveniently close to services in the town centre and is an extension to existing commercial uses.

*Liveable Neighbourhoods 2009; and*  
*Draft Liveable Neighbourhoods 2015*

Liveable Neighbourhoods is a Western Australian Planning Commission (WAPC) operational policy that guides the structure planning and subdivision for greenfield and large brownfield (urban infill) sites.

The request to enable additional commercial development is considerate of Liveable Neighbourhood principles, such as ensuring:

- Easy access to services such as local shops and parks;
- Development is connected to utilities including stormwater, roads, power and water; and
- Design of the development will be considerate of streetscape amenity and solar efficiency.

*State Planning Policy 3.7 – Planning in Bushfire Prone Areas*

The intent of this policy is to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.

The amendment document highlights the need for future development to occur in accordance with the *Australian Standard 3959; Construction of buildings in bushfire prone areas*.

Portion of Lot 1 Forrest Street is classified as being in a Bushfire Prone Area. Considering the distance to surrounding remnant vegetation, the bushfire hazard level for the site is expected to be low-moderate. The proposal to rezone the land to accommodate commercial development is therefore considered 'Acceptable' in accordance with A1.1 *Guidelines for Planning in Bushfire Prone Areas 2015*.

*A1.1 Development location - The strategic planning proposal, subdivision and development application is located in an area that is or will, on completion, be subject to either a moderate or low bushfire hazard level, or BAL-29 or below.*

*Figure 8: Vegetation within 100m of the of the subject site*



#### Draft Local Planning Strategy

The Shire has recently prepared a draft Local Planning Strategy, which recommends that the subject Lot 1 Forrest Street is transferred to a zone that enables 'mixed use'.

In accordance with the Shire's scheme, a mixture of uses may be considered at a property zoned 'Commercial', including 'single house', 'grouped dwelling' and/or a 'shop'. It is proposed that the 'Commercial' zone classification is transferred to the 'Town Centre' zone classification. No change to land use permissibility is proposed.

#### Local Planning Scheme No.2

The Lots 35 Barron Street and 1 Forrest Street are zoned 'Residential', with a density coding of R15 and R15/30 respectively. The key objective of the 'Residential' zone is to allow for housing development, however, demand has arisen for commercial type activities, as an expansion of an existing/neighbouring activities.

The Shires scheme has a dual density coding over the subject Lot 1 Forrest Street, which allows for a higher density of development, subject to the development of a purpose built effluent disposal system. The scheme states the following at clause 30(2):

*Where a lot has dual density coding R15/30, the local government may approve residential development at a higher code where development is connected to a Septic Tank Effluent Disposal (STED) community scheme.*

The above clause applies to land zoned 'Residential' and is administered in accordance with the R-Codes. The subject Lot 1 Forrest Street is the only property in the Shire that has a dual density coding of R15/30. Should the land zoning be converted to 'Town Centre', the above clause is not necessary or appropriate and should therefore be deleted.



As per the Shire's scheme, the 'Town Centre' zone will allow for both commercial and living type land uses.

As per the scheme, the objectives of the 'Town Centre' zone will be:

- To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres.
- To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.
- To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.

Amending the zoning of Lots 1 Forrest Street and 35 Barron Street will ensure there is a consistent approach to zoning in the area.

## **10. CONCLUSION**

The proposal is to amend the Shire of Boyup Brook *Local Planning Scheme No.2* in order to enable an opportunity for mixed use, as recommended by the Shire's draft Local Planning Strategy. Rezoning of the land to allow for a mixture of uses, including commercial, may allow for economic growth of the townsite.

The proposal to transfer the 'Commercial' zone classification to the 'Town Centre' zone classification is considered acceptable in accordance with the Commissions Regulations and better emphasises the location characteristics of the commercial properties in the centre of the Boyup townsite.

The proposed Amendment is justified on the following grounds:

1. The subject land is not used or intended to be used for residential (grouped housing);
2. Given demand for the expansion of neighbouring commercial businesses, development for commercial activity is more likely than for housing.

This report confirms that the scheme amendment request is consistent with the planning framework and that the subject lots are considered to be both suitable and capable for accommodating mixed uses. The amendment proposal provides a consistent approach to the zoning in the precinct.

The support of the WAPC and the Hon. Minister for Planning is requested to approve the scheme amendment to transfer the zoning of lots from the 'Residential' zone to the 'Town Centre' zone and to change the 'Commercial' zone classification in the scheme text and maps, to the 'Town Centre' zone classification.





## AMENDING TEXT

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### **PLANNING AND DEVELOPMENT ACT 2005**

<b>LOCAL AUTHORITY:</b>	SHIRE BOYUP BROOK
<b>DESCRIPTION OF TOWN PLANNING SCHEME:</b>	LOCAL PLANNING SCHEME NO.2
<b>TYPE OF SCHEME:</b>	LOCAL PLANNING SCHEME
<b>SERIAL No. OF AMENDMENT:</b>	AMENDMENT No. 22

The Shire of Boyup Brook under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act 2005*, hereby amends the above Local Planning Scheme by:

1. *Rezoning Lot 1 Forrest Street, Boyup Brook from the 'Residential' zone classification to the 'Town Centre' zone classification and amending the Scheme maps accordingly, which includes deleting the density coding R15/30.*
2. *Rezoning Lot 35 Barron Street, Boyup Brook from the 'Residential' zone classification to the 'Town Centre' zone classification and amending the Scheme maps accordingly, which includes deleting the density coding R15.*
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5. *Re-numbering subsequent sub-clauses accordingly.*
6. *Amend text in the "Table of Contents" by:*
  - a. *At Part 3, 28, replacing 'commercial' with 'Town centre'.*
7. *Amend text at Table 2 by:*
  - a. *Replacing the 'Commercial' zone classification with the 'Town Centre' zone classification.*
8. *Amend text at Table 3 by:*





*a. Replacing 'Commercial' (column 2) with 'Town Centre'.*

*9. Amending text at clause 28 and Table 6 by:*

*a. Replacing the words 'COMMERCIAL' and 'Commercial', with the words 'TOWN CENTRE' and 'Town Centre' respectively.*

*10. Amending text at schedule 4, under column 1 (land use and/or development requiring advertisement), row 3 (Property Transactions) by:*

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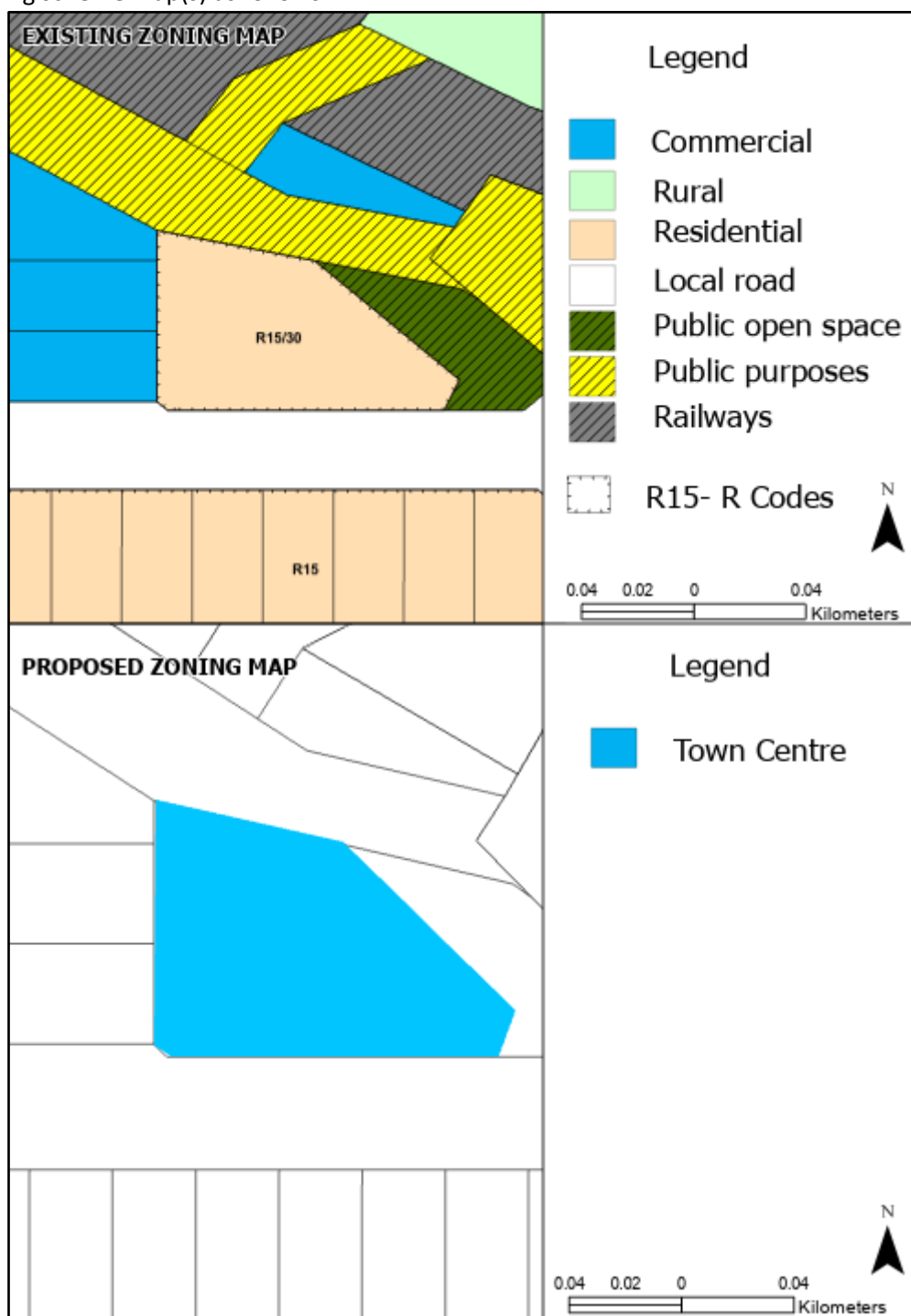
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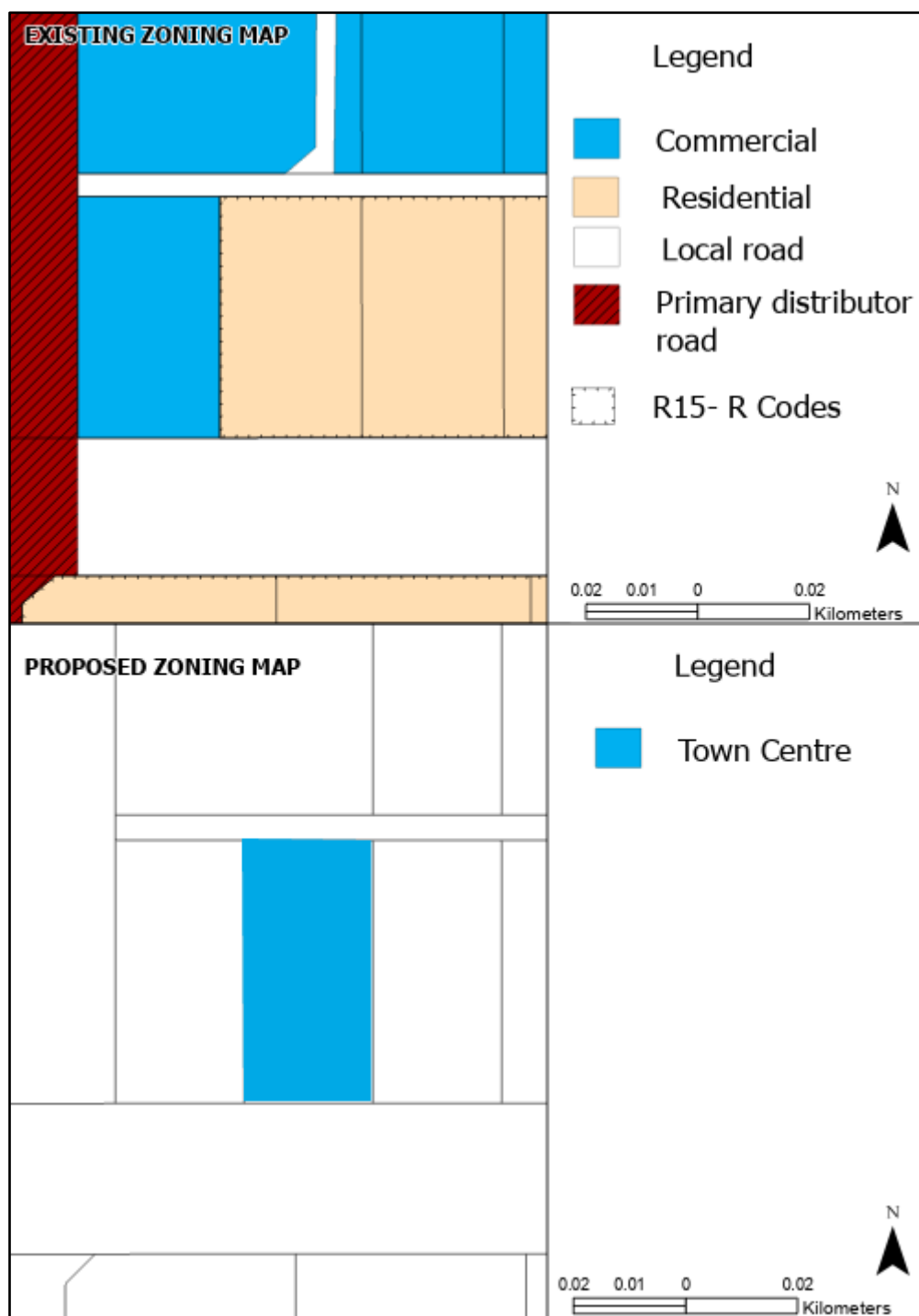


## AMENDING MAP

PLANNING AND DEVELOPMENT ACT 2005  
AMENDING MAP  
SHIRE OF BOYUP BROOK  
LOCAL PLANNING SCHEME NO. 2  
AMENDMENT NO. 22

Amending scheme map(s) as follows:







## ADOPTION

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### **PLANNING AND DEVELOPMENT ACT 2005**

#### **ADOPTION**

#### **SHIRE OF BOYUP BROOK**

#### **TOWN PLANNING SCHEME NO. 2**

#### **AMENDMENT NO.22**

Adopted by resolution of the Council of the Shire of Boyup Brook at the Ordinary meeting of the Council held on the 30 day of June 2022.

\_\_\_\_\_  
Shire President

\_\_\_\_\_  
Chief Executive Officer

#### **FINAL APPROVAL**

Adopted for final approval by resolution of the Shire of Boyup Brook at the Ordinary Meeting of Council held on the    day of    2022 and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

\_\_\_\_\_  
Shire President

\_\_\_\_\_  
Chief Executive Officer

Recommended/Submitted for final approval:

\_\_\_\_\_  
Delegated under Section 16 of the Planning and Development Act 2005

\_\_\_\_\_  
Date

Final Approval granted:

\_\_\_\_\_  
Minister of Planning

\_\_\_\_\_  
Date