



LOCAL PLANNING SCHEME No.6

AMENDMENT No.8

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
SHIRE OF NORTHAM
LOCAL PLANNING SCHEME NO. 6
AMENDMENT NO. 8

RESOLVED that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above local planning scheme by:

1. Inserting the following land use definitions into Schedule 1, Clause 2:

Repurposed dwelling – a building or structure not previously used as a single house, which has been repurposed for use as a dwelling.

Second-hand dwelling – a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular or transportable dwelling.

2. Inserting the land uses 'repurposed dwelling' and 'second-hand dwelling' into Table 1 as follows:

LANDUSE	RESIDENTIAL	DEVELOPMENT	COMMERCIAL	MIXED USE	TOURIST	GENERAL INDUSTRY	LIGHT & SERVICE INDUSTRY	RURAL	RURAL RESIDENTIAL	RURAL SMALLHOLDING
Repurposed Dwelling	A		D	X	X	X	X	D	A	A
Second-hand Dwelling	A		D	X	X	X	X	D	A	A

3. Inserting the following provisions into Schedule A – Supplemental Provisions:

Clause 61(1)

- (n) The placement of a repurposed or second-hand dwelling shall not be permitted on any lot within the Scheme Area unless:
- (i) in the opinion of the local government such a dwelling is in a satisfactory condition and will not detrimentally affect the amenity of the area; and
 - (ii) an Applicant enters into an Agreement to the satisfaction of the local government to reinstate the dwelling to an acceptable standard of presentation as determined by the local government within 24 months of issue of the Building Permit.”

Dated this ____th day of _____ 2016

CHIEF EXECUTIVE OFFICER

AMENDMENT REPORT

Purpose

The proposed Amendment seeks to introduce two (2) new land use definitions – ‘repurposed dwelling’ and ‘second-hand dwelling’ into Schedule 1 (Dictionary of Defined Words and Expressions) and Table 1 (Zoning Table) of *Shire of Northam Local Planning Scheme No.6* (LPS6).

Amendment Type

The amendment is a standard amendment, in accordance with part 34(g) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) as the proposal is considered to be an amendment that is not a complex or basic amendment.

Background

The Minister for Planning recently requested the Department of Planning undertake further consideration on the matter of reintroducing provisions for transportable structures into local planning schemes following a representation by a number of local governments expressing “amenity concerns” regarding exempting the erection and extension of single houses from the requirement to apply for development approval if the development satisfies the *deemed-to-comply* requirements of the R-Codes.

The Department of Planning has recommended to the Hon. Minister for Planning that two new definitions for repurposed dwelling and second-hand dwelling be reintroduced to local planning schemes to separate and distinguish them from single houses.

Proposed Scheme Amendment No.8 seeks to reintroduce definitions that were superseded by the Regulations that came into effect on 19 October 2015 as follows:

Repurposed dwelling – a building or structure not previously used as a single house, which has been repurposed for use as a dwelling.

Second-hand dwelling – a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular or transportable dwelling.

Proposed Amendment No.8 further seeks to insert the land uses ‘repurposed dwelling’ and ‘second-hand dwelling’ into Table 1 of LPS6 as follows:

LANDUSE	RESIDENTIAL	DEVELOPMENT	COMMERCIAL	MIXED USE	TOURIST	GENERAL INDUSTRY	LIGHT & SERVICE INDUSTRY	RURAL	RURAL RESIDENTIAL	RURAL SMALLHOLDING
Repurposed Dwelling	A		D	X	X	X	X	D	A	A
Second-hand Dwelling	A		D	X	X	X	X	D	A	A

Proposed Amendment No.8 also proposes to insert the following provisions into Schedule A – Supplemental Provisions of LPS6:

Clause 61(1)

- (n) The placement of a repurposed or second-hand dwelling shall not be permitted on any lot within the Scheme Area unless:
- (i) in the opinion of the local government such a dwelling is in a satisfactory condition and will not detrimentally affect the amenity of the area; and
 - (ii) an Applicant enters into an Agreement to the satisfaction of the local government to reinstate the dwelling to an acceptable standard of presentation as determined by the local government within 24 months of issue of the Building Permit.”

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF NORTHAM

LOCAL PLANNING SCHEME NO.6

AMENDMENT NO. 8

The Shire of Northam 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. Inserting the following land use definitions into Schedule 1, Clause 2:

Repurposed dwelling – a building or structure not previously used as a single house, which has been repurposed for use as a dwelling.

Second-hand dwelling – a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular or transportable dwelling.

2. Inserting the land uses ‘repurposed dwelling’ and ‘second-hand dwelling’ into Table 1 as follows:

LANDUSE	RESIDENTIAL	DEVELOPMENT	COMMERCIAL	MIXED USE	TOURIST	GENERAL INDUSTRY	LIGHT & SERVICE INDUSTRY	RURAL	RURAL RESIDENTIAL	RURAL SMALLHOLDING
Repurposed Dwelling	A		D	X	X	X	X	D	A	A
Second-hand Dwelling	A		D	X	X	X	X	D	A	A

3. Inserting the following provisions into Schedule A – Supplemental Provisions:

Clause 61(1)

- (n) The placement of a repurposed or second-hand dwelling shall not be permitted on any lot within the Scheme Area unless:
 - (i) in the opinion of the local government such a dwelling is in a satisfactory condition and will not detrimentally affect the amenity of the area; and
 - (ii) an Applicant enters into an Agreement to the satisfaction of the local government to reinstate the dwelling to an acceptable standard of presentation as determined by the local government within 24 months of issue of the Building Permit.”

ADOPTION

Adopted by resolution of the Council of the Shire of Northam at the Meeting of the Council held on the ____th day of _____ **2016**.

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SHIRE PRESIDENT

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CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Approval

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DELEGATED UNDER S.16 OF
THE PD ACT 2005

DATE.....

Approval Granted

.....
MINISTER FOR PLANNING

DATE.....