

## ADDENDUM

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### 4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

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This addendum provides response to public questions taken on notice at the 14 August 2019 Ordinary Meeting of Council.

*Mr Robert McDonald on behalf of Registered Accommodation Providers Margaret River, asked the following questions in relation to the Draft Local Planning Strategy 2036 – for consent to advertise.*

- 1. Is attachment 1 referenced in this recommendation a confidential document? If no, why is it not in the agenda and attached for review? If yes, under which confidentiality provision of the ACT is the attachment confidential, given the presumption in the ACT is that all documents presented to a Council meeting are not confidential.**

The agenda specified that the draft LPS was a confidential attachment. The Shire is not permitted to begin a process of consultation on the draft document without first obtaining certification from the WAPC. This is specified at Regulation 12 of the Planning and Development (Local Planning Schemes) Regulations 2015. Documents such as the LPS, and also the soon to be prepared planning scheme, are typically confidential until the formal consultation process begins. The LPS has practical implications for the future development of people's property and it would be inappropriate to provide an opportunity for some members of the community to preview the document prior to a wider consultation process being undertaken. The information in the LPS has a commercial value to many individuals and so may be kept confidential, until formal consultation begins, under section 5.23 of the Local Government Act.

- 2. Is the attachment a draft of a new local planning strategy or an amendment to the existing local planning strategy?**

It is a draft 'new' Local Planning Strategy.

- 3. What document was circulated for the purpose of pre-consultation of this strategy amendment?**

The new strategy has been the subject of a comprehensive consultation process. Records of the outcomes of each of the 7 workshop sessions which were undertaken can be found at the project webpage – in the form of 'Issues and Options' Papers.

- 4. Which individuals or groups were consulted in the pre-consultation period directly related to the strategy amendment?**

Consultation on the new strategy has been undertaken with a broad range of community members and groups. All consultation workshops have been open to the general public and were widely advertised. Shire officers have also directly liaised with a number of individuals and groups on an as needs basis. It should be noted that pre-consultation is not a statutory requirement for a Local Planning Strategy and the Shire has gone to significant lengths to involve the community in the formulation of the draft document following best practice consultation processes.

- 5. Given that the Governments Short Stay Inquiry findings are about to be released, why would Council not defer consideration of amendment of the local planning strategy until this has occurred?**

The content of the Local Planning Strategy spans across a broad range of issues which extend well outside of the topics being investigated by the Parliamentary Enquiry into short stay accommodation. If there are any issues arising from the enquiry which require modification to the Shire's Planning Framework, then those changes will be progressed.

- 6. Given the current AMR Shire Local Planning Strategy was endorsed by WAPC on the 2<sup>nd</sup> February 2017 and that the strategy is intended to be a high level strategic document intended to last 15 years, why is the strategy requiring amendment so soon?**

The current Local Planning Strategy was endorsed by the WAPC on 14 April 2011. A minor modification was endorsed in 2017. This modification does not obviate the Shire's responsibility to develop a new Local Planning Strategy and Scheme in accordance with the timeframes set by the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulation 65) which have the effect of requiring that a review of the Shire's Scheme be initiated prior to April 2019. It is common place and good practice to review the Local Planning Strategy in tandem with the scheme.

- 7. In regard to the creation of a Tiny House 'use class' it is the Shires intent that these dwellings that are typically deemed as temporary or short term dwellings be utilised as permanent residential dwellings. As permanent dwellings, will these Tiny Houses be required to conform to all aspects of the Building Code of Australia?**

The approach that the Shire will take in this regard will be informed through further consultation with other regulatory bodies, should the concept be ultimately endorsed by Council and the WAPC following a formal consultation process.