

DEVELOPMENT ADJACENT TO THE PROPOSED OAKAJEE TO TALLERING PEAK AND OAKAJEE TO NARNGULU RAIL CORRIDORS

LOCAL PLANNING POLICY



1. PURPOSE

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. The Scheme prevails should there be any conflict between this Policy and the Scheme.

It is not intended that a policy be applied rigidly, but each application be examined on its merits, with the objectives and intent of the policy the key for assessment. However, it should not be assumed that the local government, in exercising its planning discretion, be limited to the policy provisions and that mere compliance will result in an approval. This approach has produced many examples of inappropriate built form that has a long-term impact on the amenity and sustainability of the locality.

The Shire encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches. In these instances the local government is open to considering (and encourages) well-presented cases, during pre-application consultation, having due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.

2. SCOPE

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

3. OBJECTIVE

- 3.1 To prevent incompatible development adjoining the proposed Oakajee to Tallering Peak and Oakajee to Narngulu rail corridors and protect future residents from adverse noise and vibration impacts as a result of train movements on any future railway.

4. POLICY STATEMENT

- 4.1 Applications for planning consent on land adjacent to the Oakajee to Tallering Peak and Oakajee to Narngulu rail corridors shall not be determined by Council until such time as advice has been received from the Environmental Protection Authority, Department of Planning, and the Department of State Development. Council shall refuse any such application should any of those agencies object to the proposal; and the objectors agree to cover all compensation costs resulting from Council's refusal of the application.

- 4.2 This policy shall affect any application for a habitable building within 250m of the centre line of the railway (this distance is based on the 65dB(A) Noise Contour Line) and any application for a non-habitable building within 150m of the centre line of the railway (this distance is based on the 75dB(A) Noise Contour Line).
- 4.3 For the purposes of this policy, the centre line of the railway corridors shall be as defined in the alignment definition study prepared by the Department of Planning and in the recommendation report prepared by the Environmental Protection Authority.

5. REFERENCES AND ADOPTION

Shire of Chapman Valley Local Planning Scheme No.3

Planning & Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Oakajee Narngulu Infrastructure Corridor (2010)

Oakajee Rail Development – Report & Recommendations of the Environmental Protection Authority (2011)

Greater Geraldton Structure Plan (2011)

Oakajee Industrial Estate Structure Plan (2012)

Report for Oakajee Narngulu Infrastructure Corridor (2012)

Adopted at the 19 February 2014 Ordinary Meeting of Council