



ORDINARY COUNCIL MEETING

MINUTES

Ordinary Meeting of the Council held in the
Frost Pavilion, McDonald Avenue, Mount Barker
2.45pm Tuesday 11 April 2006

Delma Baesjou
ACTING CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2.50pm The Presiding Member declared the meeting open.

The Acting Chief Executive Officer, Ms Delma Baesjou, read aloud the following disclaimer:

'No responsibility whatsoever is implied or accepted by the Shire of Plantagenet for any act, omission or statement or intimation occurring during Council / Committee meetings or during formal / informal conversations with staff.

The Shire of Plantagenet disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, or statement of intimation occurring during Council / Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation or approval made by a member or officer of the Shire of Plantagenet during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Plantagenet. The Shire of Plantagenet warns that anyone who has an application with the Shire of Plantagenet must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Plantagenet in respect of the application.'

2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Present

Cr K Forbes	Shire President - Rocky Gully / West Ward
Cr M Skinner	East Ward
Cr J Cameron	Rocky Gully / West Ward
Cr J Moir	South Ward
Cr K Clements	Town Ward
Cr B Hollingworth	Town Ward
Cr J Mark	Town Ward
Cr K Hart	Kendenup Ward
Ms D Baesjou	Acting Chief Executive Officer
Mr J Byrne	Executive Director Corporate and Community Services
Mr I Bartlett	Manager Works
Ms M Osipowicz	Planning Officer
Mrs K Skinner	Executive Secretary

One (1) member of the public was present.

One (1) member of the media was present.

Apologies

Cr D Williss

Deputy Shire President - East Ward

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONSMr Angelo Diletti – Item 9.1.8

Mr Angelo Diletti made a brief presentation to the Council in regards to his application for a Subdivision (Boundary Adjustment) on Lots 908 and 2167 Mount Barker-Porongurup Road, Porongurup.

Mr Diletti noted that he wanted to realign his internal boundary as his son would be taking over the family business. The proposed house is on a cleared portion of the block and would be kept separate from the business. Mr Diletti noted that he plans to keep as much bush as possible on the allotment.

Mr Diletti also noted that the access easement that already services Lot 581 would provide access to proposed Lot B.

Mr Diletti noted that his application is in line with the 'Porongurup Rural Strategy' which supports development and that the proposed realignment does not create a new block. Block A is around the same size with nothing really changed.

Fire Access would require removal of vegetation and Mr Diletti noted that he believed it was not necessary. Mr Diletti noted that the Shire was welcome to inspect the property.

Lot 2302 is private property, Lot 908 is bounded on all sides by private property.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES

Moved Cr J Mark, seconded Cr M Skinner:

That the Minutes of the Ordinary Meeting of the Council held 28 March 2006 be confirmed subject to the inclusion of the attached addendum providing information for Item 9.2.1 and as discussed at that meeting.

CARRIED (8/0)**No. 104/06**

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 3 April 2006 – The Shire President, Chief Bush Fire Control Officer and the Shire Ranger attended a Fire and Emergency Services Authority (FESA) Conference in Perth regarding direction and changes.
- 4 April 2006 – The Shire President, Deputy Shire President and Manager Works attended a State Roads Conference in Geraldton and sourced information on general road infrastructure and transport matters.
- 5 April 2006 – The Shire President, Deputy Shire President, Chief Executive Officer and Manager Development Services attended a mediation meeting in Perth with Mt Barker Chicken representatives.
- 5 April 2006 – The Shire President attended a State Council meeting of Western Australian Local Government Association (WALGA).
- 12 April 2006 – The Shire President and Cr J Cameron will attend a Lower Great Southern Plantation Fire Advisory Committee meeting at the Shire Offices in Mount Barker looking at proposed changes to fire break conditions.
- 19 April 2006 – The Shire President will attend a Timber Industry Roads Evaluation Strategy (TIRES) meeting in Mount Barker at 9.30am to discuss federal funding for the AUSLINK Project for Albany Port and Export Industry. Final clearance for the document. Projects will be reviewed for the 2006 / 2007 State funding.
- 20 April 2006 – The Shire President will attend a FESA Emergency Services Levy (ESL) Capital Grants meeting held in Perth.
- 25 April 2006 – The Shire President will attend an ANZAC Day service at the Town Hall and war memorial. The Shire President also encouraged other Councillors to attend.
- 26 April 2006 – The Council will hold its ordinary meeting in the new Council Chambers in Lowood Road, Mount Barker commencing at 7.30pm.
- The Shire President noted that Main Roads WA had indicated that Chillinup Road should gain final approval by the end of the week at an out of session State Advisory Committee meeting.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 LOCATION 1963 MITCHELL STREET, MOUNT BARKER – ACQUISITION AND LANDSCAPE BUFFER AT PROPOSED CEMETERY

Location / Address:	Location 1963 Mitchell Street, Mount Barker
Name of Applicant:	N / A
File Reference:	RV/182/354 and CP/50/2
Author:	Delma Baesjou - Manager Development Services
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	3 March 2006

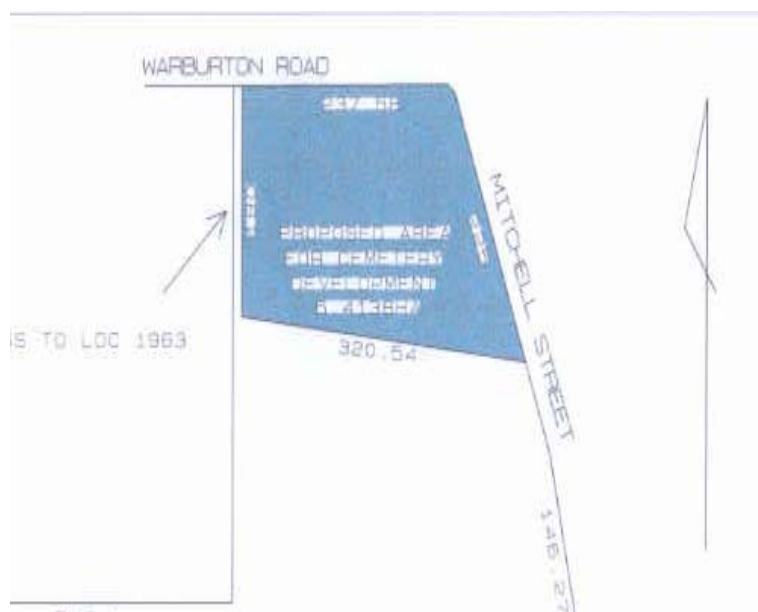
Purpose

The purpose of this report is to seek direction on proceeding with the acquisition and landscaping of the proposed Cemetery, Location 1963 Mitchell Street, Mount Barker.

Background

Location 1963 is zoned Rural Residential (Area 3) under the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3). It was the subject of Amendment 18 to TPS3, which was approved by the Hon Minister for Planning on 18 March 1997. The land is also the subject of Amendment 35 to TPS3 which proposes to rezone a 5.4ha portion of Location 1963 Mitchell Street, Mount Barker from Rural Residential to Public Use Reserve to accommodate future expansion of the Mount Barker cemetery.

The portion of Location 1963 the subject of this proposal is depicted in the following figure:



Shire records show the registered landowner to be V Deadman.

Previous reports on cemetery development and site investigation were presented to the Council: refer items 9.4.1 23 April 2002, 9.4.2 13 August 2002, 12.1 26 November

Location 1963 Mitchell Street, Mount Barker – Acquisition And Landscape Buffer At Proposed Cemetery (Cont.)

2002, 9.3.3 27 May 2003, 12.1 8 July 2003, 9.1.2 25 November 2003, 9.1.1 13 April 2004, 9.1.1 8 March 2005 9.9.3.1 and 9.3.2 14 February 2006.

At its meeting held 8 July 2003, the Council resolved:

'That the offer to the Shire of Plantagenet for the purchase of approx 5.4ha of land at the northern end of Location 1963 Mitchell Street, Mount Barker for future Cemetery development be accepted, subject to a Town Planning Scheme Amendment which would enable the subject land to be developed as a public cemetery being satisfactorily concluded.'

At its meeting held 25 November 2003, the Council initiated Amendment 35. At its meeting on 14 February 2006, the Council resolved to adopt the Amendment for final approval.

The Shire of Plantagenet Cemetery Plan 2005 – 2007 was endorsed by the Council at its meeting held 14 February 2006.

Statutory Environment

Shire of Plantagenet Town Planning Scheme No. 3
Town Planning and Development Act 1928
Town Planning Regulations 1967
Environmental Protection Act (1986)

Consultation

There has been no formal consultation for this report however, representation has been made to Shire of Plantagenet officers in support of the subdivision and sale of the site prior to finalisation of the rezoning.

Policy Implications

There are no policy implications for this report.

Financial Implications

The Council has provision in its 2005/2006 Adopted Budget and Plan for the Future for Cemetery Land Acquisition of \$105,000.00. This amount provides for the capital cost of acquisition only and further funds have been noted for expenditure in the Council's five (5) year financial projections for the 2006/2007 financial year in the amount of \$150,000.00.

Strategic Implications

This project is consistent with the Shire of Plantagenet Strategic Plan. In particular New Initiative 4.1 *'Encourage a sense of community and improve the quality of life for all residents of the Shire'* and will *'Ensure that projects such as the Cemetery Development are focussed on achieving Council objectives, are completed within budget and on time.'*

Officer Comment

Notwithstanding the Council resolution that the offer be subject to the rezoning being concluded, it is suggested that consideration be given to proceeding with the land purchase and landscaping of the Cemetery prior to finalisation of the Amendment.

The early establishment of a landscape buffer on the perimeter of the proposed Cemetery is desirable. It is preferable that any planting occur in winter.

Location 1963 Mitchell Street, Mount Barker – Acquisition And Landscape Buffer At Proposed Cemetery (Cont.)

It is not appropriate to spend public money on private property, therefore no work can be undertaken until the subdivision and property settlement has occurred. Given only portion of Lot 1963 is under offer, a formal application for subdivision needs to be lodged with the Western Australian Planning Commission (WAPC).

It is likely to take three (3) to six (6) months to finalise the Scheme Amendment and a similar amount of time to arrange subdivision. To expedite the acquisition process, it would be prudent to concurrently commence subdivision.

In light of the Council's decisions in February to endorse the Cemetery Plan and to adopt the Amendment for final approval, there is no obvious impediment to proceeding with the acquisition.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That notwithstanding Resolution No. 285/03 as adopted by the Council at its Ordinary Meeting held 8 July 2003, the Chief Executive officer be authorised to:

- (1) Proceed with the purchase of approximately 5.4ha of land at the northern end of Location 1963 Mitchell Street, Mount Barker for future Cemetery.
- (2) Counter-sign an application for subdivision to create a parcel of land of approximately 5.4ha at the northern end of Location 1963 Mitchell Street, Mount Barker for future Cemetery.

MOTION

Moved Cr J Moir,

That notwithstanding Resolution No. 285/03 as adopted by the Council at its Ordinary Meeting held 8 July 2003, the Chief Executive officer be authorised to:

- (1) Counter-sign an application for subdivision to create a parcel of land of approximately 5.4ha at the northern end of Location 1963 Mitchell Street, Mount Barker for future Cemetery.**

MOTION LAPSED FOR WANT OF A SECONDER

COUNCIL DECISION

Moved Cr J Cameron, seconded Cr M Skinner:

That notwithstanding Resolution No. 285/03 as adopted by the Council at its Ordinary Meeting held 8 July 2003, the Chief Executive officer be authorised to:

- (1) Proceed with the purchase of approximately 5.4ha of land at the northern end of Location 1963 Mitchell Street, Mount Barker for future Cemetery.**
- (2) Counter-sign an application for subdivision to create a parcel of land of approximately 5.4ha at the northern end of Location 1963 Mitchell Street, Mount Barker for future Cemetery.**

CARRIED (8/0)

No. 105/06

9.1.2 LOT 15, 31 MONDURUP STREET, MOUNT BARKER - GROUPED DWELLINGS

Location / Address: Lot 15, 31 Mondurup Street, Mount Barker

Attachments: (6) Site Plan
 Floor Plan x 2
 Elevations x 2
 Concept Floor Plan for Unit 2

Name of Applicant: Howard and Associates on behalf of Department of Housing and Works

File Reference: RV/182/1627

Author: Marta Osipowicz - Town Planner

Authorised By: Delma Baesjou - Manager Development Services

Date of Report: 22 March 2006

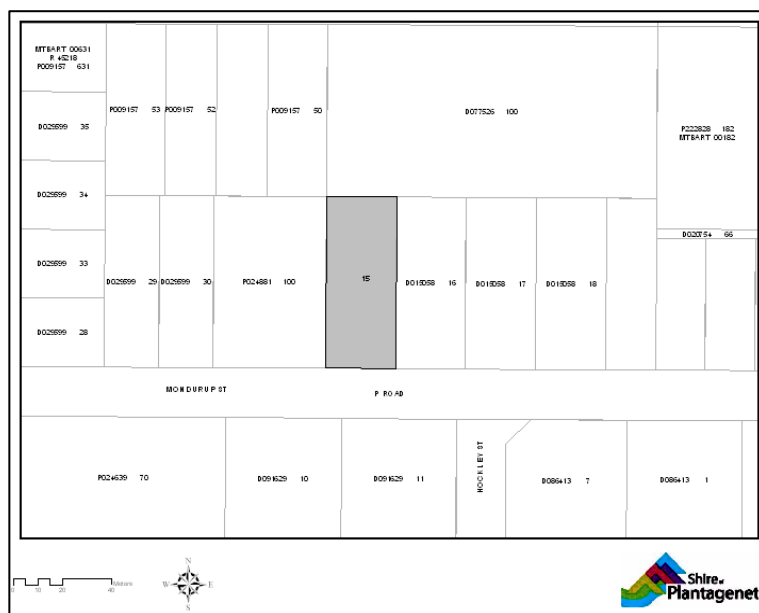
Purpose

The purpose of this report is to consider the submission and determine the application for two (2) Grouped Dwellings on Lot 15, 31 Mondurup Street, Mount Barker.

Background

The application seeks approval to demolish an existing duplex development and replace the old housing stock with two (2) new dwellings in a battleaxe configuration.

Zoning: Residential
Density: R10/20
Lot Size: 1968 m²
Use class: Grouped Dwelling
Permissibility: 'SA' use



The above diagram denotes the location of the subject lot.

Lot 15, 31 Mondurup Street, Mount Barker – Grouped Dwellings (Cont.)

Council records show the registered owner to be the Department of Housing and Works.

A report on the proposed Group Dwellings was considered by the Council at its meeting held 14 February 2006. The following Council resolution was adopted:

'THAT:

- (1) The application for Grouped Dwellings (Plans dated 18 January 2006) at Lot 15, 31 Mondurup Road be advertised in accordance with Clause 6.2 of the Shire of Plantagenet Town Planning Scheme No. 3 stating that submissions may be made within twenty-one days from the date of the notice.*
- (2) At the conclusion of the advertising period a further report be prepared for the consideration of the Council at its meeting to be held on 11 April 2006.'*

The advertising period closed on 15 March 2006 and one (1) submission was received.

Officers have been liaising with the Department of Housing and Works (DHW) with regards to wastewater management and dwelling design and siting. During the assessment process it was determined that the rear dwelling could be relocated in order to accommodate a third dwelling when deep sewerage was available. The DHW welcomed the potential for an additional dwelling.

The DHW informed the Shire that it would ideally seek the rear dwelling constructed centrally leaving the rear portion of the subject lot for the future third dwelling: the department wanted to rotate the dwelling. This situation was not ideal as the dwelling predominantly faced east and west. A proposed redesign was faxed to the DHW on the 28 March 2006, maintaining north-south orientation and the Regional Manager has supported the redesign. The accepted design forms part of this report. Any minor changes to the design concept can be considered as part of the Building Licence assessment.

Statutory Environment

Shire of Plantagenet Town Planning Scheme No. 3

Residential Development: Residential Planning Codes, Country Towns. Clause 5.3.5 sets out:

'Within the areas codes R10/20, R12.5/20 and R2.5/20 on the Scheme Map no development other than a single house to the Standards of R10, R12.5 and R2.5 Code shall be permitted unless reticulated sewerage is provided or the Health Department certifies that there are exceptional circumstance to warrant a variation to the requirement for reticulated sewerage.'

The Residential Design Codes of Western Australia (2002)

Health Act 1911

Building Code of Australia 2006

Consultation

In accordance with Council Resolution 24/06, the proposal was advertised for public comment. A notice was published in the Albany Advertiser on 21 and 23 February 2006 and letters were sent to adjoining landowners. The advertising period closed on 15 March 2006 and one (1) submission was received, as summarised in the following table:

Submitters Name	Submitters Address	Submission	Officer Comment
BG & EM Herbertson	35 Mondurup Street, Mount Barker	Driveway alignment and proximity to the fenceline are of concern. There are large trees near the fenceline which could have their root system potentially disturbed. In the event the trees were damaged, left unstable and posed a safety hazard, they would find it costly to remove the trees; would welcome any discussion with relevant authority to resolve the matter.	The adjoining neighbour’s comments are noted however, any concerns with regards to fencelines on common boundaries is a civil matter and the Council has little authority in this area. The owners should be advised that any concerns they have with regards to the impact of the proposed development and encroaching tree roots are to be resolved with the owner of that property. In this instance this is the Department of Housing and Works.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

This application is consistent with the Shire of Plantagenet Strategic Plan. In particular it will *‘ensure a mix of housing types’* and *‘improve the quality of life for residents of the Shire.’*

Additional to the Shire’s objectives, DHW is in the process of adopting the *Housing Strategy of WA*. The Shire should be mindful of this strategy when considering housing development in the future. The comment period for the Draft Strategy closed on the 31 March 2006.

Officer Comment

The proposed two (2) Grouped Dwellings are part of the DHW upgrading program. These upgrades are welcomed, supported and overall beneficial to the Mount Barker Townsite. The current



Lot 15, 31 Mondurup Street, Mount Barker – Grouped Dwellings (Cont.)

dwellings, as seen to the right, are fibro and in need of repair. The proposed dwellings are brick veneer with metal deck roofing.

With regards to wastewater management and disposal, the DHW has provided written confirmation it will, and was intending to, use Aerobic Treatment Units for wastewater management.

The Shire recognises the DHW's relevance and purpose within the Shire and in particular within the Mount Barker Townsite. Currently the subject site can only be redeveloped to the same intensity however, the subject lot has the potential to accommodate three (3) grouped dwellings once deep sewerage is available. It is recommended that the Shire allow for the rear dwelling to be re-sited and slightly redesigned allowing for a third dwelling to be constructed in the future.

The redesign would include the relocation of the front door from the south to the west: reorientating the carport / storeroom parallel to the southern boundary; widening the lounge room and ensuring adequate setbacks are maintained from the access leg and a reversing area is provided in accordance with the Residential Design Codes. The DHW has indicated that it is very satisfied with the proposed redesign.

The DHW had concerns that the suggested changes would not satisfy Clause 3.2.4 of the R-Code which seeks surveillance of the street from the rear unit and the Council would not support this proposed relocation. The opinion of the Shire's Planning Department is that the front dwelling provides adequate surveillance but also, the future third dwelling will provide surveillance as it will be required to orientate at least one habitable room window towards the street: the carport to be parallel to the southern boundary as per Unit 2's redesign.

It is considered that the proposed grouped dwellings meet the Acceptable Development provisions of the Residential Design Codes: it is recommended the dwellings be conditionally approved.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Mark:

That planning consent be granted in respect of Application No. 05/06 for Lot 15, 31 Mondurup Street, Mount Barker to be developed for the purpose of a Grouped Dwelling (two (2) x three (3) bedroom) generally in accordance with the plans dated 18 January 2006 - subject to the following conditions:

- (1) Revised drawings being submitted as part of the Building Licence incorporating the relocation and redesign of Unit 2 in accordance with the Residential Design Codes.**
- (2) The future third dwelling to be orientated with one (1) habitable room window facing the street and the carport parallel with the southern boundary.**
- (3) A detailed landscaping plan being submitted and assessed prior to the commencement of development.**

Lot 15, 31 Mondurup Street, Mount Barker – Grouped Dwellings (Cont.)

- (4) Landscaping areas being installed in accordance with the approved plan and maintained in good condition thereafter.
- (5) The crossover, sealed access ways and vehicle parking areas being installed and funded in accordance with the approved plan and maintained in good condition thereafter.
- (6) Details of the proposed method of stormwater disposal system being submitted for assessment by the Council's Technical and Development Services Officers.
- (7) All stormwater runoff from the development being contained onsite and disposed of to the satisfaction of the Council.
- (8) Effluent disposal to the development being provided by way of approved Aerobic Treatment Units.
- (9) Access to the Aerobic Treatment Units being provided to allow for maintenance by the applicant.
- (10) All conditions not of an ongoing nature being complied with, within six (6) months of this approval.

ADVICE NOTES

- (i) If the development, the subject of this approval, is not substantially commenced within a period of twenty-four months the approval shall lapse and be of no further effect. Where the approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and obtained.
- (ii) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including:
 - The Building Code of Australia 2006
 - Building Regulations 1989, in particular the need to obtain a Demolition Licence prior to the removal of the existing duplex

CARRIED (8/0)

No. 106/06

**9.1.3 LOT 306 LAKE MATILDA ROAD, KENDENUP - PROPOSED CAFE,
CELLAR SALES AND WINERY**

An Impartial Interest was declared by Cr J Moir for Item 9.1.3

Extent of Interest: Member of the same sporting club as applicant.

Location / Address:	Lot 306 Lake Matilda Road, Kendenup
Attachments: (3)	Locality Plan Site Plan Floor Plan
Name of Applicant:	A and Z Budrikis - Trading as Hawker Ridge Wines
File Reference:	RV/182/185
Author:	Marta Osipowicz - Town Planner
Authorised By:	Delma Baesjou - Manager Development Services
Date of Report:	17 March 2006

Purpose

The purpose of this report is to consider the submission and determine the application for a Restaurant (Café) and Winery (including cellar sales) at Lot 306 Lake Matilda Road, Kendenup.

Background

The subject land comprises 6.1ha and is zoned Rural under the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3). The site contains two (2) sheds (Building Application numbers 54/92 and 9/00) and a dwelling (Building Application number 43/94). It is proposed to convert an existing shed for use as a Café and cellar sales outlet by adding ablution facilities and car parking. A subsequent stage of development will be the construction of a Winery.

Shire records show the registered land owner to be Andrus and Zigmantus Budrikis.

A report on the proposed Restaurant (Café) and Winery (including cellar sales) was considered by the Council at its meeting held 14 February 2006. The following Council resolution was adopted:

'THAT:

- (1) The proposed development of Lot 306 Lake Matilda Road, Kendenup for the purpose of Winery be determined as consistent with the objectives and purpose of the Rural Zone pursuant to Clause 3.2.5 (b) of the Shire of Plantagenet Town Planning Scheme No. 3.*
- (2) The application for a Restaurant and Winery at Lot 306 Lake Matilda Road, Kendenup be advertised in accordance with Clauses 6.2.3 (a) and (b) of the Shire of Plantagenet Town Planning Scheme No. 3 stating that submissions may be made within twenty-one days from the date of the notice.*
- (3) At the conclusion of the advertising period a further report on the proposal be prepared for the consideration of the Council at its meeting to be held on 11 April 2006.'*

Lot 306 Lake Matilda Road, Kendenup – Proposed Café, Cellar Sales & Winery (Cont.)

The advertising period closed on 15 March 2006 and one (1) submission was received.

Statutory Environment

Shire of Plantagenet Town Planning Scheme No. 3 in particular Clauses 3.2 and 6.2.

'Restaurant - means a building or portion of a building wherein food is prepared solely for sale and consumption within the building or portion thereof and the expression shall include a licensed restaurant, cafe or nightclub, and also includes a restaurant at which food for consumption outside the building or portion thereof, is sold where the Council is of the opinion that forms a minor part of the business only.

Winery - means premises used for the handling, storage and / or processing of grapes and / or other fruit into wine products and may include the sale of the produce;'

Restaurant is an 'SA' use within the Rural zone which means that Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 6.2.

Health Act (1911)

Building Code of Australia (2006)

Consultation

In accordance with Council resolution 30/06, the proposal was advertised for public comment. A notice was published in the Albany Advertiser on 21 and 23 February 2006 and letters were sent to adjoining landowners. The advertising period closed on 15 March 2006 and one (1) submission was received, as summarised in the following table:

Submitters Name	Submitters Address	Submission	Officer's Comments
Sheila & Colin Flynn	61 Hassell Avenue, Kendenup	The submitter's own a café within the Kendenup townsite and object to the proposed restaurant. They are of the opinion that wineries located on the highway would consume the majority of the passing trade. Vehicular flow will contribute to noise and dust emissions: dust likely to be propelled in the direction of the existing café. The submitters do not envisage the need for an additional winery / café in the area, specifically referring to the subject location.	The submitter's comments are noted. It is evident that the submitters are concerned about the potential impact the proposed café will have on their business enterprise. Whilst the Shire acknowledges the proposed use poses competition, overall there are no major planning concerns relating to this proposal. The comment is not upheld.

Policy Implications

There are no local authority policy implications for this development.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The proposal is consistent with the Shire of Plantagenet Strategic Plan, in particular *'New Initiative 4.3 - Encourage establishment of new businesses which provide employment and / or service to the tourist industry and contribute to the prosperity of Plantagenet (and to) focus on the diverse rural sector.'*

Officer Comment

The proposed Restaurant (café) and cellar sales are considered appropriate uses within the Rural area. The winery proposal is noted, however it does not form part of this approval and will be subject to a separate application.

The submission received during the advertising process has been noted. The Council has no guiding factors for the siting of cellar sales and wineries and the argument of additional competition is not a planning matter and would be contrary to the National Competition Policy.

A site visit was undertaken on 1 March 2006 by Planning Officer - Marta Osipowicz and the Environmental Health Officer - Eric Howard. Photographs from the site visit form part of this report. The existing building is in sound condition and the owners are dedicated towards ensuring the quality of the building meets Health and Building regulations.

The applicant advised on the day of the site visit that:

- The project will be 'staged';
- The project will comprise of the conversion of the existing outbuilding to a cellar sales / restaurant capable of accommodating up to 20 persons: they do not envisage catering for more than the currently nominated 20 persons;
- They intend to further renovate the restaurant / cellar sales area to construct a commercial grade kitchen, associated servery and wine tasting bar; and
- They intend on constructing an additional dry storage room and separate male and female public toilets.

Parking requirements for restaurants are typically calculated at one (1) bay per four (4) seats. The applicant has indicated that the intentions are to cater for up to twenty people. In conjunction with the Health department the maximum capacity of the premises has been determined as fifty people due to the number of toilets provided. In this instance, it has been determined that thirteen car parking bays are required and will need to be provided on site. The Environmental Health Officer has noted that should the original toilet be converted into a unisex-disabled access toilet then there could be the potential for the Restaurant to cater for up to 100 people. In this instance at least 25 car parking spaces would be required. At this stage it is recommended that thirteen car parking spaces be provided with all parking spaces being distinguishable and appropriately marked out.

The following comments are also offered:

Lot 306 Lake Matilda Road, Kendenup – Proposed Café, Cellar Sales & Winery (Cont.)

- The kitchen and restaurant will be required to comply with the Food Hygiene Regulations;
- The effluent disposal facilities are to comply with Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 as amended. The Environmental Health Officer notes that the existing onsite effluent disposal system (septic) connected to the outbuilding toilet and also the adjacent domestic dwelling will be upgraded to accommodate the anticipated increased volume from the restaurant and cellar sales area;
- A fire management plan will need to be submitted and approved by the Fire Emergency Service Authority (FESA) in conjunction with the Building Licence; and
- Compliance with the Building Code of Australia (BCA) Volume One - Class 2-9 buildings is required.

The proposal is acceptable and will provide Kendenup with further economic development. It is recommended that the Council issue a conditional approval for the establishment of restaurant (café) and cellar sales. The winery is recommended to be the subject of a separate planning application in the future.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr B Hollingworth:

That planning consent be granted in respect of Application 04/06 for Lot 306 Lake Matilda Road, Kendenup to be developed for the purpose of Restaurant (Café) and Cellar Sale in accordance with the plans dated 10 January 2006, subject to the following conditions:

- (1) Thirteen onsite car parking bays, designed to enable all vehicles to enter and leave the site in forward gear, being provided and appropriately marked and sign posted.**
- (2) The crossover, access ways and vehicle parking areas being funded and maintained by the proponent.**
- (3) All stormwater runoff from the development being contained onsite and disposed of to the satisfaction of the Council.**
- (4) A Fire Management Plan for the site being prepared and submitted for assessment by the Council's Ranger (Emergency) Services prior to issue of any building licence.**
- (5) Building Plans being submitted to Fire and Emergency Services Authority (FESA) prior to the issue of a building licence.**
- (6) Signage being erected in accordance with the Town Planning Scheme No. 3, Section 5.6 – Control of Advertisements.**

ADVICE NOTES

- (i) If the development, the subject of this approval, is not substantially commenced within a period of 24 months the approval shall lapse and be of no further effect. Where the approval has lapsed, no development**

Lot 306 Lake Matilda Road, Kendenup – Proposed Café, Cellar Sales & Winery (Cont.)

shall be carried out without further approval of the Council having first been sought and obtained.

- (ii) This planning consent provides the applicant with permission to establish and operate a restaurant (café) and cellar sales from the subject lot. The applicant is advised that the winery does not form part of this approval and a subsequent application for planning consent shall need to be lodged when the applicant shall be in the process of planning the construction of the winery.
- (iii) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development including:
- The Building Code of Australia 2006
 - Health Act 1911
 - Liquor Licensing Act

CARRIED (8/0)

No. 107/06

Photos – Proposed Café, Cellar Sales & Future Winery



Lot 306 Lake Matilda Road, Kendenup – Proposed Café Cellar Sales & Winery (Cont.)

External photographs of existing building: above-right is where the proposed alfresco area will be.



Internal photographs of existing structure.



Photographs of proposed car parking area.

9.1.4 LOT 102 THIRD AVENUE, KENDENUP - OVERSIZE SHED

Location / Address:	Lot 102 Third Avenue, Kendenup
Attachments: (2)	Site Plan Floor Plan & Elevations
Name of Applicant:	Highline Ltd on behalf of G and J Kent
File Reference:	RV/182/3110
Author:	Marta Osipowicz - Town Planner
Authorised By:	Delma Baesjou - Manager Development Services
Date of Report:	27 March 2006

Purpose

The purpose of this report is to consider an application for a 120m² Outbuilding on Lot 102 Third Avenue, Kendenup.

Background

The proposed shed is 12m by 10m and 3.65m high.

The subject land is zoned Rural under the Shire of Plantagenet Town Planning Scheme No. 3 and is currently vacant. The R10 requirements of the Residential Design Codes are being applied to residential development within Kendenup.

The property was amalgamated in 1996. Survey plans were endorsed in 1998. Although the property has been amalgamated the new titles have not yet been called for. The original lot numbers are 423 and 424. Shire records show the lot number to be 102.



Shire records show the registered owner to be G and J Kent.

Statutory Environment

Shire of Plantagenet Town Planning Scheme No. 3
Residential Design Codes of Western Australia 2002

Lot 102 Third Avenue, Kendenup – Oversize Shed (Cont.)

Building Code of Australia 2006

Consultation

There has been no consultation for this report.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The proposed outbuilding does not fully meet the Acceptable Development Provisions under Clause 3.10.1 of the Residential Design Codes. The outbuilding is not attached to a dwelling (the lot is currently vacant) and meets open space, side and rear setbacks and siting requirements. The outbuilding is, however, in excess of 60m² in area with a wall height exceeding 2.4m. The proposed outbuilding is required to be considered under the respective Performance Criteria: *'Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.'*

Determination by the Council is required as a result of the outbuilding exceeding Acceptable Development Provisions of the Residential Design Codes.

The proposed outbuilding meets the respective Performance Criteria. The required side and rear setbacks are 1.5m and 1.0m respectively with the applicant indicating that the setbacks shall be 2.5m from the side and rear boundary; the Right-of-Way increases the setback to the rear properties. The additional setback distance reduces the impact of building bulk on the neighbouring properties. In addition, the overall height (ridge line) is less than 4.2m which also contributes to the reduction of building bulk on adjoining properties. The outbuilding is setback 37.8m from the primary street, posing no detrimental effect on the streetscape.

Provided the outbuilding is used purely for the storage of domestically related goods and vehicles, and is not used for commercial or habitable purposes there is no objection to the proposed use. It is recommended that the outbuilding be approved.

An application for temporary accommodation within the proposed outbuilding has been received and is the subject of a separate report in this agenda.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr B Hollingworth:

That planning consent be granted in respect of Application No. 21/06 for development of an oversize outbuilding on Lot 102 Third Avenue, Kendenup, in accordance with the plans dated 27 March 2006, subject to the following conditions:

Lot 102 Third Avenue, Kendenup – Oversize Shed (Cont.)

- (1) The crossover and access way being maintained by the proponent.
- (2) All stormwater runoff being contained onsite.
- (3) The outbuilding not being used for industrial or commercial purposes.
- (4) In accordance with Clause 3.10.1 of the Residential Design Codes, the outbuilding not being used for habitable purposes.

ADVICE NOTES:

- (i) If the development, the subject of this approval, is not substantially commenced within a period of 24 months, the approval shall lapse and be of no further effect. Where approval has lapsed, no development shall be carried out without further approval of Council having first been sought and appointed.
- (ii) The applicant is advised that there is an obligation to comply with relevant statutes applicable to the development, in particular the Building Code of Australia.

CARRIED (8/0)

No. 108/06

9.1.5 LOT 6052 MOUNT BARKER-PORONGURUP ROAD, PORONGURUP - SUBDIVISION (26 LOTS)

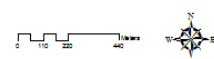
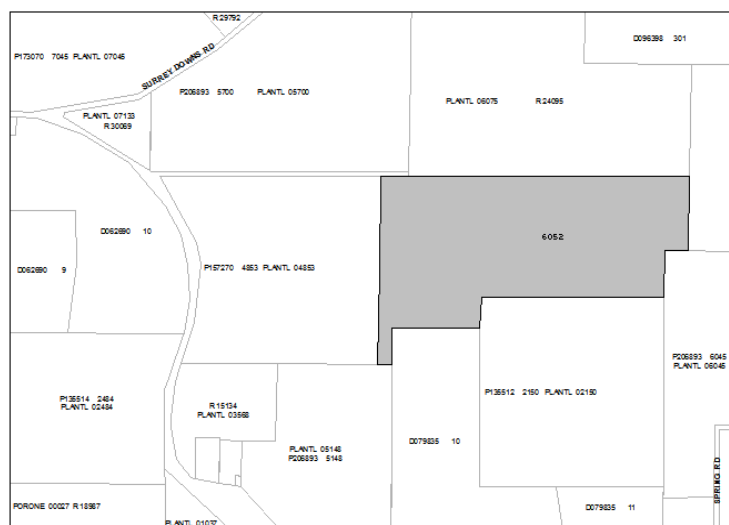
Location / Address:	Lot 6052 Mount Barker-Porongurup Road, Porongurup
Attachments: (1)	Subdivision Plan Letter – Western Australian Planning Commission
Name of Applicant:	Ayton Taylor and Burrell on behalf of Murfett Group Holdings Pty Ltd
File Reference:	LP/158/41 and RV/182/532
Author:	Delma Baesjou - Manager Development Services
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	30 March 2006

Purpose

The purpose of this report is to consider a request from the Department for Planning and Infrastructure to comment on a proposed subdivision at Lot 6052 Mount Barker-Porongurup Road, Porongurup. The proposal is for twenty-six Rural Residential lots ranging from 2ha to 10.3ha.

Background

The subject land is 74.8 ha and is depicted in the following figure:



The subject land is zoned Rural Residential Area 5 under the Shire of Plantagenet Town Planning Scheme No 3 (TPS3). It was the subject of Amendment No 29 to TPS3 which was initiated on 14 August 2001, finalised by the Shire of Plantagenet on 22 July 2003 and gazetted on 23 January 2004.

The objective of Rural Residential Area 5 is:

'To provide for larger hobby farms in excess of 2ha, which can accommodate residential style developments and small scale rural uses in a compatible manner with rural residential uses on adjoining lots and surrounding rural uses in accordance with the Mount Barker Local Rural Strategy.'

Lot 6052 Mount Barker-Porongurup Road, Porongurup – Subdivision 26 Lots (Cont.)

The site is within the G1 Precinct of the Porongurup Rural Strategy. A Structure Plan for the G1 Precinct, which encompasses the landholdings generally bounded by Surrey Downs Road, Porongurup Road and Spring Road, was endorsed by the Council at its meeting held 22 July 2003.

Council records show the owners of Lot 6052 Mount Barker-Porongurup Road, Porongurup to be Murfett Group Holdings Pty Ltd ATF The Range View Estate Trust. The landowners at the time of the rezoning and previous subdivision were EI and ME Harma. Settlement occurred on 30 November 2005. Former Location 6052 is now known as Lot 6052.

A Fire Management Plan for Locations 6052 and 4853 was considered and endorsed by the Council at its meeting held 22 July 2003.

A similar subdivision application has been considered for the site and an adjoining land parcel. Subdivision Reference 126560 was for twenty-six Rural Residential lots on former Location 6052 and two (2) Rural Smallholding (viticulture) lots on Location 4853.

A report regarding that subdivision was presented to the Council at its meeting held 23 November 2004. The Council supported the subdivision subject to standard conditions relating to road construction, 3m wide paved battle-axe legs, drainage and fill, preparation of a Stormwater Drainage and Nutrient Management Plan, provision of strategic fire breaks and access to water supply for fire fighting purposes, preparation of an information sheet regarding weed and dieback control and provision of a 2.4m wide multi purpose trail.

The Western Australian Planning Commission (WAPC) issued approval to subdivision Ref. 126560 on 5 January 2005, subject to fifteen (15) conditions. A copy of the conditional approval is attached to this report.

Statutory Environment

Shire of Plantagenet Town Planning Scheme No. 3
Town Planning and Development Act (1928)

Consultation

There has been no consultation in relation to this report, however, Shire Technical and Development Services officers have been dealing with engineering consultants in regard to preliminary design drawing for the proposed subdivisional roads and intersection.

Policy Implications

Relevant Western Australian Planning Commission Policies include:

- Policy No. DC 1.1 Subdivision of land – General Principles
- Policy No. DC 1.4 Functional Road Classification for Planning
- Policy No. DC 2.2 Residential Subdivision
- Policy No. DC 3.7 Fire Planning

Shire of Plantagenet Engineering Department Subdivision Development Policy Standards Specifications, March 1997.

The subject land is within the area covered by the Porongurup Rural Strategy, adopted by the Council and the WAPC in 1996. The Porongurup Rural Strategy is

Lot 6052 Mount Barker-Porongurup Road, Porongurup – Subdivision 26 Lots (Cont.)

Town Planning Policy 11 adopted in accordance with Clause 7.6 of the Shire of Plantagenet Town Planning Scheme No. 3.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The subject land is within the area covered by the 1996 Porongurup Rural Strategy. The purpose of this Strategy is to satisfy the WAPC's policy requirement that a Rural Strategy be prepared prior to consideration of any applications to rezone land for rural residential development. The Strategy is used by the Shire to assess applications to rezone, subdivide or develop land within the Strategy area.

The Council's Strategic Plan provides for the co-ordination of long term planning for sustainable, environmental, economic and social development of the Shire and the Great Southern. The Council has said that it will measure its success through the levels of local employment and investment in the Shire.

Officer Comment

The current subdivision layout does not vary from the previous application and similar conditions are recommended, however, it is prudent to clarify matters relating to road status, intersection upgrading, strategic fire breaks and multi use trails.

The unnamed road servicing the subdivision and portion of the proposed subdivisional road will ultimately serve as a 'Collector Road', connecting through to Spring Road. Shire specifications for Collector roads nominate a 25m road width. In this case, the existing 20m reserve width is considered sufficient, however, traffic design speed, pavement width and turning radii should be based on the ultimate road function. Further, the subdivision will result in increased traffic volumes, necessitating upgrading of the intersection. It is important that these elements are confirmed by the Council and relayed to the subdivider, particularly as the generic conditions typically applied by the WAPC do not contain the detailed specifications.

The plan of subdivision is generally consistent with the Subdivision Guide Plan approved by the Shire of Plantagenet on 22 July 2004. Resolution No. 303/03 refers.

The subdivision will facilitate the release of additional Rural Residential lots within the Shire. The proposal is supported, conditional upon provision of standard infrastructure, including roads, drainage and power.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr K Clements, seconded Cr B Hollingworth:

That the Western Australian Planning Commission be advised that the subdivision of Lot 6052 Mount Barker-Porongurup Road, Porongurup (WAPC Ref. 130712) dated 9 March 2006 is supported subject to:

- (1) The subdivision being in accordance with Drawing No. 04-41-01 WR dated 9 March 2006.**

- (2) All lots created by this application being provided with frontage to a sealed subdivisional road designed, constructed and drained at the subdivider's cost to the specifications and standards of a 'Collector Road' as set out in the Shire of Plantagenet Engineering Department Subdivision Development Policy Standards Specifications, March 1997. A geotechnical assessment / pavement design report shall be provided, certifying that the pavement for all subdivision roads comply with the Policy Standards Specifications.
- (3) Cul-de-sac heads within the subdivision shall be designed and constructed to a specification generally consistent with the standards outlined in the Institute of Municipal Engineering Australia (WA Division), Local Government Guidelines for Subdivisional Development and the Shire of Plantagenet Engineering Department Subdivision Development Policy Standards Specifications.
- (4) As set out in Special Provision 11.0 of Town Planning Scheme No. 3 Schedule V - Rural Residential Area 5, the subdivider contributing towards the upgrading of the un-named gravel road connecting the subdivision to the Mount Barker-Porongurup Road based on the increased traffic volumes.
- (5) The intersection of the Mount Barker-Porongurup Road and the un-named gravel road servicing the subdivision being upgraded based on the increased traffic volumes.
- (6) The Battleaxe access leg shall have a minimum paved width of 4m (within a total battleaxe leg / horizontal clearance of 6m width). Prior to construction of the battleaxe leg, plans are required to be submitted to and approved of by the Council and the battleaxe leg must be designed and constructed in accordance with the Council's standard battleaxe leg specifications and Clause 5.7 of the approved Fire Management Plan. Plans must be designed and certified by a practising Civil Engineer.
- (7) Driveways / access roads being designed and constructed in accordance with Clause 5.7 of the approved Fire Management Plan to provide access to lots with house sites more than 100m from a public road and / or lots containing building envelopes, as shown on the Fire Management Plan and any associated crossovers being designed and constructed at the subdivider's cost to the specifications of the Shire of Plantagenet.
- (8) A Stormwater Drainage and Nutrient Retention Management Plan is required to be submitted to and approved by the Council. A comprehensive Drainage Analysis (report) is to be undertaken to address means of managing stormwater entering and exiting the site and retarding basins may be required to minimise stormwater runoff from the site and application of Water Sensitive Urban Design principles shall be accommodated within the subdivision.
- (9) Prior to constructing the drainage system, plans are required to be submitted to and approved by the Council. These plans shall clearly show: invert levels, cover levels and pipe size, class and grade, and be designed / certified by a practising Civil Engineer. Approved plans are those which have been considered by the Council, duly amended to meet

- its requirements and endorsed as approved. At both design and construction stages, subdivisional works shall be assessed in accordance with the Institute of Municipal Engineering Australia's (WA Division) Local Government Guidelines for Subdivisional Development. The emission of noise, dust and / or sand shall be managed in accordance with Department of Environment requirements.
- (10) The land being filled and / or drained at the subdivider's cost to the satisfaction and specifications of the Local Authority and any easements and / or reserves necessary for the implementation thereof, being provided free of cost.
 - (11) The Rights Of Way shown on the Plan of Subdivision being a minimum of 20m in width.
 - (12) The subdivider is to provide strategic firebreaks as shown on the subdivision guide plan and approved Fire Management Plan to the satisfaction of the Council and Fire and Emergency Services Australia (FESA). Interim arrangements may be required with the owner of Location 4853 to enable alternative emergency egress. The strategic firebreaks are to be designed to avoid erosion impacts and loss of vegetation and are to have a 6m trafficable surface and shall be constructed to a standard suitable for year round emergency access by heavy-duty fire appliances and two-wheel-drive vehicles. In the event of staged subdivision, an alternative firebreak network may be required. Strategic firebreaks shall be connected to the existing strategic firebreak network in the locality. Where gates cross strategic firebreaks, a common key system shall be installed, please liaise with Council Rangers. Emergency signs may need to be installed. In some circumstances, as an alternative, the Council may accept firebreaks in accordance with the Council's Bush Fire Notice and Section 33 of the Bush Fires Act.
 - (13) Provision and access to a water supply for fire fighting purposes, in accordance with the Fire Management Plan, to the satisfaction of FESA / Council, including a caveat being placed on the title of proposed Lots 800 and 818 and adjoining Location 4853 to ensure access to the dam water supplies is gained in perpetuity.
 - (14) All Building Envelopes depicted on the approved Fire Management Plan being shown on the Plan of Subdivision.
 - (15) Prior to carrying out any subdivisional works, plans are required to be submitted to and approved by the Council. All areas disturbed as a result of subdivisional works are to be reinstated (including the restoration and stabilising of top soil) to the satisfaction of the Council.
 - (16) As set out in Special Provision 11.0 of Town Planning Scheme No. 3 Schedule V - Rural Residential Area 5, revegetation of the areas shown on the Subdivision Guide Plan being completed with species acceptable to the Council and maintained for a period of at least three (3) years from the release of titles

- (17) The subdivider making arrangements satisfactory to the Council to ensure that prospective purchasers and successors in title are aware of the following in writing that:
- (a) Sewerage is not available;
 - (b) Reticulated water is not available;
 - (c) An approved onsite effluent disposal system to the satisfaction of the Council and the Health Department of WA will be required to service any new development on each lot;
 - (d) Dwelling houses are required to comply with AS3959;
 - (e) A minimum of 10,000 litres of water is required to be stored on each property for fire fighting purposes;
 - (f) In addition to any obligations set out in the Shire of Plantagenet Annual Fire Break Notice, property owners have responsibilities in regard to fire safety as set out in the adopted Fire Management Plan for the area;
 - (g) Commercial scale viticulture may be developed in the vicinity; and
 - (h) The Council discourages the keeping of cats and dogs on lots adjacent to Reserve 24095 and promotes measures that should be taken to minimise the impacts pets have on native fauna (eg: night cat curfews), keeping dogs on leashes etc.
- (18) The subdivider making arrangements satisfactory to the Council to ensure that prospective purchasers and successors in title are aware of those special provisions of Rural Residential Area 5 of Shire of Plantagenet Town Planning Scheme No. 3 which relate to the use and management of the land.
- (19) The subdivider providing a copy of the Fire Management Plan, Bush Fire Survival Manual and Fire Break Notice to each prospective purchaser.
- (20) The subdivider preparing an information sheet regarding weed and dieback control suitable for distribution to prospective purchasers.
- (21) A 6m wide multi purpose trail reserve being established, as depicted on the approved Fire Management Plan.
- (22) A 2.4m wide multi purpose trail being constructed at the subdivider's costs in the location/s shown on the Subdivision Guide Plan to the specification and satisfaction of the Local Authority.
- (23) All electricity services are to be provided at the Subdivider's expense via underground cabling.

ADVICE NOTES

- (i) No clearing of remnant vegetation is to occur without the prior approval of the Department of Environment.
- (ii) No clearing of lots should occur prior to sale, other than that required for survey purposes, drainage and road works.
- (iii) Any removal of vegetation is to be carried out in accordance with Department of Environment requirements: in particular no burning of cleared vegetation is to occur without prior approval of the Council.

Lot 6052 Mount Barker-Porongurup Road, Porongurup – Subdivision 26 Lots (Cont.)

- (iv) In general, the Council favours onsite mulching of vegetation over burning.

AMENDMENT

Moved Cr J Moir, seconded Cr J Mark:

THAT:

- (1) A Point (i) be added to Part (17) being: 'No clearing or fencelines are permitted within the remnant vegetation areas.'; and
- (2) The word 'caveat' being replaced with the word 'covenant' in Part (13).

CARRIED (8/0)

No. 109/06

COUNCIL DECISION

That the Western Australian Planning Commission be advised that the subdivision of Lot 6052 Mount Barker-Porongurup Road, Porongurup (WAPC Ref. 130712) dated 9 March 2006 is supported subject to:

- (1) The subdivision being in accordance with Drawing No. 04-41-01 WR dated 9 March 2006.
- (2) All lots created by this application being provided with frontage to a sealed subdivisional road designed, constructed and drained at the subdivider's cost to the specifications and standards of a 'Collector Road' as set out in the Shire of Plantagenet Engineering Department Subdivision Development Policy Standards Specifications, March 1997. A geotechnical assessment / pavement design report shall be provided, certifying that the pavement for all subdivision roads comply with the Policy Standards Specifications.
- (3) Cul-de-sac heads within the subdivision shall be designed and constructed to a specification generally consistent with the standards outlined in the Institute of Municipal Engineering Australia (WA Division), Local Government Guidelines for Subdivisional Development and the Shire of Plantagenet Engineering Department Subdivision Development Policy Standards Specifications.
- (4) As set out in Special Provision 11.0 of Town Planning Scheme No. 3 Schedule V - Rural Residential Area 5, the subdivider contributing towards the upgrading of the un-named gravel road connecting the subdivision to the Mount Barker-Porongurup Road based on the increased traffic volumes.
- (5) The intersection of the Mount Barker-Porongurup Road and the un-named gravel road servicing the subdivision being upgraded based on the increased traffic volumes.
- (6) The Battleaxe access leg shall have a minimum paved width of 4m (within a total battleaxe leg / horizontal clearance of 6m width). Prior to construction of the battleaxe leg, plans are required to be submitted to and approved of by the Council and the battleaxe leg must be designed and constructed in accordance with the Council's standard battleaxe leg

- specifications and Clause 5.7 of the approved Fire Management Plan. Plans must be designed and certified by a practising Civil Engineer.
- (7) Driveways / access roads being designed and constructed in accordance with Clause 5.7 of the approved Fire Management Plan to provide access to lots with house sites more than 100m from a public road and / or lots containing building envelopes, as shown on the Fire Management Plan and any associated crossovers being designed and constructed at the subdivider's cost to the specifications of the Shire of Plantagenet.
 - (8) A Stormwater Drainage and Nutrient Retention Management Plan is required to be submitted to and approved by the Council. A comprehensive Drainage Analysis (report) is to be undertaken to address means of managing stormwater entering and exiting the site and retarding basins may be required to minimise stormwater runoff from the site and application of Water Sensitive Urban Design principles shall be accommodated within the subdivision.
 - (9) Prior to constructing the drainage system, plans are required to be submitted to and approved by the Council. These plans shall clearly show: invert levels, cover levels and pipe size, class and grade, and be designed / certified by a practising Civil Engineer. Approved plans are those which have been considered by the Council, duly amended to meet its requirements and endorsed as approved. At both design and construction stages, subdivisional works shall be assessed in accordance with the Institute of Municipal Engineering Australia's (WA Division) Local Government Guidelines for Subdivisional Development. The emission of noise, dust and / or sand shall be managed in accordance with Department of Environment requirements.
 - (10) The land being filled and / or drained at the subdivider's cost to the satisfaction and specifications of the Local Authority and any easements and / or reserves necessary for the implementation thereof, being provided free of cost.
 - (11) The Rights Of Way shown on the Plan of Subdivision being a minimum of 20m in width.
 - (12) The subdivider is to provide strategic firebreaks as shown on the subdivision guide plan and approved Fire Management Plan to the satisfaction of the Council and Fire and Emergency Services Australia (FESA). Interim arrangements may be required with the owner of Location 4853 to enable alternative emergency egress. The strategic firebreaks are to be designed to avoid erosion impacts and loss of vegetation and are to have a 6m trafficable surface and shall be constructed to a standard suitable for year round emergency access by heavy-duty fire appliances and two-wheel-drive vehicles. In the event of staged subdivision, an alternative firebreak network may be required. Strategic firebreaks shall be connected to the existing strategic firebreak network in the locality. Where gates cross strategic firebreaks, a common key system shall be installed, please liaise with Council Rangers. Emergency signs may need to be installed. In some circumstances, as an alternative, the Council may accept firebreaks in

- accordance with the Council's Bush Fire Notice and Section 33 of the Bush Fires Act.
- (13) Provision and access to a water supply for fire fighting purposes, in accordance with the Fire Management Plan, to the satisfaction of FESA / Council, including a covenant being placed on the title of proposed Lots 800 and 818 and adjoining Location 4853 to ensure access to the dam water supplies is gained in perpetuity.
- (14) All Building Envelopes depicted on the approved Fire Management Plan being shown on the Plan of Subdivision.
- (15) Prior to carrying out any subdivisional works, plans are required to be submitted to and approved by the Council. All areas disturbed as a result of subdivisional works are to be reinstated (including the restoration and stabilising of top soil) to the satisfaction of the Council.
- (16) As set out in Special Provision 11.0 of Town Planning Scheme No. 3 Schedule V - Rural Residential Area 5, revegetation of the areas shown on the Subdivision Guide Plan being completed with species acceptable to the Council and maintained for a period of at least three (3) years from the release of titles
- (17) The subdivider making arrangements satisfactory to the Council to ensure that prospective purchasers and successors in title are aware of the following in writing that:
- (a) Sewerage is not available;
 - (b) Reticulated water is not available;
 - (c) An approved onsite effluent disposal system to the satisfaction of the Council and the Health Department of WA will be required to service any new development on each lot;
 - (d) Dwelling houses are required to comply with AS3959;
 - (e) A minimum of 10,000 litres of water is required to be stored on each property for fire fighting purposes;
 - (f) In addition to any obligations set out in the Shire of Plantagenet Annual Fire Break Notice, property owners have responsibilities in regard to fire safety as set out in the adopted Fire Management Plan for the area;
 - (g) Commercial scale viticulture may be developed in the vicinity; and
 - (h) The Council discourages the keeping of cats and dogs on lots adjacent to Reserve 24095 and promotes measures that should be taken to minimise the impacts pets have on native fauna (eg: night cat curfews), keeping dogs on leashes etc.
 - (i) No clearing or fencelines are permitted within the remnant vegetation areas.
- (18) The subdivider making arrangements satisfactory to the Council to ensure that prospective purchasers and successors in title are aware of those special provisions of Rural Residential Area 5 of Shire of Plantagenet Town Planning Scheme No. 3 which relate to the use and management of the land.
- (19) The subdivider providing a copy of the Fire Management Plan, Bush Fire Survival Manual and Fire Break Notice to each prospective purchaser.
-

Lot 6052 Mount Barker-Porongurup Road, Porongurup – Subdivision 26 Lots (Cont.)

- (20) The subdivider preparing an information sheet regarding weed and dieback control suitable for distribution to prospective purchasers.
- (21) A 6m wide multi purpose trail reserve being established, as depicted on the approved Fire Management Plan.
- (22) A 2.4m wide multi purpose trail being constructed at the subdivider's costs in the location/s shown on the Subdivision Guide Plan to the specification and satisfaction of the Local Authority.
- (23) All electricity services are to be provided at the Subdivider's expense via underground cabling.

ADVICE NOTES

- (i) No clearing of remnant vegetation is to occur without the prior approval of the Department of Environment.
- (ii) No clearing of lots should occur prior to sale, other than that required for survey purposes, drainage and road works.
- (iii) Any removal of vegetation is to be carried out in accordance with Department of Environment requirements: in particular no burning of cleared vegetation is to occur without prior approval of the Council.
- (iv) In general, the Council favours onsite mulching of vegetation over burning.

CARRIED (8/0)

No. 110/06

9.1.6 LOT 97 MONTEM STREET, MOUNT BARKER - PROPOSED GROUPED DWELLINGS (28)

Location / Address: Lot 97 Montem Street, Mount Barker
Attachments: (5) Site Plan
 Floor and Elevation Plans x 4
Name of Applicant: Yaran Pty Ltd
File Reference: RV/182/2138
Author: Marta Osipowicz – Planning Officer
Authorised By: Delma Baesjou - Manager Development Services
Date of Report: 15 February 2006

Purpose

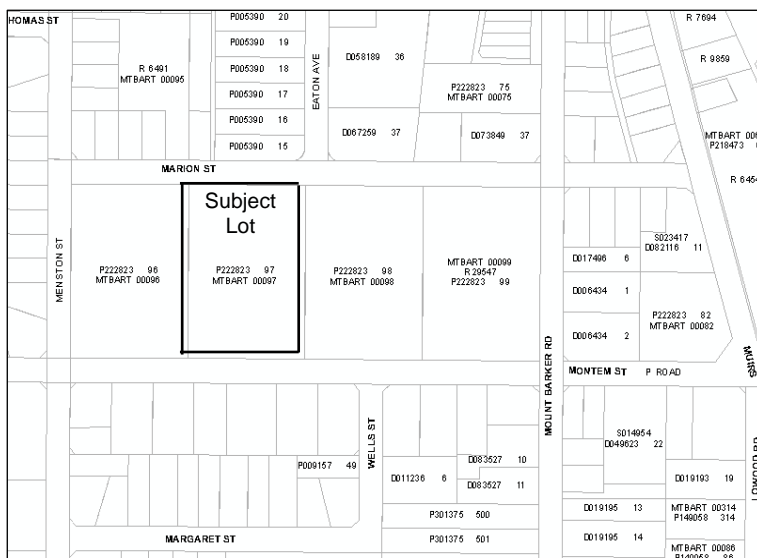
The purpose of this report is to consider an application for twenty-eight three (3) bedroom Grouped Dwellings at Lot 97 Montem Street, Mount Barker.

Background

The subject lot is currently an extensive parcel of bushland within the Townsite, located between Montem Street and Marion Street. The development proposal includes the removal of all vegetation and replacement with twenty-eight grouped dwellings: all dwellings are three (3) bedroom. The dwellings shall be prefabricated off site and imported onto the subject lot.

Zoning: Residential
Density: R10/20
Lot size: 14,369.01m²
Use class: Grouped Dwelling
Average lot size: 500m²
Minimum lot size: 440m²
Permissibility: 'SA' use

The Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 6.2 of the Scheme.



Lot 97 Montem Street, Mount Barker – Proposed Grouped Dwellings – 28 (Cont.)

The diagram above indicates the location of the subject development site.

Initial discussions, prior to formal lodgement, had occurred between officers at the Shire of Plantagenet and the applicant. The initial proposal included lot areas less than the prescribed minimum within the Residential Design Codes. The Council would not have been able to issue an approval where the proposed lots had variance greater than 5% of the minimum lot area. Upon lodgement of the application on 2 February 2006 a preliminary assessment was undertaken. Officers at the Shire of Plantagenet wrote to the applicant, letter dated 13 February 2006, seeking modifications to the proposal and additional information.

The applicant submitted amended plans and additional information on 21 March 2006. The applicant also telephoned to confirm that the plans were received. Officers communicated that the application was now adequate for public consultation: it was also communicated that post consultation, a further report would be presented to the Council meeting to be held 13 June 2006 addressing any submissions received. Should officers and / or the Council have issues with the proposal a recommendation may be for further amendments to the drawings.

Additional issues were also communicated in correspondence, dated 24 March 2006, to the applicant and further conversations have occurred between the owners, their planning representative and drafting officer and the Shire's Planning Officer. The applicant has submitted further requested drawings on 31 March 2006.

Council records show the registered owners to be Yaran Pty Ltd ATF Yaran Trust, Yaran Pty Ltd ATF Central Trust and Yaran Pty Ltd ATF Arion Trust.

Statutory Environment

Shire of Plantagenet Town Planning Scheme No. 3

The objectives of Town Planning Scheme No. 3 aim to provide guidance to officers and the Council in the decision making process. The objectives relevant to this proposed development are Clauses 1.6.1 and 1.6.2 which read,

'To encourage and control orderly development in the Scheme Area in such a way that will promote and safeguard the health, safety, convenience, and economic and general welfare of its' inhabitants and the amenities of the area'; and

'To promote the development of Kendenup, Narrikup, Rocky Gully and Mount Barker town sites and all Plantagenet rural areas'.

Western Australian Planning Commission Policies

The following policies are applicable to this proposed development:

- DC 1.3 Strata titles
- DC 2.2 Residential Subdivision
- DC 2.3 Public Open Space in Residential Areas
- DC 2.6 Residential Road Planning

The Residential Design Codes of Western Australia (2002)
Health Act 1911
Building Code of Australia 2006

Consultation

Community consultation is required for the proposed Grouped Dwelling development. Grouped Dwellings are an 'SA' use under Town Planning Scheme No. 3 (TPS3) and are subject to determination by the Council. It is recommended that the proposed development be subject to advertising in accordance with Clause 6.2.3 (a), (b) and (c) of TPS3. The nature and scale of the proposed development warrants all forms of advertising: directly surrounding neighbours on Montem Street and Marion Street, should receive letters; notices in the local papers and signs onsite informing the wider community of the proposed development.

The applicant is aware that consultation is required under TPS3 and that this consultation period shall extend for twenty-one days. As stated earlier, the applicant is aware of the process post consultation.

It is recommended that consultation with the Department for Planning and Infrastructure (DPI) be undertaken. Some initial discussions have occurred between officers at the Shire and the DPI.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

This application is consistent with the Shire of Plantagenet Strategic Plan. The Strategic Plan advocates:

'Supporting sustainable and managed growth within existing urban settlements in the Shire and encourage the development of a variety of housing opportunities. The Shire also seeks to plan a safe and healthy living environment'.

Officer Comment

Shire Officers have undertaken appropriate assessment and have sought modifications to the drawings prior to referral to the Council for public consultation. The issues outlined were of the following nature:

- (1) Vehicular Access & Driveways;
- (2) Drainage / Stormwater Design;
- (3) Site Works and Associated Levels;
- (4) Storerooms and Waste Management;
- (5) Streetscape;
- (6) Landscaping Plan;
- (7) Public Open Space: and
- (8) Improved Elevations and Plans.

The resubmitted drawings have addressed the above issues.

The drawings comply with Acceptable Development provisions of the Residential Design Codes (R-Codes) except for housing density, site works and associated levels and streetscape however, it should be noted that all aspects of the development application will be re-examined in greater depth. The aspects of the proposal that do not meet Acceptable Development will need to be considered under

Lot 97 Montem Street, Mount Barker – Proposed Grouped Dwellings – 28 (Cont.)

the respective Performance Criteria which will be discussed in greater detail within the subsequent Council report.

The applicant seeks variation to minimum lot size for six (6) lots. The lot sizes proposed range from 422m² to 436m², with the remaining effective lot area achieved through clause 3.1.2 *'Additional Site Area Requirements/ Concessions'* within the R-Codes. Under clause 2.3.4 *'Exercise of Discretion'* of the R-Codes, the Council is not permitted to vary the minimum or average site area requirements other than the provisions set out within the R-Codes. In this instance, as minimum lot area for each survey-strata lot is not less than 418m², it allows the Council to consider and issue an approval if satisfied with the development.

As part of the consultation process, it is recommended that the application for planning consent be referred to DPI for comment. The applicant has not submitted a formal subdivision application and seeks to undertake this process in the near future.

It would be prudent to involve the DPI at this stage within the process and seek its input on the proposed survey-strata subdivision.

With regards to Public Open Space, Western Australian Planning Commission's Policy D.C. 2.3 *'Public open space in residential areas'* requires 10% of the lot area to be allocated for parkland (passive or active). The applicant has indicated that the Council's approval will be sought for cash-in-lieu contribution for public open space. The Council's attention is drawn to this fact because this will be an important consideration during the subdivision process.

The subject site is currently undeveloped and it is the intention of the applicant to construct twenty-eight Grouped Dwellings in conjunction with a sealed access road and parking bays. Therefore, the site will be transformed from being pervious to impervious.

Given the amount of roof and sealed areas that comprise the subject development, the extent of runoff from the site is expected to be high. Therefore it is imperative that any stormwater from the site be suitably controlled so that flooding downstream of the site is not exacerbated. Failure to address the stormwater issues may cause inconvenience to the wider community and affect the Shire's existing road and drainage infrastructure.

The applicant will be required to undertake a comprehensive drainage assessment to ensure that all stormwater runoff from the site is captured, controlled onsite and then conveyed to an appropriate discharge point. Such an assessment should embrace principles of Water Sensitive Urban Design where stormwater is reused (where achievable), pervious materials utilised and stormwater runoff from the development limited to the pre-developed conditions.

The preliminary information provided by the applicant does not contain sufficient information to enable officers to fully assess the drainage and stormwater implications of the development. At this stage the applicant has indicated that three (3) soak wells will be provided for each dwelling. In the absence of detailed calculations, soil analysis and a comprehensive drainage report, it is not clear whether the site can accommodate development at the intensity proposed. A portion of the site may be required for onsite detention, thus reducing the area available for housing development. Pending the outcome of the drainage study a revised site plan, with fewer dwellings, may be required.

Notwithstanding the lack of a comprehensive drainage analysis and report, it is recommended that the application for planning consent be advertised. This will enable applicant to undertake the detailed drainage study and analysis concurrently with the formal advertising of the Development Application.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr B Hollingworth, seconded Cr J Moir:

THAT:

- (1) The application for twenty-eight three (3) bedroom Grouped Dwellings at Lot 97 Montem Street, Mount Barker be advertised in accordance with Clause 6.2.3 (a), (b) and (c) of the Shire of Plantagenet Town twenty-one days from the date of the notice.**
- (2) The application be specifically referred to the Department for Planning and Infrastructure for consideration and comment on the proposed subdivisional layout for a period of twenty-one days from the date of notice.**
- (3) At the conclusion of the advertising period a further report be prepared for the consideration of the Council at its meeting to be held on 13 June 2006.**
- (4) The applicant be advised that a detailed drainage analysis and report is required to be submitted for assessment prior to determination of the Development Application for the proposed Grouped Dwellings at Lot 97 Montem Street, Mount Barker.**

AMENDMENT

Moved Cr J Mark, seconded Cr J Cameron:

THAT:

- (1) The words 'Planning Scheme for' be inserted after the word 'Town' in Part (1) of the Officer's Recommendation; and**
- (2) The words 'prior to 22 May 2006 to enable' replace the word 'for' in Part (4) of the Officer's Recommendation.**

CARRIED (8/0)

No. 111/06

FURTHER AMENDMENT

Moved Cr K Clements, seconded Cr K Hart:

That a Part (5) be added to the Motion being: 'An Indicative Strata Management Plan be provided to the Shire of Plantagenet prior to 22 May 2006.'

CARRIED (8/0)

No. 112/06

COUNCIL DECISION**THAT:**

- (1) The application for twenty-eight three (3) bedroom Grouped Dwellings at Lot 97 Montem Street, Mount Barker be advertised in accordance with Clause 6.2.3 (a), (b) and (c) of the Shire of Plantagenet Town Planning Scheme for twenty-one days from the date of the notice.**
- (2) The application be specifically referred to the Department for Planning and Infrastructure for consideration and comment on the proposed subdivisional layout for a period of twenty-one days from the date of notice.**
- (3) At the conclusion of the advertising period a further report be prepared for the consideration of the Council at its meeting to be held on 13 June 2006.**
- (4) The applicant be advised that a detailed drainage analysis and report is required to be submitted prior to 22 May 2006 to enable assessment prior to determination of the Development Application for the proposed Grouped Dwellings at Lot 97 Montem Street, Mount Barker.**
- (5) An Indicative Strata Management Plan be provided to the Shire of Plantagenet prior to 22 May 2006.**

CARRIED (8/0)**No. 113/06**

9.1.7 LOTS 716, 2021 AND 2222 SIDCUP ROAD, PERILLUP – PROPOSED PLANTATION

A Financial Interest was declared by Cr J Cameron for Item 9.1.7
 Extent of Interest: Financial

A Financial Interest was declared by Cr B Hollingworth for Item 9.1.7
 Extent of Interest: Financial

4.29pm Councillors Cameron and Hollingworth withdrew from the meeting.

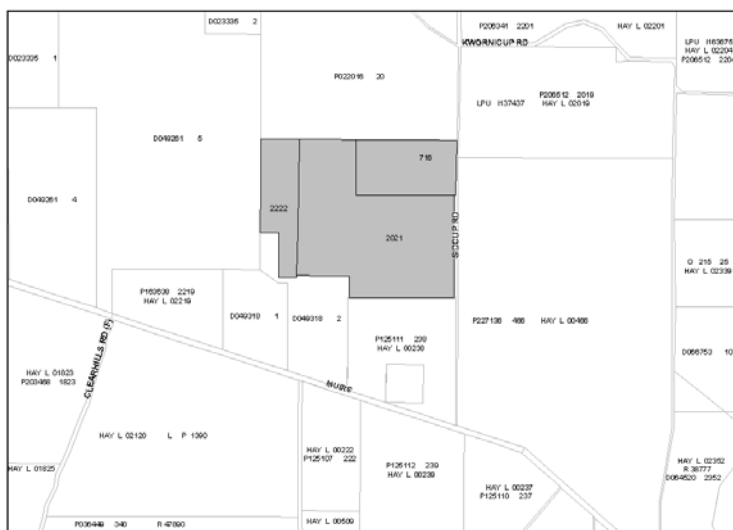
Location / Address: Lots 716, 2021 and 2222 Sidcup Road, Perillup
Attachments: (1) Site Plan
Name of Applicant: Great Southern Managers Australia Ltd on behalf of Edith Jenkins
File Reference: LP/118/15; RV/182/847
Author: Marta Osipowicz - Planning Officer
Authorised By: Delma Baesjou - Manager Development Services
Date of Report: 15 March 2006

Purpose

The purpose of this report is to consider an application for a Rural Use (Plantation) on Lots 617, 2021 and 222 Sidcup Road, Perillup.

Background

The subject properties are zoned Rural under the Shire of Plantagenet Town Planning Scheme No. 3. The properties are approximately 64.7ha, 212.6ha and 50.3ha respectively, totalling 327.6ha. The application is for eight (8) compartments totalling 166.1ha of plantation to be established over the next two (2) years. It is intended to plant Tasmanian Blue Gum.



The above diagram denotes the location of the subject lots.

Lots 716, 2021 and 2222 Sidcup Road, Perillup – Proposed Plantation (Cont.)

Shire records show the current owner to be Philip Johnson. Advice has been received that the applicant, Mrs Edith Jenkins, is beneficiary under his will. Joyce Parker has power of attorney for Mrs Jenkins. The development Application is signed by J Parker.

Statutory Environment

Town Planning and Development Act (1928) as amended
Shire of Plantagenet Town Planning Scheme No. 3
Bushfires Act (1954)

Consultation

The proponent was contacted with regards to oversized compartment; all compartments were oversized. There are now eight (8) compartments, not four (4) as originally submitted, forming the basis of this application. The total area of proposed plantation has been increased from 156.7ha to 166.1ha: the proponent sent through amended drawings on the 30 March 2006 indicating these changes.

Policy Implications

The Policy Statements in Section 2.3.3 of Town Planning Scheme No. 3 Report contain relevant background. It is recognised that tree planting can be beneficial in terms of soil conservation and water resources management provided it does not result in the loss of the better class of agricultural land or lead to a long term loss of rural population. Ongoing management issues include fire protection and loss of visual amenity.

A Town Planning Scheme Policy is being prepared to coincide with finalisation of the Shire of Plantagenet Town Planning Scheme Amendment 28.

Planning Commission Bulletin 56 Farm Forestry Policy, once adopted, will affect the way the Council deals with applications for Agroforestry and Plantations.

Financial Implications

There are no financial implications for this report.

Strategic Implications

The proposal is consistent with the Shire of Plantagenet Strategic Plan, in particular New Initiative 4.3 *'Encourage establishment of new businesses which provide employment and / or service to the tourist industry and contribute to the prosperity of Plantagenet (and to) focus on the diverse rural sector.'*

Officer Comment

It is the proponent's intentions to plant trees in eight (8) compartments, as shown on the site plan. The estimated size of the net plantable area is 166.1ha.

As advised by the Shire's Works Manager, Sidcup Road is a sound, gravel road and of reasonable quality.

The clean up of the subject lot involves the *'removal and clean up of paddock trees'*.

The proponent advises that the plantations shall be established over the next two (2) years. The Shire has been advised by the proponent that the plantation will be established and maintained in accordance with the Code of Practice for Timber Plantations in Western Australia, that firebreaks will be in accordance with the Annual

Lots 716, 2021 and 2222 Sidcup Road, Perillup – Proposed Plantation (Cont.)

Fire Break Notice issued by the Shire and compartment sizes will not exceed the maximum size permitted by the Shire.

The proposed plantation is considered to be compatible with the surrounding rural land uses.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr K Hart:

That planning consent be granted in respect of Application No. 20/06 for Lots 716, 2021 and 2222 Sidcup Road, Perillup to be developed for the purpose of Rural Use (106.6ha of Tasmanian Blue Gum Plantation) in accordance with the plans dated 15 March 2006 subject to the following conditions:

- (1) A detailed planting plan showing final compartment sizes, fire access and water points being submitted prior to planting.
- (2) The applicant being responsible for the cost of repairing any undue damage to local roads caused by the harvesting operation.
- (3) A Heavy Haulage Permit being obtained prior to transport vehicles associated with the harvesting using Local Government Roads.
- (4) All necessary crossovers, including pipes and culverts being in accordance with the Shire of Plantagenet specifications for construction of a vehicle crossover.
- (5) A separate harvesting plan is to be submitted to the Council two (2) years prior to harvesting of the subject land.

ADVICE NOTES:

If the development, the subject of this approval, is not substantially commenced within a period of 24 months, the approval shall lapse and be of no further effect.

There is an obligation to comply with relevant statutes including:

- The Shire of Plantagenet Annual Fire Break Notice
- The Environmental Protection Act (1986)
- The Environmental Protection Amendment Bill (2002)
- Health Act (1911) – Health (Pesticides) Regulations (1956)
- Aerial Spraying Control Act (1966)
- The Code of Practice for Plantations, in particular:

'To provide neighbours with adequate notice of impending, significant silvicultural activities, which will allow both parties to take any necessary action to avoid detrimental impacts as a result of these activities; and

The application of chemicals, including fertiliser, herbicides and pesticide in the adjacent Water Catchment Area.'

It is in the applicant's interest to investigate and possibly set aside areas of land to access road building materials in the event that gravel is required to

Lots 716, 2021 and 2222 Sidcup Road, Perillup – Proposed Plantation (Cont.)

repair the local road system should it be damaged during harvesting operations.

CARRIED (6/0)

No. 114/06

4.30pm Councillors Cameron and Hollingworth returned to the meeting.

9.1.8 LOTS 908 AND 2167 MOUNT BARKER-PORONGURUP ROAD, PORONGURUP - PROPOSED SUBDIVISION (BOUNDARY ADJUSTMENT)

A Financial Interest was declared by Cr J Mark for Item 9.1.8.

Extent of Interest: Financial

4.30pm Cr Mark withdrew from the meeting.

Location / Address: Lots 908 and 2167 Mount Barker-Porongurup Road, Porongurup

Attachments: (1) Subdivision Plan

Name of Applicant: John Kinnear and Associates on behalf of A and D Diletti

File Reference: LP/158/37

Author: Marta Osipowicz - Planning Officer

Authorised By: Delma Baesjou - Manager Development Services

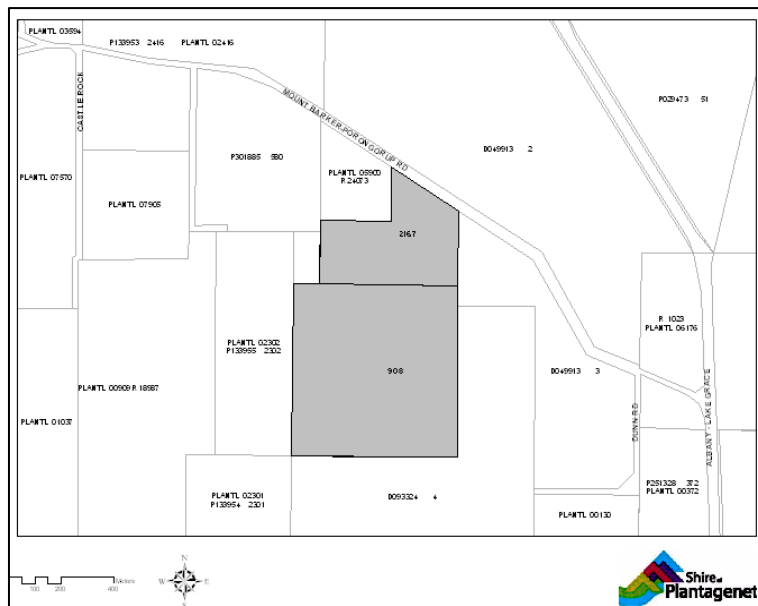
Date of Report: 2 March 2006

Purpose

The purpose of this report is to consider a request from the Department for Planning and Infrastructure to comment on a proposed subdivision (boundary adjustment) at Lots 908 and 2167 Mount Barker-Porongurup Road, Porongurup.

Background

The subject land is zoned Rural under the Shire of Plantagenet Town Planning Scheme No. 3.



According to Shire records the current owners of the property are Angelo and Wendy Diletti.

Statutory Environment

Shire of Plantagenet Town Planning Scheme No. 3
Town Planning and Development Act (1928)

Lots 908 & 2167 Mount Barker-Porongurup Road, Mount Barker – Proposed Subdivision (Boundary Adjustment) (Cont.)

Consultation

The Department for Planning and Infrastructure (DPI) has been consulted regarding the proposed boundary realignment. The DPI noted it would examine the proposal with specific consideration to the creation of an access point to Mount Barker–Porongurup Road via a battleaxe access leg to a previous access locked parcel.

Policy Implications

Relevant Western Australian Planning Commission Policies include:
Policy No. DC 3.4 Subdivision of Rural Land

Financial Implications

There are no financial implications for this report.

Strategic Implications

The subject lot is located with Precinct A2 within the Porongurup Rural Strategy where it states within the recommendation that:

‘Further breakdown of lot sizes is not generally supported unless associated with established tourist development’

Officer Comment

The proposed boundary realignment is technically maintaining the same number of lots however, the proposed configuration creates a direct access point onto Mount Barker–Porongurup Road. The applicant’s justification is summarised in the following manner:

- The new boundaries reflect good environmental and land management practices. The boundary realignment ensures ownership is demarcated by environmental features.
- No additional dwelling entitlements are being created; no additional titles are being created.
- Realignment intends to facilitate the ongoing agricultural use on all lots; acknowledged that proposed Lot B is to be primarily remnant vegetation. The existing boundary alignment will not preserve the established agricultural use.
- Lots sizes are relatively the same whilst providing the rear lot with legal road access; currently there is an existing easement – Right-of-Carriageway that benefits Lot 2167.
- Adjustment conserves the established vineyard and the quality of pristine vegetation in the south-west section.

The applicant has made reference to dwelling entitlements and that no additional titles are being created: however, through the realignment of the boundary, a legal access point is being created allowing a potential purchaser of proposed Lot B to clear and construct upon the land. Whilst the objective appears to be preservation of vegetation there is no specific mention of the creation of a Conservation lot under clause 3.3 of DC Policy 3.4. In this instance there would be no planning mechanism to prevent removal of vegetation.

It is acknowledged that subject Lot 2167 currently has vines growing and an established winery known as ‘Castle Rock Estate’.

There are however, concerns with regards to access and fire safety and management. The current proposal provides a long access way to proposed Lot B

Lots 908 & 2167 Mount Barker-Porongurup Road, Mount Barker – Proposed Subdivision (Boundary Adjustment) (Cont.)

and a relatively small cleared area. The Shire would anticipate that an improved access leg would need to be provided and greater uncleared area for any potential future structures: ideally, a 100m setback to either boundary if the proposal was to be supported.

The current proposal is not satisfactory and it is recommended that the Council recommend refusal of the proposed boundary realignment. The response to the DPI could include a notation that if appropriate changes are made to the boundary realignment then the application could be supported.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That the Western Australian Planning Commission be advised that the Subdivision (boundary adjustment) of Lots 908 and 2167 Mount Barker-Porongurup Road, Porongurup (WAPC Ref. 130548) dated 22 February 2006 is not supported on the following basis:

- (1) The boundary realignment creates a frontage and additional access point onto Mount Barker–Porongurup Road for Lot 908;
- (2) The creation of the subject lots would enable sale and potential development on proposed Lot B;
- (3) The resultant land parcel would have limited potential for traditional rural land uses without vegetation removal; and
- (4) The length and alignment of the access way and proposed lot configuration do not adequately address fire safety and emergency egress.

NOTATION:

Current concerns pertain to fire safety and management and creation of land with limited area for construction of buildings (whether a dwelling or outbuildings). The Council would only anticipate supporting the application if access was improved and the boundary realigned such that structures had ample setback from all boundaries. Appropriate fire breaks would have to be established and maintained. The Council would also seek that vegetation be protected.

ALTERNATIVE MOTION

Moved Cr J Moir, seconded Cr B Hollingworth:

That the Western Australian Planning Commission (WAPC) be advised that the subdivision (boundary adjustment) of Lots 908 and 2167 Mount Barker-Porongurup Road, Porongurup (WAPC Ref. 130548) dated 22 February 2006 is considered, in its current format, as undesirable. The Council would support an alternative boundary alignment, offering the following comments:

- (1) The Council supports the creation of a conservation lot to protect vegetation under Clause 3.3 of WAPC DC Policy 3.4;**

Lots 908 & 2167 Mount Barker-Porongurup Road, Mount Barker – Proposed Subdivision (Boundary Adjustment) (Cont.)

- (2) The Council supports the identification of a building envelope on proposed Lot B; and
- (3) The Applicant to ensure an alternative emergency egress is established.

LOST (3/4)

COUNCIL DECISION

Moved Cr J Cameron, seconded Cr K Hart:

That the Western Australian Planning Commission be advised that the Subdivision (boundary adjustment) of Lots 908 and 2167 Mount Barker-Porongurup Road, Porongurup (WAPC Ref. 130548) dated 22 February 2006 is supported subject to the applicant establishing a gated egress via Lot A.

CARRIED (7/0)

No. 115/06

Reason For Change

The Council saw no reason not to realign the boundaries as access is already resolved and the proposed new boundary alignment represents the opportunity to fence remnant vegetation.

4.45pm Cr Mark returned to the meeting.

9.1.9 LOT 102 THIRD AVENUE, KENDENUP - APPLICATION FOR TEMPORARY ACCOMMODATION

Location / Address: Lot 102 Third Avenue, Kendenup
Name of Applicant: G and J Kent
File Reference: RV/182/3110
Author: Eric Howard - Environmental Health Officer
Authorised By: Delma Baesjou - Manager Development Services
Date of Report: 30 March 2006

Purpose

The purpose of this report is to consider an application for 'Temporary Accommodation' at Lot 102 Third Avenue, Kendenup.

Background

An application has been received from the owners of Lot 102 Third Avenue, Kendenup seeking approval to occupy a caravan located on that Lot for a period of twelve months during the construction of their Class 1a dwelling also located on Lot 102 Third Avenue, Kendenup property.

The applicants have advised that the building plans and application forms for a Class 1a Dwelling are being finalised with their architect and anticipate these documents will be submitted for approval within four (4) weeks. An application for a Building Licence for the construction of a Class 10a Outbuilding to house the caravan that will be used for the temporary accommodation has been received. The applicants intend to reside within the fully self-contained caravan and connect the associated sanitary wastes from the caravan into an approved and recently constructed effluent disposal system designed and located to accommodate the Class 1a dwelling when constructed, on Lot 102 Third Avenue, Kendenup.

The temporary sanitary waste lines from the caravan will be removed at the completion of the Class 1a dwelling construction.

Statutory Environment

Caravan Parks and Camping Ground Regulations 1997 Section (11) (2) states as follows:

- '(2) *Written approval may be given for a person to camp on land referred to in sub regulation (1)(a) for a period specified in the approval which is longer than 3 nights —*
- (a) *by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;*
 - (b) *by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or*
 - (c) *despite paragraph (b), by the local government of the district where the land is situated —*
 - (i) *if such approval will not result in the land being camped on for longer than twelve (12) consecutive months; and*

Lot 102 Third Avenue, Kendenup – Application For Temporary Accommodation (Cont.)

- (ii) *if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force.'*

Consultation

There has been no consultation for this report.

Policy Implications

There are no policy implications for this report.

Financial Implications

There are no strategic implications for this report.

Strategic Implications

The applicants have formally agreed to comply with the provisions and conditions expressed in Councils 'Application for Temporary Accommodation' document.

The applicants wish to reside on site during the construction of their dwelling to maintain site security and to expedite the building project.

It is expected that the dwelling will be constructed to a habitable standard within twelve months and therefore temporary accommodation will be required for a period of between six (6) and twelve months.

The Council may revoke the temporary accommodation approval at any time during this approval period.

Officer Comment

An application for an Oversized Outbuilding on this lot has been received and is the subject of a separate report in this agenda.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Hart, seconded Cr B Hollingworth:

That approval be granted to G and J Kent to occupy temporary accommodation at Lot 102 Third Avenue Kendenup for a maximum period of twelve months from 11 April 2006 subject to:

- (1) The issue of a valid building licence for the construction of a Class 1a dwelling at location Lot 102 Third Avenue, Kendenup.**
- (2) Approval to commence occupation of the temporary accommodation is subject to inspection and certification by the Council's Environmental Health Officer that the facility meets all health and safety standards.**
- (3) Satisfactory progress being achieved with the construction of the Class 1a dwelling.**
- (4) The approval to occupy temporary accommodation may be revoked at any time within the twelve month approval period.**

CARRIED (8/0)

No. 116/06

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

4.52pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ DATE:/...../.....