

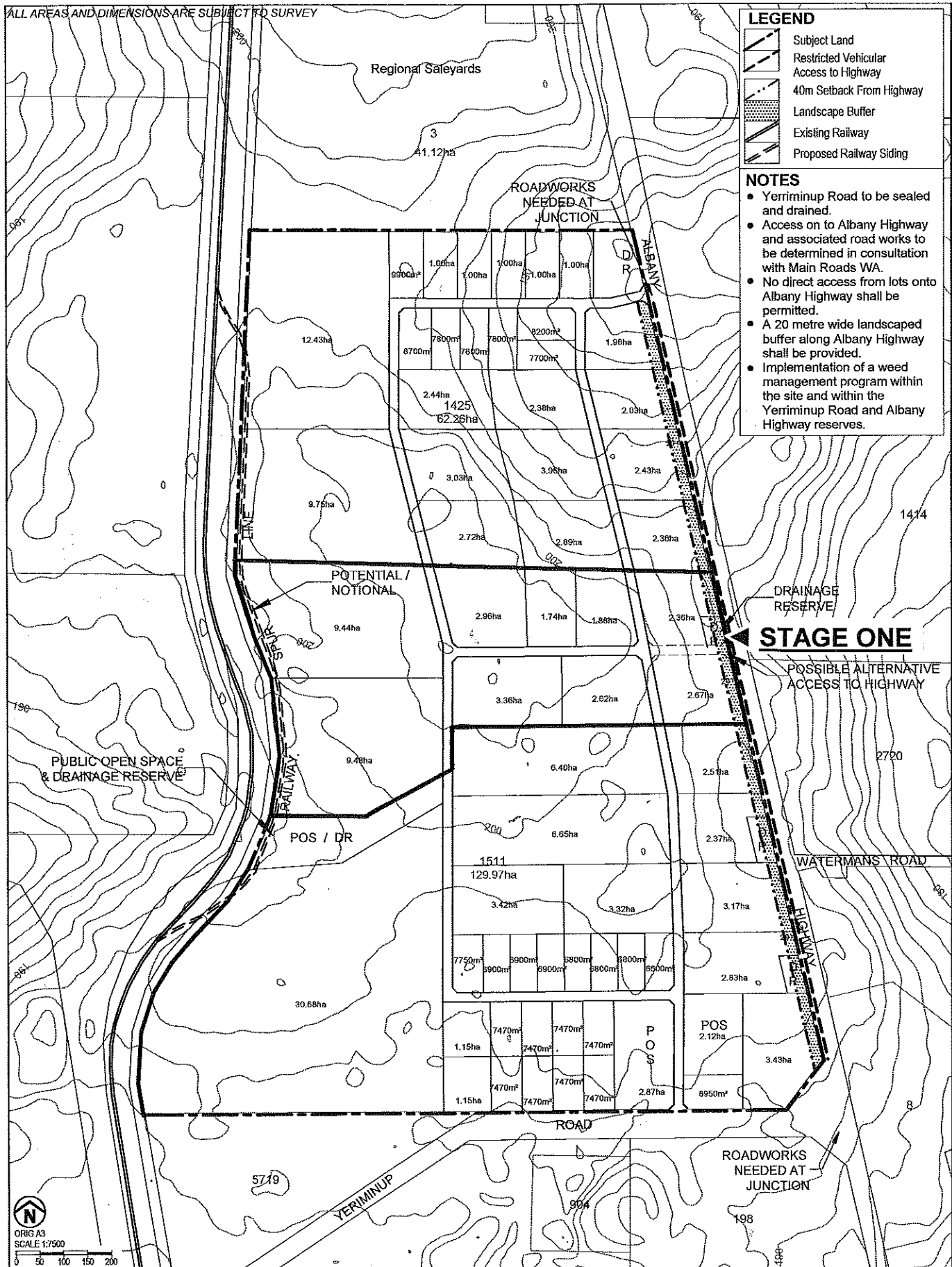
Council

Lot 1511 Albany Highway, Mount Barker - 10 lot
subdivision - Yerriminup Special Industrial Zone

Location Plan
Concept Plan
Stage One Plan of Subdivision

Meeting Date: 14 June 2011

Number of Pages : 4



Council

Lot 192 Hassell Street, Mount Barker - Affix Common
Seal

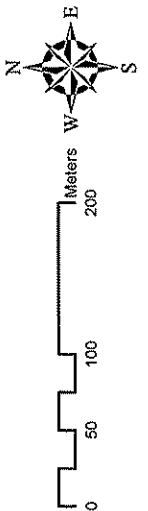
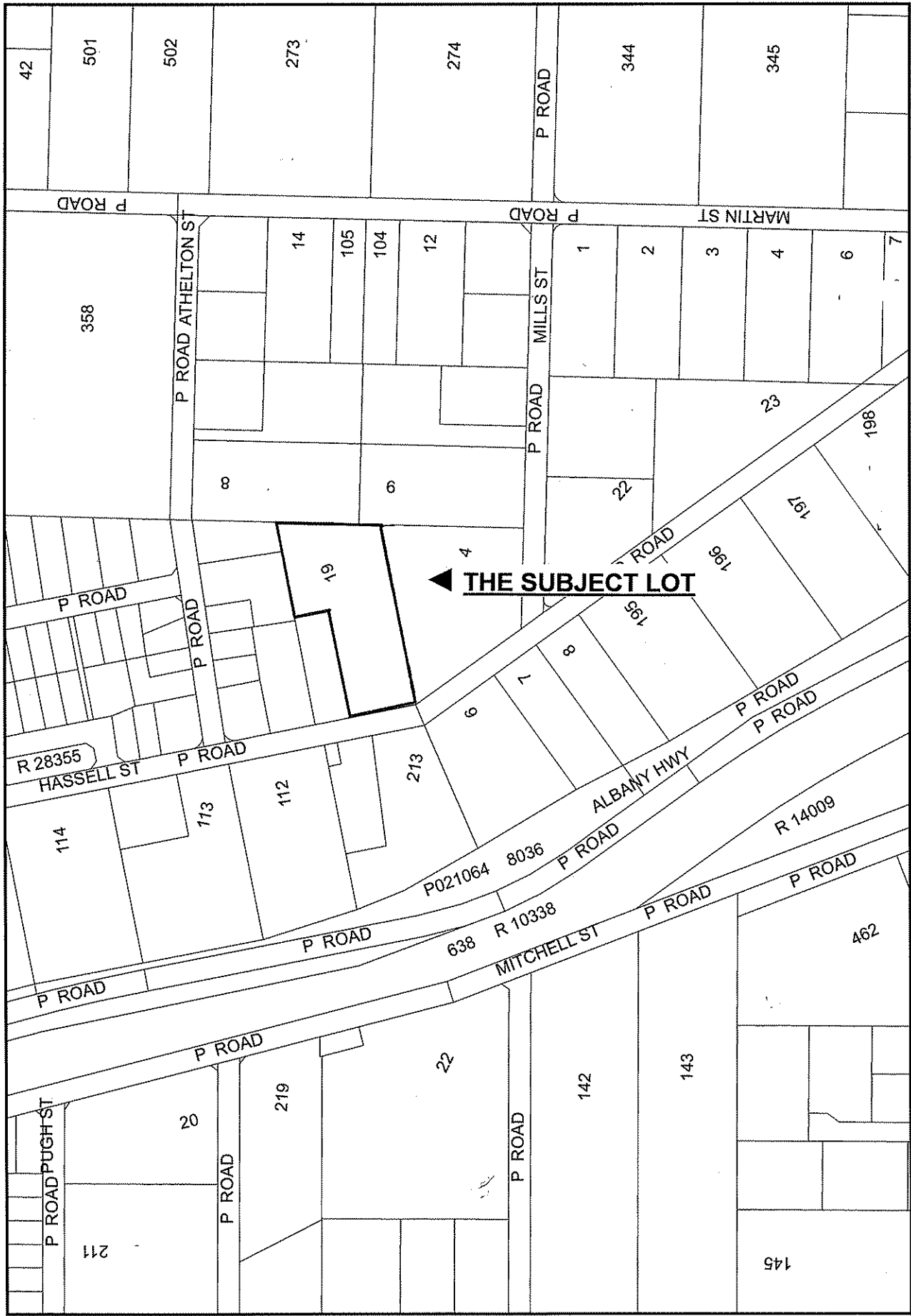
Location Plan
Deposited Plan
Notification Under Section 70A
Agreement to Cede Land

Meeting Date: 14 June 2011

Number of Pages : 13

[illegible]

WATER RESOURCES



LOCATION PLAN

**NOTIFICATION
UNDER SECTION 70A**

DESCRIPTION OF LAND (Note 1)

	EXTENT	VOLUME	FOLIO
LOT 191 ON DEPOSITED PLAN 69578	WHOLE		
LOT 192 ON DEPOSITED PLAN 69578	WHOLE		

REGISTERED PROPRIETOR (Note 2)

STEVEN KENNETH HOOK AND DEBRA ANNE HOOK BOTH OF 90 HASSELL STREET
MOUNT BARKER

LOCAL GOVERNMENT / PUBLIC AUTHORITY (Note 3)

SHIRE OF PLANTAGENET

FACTOR AFFECTING USE OR ENJOYMENT OF LAND (Note 4)

THE REGISTERED PROPRIETORS OF THE LOTS ABOVE DESCRIBED MUST IF
REQUIRED BY THE SHIRE OF PLANTAGENET CEDE AS A PUBLIC ROAD AT NO COST
TO THE SHIRE OF PLANTAGENET ALL THOSE PARTS OF THE LOTS ABOVE DESCRIBED
NOTED AT "B" ON DEPOSITED PLAN 69578.

Dated this

19th

day of

May

Year 2011

LOCAL GOVERNMENT/PUBLIC AUTHORITY ATTESTATION (Note 5)

REGISTERED PROPRIETOR/S SIGN HERE (Note 6)

Signed

In the STEVEN KENNETH HOOK

Presence of:

Witness Sign:

Print Witness Full Name:

Witness Address:

Witness Occupation:

CARRIE EMMA HENDERSON
Bank Officer of Bank of Western Australia Ltd.
108 St. George's Tce, Perth

Signed

In the DEBRA ANNE HOOK

Presence of:

Witness Sign:

Print Witness Full Name:

Witness Address:

Witness Occupation:

CARRIE EMMA HENDERSON
Bank Officer of Bank of Western Australia Ltd.
108 St. George's Tce, Perth

Council

Lots 101 - 112, 117 and 9000 Spring Road,
Porongurup - Affix Common Seal

Location Plan
Deposited Plan 62018
Notification Under Section 70A

Meeting Date: 14 June 2011

Number of Pages : 4

VERSION	AMENDMENT	AUTHORISED BY	DATE
---------	-----------	---------------	------

LIMITED IN DEPTH TO 60.96 METRES

35 DECREES SOUTH
LICENSED LAND SURVEYORS
46 Stirling Terrace, Albany WA 6330

Phone: 9842 3711
Fax: 9842 1019
Our Ref: 3043

VERSION	AMENDMENT	AUTHORISED BY	DATE
LIMITED IN DEPTH TO 60.96 METRES			

TYPE	FEE/HOLD
35 DEGREES SOUTH	

TYPE	PURPOSE	SUBDIVISION
LICENSED LAND SURVEYORS		

PLAN OF	DATE
46 STirling Terrace, Albany WA 6550	

PLAN OF	DATE
Phone 9842 3786	

PLAN OF	DATE
Fax 9842 1019	

PLAN OF	DATE
Our Ref: 3043	

TYPE	PURPOSE	SUBDIVISION
LICENSED LAND SURVEYORS		

PLAN OF	DATE
46 STirling Terrace, Albany WA 6550	

PLAN OF	DATE
Phone 9842 3786	

PLAN OF	DATE
Fax 9842 1019	

PLAN OF	DATE
Our Ref: 3043	

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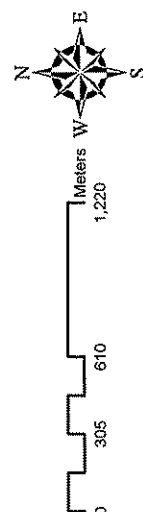
PLAN OF	DATE
Our Ref: 3043	

TYPE	PURPOSE	SUBDIVISION
LICENSED LAND SURVEYORS		

PLAN OF	DATE
46 STirling Terrace, Albany WA 6550	

PLAN OF	DATE
Phone 9842 3786	

PLAN OF	DATE
Fax 9842 1019	



LOCATION PLAN

**NOTIFICATION
UNDER SECTION 70A**

DESCRIPTION OF LAND (Note 1)

1. LOT 101 ON DEPOSITED PLAN 62018
2. LOT 102 ON DEPOSITED PLAN 62018
3. LOT 103 ON DEPOSITED PLAN 62018
4. LOT 104 ON DEPOSITED PLAN 62018
5. LOT 105 ON DEPOSITED PLAN 62018
6. LOT 106 ON DEPOSITED PLAN 62018
7. LOT 107 ON DEPOSITED PLAN 62018
8. LOT 108 ON DEPOSITED PLAN 62018
9. LOT 109 ON DEPOSITED PLAN 62018
10. LOT 110 ON DEPOSITED PLAN 62018
11. LOT 111 ON DEPOSITED PLAN 62018
12. LOT 112 ON DEPOSITED PLAN 62018
13. LOT 117 ON DEPOSITED PLAN 62018
14. LOT 9000 ON DEPOSITED PLAN 62018

EXTENT

WHOLE
WHOLE
WHOLE
WHOLE
WHOLE
WHOLE
WHOLE
WHOLE
WHOLE
WHOLE
WHOLE
WHOLE
WHOLE
WHOLE

VOLUME

FOLIO

REGISTERED PROPRIETOR (Note 2)

WESTCRESS PTY LTD ACN 080 623 794 OF 1505 WANNEROO ROAD, NEERABUP

KAZZA NOMINEES PTY LTD (IN LIQUIDATION) ACN 120 718 961 FORMERLY OF 7 WALBROOK MEWS,
LANDSDALE AND NOW CARE OF SHERIDANS, LEVEL 6, 40 ST GEORGES TERRACE, PERTH

LOCAL GOVERNMENT / PUBLIC AUTHORITY (Note 3)

SHIRE OF PLANTAGENET

FACTOR AFFECTING USE OR ENJOYMENT OF LAND (Note 4)

LOT OWNER(S)/OCCUPIER(S) SHOULD BE AWARE THAT DESIGN AND CONSTRUCTION OF DWELLINGS AND/OR
OUTBUILDINGS SHALL BE REQUIRED TO BE IN ACCORDANCE WITH AUSTRALIAN STANDARD 3959.

Dated this

day of

2011

LOCAL GOVERNMENT/PUBLIC AUTHORITY ATTESTATION (Note 5)

'The COMMON SEAL of the **SHIRE OF PLANTAGENET** was hereunto Affixed
in the presence of:

Signature of President

Name of President

Signature of Chief Executive Officer

Name of Chief Executive Officer

REGISTERED PROPRIETOR/S SIGN HERE (Note 6)

Executed by WESTCRESS PTY LTD)
ACN 080 623 794)

Signature

FULL NAME: GRIGORIOS KOROVESHI
Director and Secretary

Signature:

FULL NAME: ANASTASIA MAREE KOROVESHI
Director

Executed by KAZZA NOMINEES PTY LTD)
ACN 120 718 961 by authority)
its liquidator pursuant to s.477 of the)
Corporations Act 2001)

Signature

FULL NAME: JENNIFER ELIZABETH LOW
Liquidator

Council

Lots 150 and 151 Chorkerup Road, Narrikup - Affix
Common Seal

Location Plan
Notification Under Section 70A

Meeting Date: 14 June 2011

Number of Pages :3

Council

Town Planning Scheme No. 3 - Amendment No. 54 -
Omnibus Amendment

Amendment 54

Meeting Date: 14 June 2011

Number of Pages: 16



Town Planning Scheme No. 3

DISTRICT SCHEME

AMENDMENT NO. 54

MINISTER FOR PLANNING

PROPOSAL TO AMEND A TOWN PLANNING SCHEME

LOCAL AUTHORITY: **SHIRE OF PLANTAGENET**

DESCRIPTION OF TOWN
PLANNING SCHEME: **TOWN PLANNING SCHEME NO. 3**

TYPE OF SCHEME: **DISTRICT SCHEME**

SERIAL NO. OF AMENDMENT: **54**

PROPOSAL:

Altering various parts of the Scheme Text to clarify some anomalies, rationalise numbering and to bring more consistency with model provisions.

SHIRE OF PLANTAGENET

TOWN PLANNING SCHEME NO. 3

AMENDMENT 54

CONTENTS

1. RESOLUTION
2. REPORT
3. ADOPTION

PLANNING AND DEVELOPMENT ACT 2005

**RESOLUTION DECIDING TO AMEND A
LOCAL PLANNING SCHEME**

SHIRE OF PLANTAGENET

TOWN PLANNING SCHEME NO. 3

DISTRICT SCHEME

AMENDMENT NO. 54

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

Altering various parts of the Scheme Text to clarify some anomalies, rationalise numbering and to bring more consistency with model provisions as follows:

- (1) Table 1 – Zoning Table – Use Class 34 Industry Cottage – change ‘P’ in zone 1 to be ‘AA’.
- (2) Table 1 – Zoning Table – Use Class 54(b) Grouped Dwelling insert the symbol ‘SA’ in zone 2.
- (3) Clause 3.8.3 – delete ‘13’ from the end of (a) and (b) and replace with ‘14’.
- (4) Clause 5.3.4 – delete ‘Commercial,’ from line 1 and replace with ‘the’.
- (5) Clause 5.3.4 – delete ‘R.12.5’ and ‘R.10’ and replace with ‘R12.5’ and ‘R10’.
- (6) After Clause 5.3.4 insert a new Clause 5.3.5 as follows:

‘5.3.5 Where residential development is permitted in the Commercial zone, the Council’s preference is for mixed uses involving shop or office type development in conjunction with a residential component and the R30 code will apply to the residential component.’
- (7) Renumber Clauses ‘5.3.5’, ‘5.3.6’ and ‘5.3.7’ to be ‘5.3.6’, ‘5.3.7’ and ‘5.3.8’.
- (8) Schedule 3 – Special Site R7 – after ‘development’ in line 1 of column (b) insert ‘including caravan park’.
- (9) Schedule 3 – Special Site R9 – delete ‘rabbit’ from column (b) and insert ‘poultry’.

– delete ‘Agriculture Department’ from column (c) and insert ‘Department of Agriculture and Food and the Department of Environment and Conservation’.

- (10) Schedule 4 – Zone Development Table – Rural Residential Zone row – After ‘5.4’ insert ‘Note: see * below’.

– Insert note at foot of table as follows:

“* NOTE: Where no boundary setbacks are shown or specified in Schedule 5, then the front setback shall be 15m and other setbacks shall be 5m.”

- (11) Schedule 5 – Rural Residential Zone No. 5 – Special Provision ‘11.5’ in column (b) renumber to ‘11.4’.

- (12) Schedule 5 – Rural Residential Zone No. 9 – Special Provision 11.1 in column (b) last line delete the words ‘Chester Pass Road’.

- (13) Schedule 6 – Application For Planning Consent form – delete and replace with:

TOWN PLANNING SCHEME NO 3
Schedule 6

Office Use Only:

Date Received:
 Planning Fee:
 Advertising Bond:
 File Reference No.:
 Receiving Officer:

(Clause 6.1)

FORM OF APPLICATION FOR PLANNING CONSENT

Owner Details	Full Name: Address: Postcode: Phone (work): (Home): (Mobile): Facsimile: Email: Contact Person: Signature: <i>NOTE: The signature of the owner(s) is required on all applications. The application shall not be processed without the signatures.</i>
Applicant Details	Full Name: Address for Correspondence: Postcode: Phone (work): (Home): (Mobile): Facsimile: Email: Contact Person: Signature:
Property Details	Lot No: House/Street No.: Location No.: Street Name: Locality: Nearest Street Intersection: Diagram or Plan No. Certificate of Title Vol. No.: Folio No.: Title encumbrances (e.g. easements, restrictive covenants): Nature of existing buildings and/or use:
Development Details	Nature of existing buildings: Description of Proposed Development: Approximate cost of development: Estimated date of completion: Attached (tick as appropriate): <input type="checkbox"/> Plans <input type="checkbox"/> Justification <input type="checkbox"/> Fee

- (14) Schedule 8 – Decision on Application for Planning Consent form – line below heading insert ‘(Clause 6.3)’ on right hand side.

– delete all

after 'Name and address of Landowner' section and replace with the following:

'Location:
 Lot: Plan/Diagram:
 Application date: Received on:
 Description of proposed development:

The application for planning consent is:

- ☐ granted subject to the following conditions:
☐ refused for the following reasons(s):

Conditions/reasons for refusal:

Note 1: If the development is not substantially commenced within a period of 2 years, or such other period as specified after the date of the determination, the consent shall lapse and be of no further effect.

Note 2: Where a consent has so lapsed, no development shall be carried out without the further consent of the local government having first been sought and obtained.

Note 3: If an applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with Part V of the *Planning and Development Act 2005*. An application must be made within 28 days of the determination.

Signed: Dated:

for and on behalf of the Shire of Plantagenet.

NOTE: This is NOT a Building Licence for which a separate application is necessary.'

- (15) Schedule 11 – Places of Heritage Value – Place No. 5 – delete 'home' from Name column and insert 'inn'.
- (16) Schedule 11 – Places of Heritage Value – Place No. 8 – delete 'Post' from Name column and insert 'Rest'.

Dated this _____ day of _____ 20____ .

CHIEF EXECUTIVE OFFICER

AMENDMENT REPORT

This Amendment seeks to make various alterations to the Scheme Text as detailed below. Each point correlates to the individual parts of the Amending Text.

- (1) The alteration of the symbol from 'P' to 'AA' in the Residential Zone for a Cottage Industry offers the Council the discretion to consider such a use which may have a potential impact on the residential amenity rather than it being automatically permitted.
- (2) The introduction of the 'SA' symbol for Grouped Dwellings in the Commercial Zone will mean such a use may be considered after a proposal has been advertised for comment. Part (6) of this Amendment is introducing a clause relating to residential development in the Commercial Zone. Presently Grouped Dwellings are not permitted in the Commercial Zone.
- (3) This proposed change in reference to Schedule 14 rather than 13 means clause 3.8.3 will refer to the actual tree plantation special control area shown in Schedule 14. Schedule 13 relates to Rural Smallholdings Zones which is not relevant to Clause 3.8.3.
- (4) The deletion of the word 'Commercial' reflects the proposed part (6) of this Amendment which talks specifically of residential in the Commercial Zone.
- (5) This part of the Amendment removes a typographical error and makes the correct reference to the R12.5 and R10 codes.
- (6) This part will introduce a new Clause 5.3.5 which refers to the Council's preference for mixed use development in the Commercial Zone. It also sets the maximum density for housing at R30 in the Commercial Zone.
- (7) This renumbers clauses to account for the introduction of (6) above.
- (8) Schedule 3 lists various Special Sites and site number R7 is occupied by the Mount Barker Caravan Park. The restricted use does not refer to a caravan park. The change proposed is to add caravan park to the restricted use column.
- (9) Special Site number R9 refers to the restricted use being a rabbit abattoir. The original use of the abattoir was for the slaughter and processing of rabbits, but many years ago the activity changed to the slaughter and processing of poultry. The poultry abattoir has all of the necessary approvals and operates under a strict licence set by the Department of Environment and Conservation.
- (10) This proposed change to the Zone Development Table (Schedule 4) will allow for boundary setback standards to be used in Rural Residential Zones where there may be no reference to boundary setbacks in a particular zone. In some instances building envelopes may be shown but distances from boundaries may be unclear. This proposal will introduce a 15m front boundary setback and a 5m setback from

side and rear boundaries. These setbacks are consistent with those in the Council's Planning Vision (Town Planning Scheme Policy No. 18).

- (11) This part of the Amendment correctly numbers Clause '11.5' as '11.4'. This was a typographical error.
- (12) This part proposes to correct the section of Spring Road to be sealed as part of the Rural Residential subdivision. The road is to be sealed from Porongurup Road to the subject lot and not the full extent to Chester Pass Road.
- (13) This part proposes to introduce a new Application for Planning Consent form at Schedule 6 which is more practical and user friendly. The proposed form is similar to that in the Model Scheme Text.
- (14) The present Decision on Application for Planning Consent form is essentially being replaced with one closely aligned to that in the Model Scheme Text. The present form states that if a development is not 'completed' within the approval period a new approval is required. The Model Scheme Text refers to 'substantially commenced' within the approval period and this is a much more practical position to take in terms of a decision. The title of the form has been retained as this relates to other areas and terminology in the Text.
- (15) This part of the Amendment is rectifying a typographical error. Place No. 5 on the Heritage Places list is actually ruins of a bush inn.
- (16) This part of the Amendment is again rectifying a typographical error. Place No. 8 on the Heritage Places list is known as Williams Rest.

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF PLANTAGENET

TOWN PLANNING SCHEME NO. 3

AMENDMENT NO. 54

The Shire of Plantagenet under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above local planning scheme by:

Altering various parts of the Scheme Text to clarify some anomalies, rationalise numbering and to bring more consistency with model provisions as follows:

- (1) Table 1 – Zoning Table – Use Class 34 Industry Cottage – change ‘P’ in zone 1 to be ‘AA’.
- (2) Table 1 – Zoning Table – Use Class 54(b) Grouped Dwelling insert the symbol ‘SA’ in zone 2.
- (3) Clause 3.8.3 – delete ‘13’ from the end of (a) and (b) and replace with ‘14’.
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- (6) After Clause 5.3.4 insert a new Clause 5.3.5 as follows:

‘5.3.5 Where residential development is permitted in the Commercial zone, the Council’s preference is for mixed uses involving shop or office type development in conjunction with a residential component and the R30 code will apply to the residential component.’
- (7) Renumber Clauses ‘5.3.5’, ‘5.3.6’ and ‘5.3.7’ to be ‘5.3.6’, ‘5.3.7’ and ‘5.3.8’.
- (8) Schedule 3 – Special Site R7 – after ‘development’ in line 1 of column (b) insert ‘including caravan park’.
- (9) Schedule 3 – Special Site R9 – delete ‘rabbit’ from column (b) and insert ‘poultry’.

– delete ‘Agriculture Department’ from column (c) and insert ‘Department of Agriculture and Food and the Department of Environment and Conservation’.
- (10) Schedule 4 – Zone Development Table – Rural Residential Zone row – After ‘5.4’ insert ‘Note: see * below’.

– Insert note at foot of table as follows:

* NOTE: Where no boundary setbacks are shown or specified in Schedule 5, then the front setback shall be 15m and other setbacks shall be 5m.'

- (11) Schedule 5 – Rural Residential Zone No. 5 – Special Provision '11.5' in column (b) renumber to '11.4'.
- (12) Schedule 5 – Rural Residential Zone No. 9 – Special Provision 11.1 in column (b) last line delete the words 'Chester Pass Road'.
- (13) Schedule 6 – Application For Planning Consent form – delete and replace with:

TOWN PLANNING SCHEME NO 3
Schedule 6

Office Use Only:

Date Received:
 Planning Fee:
 Advertising Bond:
 File Reference No.:
 Receiving Officer:

(Clause 6.1)

FORM OF APPLICATION FOR PLANNING CONSENT

Owner Details	Full Name: Address: Postcode: Phone (work): (Home): (Mobile): Facsimile: Email: Contact Person: Signature: <i>NOTE: The signature of the owner(s) is required on all applications. The application shall not be processed without the signatures.</i>
Applicant Details	Full Name: Address for Correspondence: Postcode: Phone (work): (Home): (Mobile): Facsimile: Email: Contact Person: Signature:
Property Details	Lot No: House/Street No.: Location No.: Street Name: Locality: Nearest Street Intersection: Diagram or Plan No. Certificate of Title Vol. No.: Folio No.: Title encumbrances (e.g. easements, restrictive covenants): Nature of existing buildings and/or use:
Development Details	Nature of existing buildings: Description of Proposed Development: Approximate cost of development: Estimated date of completion: Attached (tick as appropriate): <input type="checkbox"/> Plans <input type="checkbox"/> Justification <input type="checkbox"/> Fee

- (14) Schedule 8 – Decision on Application for Planning Consent form – line below heading insert ‘(Clause 6.3)’ on right hand side.

– delete all

after 'Name and address of Landowner' section and replace with the following:

'Location:
 Lot: Plan/Diagram:
 Application date: Received on:
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The application for planning consent is:

- ☐ granted subject to the following conditions:
☐ refused for the following reasons(s):

Conditions/reasons for refusal:

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Note 2: Where a consent has so lapsed, no development shall be carried out without the further consent of the local government having first been sought and obtained.

Note 3: If an applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with Part V of the *Planning and Development Act 2005*. An application must be made within 28 days of the determination.

Signed: Dated:

for and on behalf of the Shire of Plantagenet.

NOTE: This is NOT a Building Licence for which a separate application is necessary.'

- (15) Schedule 11 – Places of Heritage Value – Place No. 5 – delete 'home' from Name column and insert 'inn'.
- (16) Schedule 11 – Places of Heritage Value – Place No. 8 – delete 'Post' from Name column and insert 'Rest'.

ADOPTION

Adopted by resolution of the Council of the Shire of Plantagenet at the Meeting of the Council held on the _____ day of _____ 20 ____.

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

Adopted for final approval by resolution of the Shire of Plantagenet at the Meeting of the Council held on the _____ day of _____ 20 ____ and the Common Seal of the Shire of Plantagenet was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval

.....
DELEGATED UNDER S.16 OF
PD ACT 2005

DATE

Final Approval Granted

.....
MINISTER FOR PLANNING

DATE

Council

Town Planning Scheme No. 3 - Amendment No. 55 -
Lots 504, 505 and 1330 Mitchell Street, Warburton
Road and Marmion Street, Mount Barker -
Submissions Received

Location Plan
Subdivision Guide Plan
Indicative Precinct Plan
Summary of Submissions
Schedule of Modifications

Meeting Date: 14 June 2011

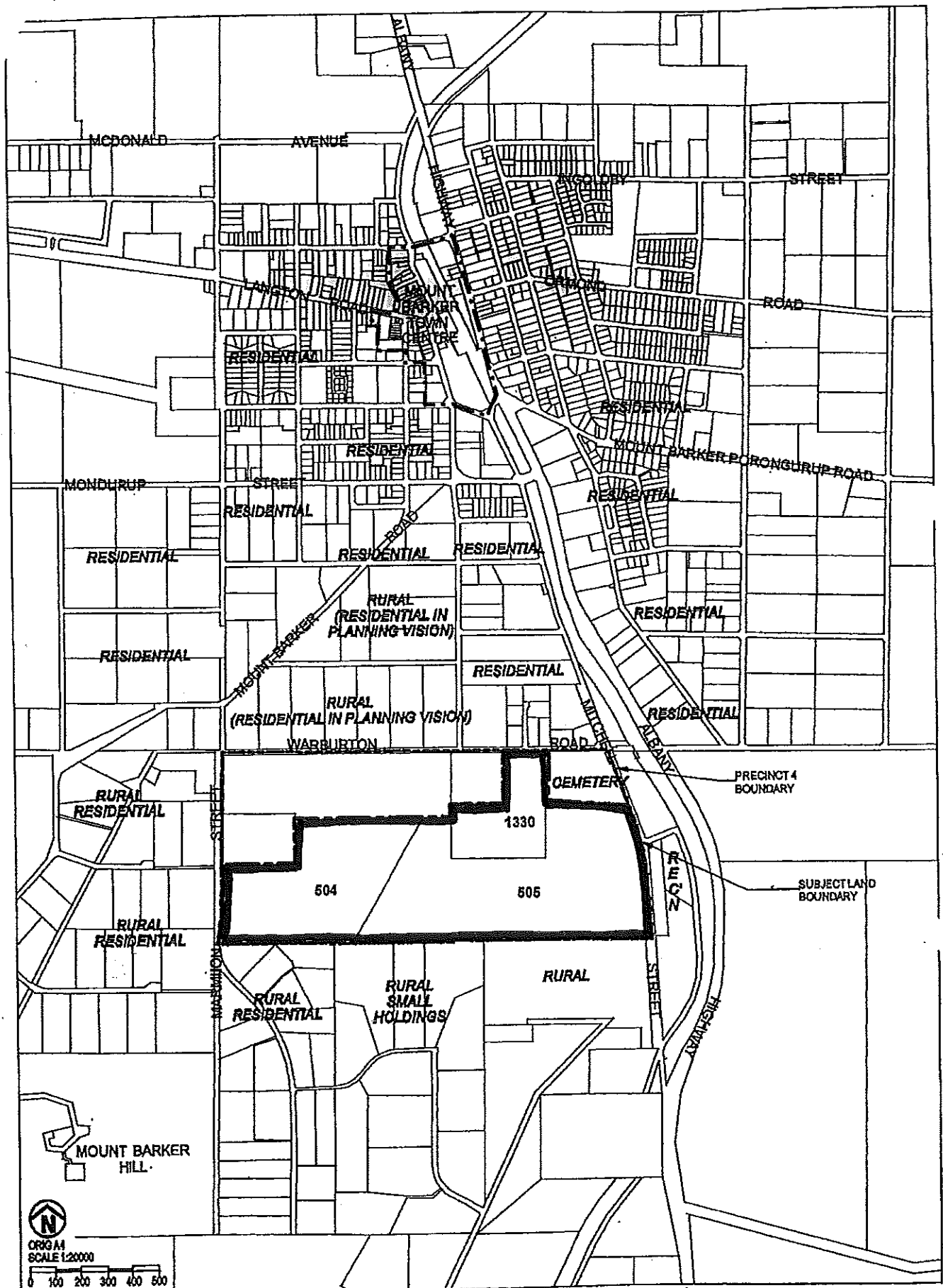
Number of Pages: 14

SHIRE OF PLANTAGENET

TOWN PLANNING SCHEME NO. 3 – AMENDMENT NO. 55

SCHEDULE OF MODIFICATIONS

No.	Modification	Reason
	<u>Special Provisions</u>	
1.	Provision 7.3 – after ‘replanting’ in line 2 insert ‘and foreshore management’. – after ‘505.’ Insert the sentence ‘Such a plan will incorporate appropriate fencing to the satisfaction of the Department of Water.’	Response to submission.
2.	Provision 11.0 – renumber to 13.0	To allow for two new provisions 11.0 and 12.0.
3.	Insert new provision 11.0 as follows: ‘11.0 Roads 11.1 The Council may request the Commission impose a condition at the time of subdivision for a per lot contribution to the recent resealing of Braidwood Road (formerly Marmion Street).’	This is mention at pg 15 of the report but not included in provisions. Such a requirement will ensure consistency with a previous subdivision to south where a road contribution was paid by the subdivider.
4.	Insert new provision 12.0 as follows: ‘12.0 Stormwater Management 12.1 The Council may request the Commission impose a condition at the time of subdivision ensuring detailed engineering design is incorporated into the Water Management Strategy to the satisfaction of the Department of Water.’	Response to Department of Water submission to ensure the design calculations are in accordance with the final detailed road and subdivision design.
	<u>Attachment 3 – Water Management Strategy</u>	
5.	7.0 – paragraphs 7 and 8 refer to designs in other documents – include appropriate designs in this part of the Attachment.	Response to Department of Water submission.



AYTON BAESJOU
PLANNING
 11 Duke Street
 Albany WA 6330
 Ph 9842 2304 Fax 9842 8494

**LOCATION PLAN AND
 LANDUSE CONTEXT**
 Lots 504 Marmion St, 505 Mitchell St
 & 1330 Warburton Rd
 Mount Barker, Shire of Plantagenet
 07-42-LP(b) APRIL 10

SHIRE OF PLANTAGENET
TOWN PLANNING SCHEME NO. 3 – AMENDMENT NO. 55 – LOTS 504, 505 AND 1330 MITCHELL STREET,
WARBURTON ROAD AND MARMION STREET, MOUNT BARKER
SUMMARY OF SUBMISSIONS

Submission No.	Name/Address of submitter	Summary of Submission	Council Comment	WAPC Comments
1.	FESA 5 Hercules Crescent Albany	No objections. Ensure that all undertakings outlined within the Fire Management Plan are implemented prior to sale of blocks.	Noted. Provision 10 requires compliance.	
2.	Water Corporation PO Box 915 Albany	Water Corporation has no objection to the provision of reticulated water to service the land subject of this re-zoning proposal however there will be a need to upgrade the scheme to meet the additional water demand that this development is likely to create.	Noted. Will be addressed at the subdivision stage.	
3.	Department of Water PO Box 525 Albany	<p>The DoW provides the following comments:</p> <p>The Pwackenback Creek is a significant feature within the subject site and as such the proposed development should not negatively impact upon the waterway. Development setbacks are required and riparian buffers need to be re-instated. Revegetation should be extended over the extent of the creek and address any erosion and weed management. Buffers to the creek will need to be determined through a bio-physical assessment.</p> <p>The creek will need to be fenced to exclude livestock. Where lot boundaries cross the creek, fences are not recommended, but boundaries should be demarcated through the use of bollards. Fences crossing the creek are not desirable for riparian management as well as the movement of fauna, in particular the Quenda that have been identified as living in the site.</p> <p>A foreshore management plan is to be prepared at subdivision stage.</p> <p>Local Water Management Strategy: At the scheme amendment stage, a local water management strategy (LWMS) is required to support the change in land use. While it is acknowledged that the post-development environment for this development will not be significantly altered from the pre-development environment, water planning is still required at this stage to determine land capability and assist the design, by factoring in the requirements for stormwater infrastructure.</p>	<p>Noted. Modify provision 7.3 to refer to foreshore management and fencing. Introduce provision 12.0 to address stormwater design details at the subdivision stage.</p> <p>A Water Management Strategy is at Attachment 3 of the Amendment. See modification referred to above.</p>	

		<p>The LWMS should focus on the requirements for water planning and the constraints of the site, rather than ‘...fitting in with the designed subdivision.’</p> <p>One of the key design objectives (pg1) should also be to treat the 1:1 year ARI event. Evidence needs to be provided in the LWMS how these events will be treated. Additionally, information regarding the flow paths of flood events through the development is also requested.</p> <p>It is recommended that an engineer be employed to undertake the necessary stormwater calculations, to ensure that sufficient room is allowed for in the subdivision guide plans for the required roadside swales and basins (if required). The calculations for the basins appear to be arbitrary.</p> <p>It is also requested that concept drawing be included within the LWMS, rather than referencing other documents.</p> <p>The DoW requests that the plan be resubmitted, addressing the points outlined above.</p>	<p>1:1 year event is addressed at 5.2, 5.3, 6.0 and 6.1 of Attachment 3.</p> <p>A detailed subdivisional requirement.</p> <p>Modify Attachment 3.</p> <p>Modifications required.</p>	
4.	<p>Department of Environment and Conservation</p> <p>120 Albany Highway</p> <p>Albany</p>	<p>Main concern has been to encourage the ongoing rehabilitation and protection of Pwakkenback Creek. This will increasingly provide a potential local scale corridor linkage for the Mount Barker Quenda population which is centered upon the public reserves immediately to the south east. It is therefore pleasing to see that these concerns have been taken into consideration within the design of the proposed amendment as shown in the Indicative Precinct Plan (p14a) and the Subdivision Guide Plan (p15a). In particular the creek line is not crossed by any public roads, thereby further enhancing its future continuity and consolidation.</p> <p>It is also noted that small areas of remnant vegetation near the southern boundary of the subject land are to remain protected. Building envelopes are located a sufficient distance away so as to not require modification of this vegetation for fire protection purposes. The Fire Hazard Separation Zones (no buildings) indicated on page 4a of the Fire Management Plan, are therefore welcomed by DEC as they are sensitive to the protection of the creek line and the remnant vegetation in and adjacent to the subject land.</p>	Noted	
5.	<p>Ayton Baesjou Planning</p> <p>11 Duke Street</p> <p>Albany</p> <p>(on behalf of the landowners)</p>	<p>We note that the EPA has considered the proposal and has determined that the impacts of the amendment are not significant and that as a result, do not warrant specific assessment under the EP Act (1986).</p>	<p>Noted. The subdivision guideplan and indicative precinct plan provide for adequate separation from the vines.</p>	

		<p>In their supplementary advice the EPA have noted the need to consider whether existing land uses in the vicinity of the subject land are incompatible with the residential development and have specifically noted the local vineyard and the EPA generic buffer distances and impacts as outlined in Guidance Statements 3, 33 & 47.</p> <p>In response to this desktop analysis, referencing the specifics on the site, observation and advice from the resident landowners, buffer issues and distances, we make the following comments:</p> <ul style="list-style-type: none"> • apart from minimum impact grazing and rural residential uses, the only activities within 500m of the site is the cemetery and the vine plantings noted below. • Vineyard activity within the rural residential zone to the west of Marmion/Braidwood was discontinued and the vines removed some time ago. The site only accommodates grazing and rural residential uses. • Vineyard activity to the north of the subject land is located within a policy area within which conversion to rural residential use is favoured by Council. As a result, it is not expected the current rural activities will continue into the longer term. Conversion to rural residential will occur as the nature of the locality continues to evolve. This evolution has already started with rural residential activities already established to the east, west and south of the subject land and conversion beginning in areas north of Warburton. • The vines on Lot 503 to the north of the existing dwelling on Lot 504 occupy only 1.8ha in total. These vines are in a poor condition with significant insect and stock damage. In addition, the vines are not tended or contracted or commercially harvested. Grazing is the dominant site use. • The vines further north east on Lot 502 occupy some 1.7ha in area and although not being tended are in a better overall condition due to not being exposed to grazing pressure. • Neither of these areas of vines are substantial or commercial in nature, neither area justifies the intense, around the clock mechanical/industrial management of commercial and winery operations (i.e.: 24hr mechanical harvesting) and neither area is the predominant use of either lot. 		
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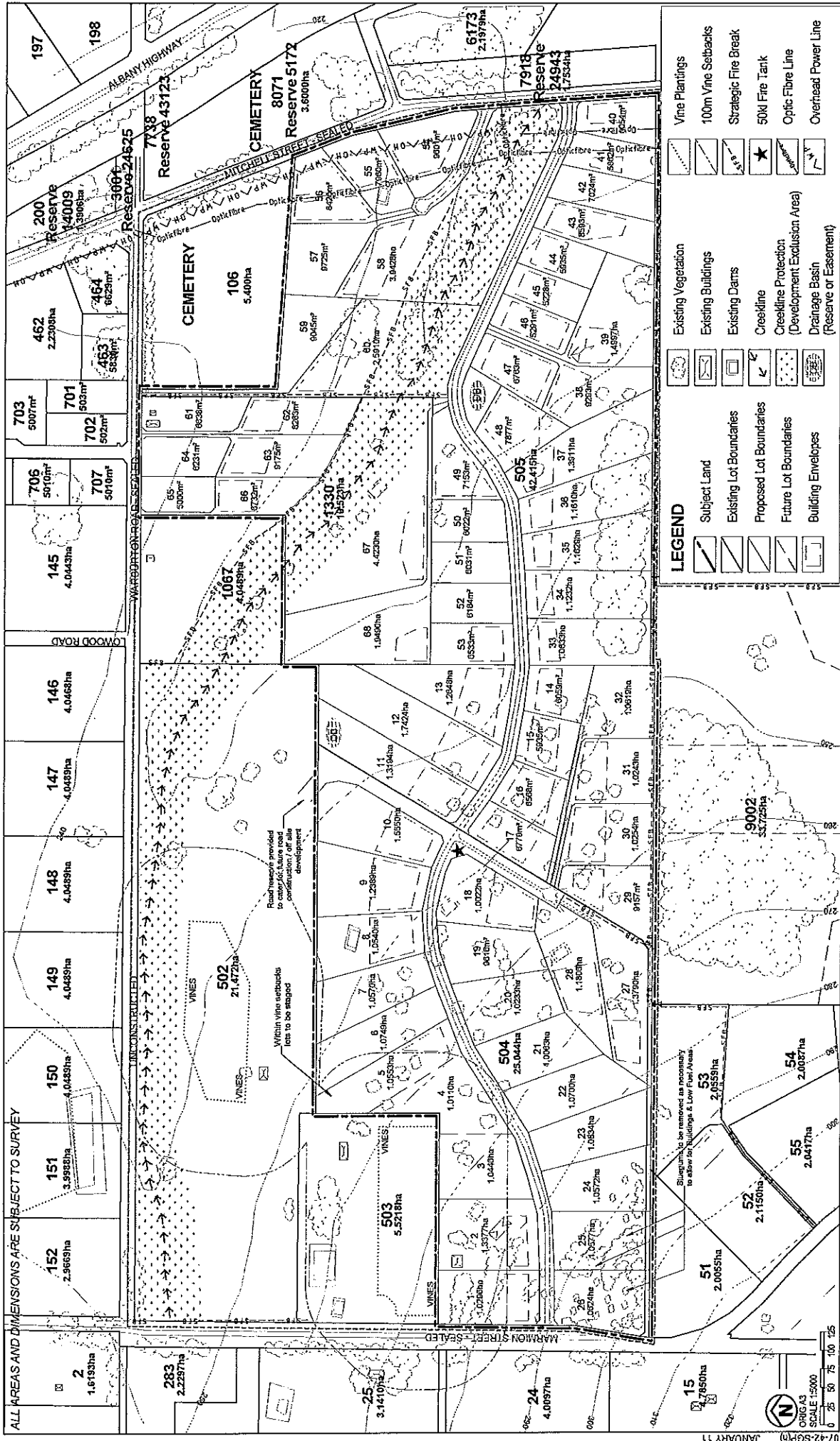
		<ul style="list-style-type: none"> The EPA generic buffer distance is not relevant to these small areas on the basis the buffer guidelines are noted as only applying to “<i>broad scale operations (including winery)</i>”. While the 500m buffer proposed by the guidelines may be appropriate for the large scale vineyards and winery operations in more outlying portions of the Shire, it is clearly excessive and beyond that suitable for individual & small areas of untended plantings surrounded by existing rural residential areas. Were these vine plantings commercially operated, it is also worth noting that the Code of Practice (Environmental Management Guidelines for Vineyards 2002) applies to preclude intrusive management practices for vineyards where they are set within more closely developed areas. <p>In conclusion:</p> <ul style="list-style-type: none"> There are no vineyard operations within 500m of the subject land that would support the application of the generic buffer distance. Given that in the time that the original proposal was prepared and now, the small plantings to the north (particularly on Lot 503) are no longer operated as tended vineyards but rather have reverted to grazing, the need to apply the 100m dwelling setback could well be questioned. To account for the location of the development within an area of existing rural activities the proposal includes notifications measures for future landowners. This has proven successful in other areas of the Shire and State to ensure prospective landowners are aware of the part urban – part rural character of such areas. 		
6.	Department of Mines and Petroleum Mineral House 100 Plain Street East Perth	No comment to make.	Noted.	
7.	Laura West Lot 282 Marmion Street Mount Barker	I have allowed myself to question some of the provision given, or intended, in the document and also commented on the urgency of some of the intentions. I also take the liberty to suggest that you rethink the extension of the project and the lack of recreation land/land for renaturalisation. As a European, I have learned from mistakes made out of a desire to cater for human development. As you may know much effort is not being put back into restoring and protecting landscape forms and species on that continent.	Noted. This area has been planned and partially zoned Rural Residential since the adoption of the Mount Barker Rural Strategy in 1997.	
		These – expensive – efforts must now be made due to too intensive use of		

		<p>land.</p> <p>I also wish to draw your attention to a few local issues, which you may not have been considering, as you do not necessarily live in or near this location.</p> <p>The protection of the creek may be wanted, but is not put into power. Activities along the creek line have meant that the previously existing bandicoots are no longer seen on my property, which holds a fair share of the creek. Most recent activity is grazing (sheep) on land neighbouring mine, and which has not previously been grazed, at least not for the nine years I have been here (the land under the power lines connecting our properties to the net). If no control is being carried out regarding activities on the properties, the protection of fragile fauna like phascogales, small marsupials, frogs, and bandicoots is by no means guaranteed or even likely to be considered by new dwellers.</p> <p>Development of (this area of) Mount Barker in general: Reading the wording of the TPS3 Amendment No. 55, there is little doubt that this project will go ahead. The gesture of forwarding the scheme for review with affected property owners seems to me to be a matter of formality. The project obviously already is so progressed that nothing will stop it. Nevertheless, I have been asked, so there is no reason why I should not let you hear my opinion.</p> <ol style="list-style-type: none"> 1. You are planning the development of one of the most beautiful breathing spaces in the surroundings of Mount Barker. It is a small, fine area, which gives this town its charming rural touch. There are not many such areas left. By subdividing this into new urbanization, the shire will doubtlessly achieve higher income from rate payers, but will lose a lot of the fine feel of this area and the whole Mount Barker Hill subdivision. One of the fine things about living out here is that a piece of country side separates us from the urban areas of the town. 2. All along this road, the previous Marmion Street, which has now been renamed, although no database can yet find the name of Braidwood Road, houses and properties are for sale, and many of them have been for years and years. The show great diversification, so this is not the problem of one particular type of property. The (to me uncharming) subdivision on the top of the hill is largely for sale. Much of Mondurup Street with large acreage properties is for sale. The properties you are planning on putting out on the market now will be selling sluggishly. Mount Barker will seem to be for sale. 	<p>DEC support the proposal for the protection of the Quenda population and the protection of the creekline and remnant vegetation (see submission 4).</p> <p>Has been planned since 1997.</p>	
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		<p>For the rest of us, this will dump the sales prices for our properties even further. The irony of this is that if you indeed plan to go ahead with your subdivision, I will very much want to sell and move, as this will then no longer be the place I want to stay.</p> <p>But the competition among other properties will be very tough, and I will have a very hard time selling at a reasonable price. I know for sure that other property owners in this area feel the same way.</p> <p>I therefore urge you to reconsider the timing of your activities and wait until the market has stabilised. It is currently not picking up, and Japan, Europe and the US have equal shares of causing this situation. There is probably no quick fix. However, the real estate market seems to move ahead every 6-8 years, do with a bit of luck, we will see another jump ahead in about 5 years of so. This may be a strategically better time to go ahead with your subdivision project.</p> <p>3. Erections of new buildings are, just like in the Mount Barker Hill Subdivision Scheme, required to blend in with the surroundings in colour and style. This sounds fine, but has not been adhered to in the past. Please allow me to mention the shed erected on Lot 282 as one example. There are others, but this is the most remarkable.</p> <p>4. Soil types in this area vary much more than the few samples undertaken in your survey would ever reveal. Soils change every few meters, although the underlying rock may well be the same. Nonetheless, the surveys carried out appear to be very rough and can serve as a general guide only. Furthermore, large areas around the creek and uphill from there are being swapped in wetter years. Surveys undertaken in this dry season are not representative. There are bound to be pockets of these slopes, which will store the huge amounts of water, which run in rivers from the hill, when the rains are tough. Any control of such water will be very hard to provide. Houses should be built on poles, elevated from the ground, and the low lying areas should be avoided.</p> <p>5. In the past 1-2 years, long cracks have started to appear on my own property. I have not previously experienced anything like it. One runs under the house, which is not very pleasant, others are located elsewhere on the property. I would like to know whether these are a result of the heavy traffic to the top of the hill, where building machinery and water carriages are heading, sometimes many times a day? Please do come back to me on this, if you are at all able. I consider this a serious matter.</p>	<p>The zoning of the land does not bring lots onto the market. It is the subdivision process that creates the lots. Zoning is the first step in that process.</p> <p>A large shed is on lot 283 (not lot 282) and it is built of cream Colorbond® although from a distance it looks like zincalume.</p> <p>Unlikely the cracks have been caused by traffic on Braidwood Road.</p>	
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		<p>6. In the proposal/the scheme, the visual impact is mentioned. It is estimated that the visual impact of the development will be very limited. I have two comments to make to this:</p> <p>a. The visual impact may be limited by daylight, but certainly not at night. Human beings tend to consider only daylight activities of any importance, ignoring the life of those who are active at night (I am here thinking of non-humans), but also, the town will be much more visible, and from afar, at night time, when elevated regions are being inhabited. The major damage happened with the subdivision of the hill top areas, but this doesn't mean that there will be no further impact;</p> <p>b. In the lower areas with valley slopes, properties will be facing each other, leaving very little privacy. I speak from bitter experience. It is very hard to vegetate a property like this with the aim of creating secluded, private areas. Again, this will have an impact on existing properties also, on their value, as they will be visible from more facing properties. This aspect should be considered in the subdivision. The landscape is flat on paper, but 3 dimensional in reality. Vegetation is essential to create privacy, if metal fences – which do not visually blend in, and thus clash with the recommendations for construction – are to be avoided. This again poses a fire risk, and trees also take time to grow. An extended fresh water area in the valley would help reducing the fire spreading risk.</p> <p>Wildlife and habitat protection: During my 10 years in this shire, nine of them on Marmion Street in the Mount Barker Hill Subdivision, I have noticed a significant decline in at least two species, namely the Brushtail Phascogale and the Western Brown Bandicoot, the Quenda. The birdlife in this particular micro region is outstanding (I have recorded 70+ species on my own property over these nine years), and this is due to the unique supply of running water, particularly during winter. This attracts water fowl, birds feeding on the naturally occurring crustaceans and fish, small birds, Black Cockatoos of all three kinds native to this area, and also a very interesting range of birds of prey: several kites, several hawks, several eagles.</p> <p>I have noticed your remarks on the need to preserve the creekline in this development, but I wish to stress that over the past five years, activities have taken place along the creek, which have forced the Quenda away from extended areas of that vegetation, as it has been destroyed.</p> <p>I have a clear feeling that these activities are not legal, yet nothing has</p>	<p>See comments about DEC support of proposal and the protection of the creekline and remnant vegetation.</p>	
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		<p>been done to prevent them.</p> <p>The Brushtailed Phascogale I have not seen for year now, but I do know that previous neighbours used to poison them, as they considered the species a pest (to car electrics).</p> <p>We do have some small marsupials here also, mouse-sized. I m not quite sure of the number or kind of species, but these animals depend on the vegetation and the absence of dogs and cats.</p> <p>These comments may seem of minor importance, but the more people you let into this, area the more activity – also unauthorised – is bound to happen, and the mammals/marsupials as well as some particular birds are bound to disappear from this area. Some of these species area already classified as uncommon, rare and/or endangered. Straying/feral cats and foxes certainly have their part of the responsibility for this. Rabbits are a problem too, as is the case everywhere.</p> <p>I suggest that cats – and preferably dogs – be prohibited in this new settlement.</p> <p>I also suggest that the placing of poisonous bait which can harm native fauna be prohibited. Rats can be trapped in live traps, then killed by drowning or mechanically, or they can be killed in mechanically killing traps. Rats, which admittedly are a seasonal problem here, seem to disappear once they realize that their relatives are disappearing one by one, so killing a few usually solves the problem.</p> <p>I furthermore suggest that the reserve along the creekline be extended to involve establishment of minor dams – not of the size of those for agricultural use, but minor, and deeper, reservoirs for the drier months of the year. Almost all wildlife need drinking, so water supply is essential. If much of the habitat is taken away from the species lignin in the area now being developed, the remaining area should be upgraded in order to ensure a high degree of survival of those who are being made habitatless. Water and vegetation are key factors for some species, while open areas are key elements for others.</p> <p>The exceptional water bird life would definitely profit from an upgrade of the creek line with a few more permanent water features.</p>	<p>The prohibition of the keeping of cats and dogs is imposed where proposals abut National Parks and this is not the case here.</p>	
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SUBDIVISION GUIDE PLAN Lot 504 Marmion Street, Lot 505 Mitchell Street and Lot 1330 Warburton Road Mount Barker, Shire of Plantagenet

AYTON BAESJOU
PLANNING
11 Duke Street
Albany WA 6330
Ph 9842 2304 Fax 9842 8494

		<p>Please also allow me to mention that the sealing of Marmion Street Southern Portion, now Braidwood Road, which took place without the Shire's required 200 vehicle movements per day, has lead to a steep rise in road kill. The road is very steep, and many vehicles move with 90-100km/h, when they come down the road. This is also bound to have an impact on the attraction for families planning to have or already having children. Straying stock, which is occurring repeated on this road, will also present a greater hazard at higher speeds of traffic, of course. The sealing including the widening of the road has also made it visually unattractive. It has lots its idyllic appeal and lovely feel. I suggest that strict speed control is carried out on this road, for the sake of wild life, and for the sake of families living here.</p> <p>Suggestion summarised:</p> <ol style="list-style-type: none"> 1. No cats allowed on these properties (and preferably no dogs). 2. No poisonous bait which can harm native fauna allowed in this area. 3. Strong restrictions on speed (60km/h) on Marmion Street, now Braidwood Road – due to stock, children and wildlife. 4. The establishment of interconnected freshwater reservoirs along the creek line to form a water system – due to exceptional bird life and wildlife, and as a natural fire break. 5. A general upgrade of the creek line are, with carefully selected vegetation to sustain existing species – birds, mammals, reptiles, frogs. 6. An extended zone along the creek to create distance between properties/dwelling facing each other. 7. Compulsory vegetation policy. 8. The approval of houses built on poles only for any area in danger of receiving run-off from the hill, including swamping (which is most of the area in this proposal). 9. A more thorough construction of roads to prevent destruction of ground for existing properties. 10. A generally higher degree of control with illegal or grey-zone activities in the area. <p>An last, but not least, I suggest the whole project be delayed for at least 5 years, until the property market has picked up – or if it does not, then there is all the more reason for postponing the project further.</p>		
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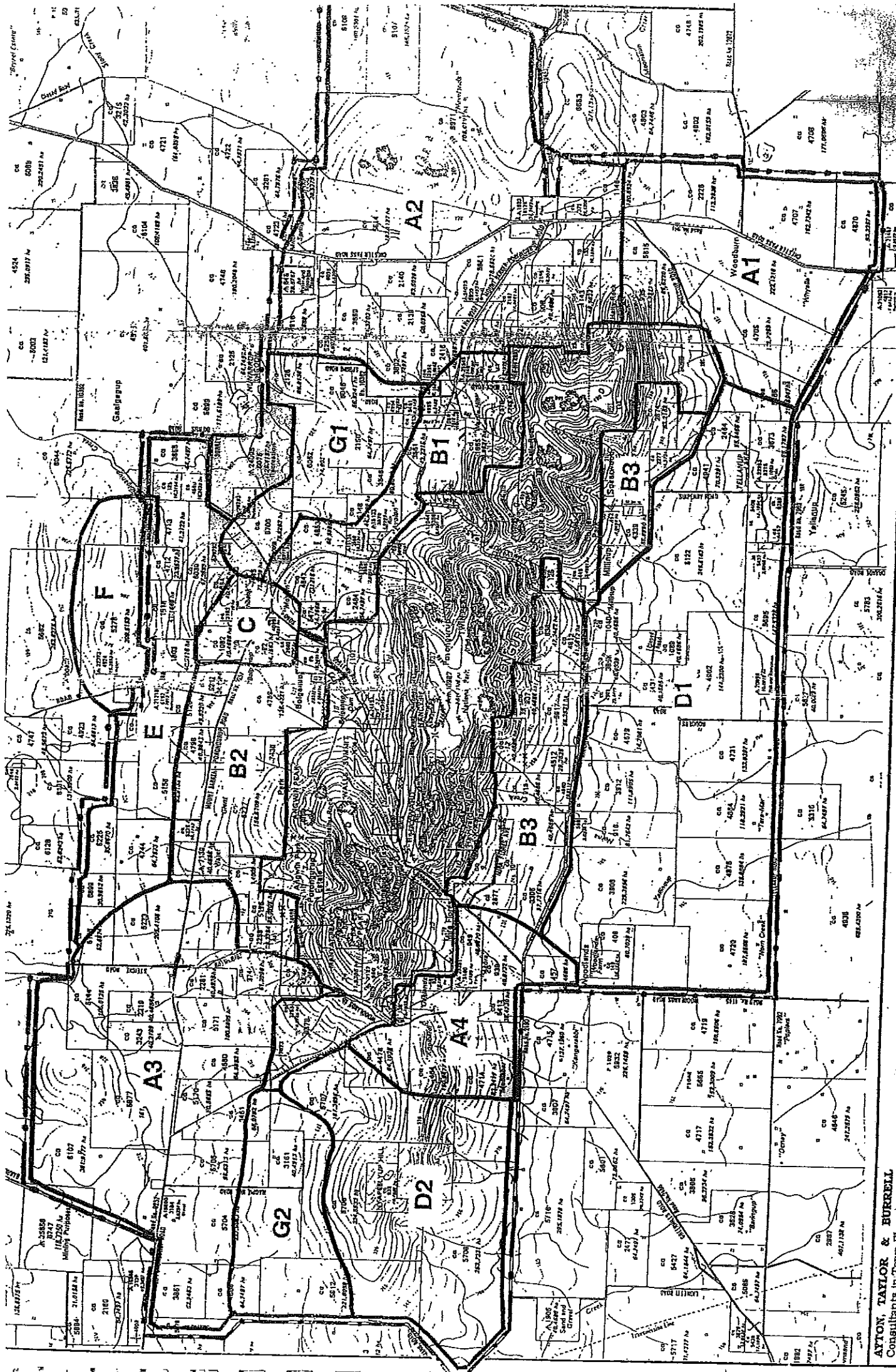
Council

Town Planning Scheme Policy No. 6 - Building
Materials - Porongurup Area

Porongurup Rural Strategy Precinct Plan

Meeting Date: 14 June 2011

Number of Pages: 2



PORONGURUP RURAL STRATEGY - Planning Precincts - Fig 9

AYTON, TAYLOR & BURRELL
 Consultants in Town Planning and Civic Design
 11 Duke Street, Albany, W.A. 6330
 Phone 089 422304 Fax 089 421340

Council

Town Planning Scheme Policy No. 7 - Mount Barker
Townsite







Policy Plan

Meeting Date: 14 June 2011

Number of Pages: 2

POLICY PLAN

LEGEND

-  Detailed subdivision guide plan required as a prerequisite to further subdivision/development.
-  Four way intersections to be deleted.
-  Existing R.O.W.'s to be utilised to facilitate further subdivision/development.
-  Wetland areas. Further subdivision & lot sizes subject to detailed capability assessment.
-  Creek Conservation Areas.
-  Existing vegetation to be retained.

NOTES:

- Subject to land capability assessment, alternative treatment units and / or amended soils may be required for effluent disposal where reticulated sewerage is unavailable.
- On site effluent disposal systems to be setback from creeklines by 100m where possible.

AYTON, TAYLOR & BURRELL
Consultants in Town Planning and Civil Design
11 Duke Street, Albany, Western Australia 6330
Phone 08 4223304 Fax 08 4223304



**NOTIFICATION
UNDER SECTION 70A**

DESCRIPTION OF LAND (Note 1)

EXTENT

VOLUME

FOLIO

Lot 152 on Deposited Plan 69570
Lot 153 on Deposited Plan 69570Whole
Whole

REGISTERED PROPRIETOR (Note 2)

Charles Thomas Hick and Margaret Mary Hick of 1021 Chorkerup Road, Mount Barker

LOCAL GOVERNMENT / PUBLIC AUTHORITY (Note 3)

Shire of Plantagenet
PO Box 48
MOUNT BARKER WA 6324

FACTOR AFFECTING USE OR ENJOYMENT OF LAND (Note 4)

No reticulated water can be provided to the land by a licensed water supplier and, as a consequence, owners will be required to make their own arrangements to provide an adequate supply of potable water.

Dated this

day of

Year

LOCAL GOVERNMENT/PUBLIC AUTHORITY ATTESTATION (Note 5) REGISTERED PROPRIETOR/S SIGN HERE (Note 6)

The COMMON SEAL of the
SHIRE OF PLANTAGENET was hereunto
Affixed in the presents of:_____
Signature of President_____
Name of President_____
Signature of Chief Executive Officer_____
Name of Chief Executive Officer

Signed

in the
presence of*Sandra Perry*
Sandra Perry
JUSTICE OF PEACE 8066
51 LOWOOD ROAD
MOUNT BARKER WA 6324

Signed

in the
presence of*Sandra Perry*
Sandra Perry
JUSTICE OF PEACE 8066
51 LOWOOD ROAD
MOUNT BARKER WA 6324