

**MINUTES OF THE HEALTH BUILDING & TOWN PLANNING COMMITTEE MEETING  
HELD IN THE COUNCIL CHAMBERS ON TUESDAY 17 OCTOBER 2000 COMMENCING  
AT 8.34 AM**

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**PRESENT**

Chairman	EJ Sewell
Councillors	JPD Edwards LW Graham CC Matsen
Deputies	J C Ley D L Marsden
Chief Executive Officer	WT Perry
Director of Planning & Development	AP Turner
Director of Health & Building	CJ Ricciardi
Manager of Planning & Development	S C Lancaster
Health Building & Town Planning Secretary	BL Collet

**H10.00.1 DECLARATION OF OPENING**

The Chairman declared the Health Building & Town Planning Committee meeting open and welcomed all those in attendance.

**H10.00.2 RECORD OF APOLOGIES / LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Crs Franks and Mann forwarded their apologies for the October 2000 Committee meeting.

**H10.00.3 ELECTION OF DEPUTY**

The Chairman called for nominations for Deputies for today's meeting.

Cr Graham nominated Crs Ley and Marsden. There being no further nominations, the Chairman declared Crs Ley and Marsden elected as Deputies for today's meeting.

**H10.00.4 PETITIONS / DEPUTATION**

There were no petitions or deputations for today's meeting.

**SIGNED**

**21/11/2000**

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**H10.00.5 CONFIRMATION OF MINUTES OF THE HEALTH BUILDING & TOWN PLANNING COMMITTEE MEETING HELD ON TUESDAY 19 SEPTEMBER 2000**

**MOVED CR GRAHAM**

”That the Minutes of the Health Building & Town Planning Committee meeting held on Tuesday 19 October 2000, as printed, be confirmed.”

**CARRIED**

**REPORTS OF OFFICERS FOR HEALTH BUILDING & TOWN PLANNING COMMITTEE**

**H10.00.6 Complaint/Petition – Ellendale Pool**

**Submission To:** Health Building & Town Planning Committee  
**Agenda Reference:** New Item  
**Location/Address:** Ellendale Pool  
**Name of Applicant:** C Speed/Various Signatories  
**File Reference:** 1422/14  
**Author:** Mr Dave Hadden  
**Disclosure of Interest:** The Author has no Disclosure of Interest  
**Date:** 9 October 2000

Background

Petition/correspondence has been received regarding campers at Ellendale Pool dominating the barbecues and barbecue areas and dumping wastewater onto the ground close to the river edge. A copy of the petition and correspondence is attached as Appendix 1.

Administrative Comment

Ellendale Pool is becoming a popular short term camping area during the wildflower season, unfortunately campers are competing with local people for barbecue use. Staff however, do not believe that the campers are able to completely dominate the picnic area. The complaint regarding wastewater disposal is a concern during busy periods as the waste could make its way into the river.

Staff will carry out a costing for a sullage disposal system and camp sites extension which will be listed for consideration in the Shire’s budget review scheduled for January/February 2001.

Statutory Implication

Compliance with the Caravan Parks and Camping Grounds Regulations 1997.

Statutory Implication

There are no statutory implications on this matter.

Policy Implication

There are no policy implications on this matter.

Financial Implication

There are no financial implications on this matter.

Strategic Implication

There are no strategic implications on this matter.

**Officer Recommendation**

That Council advise the applicant that:

- 1 An amount will be listed for consideration in the Shire's budget review, scheduled for January/February 2001, to install a sullage disposal system at Ellendale Pool to allow campers to dispose of wastewater safely; and
- 2 An amount will be listed for consideration in the Shire's budget review scheduled for January/February 2001, to extend the existing camping area and install signage to direct campers away from the picnic areas.

**Committee Recommendation****MOVED CR EDWARDS**

That staff investigate the costs of installation of a sullage disposal system at Ellendale Pool and report back to the November 2000 Health Building and Town Planning Committee meeting.

**CARRIED**

**H10.00.7 Fencing – Brand Highway**

**Submission To:** Health Building & Town Planning Committee  
**Agenda Reference:** C07.00.25, H07.00.20 & C08.00.11  
**Location/Address:** Brand Highway  
**Name of Applicant:** Various Residents  
**File Reference:** 2411  
**Author:** Mr Dave Hadden

**Disclosure of Interest:** The Author has no Disclosure of Interest  
**Date:** 4 October 2000

#### Background

It was resolved that the Director of Health/Building follow up the issue of fencing conditions along the Brand Highway in the last week of September 2000 and report back to the October 2000 Health Building and Town Planning Committee Meeting.

#### Administrative Comment

Staff have carried out inspections on the fourteen (14) boundary fences noted as requiring attention. The owners of these properties were advised of the non-compliance with Council's Fencing By-laws. To date, seven fences have been rectified, one owner has requested a three week extension, with the rest not complying prior to the 4 October 2000 inspection.

#### Statutory Implication

Fencing should comply with Council's By-laws Relating to Fencing.

#### Policy Implication

There are no policy implications on this matter.

#### Financial Implication

There are no financial implications on this matter.

#### Strategic Implication

Visitors and traffic using the section of Brand Highway referred to should notice a visual improvement along the entry into town, if compliance is achieved.

#### **Officer Recommendation**

For further consideration by Council.

#### **Committee Recommendation**

#### **MOVED CR GRAHAM**

That the owners of any sub standard fencing along the Brand Highway be written to and requested, by 31 December 2000, to carry out the necessary repairs to bring their fencing up to an acceptable standard, as required by Council's Fencing By-laws.

**CARRIED**

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**H10.00.8 Late Item - Pet Food Establishment – Application for Meru Bait & Pet Meat**  
**Submission To:** Health Building & Town Planning Committee  
**Agenda Reference:** 26336  
**Location/Address:** Lot 31 Edward Road, Meru  
**Name of Applicant:** Mr Phil Bland  
**File Reference:** 2311/7/5  
**Author:** Mr Dave Hadden  
**Disclosure of Interest:** The Author has no Disclosure of Interest  
**Date:** 12 October 2000

Background

The applicant has been operating the existing business for several years with few objections.

The Offensive Trade Licence has recently lapsed due to unforeseen problems which the applicant now wishes to re-licence.

Administrative Comment

The applicant has agreed to pay for advertising costs with the advertisements running concurrently this month.

The Director of Planning and Development has no concerns regarding this application.

Statutory Implication

Compliance with Health Act 1911, Offensive Trades requirements.

Policy Implication

There are no policy implications on this matter.

Financial Implication

There are no financial implications on this matter.

Strategic Implication

There are no strategic implications on this matter.

**Officer Recommendation**

That Council grant approval to the re-application to operate a Pet Meat Processing Establishment from Lot 31 Edward Road, Meru subject to:

- 1 No objections being received during the advertising period as required under Health Act 1911 Model By-laws Series A Section 5;

- 2 Full compliance with Health (Pet Meat) Regulations 1990;
- 3 Premises being cleaned to the satisfaction of the Director of Health/Building; and
- 4 Approval being obtained from the Department of Conservation and Land Management and Council being furnished with a copy of their written approval.

**Committee Recommendation**

**MOVED CR MATSEN**

That the Officer Recommendation, as printed above, be adopted by Council.

**CARRIED**

Cr Edwards retired from the meeting at 8.53 am.

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**TOWN PLANNING REPORT – OCTOBER 2000**

**H10.00.9 Important Regional Road Zoning – Evans Road, Walkaway**  
**Submission To: Health Building & Town Planning Committee**  
**Agenda Reference: H07.00.16**  
**Location/Address: Lot 23 & Part Lot 3 Evans Road, Walkaway**  
**Name of Applicant: Walkaway Ground Management Committee**  
**File Reference: 1550/20**  
**Author: Mr Simon Lancaster**  
**Disclosure of Interest: The Author has no disclosure of interest**  
**Date: 29 September 2000**

**Background**

Council is in receipt of a response (attached as Appendix 1) to its resolution from the July 2000 meeting that it write to Main Roads WA:

- 1 Advising them of the desire to expand to the North of the current sportsground, across the proposed East-West road alignment; and
- 2 Requesting their comments and position on the future need and status for a by-pass road immediately to the North of the Walkaway Townsite - shown as 'Important Regional Road' on the Council's Town Planning Scheme No. 4 Map.

**Administrative Comment**

- 1 Council initially received correspondence from the Walkaway Ground Management Committee advising that they had held negotiations with the adjoining landowner with an intent to purchase the Northern portion of Lot 23, for the purpose of extending the Walkaway Recreational Grounds.
- 2 A portion of the subject land is zoned 'Important Regional Road' in the Council's Town Planning Scheme No. 4 and is aligned in an East-West direction immediately to the North of the Walkaway townsite, connecting Walkaway Road to the East with Evans Road to the West (as shown in Appendix 7 of the July 2000 Health, Building & Town Planning Committee Agenda).
- 3 The Council's draft Town Planning Scheme No. 5 advocates deletion of the 'Important Regional Road' zoning from the new Scheme Maps with the balance of the Northern portion of land within Lot 23 to revert from 'Special Rural' to 'Small Rural Holding' zone. The southern portion of Lot 23, accommodating the existing recreational grounds and facilities would remain as 'Public Purposes' and 'Parks and Recreation' zone (as shown in Appendix 8 of the July 2000 Health, Building & Town Planning Committee Agenda).

- 4 Main Roads WA correspondence does not discount the need for an Important Regional Road North of Walkaway, stating that the justification for this project will need to be reviewed, however, given the long term nature of the project, no such review will be conducted in the near future. Main Roads WA also request that the Important Regional Road zoning remain on the Shire's Scheme until such time as the review is completed.

#### Statutory Implication

In order for the recreational facilities to be extended over the Northern (rear) portion of Lot 23 (presently dual zoned 'Important Regional Road' and 'Special Rural'), this land would need to be rezoned to 'Parks and Recreation' to be consistent in zoning with the existing recreation grounds. This could be done through a submission on the draft Town Planning Scheme No. 5 as opposed to initiating an amendment on the existing Town Planning Scheme No. 4, providing an amicable agreement has been reached on the sale of the land to the Council.

#### Policy Implication

There are no Council policy implications relating to this application.

#### Financial Implication

Should the Walkaway Ground Management Committee wish to proceed with acquiring the balance of Lot 23, it is anticipated the Management Committee will seek financial assistance from Council in order to purchase the land and establish additional recreational facilities upon it.

Council may wish to progress this matter further, given the long-term nature of the proposed road alignment (if required at all). Main Roads WA have commented in their correspondence that their advice...

“...does not necessarily prevent the use of Lot 23 and Part Lot 3 Evans Road as proposed by the Walkaway Grounds Management Committee.”

#### Strategic Implication

Whilst the draft Town Planning Scheme No. 5 indicates that the proposed by-pass road is no longer required, this document will be forwarded to Main Roads WA during the public advertising period for their comment. Main Roads WA are the department best equipped to assess the strategic implications of deleting the 'Important Regional Road' zone from the Scheme Maps and their advice should therefore be heeded.



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**Officer Recommendation**

That Council resolve to:

- 1 Advise the Walkaway Ground Management Committee that:
  - 1.1 Council supports its desire to expand to the North of the current sportsground;
  - 1.2 Main Roads WA are unable to provide a determination on the future need and status of the 'Important Regional Road' located within the Northern boundary of Lot 23 Evans Road Walkaway at this time, and that any future development of the site may be affected by this project;
- 2 Advise Main Roads WA that:
  - 2.1 The Shire of Greenough Town Planning Scheme No. 5 is currently before the Department of Environmental Protection for assessment and will be forwarded to them for their comment upon receipt of the Minister for Planning's consent to advertise; and
  - 2.2 Scheme No. 5 does not incorporate any 'Major Road' zonings and the Shire will seek the assistance of Main Roads WA to include such zonings upon the Scheme maps during the Scheme Review process.

**Committee Recommendation****MOVED CR LEY**

That Council resolve to:

- 1 Advise the Walkaway Ground Management Committee that:
  - 1.1 Council supports its desire to expand to the North of the current sportsground;
  - 1.2 Main Roads WA are unable to provide a determination on the future need and status of the 'Important Regional Road' located within the Northern boundary of Lot 23 Evans Road Walkaway at this time, and that any future development of the site may be affected by this project;
- 2 Advise Main Roads WA that:
  - 2.1 The Shire of Greenough Town Planning Scheme No. 5 is currently before the Department of Environmental Protection for assessment and will be forwarded to them for their comment upon receipt of the Minister for Planning's consent to advertise; and

- 2.2 Scheme No. 5 does not incorporate any 'Major Road' zonings and the Shire will seek comments from Main Roads WA for the necessity to include such zonings upon the Scheme maps during the Scheme Review process.

**CARRIED**

**H10.00.10 Proposed Shadehouses – Geraldton/Mt Magnet Road, Deepdale**  
**Submission To:** Health Building & Town Planning Committee  
**Agenda Reference:** New Item  
**Location/Address:** Lot 17 (237) G'ton-Mt Magnet Road, Deepdale  
**Name of Applicant:** Mr Van Lam Tran  
**File Reference:** 1550/7  
**Author:** Mr Simon Lancaster  
**Disclosure of Interest:** The Author has no disclosure of interest  
**Date:** 29 September 2000

Background

Council is in receipt of an application to construct three (3) shadehouses upon a one (1) ha property currently used for tomato production.

Administrative Comment

- 1 The applicant seeks Council approval for the construction of three (3) 45 x 40m (total area 5400 m<sup>2</sup>) 3 metre high shadehouses. The structures would consist of a metal and wood frame, covered by plastic sheeting and would be relatively similar in appearance to many of the existing shadehouses along the Geraldton-Mount Magnet Road.
- 2 Council has in the past received numerous complaints from the Deepdale area regarding the conflict between market gardening activity and rural-residential lifestyle lots. The shadehouses upon neighbouring Lot 15 have given rise to public health complaints concerning odour and insect breeding from the use of organic manure and fertiliser, and other complaints regarding the large amounts of stormwater runoff generated by the structures.
- 3 Council's Engineering, Health and Building Departments have reviewed the submitted plans and raised concerns regarding the treatment of stormwater and the likelihood that the encroaching rural-residential development about the property to the North and East will lead to further complaints.

- 4 The neighbouring Lot 15 Geraldton-Mount Magnet Road, Deepdale is predominantly occupied by Shadehouses and Lot 17 is also used for market gardening, therefore this proposal will not introduce a new land use to the area, instead expanding upon an existing one. Furthermore, the Geraldton-Mount Magnet Road is a major traffic route, regularly used by heavy vehicles and mine/grain road trains, and the intensive agriculture activity should be assessed with regard for this.

#### Statutory Implication

Lot 17 Geraldton-Mount Magnet Road is zoned Special Rural under Council's Town Planning Scheme No. 4 for which the Policy Statement is as follows:

"It is the intention of the Council to provide a variety of opportunities for rural/residential and hobby farm lifestyles. It is also the intention of Council to ensure that the activities undertaken within the areas so zoned, maintain a rural character and the areas as a whole do not have a detrimental effect on nearby farming and other land uses."

Town Planning Scheme No. 5 lists Intensive Agriculture as a use not permitted by the Scheme within Rural-Residential zoned land.

Town Planning Scheme No. 4 does not list Intensive Agriculture as a use, and is therefore subject to Clause 2.2.4:

"If a particular use is not listed in the use classes, and is not included in the general terms of any use class, then the Council shall, upon application to it, determine either:

- (a) that the use shall be prohibited within the Scheme Area; or
- (b) that the use may be permitted within one or more of the zones within the Scheme Area.

The Council shall, in the latter case, decide which of the use symbols shall apply and may impose any conditions or development standards it deems fit."

#### Policy Implication

The proposed shadehouses would conform to the Shire's height and boundary setback requirements.

Council Policy 16.30 'Greenhouses within the Shire of Greenough' requires shadehouses proposed on Special Rural lots, less than 2 ha in area, to be advertised prior to any approval.

Council has three options it may wish to consider in dealing with this application:

- 1 Refuse the application;
- 2 Conduct a 21 day advertising period, directly informing the adjoining landowners of this proposal;
- 3 Approve the application, subject to the following conditions:
  - 3.1 The issue of the necessary building licence and compliance with the requirements of Council's Director of Health & Building;
  - 3.2 The retention of all stormwater runoff within the boundaries of the property, by the means of the construction of a drainage sump, or water storage tanks connected to the Shadehouse structures, thereby ensuring that stormwater run-off does not drain onto the Geraldton-Mount Magnet Road Reserve or neighbouring properties;
  - 3.3 The installation and maintenance of at least 50 native or locally acceptable trees capable of growing to a height of at least 5 metres, to the satisfaction of Council's Director of Planning & Development, within 12 months of the approval date, for the purpose of screening the proposed shed from the road and adjoining lots, with particular regard to the Geraldton-Mount Magnet Road frontage of the property;
  - 3.4 That the uncovered storage of bulk manure is not permitted;
  - 3.5 The operation of the Market Gardening activities shall be limited to Monday to Saturday between the hours of 7.00 am to 6.00 pm, unless otherwise determined by Council;
  - 3.6 That Council reserve the right to re-assess this application should any written complaints regarding the nature of activities upon Lot 17 Geraldton-Mount Magnet Road be received, with particular regard for affect to the amenity of the neighbouring area arising from the emission of noise, vibration, fumes, smoke, dust, waste water or waste products and hours of operation; and
  - 3.7 That the Director of Health & Building reserves the right to inspect the shadehouses at any time, to ensure their structural integrity and compliance with all Council regulations, and that should the shadehouses not meet these requirements, then the matter will be referred back to Council.

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### Financial Implication

Should Council grant approval to this development application, it would attract a \$50 planning fee and a \$40 building licence fee.

### Strategic Implication

The Shire of Greenough's Local Rural Strategy identifies this area as Precinct No. 6 Woorree and recognises that although the land can not be considered prime agricultural land it is of a high quality. The Strategy also defines the area as being primarily perceived as a 'horse' and 'lifestyle' area, but does note that market gardening and vegetable production is a traditional use in the area and still occurs. Although market gardening is recognised at a strategic level in Precinct No. 6 which covers Woorree and Deepdale, the future direction of the area is undoubtedly rural-residential and the proposed development may not be complementary to the 1 ha lifestyle lots which are assuming dominance in this Precinct.

### **Officer Recommendation**

That Council refuse the application for three (3) Shadehouses upon Lot 17 (237) Geraldton-Mount Magnet Road, Deepdale as Intensive Agriculture is not listed as a permitted use under Town Planning Scheme No. 4 for this area.

### **Committee Recommendation**

#### **MOVED CR MARSDEN**

That the Officer Recommendation, as printed above, be adopted by Council.

**LOST**

### **Committee Recommendation**

#### **MOVED CR GRAHAM**

That staff:

- 1 Conduct a 21 day advertising period, directly informing the adjoining landowners of the proposal for three (3) shadehouses upon Lot 17 (237) Geraldton/Mt Magnet Road, Deepdale; and
- 2 Advise the applicant that it will consider the application after the 21 day advertising period and if approval is given, conditions including time period will apply.

**CARRIED**

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**H10.00.11 Proposed Deli – Whitehill Road, Drummond Cove**  
**Submission To:** Health Building & Town Planning Committee  
**Agenda Reference:** H03.00.13  
**Location/Address:** Reserve 40581 Whitehill Road  
**Name of Applicant:** Mr E R Ridley  
**File Reference:** 1550/1  
**Author:** Mr Simon Lancaster  
**Disclosure of Interest:** The Author has no Disclosure of Interest  
**Date:** 3 October 2000

#### Background

Council is in receipt of a response (attached as Appendix 2) to its resolution from the March 2000 meeting that it:

- 1 Write to the Department of Land Administration seeking clarification as to whether a portion of Reserve for Public Recreation & Community Purposes 40581 can be excised and subsequently leased by the vesting authority (Shire of Greenough) to the applicant for the purposes of a delicatessen; and
- 2 Advise the applicant and the Drummond Cove Progress Association of the abovementioned action.

#### Administrative Comment

- 1 The subject 2.34 ha reserve is currently occupied by the John Batten Hall, associated recreational facilities, carpark and toilet block. The applicant submitted an outline site plan indicating that they would seek the use of a 23.5 x 23.5 metre area (552.25 m<sup>2</sup>) upon which they intended to site a 12 x 12 metre (144 m<sup>2</sup>) building.
- 2 The Department's correspondence states that it is not agreeable to the construction and operation of a deli as it is not conducive to the reserve's purpose and is entirely of a commercial nature.

#### Statutory Implication

The subject land is listed as a Reserve for Recreation and Community Purposes and zoned Recreation within the Shire of Greenough's Town Planning Scheme No. 4. The proposed development of 'Shop' is not listed as a permitted use upon Recreation zoned under the Scheme.

Section 20A of the Town Planning & Development Act 1928 (as amended) requires that Reserves for Public Recreation may not be utilised for purposes other than those which are accessible to all members of the community.

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### Policy Implication

The Shire of Greenough's Parks and Recreation 5 Year Development Plan identifies the proposed development works for Reserve 40581, this includes upgrading of the hall, sealing of the car park, improved lighting and the provision of bbq's, additional fish cleaning tables and outdoor showers.

The Shire of Greenough's Town Planning Scheme No. 4 defines land zoned Recreation as being of value for all forms of Recreation Use, from passive low intensity use to organised sporting activity. The proposed development is not strictly within the zone definition, however, it may be argued that a deli would complement existing recreation activities such as swimming, fishing, boating and informal sporting (basketball, tennis, cricket) activities.

### Financial Implication

There are no financial implications relating to the refusal of this application.

### Strategic Implication

The proposed Deli would cater for a market drawn from the surrounding Drummond Cove residential area and recreational visitors to the area (particularly in summer months). The economic feasibility of the proposed Deli is a commercial decision, whilst its location within a Reserve not originally intended for such a use, is a planning matter.

The only other retailing operations in the surrounding area are the 440 Roadhouse and the Drummond Cove Caravan Park shop. The only undeveloped land zoned for Shop in the Drummond Cove area is contained within a Superlot located at the Western end of Glenfield Beach Drive. This alternative development site, at the Southern end of the Drummond Cove residential area, will not eventuate until such time as the landowner of the Superlot wishes to proceed.

### **Officer Recommendation**

That Council refuse the application for a deli to be located upon Reserve 40581 Whitehill Road, Drummond Cove as the Department of Land Administration have not given consent to the construction of a commercial operation upon a reserve designated for 'Recreation & Community Purposes'.

Cr Sewell declared an interest as he has a business association with the applicant and vacated the Chair.

Cr Sewell left Chambers at 9.14 am.

Mr Perry called for nominations for Chairman for this item, Cr Ley nominated Cr Graham. There being no further nominations, Mr Perry declared Cr Ley elected as Chairman for this item.

**Committee Recommendation****MOVED CR MATSEN**

That:

- 1 The Officer Recommendation not be adopted due to further information being obtained; and
- 2 Council forward a further request to the Department of Land Administration to seek:
  - 2.1 Their support for locating a Deli on portion of Reserve 40581 Whitehill Road, Drummond Cove linked with the community facilities existing on this site as part of the overall development of the reserve; and
  - 2.2 Their support to enable a leasing arrangement for 10 years with respect to the Deli to be undertaken by Council.

**CARRIED**

Cr Sewell re-entered Chambers at 9.22 am and resumed the Chair

**H10.00.12 Cemetery Correspondence**

**Submission To:** Health Building & Town Planning Committee  
**Agenda Reference:** New Item  
**Location/Address:** Reserve 7246 Road No.2259, Bootenal & Reserve 43960, Lots 224, 225, 226 & 1872 Brand Highway, Greenough  
**Name of Applicant:** Mr B Pearce  
**File Reference:** 1617  
**Author:** Mr Simon Lancaster  
**Disclosure of Interest:** The Author has no Disclosure of Interest  
**Date:** 4 October 2000

Background

Council is in receipt of correspondence, attached as Appendix 3, concerning Reserve 7246 (Bootenal Cemetery) and Reserve 43960, Lots 224, 225, 226 & 1872 (South Greenough Cemetery).



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### Administrative Comment

- 1 The Bootenal Cemetery is a 4856 m<sup>2</sup> reserve located in the middle of a rising paddock to the West of the former St John's Catholic Church. The site can not presently be accessed without the consent of adjoining landowners, as the gazetted road remains unconstructed due to the sloping limestone terrain. The Bootenal Cemetery has historic significance for its association with some of the early pioneers of the district, in particular the McGuinness family.
- 2 The South Greenough (or Walkaway) Cemetery, comprising of several titles for a total area of 4.8182 ha, is located on the East side of the Brand Highway approximately 2 kilometres South of the Greenough Hamlet. The South Greenough Cemetery contains headstones bearing the family names Walsh, Pearce, O'Brien, Stafford, Reynolds and Desmond (amongst others) and given its location on the Highway, makes an important contribution to the heritage of the Greenough Flats.

### Statutory Implication

Neither cemetery is listed under the Shire of Greenough's Town Planning Scheme No. 4 - Places of Heritage Value, the National Trust's Classified List, the Australian Heritage Commission's Register or the Heritage Council of WA's State Register of Heritage Places.

### Policy Implication

Both the Bootenal and South Greenough cemeteries are classified under the Shire of Greenough's Municipal Inventory of Heritage Places as Management Category 2:

“High level of protection appropriate: provide maximum protection under the Town Planning Scheme with encouragement to the owner to conserve the significance of the place. Prepare a floor plan and photographically record the place prior to any redevelopment.”

### Financial Implication

Council has not allocated specific funds to either the Bootenal or South Greenough Cemeteries within its adopted 2000/01 budget. Council may wish to consider whether any spraying and slashing for the two cemeteries can be absorbed into the overall works program for the remainder of this financial year.

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### Strategic Implication

The Bootenal and South Greenough cemeteries are of historic significance for their association with the district's early pioneers, with burials dating back at least as far as the 1870's. Although overgrown and in poor condition, the sites have considerable aesthetic and cultural appeal and their restoration would enhance the tourism potential of the Greenough area.

### **Officer Recommendation**

That Council:

- 1 List \$3,000 for consideration in the 2001/02 budget for the South Greenough Cemetery as an ongoing maintenance item;
- 2 List \$3,000 for consideration in the 2001/02 budget for the Bootenal Cemetery as an ongoing maintenance item;
- 3 Write to the landowner of Lot 1369 Bridgid Road seeking their support in principle for the realignment of Bridgid Road along the boundary of their Lot;
- 4 Pending the outcome of item 3, as listed above, list \$10,000 for consideration in the 2001/02 budget for the realignment of Bridgid Road; and
- 5 Write to the Geographic Names Committee requesting that the designation "Bridgid Road" be applied to Road No. 2259, in keeping with the existing street sign and its common local name.

### **Committee Recommendation**

#### **MOVED CR GRAHAM**

That:

- 1 Council ascertain its responsibilities for the upkeep and maintenance of cemeteries within the Shire boundaries;
- 2 Council refer the item to the Municipal Inventory Committee for consideration of recording all cemeteries and grave sites within the Shire; and
- 3 Staff ascertain the process for officially closing cemeteries.

**CARRIED**

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**H10.00.13 Proposed Rezoning – Flat Rocks Road, South Greenough**  
**Submission To:** Health Building & Town Planning Committee  
**Agenda Reference:** C11.97.66, H04.98.44, H06.99.27, H09.99.18, C12.99.19, C01.00.75, C02.00.27 & H04.00.26  
**Location/Address:** Victoria Locations 3501, 5878, 1913, 2 & Lot 1 Flat Rocks Road, South Greenough  
**Name of Applicant:** Kelvin Oliver Planning Consultant  
**File Reference:** 1516/4/92  
**Author:** Mr Simon Lancaster  
**Disclosure of Interest:** The Author has no Disclosure of Interest  
**Date:** 5 October 2000

#### Background

Council is in receipt of correspondence seeking support for the rezoning of the abovementioned Flat Rocks landholding.

Council resolved at its April 2000 meeting to advise the applicant that it supports, in principle, the Flat Rocks Structure Plan as illustrated in the plan dated 6 April 2000, subject to the following issues being addressed:

- 1 The removal of the Equestrian lots and their designation as SR lots, and the inclusion of a specific condition in the rezoning documentation prohibiting the keeping of horses;
- 2 The placement of appropriate restrictive covenants upon the large foreshore lot for conservation purposes;
- 3 The excision of an area, agreeable to the landowner and Council, from the large foreshore lot and its amalgamation into Lot 1 Flat Rocks Road, so that Council will possess sufficient land under its control to provide further services to cater for the increased demand that will be generated by the proposed rezoning and subsequent increase in the number of residents in the Flat Rocks area; and
- 4 The submission of detailed formal rezoning documents.

#### Administrative Comment

- 1 The applicant has now submitted formal documentation seeking to rezone Victoria Locations 3501, 5878, 1913, 2 & Lot 1 Flat Rocks Road, South Greenough from General Farming to Special Use within the Shire of Greenough's Town Planning Scheme No. 4. The proposed rezoning would allow for the creation of sixty eight (68) Rural-Residential lots all in excess of 2 ha, and a larger foreshore lot, with scheme water not being provided to the site.

- 2 It should be noted that the submitted Structure Plan incorporates an additional two lots from the Plan previously supported by Council (included as Appendix 20 within the April 2000 Health, Building & Town Planning Committee Agenda). The September 2000 Structure Plan has been attached as Appendix 4 for Council's information, with the two additional titles being Lots 38 and 39. Council staff do not support the inclusion of these two (2) additional lots as they are on land designated Dune Protection by the original Structure Plan prepared by O'Brien Planning Consultants in 1997, attached as Appendix 21 within the April 2000 Health, Building & Town Planning Committee Agenda.
- 3 Shire staff have inspected the site and notified the developer that Council would require an area of land South of the existing Flat Rocks car park for expansion to accommodate usage associated with surf carnivals and the increased demand generated by the proposed development. The developer has responded in writing that they would be willing to cede a 5000 m<sup>2</sup> area to the Shire for car parking purposes during the detailed subdivision survey stage.
- 4 The other concerns, raised at the April 2000 Council meeting, regarding the removal of equestrian lots, the prohibition of horses in the area, and the establishing of an appropriate conservation encumbrance on the large foreshore title have been met. The summary of the rezoning documentation has been included as Appendix 5 for Council's information, and a copy of the full report can be inspected at the Shire's Planning Department.

#### Statutory Implication

Scheme Amendments are an involved process that initially require all applications to be forwarded to the Hon. Minister for Planning for consent to advertise, after which, the Department of Environmental Protection are required to assess the application.

Should the Department of Environmental Protection and the Hon. Minister for Planning grant consent to advertise the Amendment, Council will require the erection of a sign upon the site, write directly to all adjoining landowners, and in this matter write directly to the Water Authority, Western Power, Department of Conservation and Land Management, Waters & Rivers Commission and Agriculture WA during the advertising period inviting comments and responses.

At the completion of an advertising period all the received submissions are presented for Council's consideration, should the amendment be given final approval at this point by Council then the rezoning documents are forwarded to the Minister for Planning for final assessment and approval/refusal.

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Council are advised that should it resolve to proceed with the Scheme Amendment process it is one in which the final decision rests with the Hon. Minister for Planning. This can result in the scenario whereby Council may resolve not to approve a rezoning following the completion of the advertising period and a review of all submissions received, however, the rezoning may still gain final approval from the Ministry for Planning. Therefore should Council have any queries or concerns with regard to a Scheme Amendment it is advised that the preferential time to raise them would be prior to initiating the rezoning process.

#### Policy Implication

Council's study entitled 'Guidelines for Rural Development South of the Greenough Rivermouth' (1995) identified a number of 'pockets' of land along the Greenough coastline as having the potential for further development. The subject area was one of those identified as being capable of supporting smaller lots, noting that:

"Subdivision in the stable areas should be permitted for Rural Residential land use. Subdivision should be in accordance with an approved subdivision plan and should be subject to certain conditions."

It is proposed that the development controls and rezoning of Victoria Locations 3501, 5878, 1913, 2 & Lot 1 Flat Rocks Road to Special Use would be similar to those applied to the West Bank Estate. Should Amendment No.92 be adopted then the conditions of development for Flat Rocks would be inserted in Section 2.5 of the Scheme alongside those for West Bank.

#### Financial Implication

The rezoning of this land would have an immediate impact upon the rates charged by the Shire of Greenough for Victoria Locations 1, 2, 1913, 3501 & 5878 Flat Rocks Road, South Greenough due to the change in rating classification from General Farming.

The more long term impacts would be for an increase in the number of allotments in the area as subdivision takes place, this will lead to an increased revenue for Council. The Shire of Greenough would also be required to provide further services to the residents of Flat Rocks and may well face increased calls upon its Ranger service to 'police' this area for off-road vehicles.

The Shire of Greenough charges a fee of \$1000 for the processing of Scheme Amendments.

#### Strategic Implication

The Geraldton Region Plan (1999) does not mention Flat Rocks as being within its future Rural-Residential areas, however, the Region Plan does identify that Rural-Residential areas must satisfy the following criteria:

- 1 Not to be located in areas of productive agricultural land or deposit rich areas, potential service corridors, land more suited to residential development, and environmentally sensitive land;
- 2 Be developed in accordance with established environmentally sustainable practices (including land capability requirements for soil stability and erosion, effluent disposal and bushfire risk);
- 3 Preference to development where adjacent to existing settlements and public utility services (e.g. Water, power, rubbish disposal); &
- 4 Special consideration to the availability of water supply.

The Geraldton Region Plan also states that:

“Develop land south of Cape Burney, on the coastal strip, in accordance with the Guidelines for Rural Development South of the Greenough River Mouth. (LG-Greenough)”

#### **Officer Recommendation**

That Council:

- 1 Advise the applicant that it does not support the submitted September 2000 Flat Rocks Structure Plan as it does not accord with the original Structure Plan prepared by O'Brien Planning Consultants in 1997 or the resolution of Council from its April 2000 meeting;
- 2 Advise the applicant that Council is prepared to support the Flat Rocks Structure Plan upon the removal of the two (2) additional titles (Lots 38 and 39), and the minor amendments (listed in part 3) to the wording and layout of the amendment text, so that it accords with the Shire of Greenough Town Planning Scheme No. 4;
- 3 Resolve (upon receipt of the alterations outlined in part 2) in pursuance of Section 7 of the Town Planning & Development Act 1928 (as amended) to amend its Town Planning Scheme No.4 by:
  - 3.1 Rezoning Victoria Locations 3501, 5878, 1913, 2 & Lot 1 Flat Rocks Road, South Greenough from General Farming to Special Use Zone-Flat Rocks;
  - 3.2 Amending the Town Planning Scheme No.4 Scheme Maps in accordance with the Scheme Amendment Map; and
  - 3.3 Amending the Scheme Text by inserting in Section 2.5 'Special Zone – Restricted Use Table' the following:

CODE NO.	STREET	PARTICULARS OF LAND	USE OR USES PERMITTED	CONDITIONS
2.	Flat Rocks Road	Victoria Locations 3501, 5878, 1913, 2 & Lot 1 Flat Rocks Road, South Greenough	Refer to Conditions	<p>1) Subdivision shall generally be in accordance with the approved Structure Plan or any variation approved by the Western Australian Planning Commission.</p> <p>2) Special Rural and Mixed Use lots are shown on the Structure Plan and these lots can only be developed and used for the purposes as follows:-</p> <p><u>Special Rural</u> – The following uses are Permitted (P):-            Single House;            Outbuilding;            Public Utility.</p> <p>The following uses may be permitted at the discretion of Council with or without conditions (AA):-            Home Occupation.</p> <p>All other uses are not permitted (X).</p> <p>All Development Standards shall be in accordance with those specified in the Low Density Residential (R2) table of the Zoning and Development Table of TPS 4.</p> <p><u>Mixed Use</u> -The following uses may be permitted at the discretion of Council with or without conditions (AA):-</p> <p>Single House;            Short stay accommodation;            Caravan/Camping accommodation;            Commercial, Restaurant, café;            Caretakers residence;            Service station, fuel outlet;            General store;            Tourism uses.</p> <p>All other uses are not permitted (X)</p> <p>All Development Standards shall be in accordance with those specified in the Zoning and Development Table against the use most accurately described in that Table and the Interpretations as determined by Council.</p>

			<p>3) All dwelling houses outbuildings and effluent disposal systems should be developed within the building envelope as defined at the time of the preparation of the Diagram or Plan of survey for each lot. Council may upon application from a lot owner agree to vary the location and size of the building envelope providing it can be demonstrated to the satisfaction of Council that the new location and size is environmentally feasible.</p> <p>4) No dwelling shall be approved by Council unless it is connected to a domestic waste water treatment system, as approved by the Health Department of Western Australia, in soils with an adequate phosphorous retention capacity, and with the base of the system or modified irrigation area being above the highest known water table. If in the opinion of Council the natural soils do not have adequate phosphorus retention capability then an alternative waste water treatment system as approved by the Health Department of Western Australia will be required.</p> <p>5) There shall be at least a 30 metre horizontal separation between the effluent disposal system, drains and bores.</p> <p>6) All drainage from internal roads and domestic surfaces shall be disposed of onsite in a manner deemed environmentally acceptable to Council.</p> <p>7) Each dwelling shall be provided with a supply of potable water from a roof catchment of not less than 310 m<sup>2</sup> in project plan area, connected to a storage tank with a minimum capacity of 92,000 litres.</p> <p>8) The subdivider shall make arrangements satisfactory to the Council for prospective purchasers to be advised that a reticulated water supply cannot be guaranteed by the Water Corporation at this time.</p>
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			<p>9) A Well license must be obtained before construction of a well or bore to draw groundwater. Groundwater may be drawn from each of the lots to supplement household water supply and to supply water for irrigated development of an area of not more than 1,000m<sup>2</sup>. The maximum amount of groundwater permitted to be drawn shall be 1,500 cubic metres annually.</p> <p>10) Activities carried out on this land shall not contravene By-laws applicable to underground water pollution control.</p> <p>11) In order to conserve the landscape, no clearing outside the building envelope will be permitted without the prior written approval of the Council. Clearing within the Building Envelope will be permitted only for the erection of a single house, outbuildings, effluent disposal system, accessways, fences and firebreaks. No clearing is to occur in the areas shown as Landscape Protection/Dune Preservation on the Structure Plan.</p> <p>12) No dwelling or buildings shall be constructed within 20 metres of the front or rear of a lot boundary unless the Council grants approval to a lesser distance, that is, if Council is of the opinion that the topography or shape of the lot, or the natural flora upon it, makes it desirable to alter this provision, and the location of the building will not detract from the environmental quality of the area or from the amenity of existing or future residences on adjoining lots.</p> <p>13) An application for a Building Licence shall be accompanied by a plan showing the location of any remnant vegetation within 20m of the Building Envelope or affected by the Building Envelope.</p>
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			<p>14) With the intention of preventing overstocking or other practices detrimental to the amenity of the zone, the breeding or keeping of animals shall not be permitted without the approval in writing of Council. In considering any applications for breeding or keeping of stock, Council will be guided by advice from Agriculture Western Australia. Notwithstanding the above, in cases where stocking approval has been given but where environmental problems develop, Council, after consultation with Agriculture Western Australia, may take appropriate action to ban or reduce the stocking of animals. Individual landowners shall be responsible for organizing and meeting all costs associated with obtaining advice from Agriculture Western Australia where the keeping of any stock is proposed.</p> <p>15) The keeping of horses on all lots is not permitted.</p> <p>16) Council will impose limits on the keeping of livestock temporarily, seasonally or permanently.</p> <p>17) All fencing shall be of open post, post and rail or post and wire construction and shall be installed and maintained to the satisfaction of the Council. Solid fencing materials such as asbestos, cement/fibre, timber and metal are not to be used other than within the building envelope and then only with Council approval.</p> <p>18) Strategic firebreaks shall be provided in accordance with the requirements of the Fire and Emergency Services Authority.</p> <p>19) A fuel free zone, clear of all flammable material/vegetation, to a distance of 20 metres is required around all buildings.</p> <p>20) Access shall be permitted to domestic water supplies for emergency fire fighting purposes, to the satisfaction of the Fire &amp; Emergency Services Authority.</p>
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			<p>21) The Council will facilitate discussions between landowners and the Fire &amp; Emergency Services Authority with a view to locating firebreaks where they will prevent the spread of fire without adverse effects upon the landscape of the area.</p> <p>22) Prior to the sale of any subdivided lots the subdivider shall make arrangements satisfactory to Council to ensure that prospective purchasers of the lots created are advised of those provisions of the Shire of Greenough Town Planning Scheme No 4 which relate to the use and management of the land.</p> <p>23) All buildings are to be of a standard and constructed of materials and colours acceptable to Council. Only non-reflective building materials, including roofing materials will be permitted          No second hand or relocated dwellings will be permitted on any lot.          No weatherboard dwellings or outbuildings will be permitted on any lot.          Residences shall be constructed with a minimum of 140m<sup>2</sup> of living space.          The scale of outbuildings shall be of a domestic nature and large industrial type buildings will not be permitted.          Outbuildings shall be of a similar form, style and colour as the main residence.          The large scale stockpiling of any materials or rubbish; or the storage of large machines, which in the opinion of Council would detract from the amenity of the area, will not be permitted.</p> <p>24) All lots fronting Flat Rocks Rd shall have a 50m no development vegetation buffer facing Flat Rocks Rd and this buffer area is to be retained with natural vegetation and maintained to the satisfaction of Council.</p>
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				<p>25) Where a lot abuts the Foreshore Reserve Council shall impose conditions in regard to the provision of access to the Reserve, including the possible use of shared pedestrian access points if considered desirable by Council, as part of a Development Approval for any lot abutting the Foreshore Reserve.</p> <p>26) When the property is subdivided the owner arrange with the Council for the imposition of either a 'Memorial' or 'Notification Under Section 70A' on the large lot adjacent to the Foreshore Reserve for conservation purposes and to protect the land from undesirable development.</p> <p>27) At the time of subdivision the owner shall transfer free of cost to the Council 5000m<sup>2</sup> of land adjacent to the Flat Rocks beach car park for additional car parking. The delineation of the lot boundaries will be determined at the time of subdivision.</p>
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**Committee Recommendation**

**MOVED CR LEY**

That the Officer Recommendation, as printed above, be adopted by Council.

**CARRIED**

**H10.00.14 Proposed Relocated Outbuilding – Meadowcroft Street, Rudds Gully**  
**Submission To: Health Building & Town Planning Committee**  
**Agenda Reference: New Item**  
**Location/Address: Lot 114 Meadowcroft Street, Rudds Gully**  
**Name of Applicant: WR & CL Armstrong**  
**File Reference: 1550/14**  
**Author: Mr Simon Lancaster**  
**Disclosure of Interest: The applicant is a relative of an employee of the Shire of Greenough**  
**Date: 9 October 2000**

Background

Council is in receipt of an application to site an outbuilding at Lot 114 Meadowcroft Street, Rudds Gully.

**SIGNED**

**21/11/2000**

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### Administrative Comment

- 1 The subject land is a vacant 2.6157 ha lot zoned Special Rural under the Shire of Greenough's Town Planning Scheme No. 4 ("the Scheme") and the proposed use is a permitted one.
- 2 The applicant proposes to relocate an iron clad shed from their farming property at Pindar, the dimensions for which are given as approximately 60" x 50" (15.24 x 18.29m x 7m high) for a total outbuilding area of approximately 279 m<sup>2</sup>. The landowner has submitted written correspondence in support of their application for the outbuilding, which is included for Council's information as Appendix 6. The applicant notes that existing vegetation and further planting of native trees would screen the shed, and has therefore requested that they be exempted from any painting requirement.
- 3 The applicant has obtained written confirmation from their five (5) adjoining landowners, inclusive of the estate developer, stating that they have no objection to the proposed shed or its iron cladding. Photographs taken by the applicant of the shed in its current location have been attached as Appendix 7 for Council's information.
- 4 Council has approved one other shed in this locality that exceeds the 200m<sup>2</sup> size Special Rural limit, this being for a 320 m<sup>2</sup> colorbond shed on the neighbouring Lot 115 Meadowcroft Street at its July 2000 meeting.

### Statutory Implication

Section 3.9 of the Scheme 'Requirements for Special Rural Zones' states:

"3.9.8 The use of secondhand building materials is prohibited unless the Council grants special approval in writing."

### Policy Implication

Council Planning Policy 16.12 'Outbuildings' specifies a maximum aggregate outbuilding area for land zoned Special Rural of 200m<sup>2</sup>. The proposed outbuilding is in excess of the maximum size that can be approved under delegated authority, and therefore requires Council deliberation.

Council Building Policy 13.3 'Relocation of existing buildings, other than existing dwellings onto land within the Shire' requires Council's Building Inspector to carry out an inspection of the building prior to its relocation, however, given the location of the shed, staff have not been able to inspect the structure.

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Should Council consider the approval of this application it may wish to attach the following conditions:

- 1 That the proposed shed must comply with the Building Code of Australia, and the requirements of Council's Director of Health & Building;
- 2 That the relocated shed must be painted in a colour of the earth colours range within 21 days of being positioned upon the site;
- 3 That any structural defects identified by Council's Director of Health & Building must be rectified within 21 days of the shed being positioned upon the site;
- 4 Written confirmation being obtained by the applicant from all adjoining landowners stating that they have no objection to the proposed outbuilding, and that such correspondence include reference to the height and area of the proposed outbuilding;
- 5 Prior to the issue of the necessary building licence, the applicant shall be required to lodge with Council a bond of \$400 which shall be refunded after the building has been positioned at Lot 114 Meadowcroft Street, Rudds Gully and all conditions relative to the external appearance of the building have been fulfilled to the satisfaction of the Director of Health & Building;
- 6 That the applicant must install and maintain at least 20 native or locally acceptable trees capable of growing to a height of at least 5 metres about the shed for the purpose of screening the outbuilding from neighbouring properties and the road within 12 months of the approval date; and
- 7 That no commercial activity is to take place within the proposed outbuilding without the separate approval of Council.

#### Financial Implication

Council charges a \$75 development fee for the approval of sheds in excess of the requirements of Policy 16.12.

#### Strategic Implication

The proposed shed does not present any strategic implications to Council.

#### **Officer Recommendation**

That Council refuse the proposed relocated outbuilding upon Lot 114 Meadowcroft Street, Rudds Gully, as shown on the submitted plans, as it exceeds the maximum aggregate area of 200 m<sup>2</sup> for outbuildings within the Special Rural zone, permitted under Council Policy 16.12.

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**Committee Recommendation****MOVED CR GRAHAM**

That:

- 1 The Officer Recommendation not be adopted due to further information being obtained;
- 2 Council advise the applicant that Council would further consider the application upon confirmation that :
  - 2.1 The proposed shed complies with the Building Code of Australia, and the requirements of Council's Director of Health & Building;
  - 2.2 That the relocated shed will be painted in a colour of the earth colours range within 21 days of being positioned upon the site. If colorbond is proposed for cladding of walls and roof, then the bond required will be \$400;
  - 2.3 That any structural defects identified by Council's Director of Health & Building will be rectified within 21 days of the shed being positioned upon the site;
  - 2.4 Written confirmation being obtained by the applicant from all adjoining landowners stating that they have no objection to the proposed outbuilding, and that such correspondence include reference to the height and area of the proposed outbuilding;
  - 2.5 Prior to the issue of the necessary building licence, the applicant shall be required to lodge with Council a bond of \$1,000 which shall be refunded after the building has been positioned at Lot 114 Meadowcroft Street, Rudds Gully and all conditions relative to the external appearance of the building, including the painting being satisfactorily maintained for a period of 12 months, have been fulfilled to the satisfaction of the Director of Health & Building;
  - 2.6 That the applicant will install and maintain at least 20 native or locally acceptable trees capable of growing to a height of at least 5 metres about the shed for the purpose of screening the outbuilding from neighbouring properties and the road within 12 months of the approval date; and
  - 2.7 That no commercial activity is proposed within the proposed outbuilding without the separate approval of Council.

**CARRIED**

**H10.00.15 Proposed Signs - Greenough**

**Submission To:** Health Building & Town Planning Committee  
**Agenda Reference:** New Item  
**Location/Address:** Brand Highway, West Bank Road & African Reef Boulevard, Greenough  
**Name of Applicant:** Mr E Matusik  
**File Reference:** 1550/19  
**Author:** Mr Simon Lancaster  
**Disclosure of Interest:** The Author has no Disclosure of Interest  
**Date:** 10 October 2000

Background

Council is in receipt of an application to replace four (4) existing signs with new direction/advertising signs for the West Bank Estate.

Administrative Comment

- 1 The developer of Westbank Estate has submitted written correspondence in support of their application, which has been attached as Appendix 8 for Council's information.
- 2 The proposed signs would be located in place of the previous signs, with two located on private land adjoining the Brand Highway near the West Bank Road turn off, one on private land fronting the West Bank Road/Company Road intersection and one within the road reserve at the entrance to African Reef Boulevard.

Statutory Implication

The signs are to be located within the Greenough Front Flats Heritage Precinct that requires all buildings to be secondary to the landscape features of the area and should not be permitted in visually exposed areas, including open paddocks and adjoining main roads. Materials and colours of buildings should be of the earth colours range (red-browns, yellow-browns, green-browns). Clause 4.3.2.c of the Shire of Greenough Town Planning Scheme No. 4 requires that the special approval of Council be obtained prior to the erection of advertising signs at or on a place of heritage value.

The applicant has advised that the already prepared signs are of 2½ m<sup>2</sup> in area, blue in colour and mounted upon square poles, Council may consider that the proposed temporary sales signs are not of such a substantial nature that they would constitute a major building or be required to conform with building requirements.



Section 33B of the Main Roads Act 1930 and Regulation 7 of Main Roads (Control of Advertisements) Regulations 1966 requires that all signs within a road reserve under Main Roads WA control, or a sign visible from such a road, must receive the approval of the local authority as a condition of their necessary approval.

#### Policy Implication

Council Policy 16.32 'Signs Along the Brand Highway Within the Front Flats Heritage Area' seeks to ensure that advertising is not detrimental to the amenity and the historic and aesthetic appeal of the area. The Policy states that applications for signs that comply with the following conditions may be granted approval, under delegated authority, by the Chief Executive Officer:

- 1 That the sign must be no larger than 4 m<sup>2</sup>;
- 2 That the materials and colours used in the construction of the sign must be of the 'earth colours' range (red browns, yellow browns, green browns) or of a colour that, in the opinion of the assessing officer, does not detract from the amenity of the Front Flats Heritage Area;
- 3 That the sign must be no higher than 2.5 metres;
- 4 That the style and appearance of the sign must, in the opinion of the assessing officer, be complementary to the existing development in the area and in no way detrimental to the amenity of the area;
- 5 That the sign must relate to a development or activity on the site upon which the sign is sited.
- 6 Compliance with the Shire of Greenough's Local Laws relating to Signs.

Should an application for a sign or hoarding not comply with any of the abovementioned requirements the application shall be presented to the Council for its consideration.

#### Financial Implication

Council charges a \$25 fee for signs approved within the Shire of Greenough under its Sign By-Laws.

#### Strategic Implication

The preservation of the Heritage Precinct along the Greenough Front Flats is important from a regional perspective for both its contribution to tourism and a sense of community for the people of the region. As noted in the Geraldton Region Plan 1999, "Historic Buildings and other mainly stone structures provide a major unifying aspect of regional identity".

This is further borne out by the findings of Council's recent Greenough rural landowner survey in which 75% of respondents believed specific development standards should address heritage values.

It could be stated that advertising signs, with particular regard to those not promoting a use upon the property to which the sign is located, detract significantly from the aesthetic appeal of the area. The close regulation of signs will help to maintain the integrity and historical character of the Front Flats Heritage Area and preserve the area for the continued enjoyment of future generations.

### **Officer Recommendation**

That Council approve the siting of four (4) 2½ m<sup>2</sup> advertising/directional signs on land adjoining the Brand Highway near the West Bank intersection, the intersection of West Bank and Company Roads, and the entrance to African Reef Boulevard subject to the following conditions:

- 1 That the approval period is for a maximum of two (2) years at the conclusion of which the applicant will be required to remove the signs or seek the re-approval of Council; and
- 2 That the applicant be advised that they will require the separate approval of Main Roads for the two (2) signs visible from the Brand Highway, prior to their erection on-site.

### **Committee Recommendation**

#### **MOVED CR SEWELL**

That the Officer Recommendation, as printed above, be adopted by Council.

**CARRIED**

**H10.00.16 Proposed Outbuilding – Marinula Road, Mt Tarcoola**  
**Submission To:** Health Building & Town Planning Committee  
**Agenda Reference:** New item  
**Location/Address:** 19 (Lot 310) Marinula Road, Mt Tarcoola  
**Name of Applicant:** Mr R Anthony  
**File Reference:** 1550/10  
**Author:** Mr Nick Logan  
**Disclosure of Interest:** The Author has no disclosure of interest  
**Date:** 10 October 2000

#### Background

Council is in receipt of an application to construct an outbuilding upon the above property that cannot be approved under delegated authority.

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### Administrative Comment

- 1 The subject 1057 m<sup>2</sup> is zoned Residential R 15 under the Shire of Greenough's Town Planning Scheme No. 4 and the proposed use is a permitted one.
- 2 The applicant proposes to site a 70 m<sup>2</sup> (10m X 7m X 3.6 high) colorbond outbuilding upon the property. The applicant has submitted correspondence in support of their application, which is attached for Council's information as Appendix 9. The applicant has expressed a need for such a size shed to store a vehicle, gardening equipment and machinery. In addition, the applicant has submitted letters of correspondence from the surrounding landowners stating that they have no objection to the proposed outbuilding.
- 3 At 1057 m<sup>2</sup> the property is somewhat larger than the typical Residential R15 property which may be as small as 550 m<sup>2</sup>. The size of the property is typical of an R12.5 density lot, for which the maximum outbuilding size that may be approved under delegated authority is 80 m<sup>2</sup>.

### Statutory Implication

The construction of an outbuilding within a residential zone is a permitted use under the Shire of Greenough's Town Planning Scheme No. 4.

### Policy Implication

Council Policy 16.12 'Outbuildings' states a maximum aggregate outbuilding size that can be approved in the Residential R15 zone, under delegated authority, of 50 m<sup>2</sup>. Assessment of the application reveals the proposed shed to be 20 m<sup>2</sup> above this limit.

In accordance with Council Policy, outbuildings in excess of the maximum size typically incur the following conditions:

- 1 Written confirmation being obtained by the applicant from all adjoining landowners stating that they have no objection to the proposed outbuilding, and that such correspondence include reference to the height and area of the proposed outbuilding;
- 2 That the proposed outbuilding must be clad in colorbond, of a colour that complements the existing residence upon the property;
- 3 That the applicant must install and maintain at least 20 native or locally acceptable trees capable of growing to a height of at least 5 metres about the shed for the purpose of screening the outbuilding from neighbouring properties and the road within 12 months of the approval date; and

- 4 That no commercial activity is to take place within the proposed outbuilding without the separate approval of Council.

#### Financial Implication

Should Council resolve to approve this proposal it would receive a \$75 Planning Application Fee for the approval of an outbuilding above the maximum size specified in Council Policy.

#### Strategic Implication

Council records indicate that no other outbuildings above the maximum size limit of 50 m<sup>2</sup> have been approved in the immediate locality and that the approval of this application could therefore set somewhat of a precedent in the Residential R 15 zone in this locality. However it is viewed that the size of the property does warrant special consideration of this proposal.

#### **Officer Recommendation**

That Council resolve to approve the siting of an outbuilding upon 19 (Lot 310) Marinula Road, as shown on the submitted plans, subject to compliance with the following conditions:

- 1 A building licence shall be issued by the Council prior to the commencement of any work on the site;
- 2 Written confirmation being obtained by the applicant from all adjoining landowners stating that they have no objection to the proposed outbuilding;
- 3 That the proposed outbuilding must be clad in colorbond, of a colour that complements the existing residence upon the property;
- 4 The installation and maintenance of appropriate landscaping about the shed for the purpose of screening the outbuilding from neighbouring properties and the road within 12 months of the date of approval; &
- 5 That no commercial activity is to take place within the proposed outbuilding without the separate approval of Council.

#### **Committee Recommendation**

#### **MOVED CR MARSDEN**

That the Officer Recommendation, as printed above, be adopted by Council.

**CARRIED**

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**H10.00.17 Proposed Duplex Site – Paula Maslen Place, Wandina**  
**Submission To:** Health Building & Town Planning Committee  
**Agenda Reference:** New item  
**Location/Address:** Lot 256 Paula Maslen Place  
**Name of Applicant:** Watershore Investments Pty Ltd  
**File Reference:** 1550/10  
**Author:** Mr Nick Logan  
**Disclosure of Interest:** The Author has no disclosure of interest  
**Date:** 3 October 2000

#### Background

Council is in receipt of correspondence requesting that the above property receive Council's endorsement as a Duplex Site.

#### Administrative Comment

- 1 The subject land is 1171 m<sup>2</sup> zoned Residential R12.5 under the Shire of Greenough's Town Planning Scheme No. 4.
- 2 The applicant has submitted that due to the size of the property and its proximity to the Tarcoola Primary School that it is ideally suited for the purpose of a duplex development.

#### Statutory Implication

Town Planning Scheme No. 4 lists Grouped Dwellings as a use not permitted unless Special Council approval is given and conditions complied with. In addition, Grouped Dwellings within the Residential R12.5 zone are to be assessed in accordance with the Residential R20 density coding and associated provisions of the Residential Planning Codes ("R Codes").

Pursuant to the Town Planning and Development Act 1928 (as amended) Section 2.3 of the Scheme gives the R Codes statutory power in areas of residential development under its jurisdiction. The development of the subject land as a Grouped Dwelling meets the requirements of the R Codes which specify a minimum requirement of 450 m<sup>2</sup> and an average minimum of 500 m<sup>2</sup> for each dwelling at the Residential R20 density.

As Grouped Dwellings are listed as permitted upon this land in the Scheme at the discretion of Council, Council may refuse this application should it deem that the proposal is undesirable. It is of note however that the development of this land at a Duplex density is in accordance with statutory planning controls.

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### Policy Implication

Council Policy 16.3 “Duplex Development” states that “the preservation of the residential amenity within the single residential zone is considered to be of prime importance”. The policy endeavours to maintain the amenity of areas zoned Single Residential by limiting the amount and congestion of residential lots approved for duplex development through the following specific controls:

- ◆ No existing duplex development is to exist on any lot abutting or touching the proposed site;
- ◆ No existing duplex development should exist on any of the five (5) lots that have street frontage either side of the proposed site;
- ◆ No existing duplex development should exist on the opposite street frontage for a distance of at least 40m either side of the points created by the prolongation of the side boundaries to the opposite side of the road reserve.

Lot 258 Paula Maslen Place is one lot of 18 metres frontage to the north of Lot 256 (the subject property) and was designated as a duplex lot at the time of subdivision at Council’s June 1989 meeting (26975/1). Consequently Lot 256 is not in accordance with Council Policy 16.3 ‘Duplex Development’.

### Strategic Implication

Infill and consolidation of residential areas to assist in preventing the outward expansion of the urban population is often viewed as a desirable planning mechanism in large cities. This is however not viewed as a pressing issue in this locality due to the large amounts of vacant land already identified for future urban growth within Greenough.

### **Officer Recommendation**

That Council advise the applicant that it does not support the development of Lot 256 Paula Maslen Place to a Duplex density for the following reasons:

- 1 Lot 256 Paula Maslen Place does not comply with Council Policy 16.3 “Duplex Development”; and
- 2 The development of Lot 256 Paula Maslen Place to a Duplex density is viewed as undesirable due to its proximity to the existing grouped dwelling upon Lot 258 Paula Maslen Place.

**Committee Recommendation****MOVED CR GRAHAM**

That the Officer Recommendation, as printed above, be adopted by Council.

**CARRIED**

**H10.00.18 Proposed Subdivision – Hill Creek Road, Moresby**  
**Submission To:** Health Building & Town Planning Committee  
**Agenda Reference:** H09.97.21  
**Location/Address:** Pt Victoria Location 6843 Hill Creek Rd, Moresby  
**Name of Applicant:** Hille, Thompson & Delfos  
**File Reference:** 1519/3/427 & 1519/3/210  
**Author:** Mr Nick Logan  
**Disclosure of Interest:** The Author has no disclosure of interest  
**Date:** 6 October 2000

Background

Council is in receipt of correspondence from the Western Australian Planning Commission seeking its comments on the subdivision of the abovementioned land.

Administrative Comment

- 1 The subject 27.5 ha lot is zoned Special Rural under the Shire of Greenough's Town Planning Scheme No. 4.
- 2 The applicant proposes to create 25 lots, ranging in size from 1 ha to 1.3 ha. These lots comply with the minimum frontage requirements of 50 metres specified in the Scheme but fail to meet the minimum average lot size of 2 ha noted in the specific Scheme provisions. Furthermore a number of the proposed lots are above the 100 metre contour line above which subdivision is specifically prohibited by the Scheme.
- 3 The application was originally presented to Council at its May 1988 meeting from which it was resolved that:

“The State Planning Commission be advised that Council does not support the subdivision of Location 6843, zoned General Farming into lot sizes which are only considered appropriate within a fully serviced Special Rural zone.”

The land at the time was zoned General Farming and was therefore not considered appropriate for subdivision. In addition, as a portion of the property was identified as a 'Place of Heritage Value' in the Scheme the application was not deemed suitable for further fragmentation.

**SIGNED**

**21/11/2000**

The State Planning Commission's subsequent refusal of the subdivision was upheld on appeal by the Town Planning Appeals Tribunal. This decision was challenged in the Supreme Court of WA, which resulted in a reversal of the Tribunal's decision. It is of note that the rezoning and subdivision of this land has been a somewhat contentious issue as the decision was based on legal issues rather than sound planning principles.

- 4 Council again considered this proposal at its September 1997 meeting where it resolved to support the proposed subdivision and the application received the conditional approval of the Western Australian Planning Commission. This approval has now lapsed and the applicant seeks to renew the approval.
- 5 The subject land is dissected by the Ego Creek intermittent watercourse to the north. The subdivision of this land should make provision for the protection of the watercourse from development detrimental to its integrity as a significant natural feature. To ensure such, it is considered that the indication of building envelopes on the Deposited Plan, setback a satisfactory distance from the watercourse, would provide adequate protection. This would be in addition to the Foreshore Management Deed of Agreement requested by the Water and Rivers Commission for the previous approval. This agreement provided for such activities as the fencing and rehabilitation of the watercourse.

#### Statutory Implication

Appendix III of Town Planning Scheme No. 4 states a number of specific requirements for the development of the land of which the subject property is a portion. These requirements include, specifically, that the minimum lot size shall be 1 ha with a minimum average lot size of 2 ha. The application does not comply in this regard. Furthermore, Appendix V of the Scheme states that for the Moresby Ranges Place of Heritage Value (that land above the 100 metre contour mark), further subdivision should not occur except for farm boundary adjustments and amalgamations. Development above the 100 metre contour is also limited in height and colour with a strong emphasis on landscaping to screen the development.

It should also be noted that solely as a referral body, Council can make comment on the subdivision in accordance with its statutory planning document without prejudice from previous decisions.

#### Policy Implication

There is no implication arising from any policy of Council.

#### Financial Implication

The creation of additional properties will result in the collection of additional rating revenue by the Shire.



### Strategic Implication

The Geraldton Region Plan 1999 identifies the land as being zoned for Rural Residential purposes. The subdivision of this land is therefore in accordance with the strategic objectives for the area.

Should this application receive the conditional approval of the Western Australian Planning Commission it may undermine the requirement stated in the Scheme for an average minimum lot size of 2 ha. Such an approval could therefore set a precedent for the remaining Moresby Special Rural zone and necessitate the removal of such provisions for this area to protect the current density of development in the established Moresby Special Rural zone. An amendment to these provisions could be conducted as the provisions are incorporated as policies in proposed Town Planning Scheme No. 5.

### **Officer Recommendation**

That Council resolve to advise the Western Australian Planning Commission that:

- 1 Council does not support the subdivision of Pt Victoria Location 6843 Hill Creek Road, Moresby, as the proposed lots fail to meet the minimum average lot size of 2 ha specified in Appendix III of the Shire of Greenough's Town Planning Scheme No. 4 and that a portion of the land is above the 100 metre contour, above which Appendix V of the Scheme prohibits all subdivision except for farm boundary adjustments and amalgamations;
- 2 Should the Western Australian Planning Commission grant approval to subdivide Pt Victoria Location 6843, as shown in Plan 24300AS1-1-0, Council requests that it be subject, but not limited to, the following conditions:
  - 2.1 Those lots not fronting an existing road(s) being provided with frontage to a constructed road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being designed constructed and drained at the subdivider's cost;
  - 2.2 The land being graded and/or stabilised at the subdivider's cost to the satisfaction of the Shire of Greenough;
  - 2.3 The land being filled and/or drained at the subdivider's cost and any easements or reserves necessary for the implementation thereof, being provided free of cost;

- 2.4 The subdivider making arrangements satisfactory to the Shire of Greenough for the prospective purchasers of the lots to be advised of the specific provisions of the Shire of Greenough's relevant Town Planning Scheme that relates to the use and management of the land;
- 2.5 The applicant making arrangements satisfactory to the Shire of Greenough that prospective purchasers will be advised that Council will require all septic installations to be located a minimum distance of 30 metres from the Ego Creek watercourse;
- 2.6 The Deposited Plan indicating building envelopes on those lots abutting the Ego Creek watercourse for the purpose of setting back all development a distance satisfactory to the Shire of Greenough; &
- 2.7 The applicant being advised that Council encourages the preservation of remnant vegetation other than that cleared for necessary site works and reminds the subdivider and prospective purchasers of requirements under the Soil and Land Conservation Act for a notice of intent (to clear or drain) to be provided to Agriculture Western Australia.

### **Committee Recommendation**

#### **MOVED CR GRAHAM**

That:

- 1 The Officer Recommendation not be adopted due to the previous legal decisions.
- 2 Given the legal history of this application and previous conditional approval being granted over this site, in accordance with the submitted plans, Council advise the Western Australian Planning Commission that it supports the application to subdivide, subject to:
  - 2.1 Those lots not fronting an existing road(s) being provided with frontage to a constructed road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being designed constructed and drained at the subdivider's cost;
  - 2.2 The land being graded and/or stabilised at the subdivider's cost to the satisfaction of the Shire of Greenough;
  - 2.3 The land being filled and/or drained at the subdivider's cost and any easements or reserves necessary for the implementation thereof, being provided free of cost;

- 2.4 The subdivider making arrangements satisfactory to the Shire of Greenough for the prospective purchasers of the lots to be advised of the specific provisions of the Shire of Greenough's relevant Town Planning Scheme that relates to the use and management of the land;
- 2.5 The applicant making arrangements satisfactory to the Shire of Greenough that prospective purchasers will be advised that Council will require all septic installations to be located a minimum distance of 30 metres from the Ego Creek watercourse;
- 2.6 The Deposited Plan indicating building envelopes on those lots abutting the Ego Creek watercourse for the purpose of setting back all development a distance satisfactory to the Shire of Greenough;
- 2.7 The applicant being advised that Council encourages the preservation of remnant vegetation other than that cleared for necessary site works and reminds the subdivider and prospective purchasers of requirements under the Soil and Land Conservation Act for a notice of intent (to clear or drain) to be provided to Agriculture Western Australia; and
- 2.8 Installation of fire hydrants throughout the subdivision to the standards and specifications of FESA.

**CARRIED**

**H10.00.19 Proposed Relocated Residence – Chapman Valley Road, Waggrakine**  
**Submission To: Health Building & Town Planning Committee**  
**Agenda Reference: New Item**  
**Location/Address: 277 (Lot 3) Chapman Valley Road, Waggrakine**  
**Name of Applicant: Ms J Patience**  
**File Reference: 1550/3**  
**Author: Mr Nick Logan**  
**Disclosure of Interest: The Author has no disclosure of interest**  
**Date: 5 October 2000**

Background

Council is in receipt of an application to relocate an existing residence onto the abovementioned property.

Administrative Comment

- 1 The subject 4.04 ha lot is zoned General Farming under the Shire of Greenough's Town Planning Scheme No. 4.

- 2 The applicant proposes to site a relocated residence upon the property. Correspondence received from the applicant detailing the application is attached for Council's information as Appendix 10. The applicant proposes to demolish an existing residence upon the property and replace it with the relocated building. Photographs submitted of the proposed relocated building indicate that it is a high quality timber house; Council staff have no objection to the building in itself.
- 3 As indicated in the photographs to be tabled at the October Committee meeting, the property currently contains two dwellings, an existing double brick residence and the residence that is proposed to be replaced. No record can be found for the original building but it can be assumed, through the approximate age of the structures, that the two dwellings exist together as a non-conforming use.

#### Statutory Implication

Clause 3.11 of Town Planning Scheme No. 4 states that except as otherwise provided for in the Residential Planning Codes (such as for a Duplex development), Council shall refuse the construction of more than one dwelling house per lot in any zone unless it is satisfied that the land is used for a bona fide broad-acre farming operation. It is obvious that the property, at 4 ha in size, could not qualify as a broad acre farming operation.

Should Council wish to progress this application it would be necessary to exercise Clause 6.8 of the Scheme 'Relaxation of Standards' and accordingly, advertise the proposal under Clause 6.2 'Applications for Special Approval'.

#### Policy Implication

Council Policy 13.2 'Relocation of Existing Dwellings Onto Land Within the Shire' states a number of requirements that would need to be met by the applicant prior to the issue of the necessary building licence. These conditions included the rectification of all external defects and the lodgment of a \$1,500 bond to ensure compliance with the conditions associated with any approval.

#### Financial Implication

Should Council resolve to approve the proposal it would receive a \$100 Planning Fee for the relocation of a dwelling.

#### Strategic Implication

The issue of the subdivision of the Waggrakine General Farming area down to a minimum lot size of 1 ha is currently being pursued by Council. At such time as the subdivision of this property becomes available additional lots could be created from the subject property and therefore additional dwelling entitlements.

**Officer Recommendation**

- 1 That Council advise the applicant that it does not support the relocation of a residence onto 277 (Lot 3) Chapman Valley Road, as the construction of more than one dwelling house per lot is prohibited by Clause 3.11 of Town Planning Scheme No. 4; and
- 2 That Council is currently progressing the matter of reducing the minimum lot size within the Waggrakine General Farming area, which could facilitate subdivision of the property to create additional dwelling entitlements.

**Committee Recommendation****MOVED CR GRAHAM**

That this item be deferred to the October 2000 Council meeting to allow staff to obtain further information.

**CARRIED**

**H10.00.20 Proposed Road Name Change – Geraldton/Mt Magnet Road**  
**Submission To:** Health Building & Town Planning Committee  
**Agenda Reference:** C09.00.29  
**Location/Address:** Geraldton – Mt Magnet Road  
**Name of Applicant:** Midwest Development Commission  
**File Reference:** 1119  
**Author:** Mr Nick Logan  
**Disclosure of Interest:** The Author has no disclosure of interest  
**Date:** 5 October 2000

**Background**

With regard to the Midwest Development Commission's proposal to rename the Geraldton-Mt Magnet Road to 'Murchison Highway', Council resolved at its September 2000 meeting:

"That this item be referred to the October Health Building & Town Planning Committee meeting."

**Administrative Comment**

- 1 It is proposed that the name 'Murchison Highway' be applied to some 600kms of the road that connects Geraldton to the 'Goldfields Highway' near Leinster.

It is noted in the application that the road will be important in attracting tourists to the region and that by promoting the road as a 'highway' the road will be perceived as a major route.

- 2 Within the Greenough Shire the application proposes to rename the portion of the road from the Airport eastwards only, whilst the road to the west would remain 'Geraldton - Mt Magnet Road' and 'Eastward Road'. Discontinuous road names are typically viewed as an undesirable scenario.

Council's Health/Building and Town Planning Committee resolved at its September 2000 meeting that:

- "2 Council support the Midwest Development Commission's recommendation in changing the name from Geraldton/Mt Magnet Road to "Murchison Highway" commencing from the Geraldton Airport entrance, east; and
- 3 The proposed east west section of the Southern Transport Corridor be named the "Murchison Highway".

The City of Geraldton resolved at its meeting of 22 August 2000 to support the name change from the North West Coastal Highway onwards as that Council believed the name change should cover the entire length of the road.

It is also a consideration that the renaming of this road would inconvenience landowners and their associated contacts due to a change in addresses.

#### Statutory Implication

The proposed road name would need to receive the endorsement of the Geographic Names Committee and typically, all relevant Shire's prior to its adoption as proposed.

#### Policy Implication

There is no implication arising from any policy of Council.

#### Financial Implication

The renaming of the road as proposed would have an associated financial cost. Should Council resolve to support the proposal, or a modified version and the proposal was approved by the Geographic Names Committee, all landowners along the relevant portion of the road would need to be notified by Council, which would result in a cost associated with the use of staff and financial resources.

As the road is under the jurisdiction of Main Roads, that authority would largely incur the cost associated by replacing road signs.

#### Strategic Implication

The renaming of the road in question could have positive strategic implications in highlighting the status of the road and therefore promoting its use and providing for increased enterprise, such as tourism related activities.

#### **Officer Recommendation**

Council advise the Midwest Development Commission that:

- 1 Council supports the Midwest Development Commission's recommendation in changing the name from Geraldton/Mt Magnet Road to "Murchison Highway" commencing from the Geraldton Airport entrance, east; and
- 2 The proposed east west section of the Southern Transport Corridor be named the "Murchison Highway".

Mr Lancaster left Chambers at 10.16 am

Mr Lancaster re-entered Chambers at 10.18 am

#### **Committee Recommendation**

##### **MOVED CR SEWELL**

That the Officer Recommendation, as printed above, be adopted by Council.

**LOST**

#### **Committee Recommendation**

##### **MOVED CR GRAHAM**

That:

- 1 The Officer Recommendation not be adopted due to the lack of consultation with the inland Local Authorities; and
- 2 Council advise the Midwest Development Commission that a name such as the Midwest Highway should be considered in consultation with the inland Local Authorities.

**CARRIED**

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**H10.00.21    Transportable Classroom – Verticordia Drive, Strathalbyn**  
**Submission To:**                    **Health Building & Town Planning Committee**  
**Agenda Reference:**                **H05.97.28, H07.99.28**  
**Location/Address:**                **Pt Lot 109 Verticordia Drive, Strathalbyn**  
**Name of Applicant:**               **Strathalbyn Christian College**  
**File Reference:**                    **1550/5**  
**Author:**                            **Mr Nick Logan**  
**Disclosure of Interest:**           **The Author has no disclosure of interest**  
**Date:**                                **28 September 2000**

#### Background

The Shire of Greenough is in receipt of correspondence from the Strathalbyn Christian College requesting renewal of an approval previously granted by Council to site a transportable classroom on the above land.

#### Administrative Comment

- 1     The subject land is 3.4 ha zoned School under the Shire of Greenough's Town Planning Scheme No. 4.
- 2     The original conditional approval for this proposal was granted at Council's October 1989 meeting, subject to the consent only being valid for two (2) years. Council has subsequently renewed the application on five occasions, the most recent of these being in July 1999.
- 3     Attached as Appendix 11 is a copy of the correspondence received from the College seeking a further two year approval to site the transportable classroom at Lot 109 Verticordia Drive, Strathalbyn.
- 4     Council has not received any complaints regarding the transportable classroom. As indicated in the submitted correspondence there would appear to be a genuine need for the classroom and as such, no objections are raised to the proposal from staff.

#### Statutory Implication

The transportable classroom is a component of the school; a permitted use in the School zoning specified Town Planning Scheme No. 4.

#### Policy Implication

Council Policy 13.3 relates to the relocation of buildings, other than dwellings onto land within the Shire. As the building has received Council's prior approval and is currently positioned on the site the conditions relevant to the buildings relocation are not relevant. An inspection of the classroom revealed that it was in good condition and remains structurally sound.



Financial Implication

There are no financial implications arising from this matter.

Strategic Implication

There are no strategic implications arising from this matter.

**Officer Recommendation**

That Council grant further approval for the location of the transportable classroom upon Lot 109 Verticordia Drive, Strathalbyn, until the 31 December 2001, subject to compliance with the following conditions:

- 1 That the transportable classroom shall be removed from site at the conclusion of this approval;
- 2 That the landscaping about the classroom shall be maintained to Council's satisfaction for the duration of this approval.

**Committee Recommendation****MOVED CR GRAHAM**

That the Officer Recommendation, as printed above, be adopted by Council.

**CARRIED**

<b>H10.00.22</b>	<b>Proposed Tomato Stall – Pinner Place, Tarcoola Beach</b>
<b>Submission To:</b>	<b>Health Building &amp; Town Planning Committee</b>
<b>Agenda Reference:</b>	<b>New item</b>
<b>Location/Address:</b>	<b>9 (Lot 247) Pinner Place</b>
<b>Name of Applicant:</b>	<b>Mr. V D Nguyen</b>
<b>File Reference:</b>	<b>1550/11</b>
<b>Author:</b>	<b>Mr Nick Logan</b>
<b>Disclosure of Interest:</b>	<b>The Author has no disclosure of interest</b>
<b>Date:</b>	<b>9 October 2000</b>

Background

Council is in receipt of an application to establish a tomato stall within the confines of the above property.

Administrative Comment

- 1 The 805 m<sup>2</sup> property is zoned Residential R12.5 under the Shire of Greenough's Town Planning Scheme No. 4 and the proposed use is a use not listed within this zoning.

- 2 The property is located at the cul-de-sac of Pinner Place with a side boundary abutting the Brand Highway Road Reserve. The applicant proposes to remove a section of the fence and place a fruit and vegetable stall within the confines of the property for retail sales from the stall. As the stall is within a private property it requires Planning Approval from the Council as a development, in addition to licensing as a roadside stall.
- 4 As the stall would have a direct impact on the Brand Highway, for which the road reserve is under the jurisdiction of Main Roads WA (MRWA), this proposal was referred to that authority for comment. A copy of the correspondence received is included for Council's information as Appendix 12.

Main Roads WA notes that it is inappropriate to consider the siting of tomato stalls adjacent to Major Roads and Highways due to the following:

- 4.1 Errant drivers using the stalls add to road safety problems;
- 4.2 Vehicles using the stalls impede the through movement of traffic;
- 4.3 Gravel shoulders and road verges deteriorate due to increased traffic pulling off and onto the road causing maintenance and drainage problems.

In summary, MRWA states that it does not support the application for a tomato stall as detailed in the subject application. MRWA has further requested that Council respond as to whether there are other stalls operating on Main Roads and Highways without the approval of the Shire of Greenough. Council's Ranger service is the Shire department responsible for licensing roadside stalls.

- 5 An inspection of the property revealed that the stall is in fact already operating without the consent of Council. Photographs will be tabled at October's Committee meeting indicating the site and current activities. It was observed that the effect of the stall on the amenity of the area appeared relatively minimal.

#### Statutory Implication

Tomato stalls are not a distinct listed use in the Scheme but could be considered as falling under the definition of a shop, which are a use not permitted upon residential land. The proposed use could not be considered as a Home Occupation as it does not meet the criteria specified in the Scheme.

Should Council wish to progress this application it would be necessary to exercise Clause 6.8 of the Scheme 'Relaxation of Standards' and advertise the proposal under Clause 6.2 of the Scheme 'Applications for Special Approval'.

As the development has proceeded upon the land without Council Planning Consent the applicant is in breach of Section 10(4)(a) of the Town Planning and Development Act 1928 (as amended) and may be liable for a fine of up to \$50,000 and \$5,000 per day for every day that the offence continues.

#### Policy Implication

There is no implication arising from any policy of Council.

#### Financial Implication

Should Council resolve to approve this application it would receive a \$25 Planning Fee and the subsequent licensing of the stall (if approved) would result in a \$60 yearly fee being collected by Council.

#### Strategic Implication

Positioning of a roadside stall upon a Major Road or Highway is not viewed as a desirable use of the road verge and could lead to a number of problems relating to drainage, deterioration of the road verge, road safety issues and negative effects on the flow of traffic.

#### **Officer Recommendation**

That Council resolve to:

- 1 Advise the applicant that the Council refuses the application for a tomato stall within the confines of 9 (Lot 247) Pinner Place, Tarcoola Beach as:
  - 1.1 The proposed use is contrary to the Residential R12.5 zoning of the land specified in the Shire of Greenough's Town Planning Scheme No. 4;
  - 1.2 It is a concern that the stall would impede the movement of traffic through the Brand Highway;
  - 1.3 That Main Roads Western Australia, who has jurisdiction over the road reserve, does not support the application;
- 2 Advise the applicant that the siting of the stall upon 9 (Lot 247) Pinner Place, Tarcoola Beach, without the consent of Council is in breach of Section 10(4)(a) of the Town Planning and Development Act 1928 (as amended) and requests that the applicant remove the stall within 21 days of the date of this resolution;
- 3 Delegate authority to Council staff to ensure compliance with the above resolution; and

- 4 Direct Council's Ranger Service to investigate stalls operating upon road reserves within the Shire of Greenough and respond to Main Roads WA's query regarding the licensing of stalls within the Shire.

### **Committee Recommendation**

#### **MOVED CR MATSEN**

That Council:

- 1 Advise the applicant that the Council refuses the application for a tomato stall within the confines of 9 (Lot 247) Pinner Place, Tarcoola Beach as:
  - 1.1 The proposed use is contrary to the Residential R12.5 zoning of the land specified in the Shire of Greenough's Town Planning Scheme No. 4;
  - 1.2 It is a concern that the stall would impede the movement of traffic through the Brand Highway;
  - 1.3 That Main Roads Western Australia, who has jurisdiction over the road reserve, does not support the application;
- 2 Advise the applicant that the siting of the stall upon 9 (Lot 247) Pinner Place, Tarcoola Beach, without the consent of Council is in breach of Section 10(4)(a) of the Town Planning and Development Act 1928 (as amended) and requests that the applicant remove the stall within 21 days of the date of this resolution;
- 3 Delegate authority to Council staff to ensure compliance with the above resolution; and
- 4 Direct Council's Ranger Service to investigate stalls operating upon road reserves within the Shire of Greenough and report back to Council.

**CARRIED**

#### **H10.00.23 Proposed Road Names – Wandina Estate**

**Submission To:** Health Building & Town Planning Committee  
**Agenda Reference:** H02.99.12, H03.00.23, H07.00.7, H08.00.12  
**Location/Address:** Pt Lots 6816, 6489 & 6851  
**Name of Applicant:** Estates Development Company  
**File Reference:** 1119  
**Author:** Mr Nick Logan

**SIGNED**

**21/11/2000**

**Disclosure of Interest:** The Author has no disclosure of interest  
**Date:** 29 September 2000

### Background

Further to several previous Council resolutions on this matter, Council is in receipt of correspondence from the Geographic Names Committee (“the Committee”) seeking its endorsement of additional names required as a consequence of the rejection of the proposed name of a future internal road of the remaining stages of the subdivision of this land.

### Administrative Comment

- 1 The Wandina Estate has been subdivided progressively in accordance with various Council endorsed Structure Plans throughout the previous decade, with Stage 6 now being commenced. The Committee seeks Council’s endorsement of three names previously forwarded by the developer and endorsed by the Committee.
- 2 The proposed name “Viewcrest Drive” relates to a future internal road; the previous name “Oceanvista Boulevard” was deemed too similar to the existing Oceanside Drive in Wandina. Two additional road names are also required, “The Link” and “The Pass” which are to be applied to two small sections of road previously unnamed.

### Statutory Implication

Once endorsed by the Department of Land Administration’s Geographic Names Committee these names require the endorsement of Council prior to being applied to the identified roads as they are constructed.

### Policy Implication

There is no implication arising from any policy of Council.

### Financial Implication

There is no financial implication arising from this proposal.

### Strategic Implication

This proposal has no strategic implications for Council.

### **Officer Recommendation**

That Council resolve to advise the applicant and the Geographic Names Committee that it supports the assignation of the following road names to the future roads of the Wandina Estate, as shown on the submitted plan:

Viewcrest Drive  
The Link  
The Pass

### **Committee Recommendation**

#### **MOVED CR GRAHAM**

That the Officer Recommendation, as printed above, be adopted by Council.

**CARRIED**

#### **H10.00.24 Renewable Energy Policy**

**Submission To:** Health Building & Town Planning Committee  
**Agenda Reference:** C08.00.26  
**Location/Address:** Will apply to the whole of the Shire of Greenough  
**Name of Applicant:** Shire of Greenough (Town Planning Department)  
**File Reference:** 2222  
**Author:** Mr Tony Turner  
**Disclosure of Interest:** The Author has no Disclosure of Interest  
**Date:** 9 October 2000

#### Background

Council resolved that the Planning Department consider developing a Policy relating to Renewable Energy and applications associated with it.

#### Administrative Comment

- 1 This particular request from Council has originated as a result of recent discussions relating to the possibility of developing a Wind Farm in the Greenough Shire. It was felt necessary to develop such a Policy as a matter of guidance for both Staff and Council in determining future applications for such facilities. It is anticipated that the Policy will also assist potential developers of such facilities in understanding before applications are submitted to the Council the level of information required to be provided in order that Council can give due consideration to the applications.
- 2 It has been considered that this proposed Policy should not be totally prescriptive in its format as each application will be different depending on the locality in which it is proposed. The Policy will therefore act more as a guideline to approach for staff and Council and general details required from the applicant than as a means to undertake any delegated approval by staff.
- 3 Presently no Policy exists on this subject and therefore the Policy outlined in the Staff Recommendation is submitted for Council consideration and adoption.

**SIGNED**

**21/11/2000**

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### Statutory Implication

There is no legislation that specifically covers Wind Farms or Renewable Energy however it is pointed out that specific applications would be required to undertake specific Environmental Reviews for the individual site proposed for development.

### Policy Implication

There is presently no Policy relating to Renewable Energy.

### Financial Implication

There is no financial implication relative to this matter.

### Strategic Implication

The introduction of such a Policy will establish Council's strategic position in relation to renewable energy within the Shire.

### **Officer Recommendation**

That Council resolve to adopt the following Policy in relation to renewable energy:

#### **“Policy – Renewable Energy**

### Statement of Intent

To facilitate and encourage the establishment of renewable energy projects in a manner that will be of maximum benefit to the community and with minimal impact on the environment and landscape value areas within the Shire of Greenough.

### Policy

#### 1 Wind Power Generation/Wind Farms

Applications for the establishment of wind power generators or wind farms within the Shire of Greenough will be required to address and supply information, to the satisfaction of the Council, relative to the matters outlined in the following sections:

##### 1.1 Visual Impact

As the establishment of wind turbines have a major visual impact on any location there is a need to provide details of this impact by way of:

- ◆ Identifying view corridors;
- ◆ Identifying local impact on the surrounding area and properties – this aspect will detail the impact of height, location, colour, overshadowing, and light reflection;
- ◆ Undertaking a visual assessment study to analyse the actual impacts on the surrounding area/community. It is required that the developer will be requested to undertake the production of a photomontage simulation of views of the proposed turbine/ wind farm from locations to be agreed with by Council;

### 1.2 Noise Impact

To ensure that the noise associated with wind turbines is not detrimental to adjoining properties there is a need to provide details of this impact by way of:

- ◆ Undertaking a background noise survey;
- ◆ Undertaking an assessment of predicted noise from the wind farm, creating a noise contour map and identifying the affect on noise sensitive properties (such as houses, schools etc) and remedial actions to alleviate the effects of noise on such properties;
- ◆ Establish a monitoring system to record noise levels from the wind turbines or wind farm operations.

### 1.3 Environmental Impact

To ensure that the impact on the environment both within and surrounding the proposed site for development is minimised there is a need to provide details of this impact and ways of minimising the impact as follows:

- ◆ The developer will be required to undertake a landscape assessment study of the proposed site evaluating and identifying plants associated with the site; determining the landscape value of the site and the impact that the proposal will have on the landscape value of the site;
- ◆ The developer will be required to prepare a Vegetation Clearing Plan for the proposed site and identify stages of clearing for the areas that are to house the wind farm/ wind generators, access tracks to the site, corridors for the location of underground cables from the wind turbines/ wind farm. This Plan will need to be adopted by Council prior to any works being undertaken on the ground. Once the Plan has been adopted by the Council the developer will be required to survey and peg the areas to be cleared on the ground prior to undertaking any clearing.  
Any clearing will only be undertaken in accordance with relevant clauses of the Council's Specifications for Land Development and the Adopted Vegetation Clearing Plan;



- ♦ The developer will be required to undertake an environmental assessment of the site which will identify option/s for the proposed location of the wind turbines and develop an environmental management plan which outlines the construction issues and long term management and maintenance issues relevant to the site;
- ♦ In the event that earthworks are required on the site to house the wind turbines and/ or the associated infrastructure then revegetation of any batters, or large open areas not required for access or cable corridors will be required to be undertaken to the satisfaction of Council;
- ♦ In association with all works to be undertaken on the site or leading to the site the developer is to prepare and have adopted by the Council a site/management actions and responsibilities table which is to indicate the staging, timing, actual works to be undertaken and who is responsible for these works;
- ♦ Any fencing associated with the development is to be in a location and of such colours/materials as to reduce the visual impact on the surrounding area.

#### 1.4 Fire Management

To ensure that adequate fire management strategies are in place for all activities on the site during construction and ongoing operation of the wind turbines and associated infrastructure there is a need to provide the following:

- ♦ A detailed Fire Management Strategy is to be prepared and approved by the relevant Authority for both the construction and operation stages of the wind turbines prior to any works being undertaken on the site/s.

#### 1.5 Public Consultation

In order to identify and adequately address local community perceptions and values of the proposed introduction of wind turbines/ a wind farm into any locality there is a need to provide the following:

- ♦ A Public Consultation Action Plan will be required to be prepared and followed that covers all aspects of ascertaining and addressing public concerns, values and perceptions of any proposed development of a wind turbine/wind farm.

The abovementioned Public Consultation Action Plan is to be prepared and adopted by the Council before any aspect of the proposed development is undertaken on the site.

### 1.6 Flight Paths and Airport Safety and Operations

Due to the presence of the Geraldton Airport within the Shire of Greenough there is a need to protect the future operations of that Airport and the approaches to the Airport and hence there is a need to provide the following;

- ♦ A detailed plan indicating the location of the proposed wind turbine/ wind farm in relation to the Geraldton Airport and also showing the relationship of the turbines to the Airport Development Zone, the Obstacle Height Limitation Surface surrounding the Airport and the flight path approaches to the airport runways;
- ♦ Council may require additional comments on the proposed development from the relevant Airport Safety Authority to ensure the continued safe operation of the Geraldton Airport is maintained. Any additional information that will be required to ensure the continued safe operation of the Geraldton Airport can be maintained will be at the cost of the developer of the wind turbine/ wind farm proposal.

### 1.7 Visitor/Tourist Facilities

Council will request that the developer ensure that adequate facilities are introduced onto the proposed site for a wind turbine/wind farm and maintained to a suitable standard acceptable to the Council to cater for the anticipated volume of visitors/ tourists to the site.

### 1.8 Other Matters

All buildings associated with the wind turbines/wind farm are to be of the earth colour range and are to be screened by acceptable landscaping to Council.

- 2 Solar Power Generation (To be Developed)
- 3 Hydro/Tidal Power Generation (To be Developed)
- 4 Energy Efficient Building & Residential Areas (To be Developed)

Mrs Collet left Chambers at 10.39 am

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**Committee Recommendation**

**MOVED CR LEY**

That the Officer Recommendation, as printed above, be adopted by Council.

**CARRIED**

**Voting Requirements**

**Absolute Majority**

Mrs Collet re-entered Chambers at 10.41 am

- H10.00.25 Town Planning Works Priority Listing**
- |                                |  |
|--------------------------------|--|
| <b>Submission To:</b>          | <b>Health Building &amp; Town Planning Committee</b> |
| <b>Agenda Reference:</b>       | <b>Ongoing Item Each Month</b>                       |
| <b>Location/Address:</b>       | <b>Town Planning Department</b>                      |
| <b>Name of Applicant:</b>      | <b>Shire of Greenough</b>                            |
| <b>File Reference:</b>         | <b>1500</b>  |
| <b>Author:</b>                 | <b>Mr Tony Turner</b>                                |
| <b>Disclosure of Interest:</b> | <b>The Author has no Disclosure of Interest</b>      |
| <b>Date:</b>                   | <b>2000</b>  |

Background

As directed by Council, the list detailing the outstanding jobs and priorities has been submitted for information purposes and is attached as Appendix 13.

**Officer Recommendation**

That the Town Planning Works Priority Listing be endorsed.

Mr Lancaster left Chambers at 10.55 am

**Committee Recommendation**

**MOVED CR GRAHAM**

That the Works Priority Listing for Town Planning be endorsed.

**CARRIED**

**GENERAL BUSINESS**

Mr Perry left Chambers at 11.07 am

Cr Matsen left Chambers at 11.08 am

**H10.00.26 Delegation of Authority**

**Committee Recommendation**

**MOVED CR GRAHAM**

That:

- 1 The Director of Planning and Development undertake a detailed report in line with the thrust of the approach outlined in the tabled discussion paper for presentation to the December 2000 Health Building and Town Planning Committee meeting for consideration and adoption; and
- 2 This item be listed on the Works Priority Listing.

**CARRIED**

Mr Perry re-entered Chambers at 11.17 am

**Committee Recommendation**

**MOVED CR SEWELL**

That a clause relating to the 'installation of fire hydrants' in all new subdivision be devised and included as a standard condition for all new subdivision applications.

**CARRIED**

Cr Matsen re-entered Chambers at 11.19 am

**H10.00.27 Development of Land in Woorree**

**Committee Recommendation**

**MOVED CR GRAHAM**

That staff review the sketch plan tabled and investigate the feasibility of including land as Low Density Residential in Town Planning Scheme No 5 to be presented to the November 2000 Health Building and Town Planning Committee meeting.

**CARRIED**

**H10.00.28 Closure**

There being no further business, the Chairman declared the meeting closed at 11.21 am.