

SHIRE OF KELLERBERRIN

MINUTES

Minutes of the Special Council Meeting held at the Shire of Kellerberrin Council Chambers, 110 Massingham Street, Kellerberrin on Monday, 31st July 2017, commencing at 4.05pm.

1. DECLARATION OF OPENING:

4.05pm – Cr Forsyth, President/Presiding Person declared the meeting open.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE:

Present:

Cr. Forsyth	President/Presiding Person
Cr. O'Neill	Deputy President
Cr. Leake	Member
Cr. White	Member
Cr. Steber	Member
Cr. Reid	Member
Cr. McNeil	Member
Mr Raymond Griffiths	Chief Executive Officer
Mrs Karen Oborn	Deputy Chief Executive Officer – Minutes
Mr Lewis York	Town Planner

Apologies:

Cr. McNeil	Member
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Leave of Absence:

Mr Garry Tucker	Manager Development Services
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3. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION:

4. DECLARATION OF INTERESTS: NIL

In accordance with Section 5.65 of the *Local Government Act 1995* the following disclosures of **financial** interest were made at the Council meeting held on **31st July, 2017**.

Date	Name	Item No.	Reason

In accordance with Section 5.65 of the *Local Government Act 1995* the following disclosures of **closely association person and impartiality** interest were made at the Council meeting held on **31st July, 2017**

Date	Name	Item No.	Reason

In accordance with Section 5.60B and 5.65 of the *Local Government Act 1995* the following disclosures of **proximity** interest were made at the Council meeting held on **31st July, 2017**.

Date	Name	Item No.	Reason
NIL			

5. BUSINESS

Agenda Reference:	5.1
Subject:	Town Planning Scheme 4, Amendment 3
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	TPLAN 08
Disclosure of Interest:	N/A
Date:	31 st July, 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council's May 2017 Ordinary Council Meeting - Tuesday 16th May 2017

MIN 077/17 MOTION - Moved Cr. Steber 2nd Cr. Reid

That Council pursuant to Section 75 of the Planning and Development Act 2005, amend Shire of Kellerberrin Planning Scheme No. 4 by:

1. **Modify Table 1 – Zoning Table to make ‘Grouped Dwelling’ a discretionary (‘D’) use in the ‘General Agriculture’ zone.**
2. **Insert the following provisions into Part 5 of the Scheme:**

'5.18 - Additional dwellings

In the General Agriculture zone, the local government may, at its discretion, approve the erection of one (1) additional dwelling on a rural lot provided that:

- a) the total number of dwellings on the lot will not exceed three (3) dwellings;***
- b) the additional dwelling(s) complies with the setback requirements not less than those specified for the Residential Design Code 'R2';***
- c) the lot has an area of not less than 40 hectares;***
- d) it can be demonstrated that the additional dwelling(s) is for workers or family members employed for agricultural activities on that lot;***
- e) adequate provision of potable water for and disposal of sewage from the additional dwelling(s) can be demonstrated;***
- f) the additional dwelling(s) will not adversely detract from the rural character and amenity of the area or conflict with agricultural production on the subject lot or adjoining land;***
- g) access to the existing road network is to be provided for any additional dwelling(s) and shared with any existing dwelling(s) where practicable;***

And the existence of more than one dwelling on a lot in the Rural zone shall not be considered by itself to be sufficient grounds for subdivision.

CARRIED 7/0

Council's December 2017 Ordinary Council Meeting - Tuesday 20th December 2016.

Council adopted an amendment to the Town Planning Scheme 4 being Amendment 2 to incorporate the Deemed Provisions into Council's Town Planning Scheme.

The Full minute hasn't been included in the background information purely due to the excessive size of the recommendation and pages it will utilise.

MIN 211/16 MOTION - Moved Cr. Reid 2nd Cr. McNeil

That Council:-

- 1. pursuant to Section 75 of the Planning and Development Act 2005, amend Shire of Kellerberrin Planning Scheme No. 4 by:**

Council's November Ordinary Council Meeting - Tuesday 17th November 2015.

MIN 194/15 MOTION - Moved Cr. O'Neill 2nd Cr. Steber

That Council Pursuant to Section 50 (3) of the Planning & Development Act 2015 hereby support the Local Planning Scheme 4, Amendment 1 without modification.

CARRIED 7/0

Council's August Ordinary Council Meeting - Tuesday 18th August 2015.

MIN 143/15 MOTION - Moved Cr. Leake 2nd Cr. Daley

That Council

- 1. Pursuant to Section 75 of the Planning & Development Act 2005, hereby amends the above Local Planning Scheme 4 by:***
 - a. rezoning Lot 2 and portion of Lot 3777 Great Eastern Highway, KELLERBERRIN, from 'Special Use - SU3' and 'General Agriculture' to a new 'Special Use – SU 3' as more clearly shown on the Scheme Amendment Map.***
 - b. Amending Special Use in Schedule 4 – Special use zones by deleting Special use zone No 3 and inserting a new Special use No 3 zone***
- 2. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation;***
- 3. Forward the Town Planning Scheme Amendment to the Environmental Protection Authority, requesting that the level of assessment for the amendment be set pursuant to Section 48A of the Environmental Protection Act 1986 (as amended); and***
- 4. Upon receipt of the level of assessment from the Environmental Protection Authority, advertise the amendment for a period of 42 days via the placement of an advertisement in a locally circulating newspaper, erection of a notice in the Shire Offices and the posting of notices to affected parties and servicing agencies***
- 5. Ensure that Main Roads WA have approved the additional access to highway.***

COMMENT

Council has advertised the amendment above through the West Australian and sent a copy of the amendment to appropriate agencies as required.

Please find attached the summarized table of submissions received from the various agencies.

FINANCIAL IMPLICATIONS –

There will be costs associated with advertising the Town Planning Scheme Amendment and also gazetting the amendment.

POLICY IMPLICATIONS - NA

STATUTORY IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015.

STRATEGIC PLAN IMPLICATIONS:

Strategic Priority 1.3

Present a Shire with high visual and aesthetic appeal to neighbouring Shire Councils and visitors

Goal 1.3.1	To create visually appealing and inviting public and recreational places that complies with good planning and design principles.
Council's Role	<ul style="list-style-type: none"> ■ To facilitate discussions with community members to identify priority community infrastructure upgrades ■ To develop and implement a program of visual improvements throughout the Shire. ■ To facilitate discussions with external parties, state and federal agencies for funding to support improvement programs and/or partnerships to deliver and provide community facilities and amenities. ■ To work with contractors and service providers in delivering facilities and amenities that complies with legislative requirements and best practice planning and design principles.
Goal 1.3.2	To plan and design assets and facilities to address community needs and expectations.
Council's Role	<ul style="list-style-type: none"> ■ To facilitate discussions with community members / key users of community / public facilities to identify needs and requirements ■ To develop a program to upgrade / develop new community facilities ■ To collaborate with external parties / agencies on the possibility of working together to deliver major infrastructure ■ To lobby state / federal agencies for community funds to facilitate development of public / community facilities

Strategic Priority 2.1

Provide sustainable and well managed community assets and infrastructure for the long term enjoyment by our residents and visitors.

Goal 2.1.1	To maintain, upgrade and renew assets to ensure condition and performance remain at the level required.
Council's Role	<ul style="list-style-type: none"> ▪ To implement asset management best practice principles into our day to day operations. ▪ To manage all assets in the most economical and efficient manner possible, from creation / acquisition through to disposal. ▪ To develop and implement a rolling program of renewal and replacement works to ensure assets are maintained at the most optimum condition possible. ▪ To source funding and grants to contribute to the renewal and replacement works.
Goal 2.1.2	To ensure new assets are designed and operated to incorporate the principles of value for money and life cycle costing.
Council's Role	<ul style="list-style-type: none"> ▪ To implement asset management and whole of life principles to ensure the acquisition / creation of new assets identify the anticipated whole of life costs. ▪ To operate and maintain assets in the most economical and efficient manner possible. ▪ To implement operation and maintenance strategies to ensure assets remain in its most optimum condition possible, throughout its entire life cycle.
Goal 2.1.3	To collaborate with groups to investigate opportunities to improve road and transport network and connectivity between the Shire and beyond.
Council's Role	<ul style="list-style-type: none"> ▪ To facilitate discussions with Road Authorities and external parties to improve condition of state roads. ▪ To lobby government agencies to provide an improved road and transportation system to the Shire. ▪ To develop a program to improve and enhance local roads and footpaths. ▪ To seek funding and grants from government and non-government sources to undertake road and footpath improvement works.

**CORPORATE BUSINESS PLAN IMPLICATIONS
(Including Workforce Plan and Asset Management Plan Implications)**

LONG TERM PLAN IMPLICATIONS: Nil (not applicable at this date and therefore unknown)

COMMUNITY CONSULTATION

Chief Executive Officer
WA Planning Commission
Lewis York – Planning Consultant

ABSOLUTE MAJORITY REQUIRED - YES

STAFF RECOMMENDATION

That Council pursuant to Section 75 of the Planning and Development Act 2005, adopts Shire of Kellerberrin Planning Scheme No. 4, Amendment 3 by:

1. Modify Table 1 – Zoning Table to make ‘Grouped Dwelling’ a discretionary (‘D’) use in the ‘General Agriculture’ zone.
2. Insert the following provisions into Part 5 of the Scheme:

'5.18 - Additional dwellings

In the General Agriculture zone, the local government may, at its discretion, approve the erection of one (1) additional dwelling on a rural lot provided that:

- a) the total number of dwellings on the lot will not exceed three (3) dwellings;*
- b) the additional dwelling(s) complies with the setback requirements not less than those specified for the Residential Design Code 'R2';*
- c) the lot has an area of not less than 40 hectares;*
- d) it can be demonstrated that the additional dwelling(s) is for workers or family members;*
- e) adequate provision of potable water for and disposal of sewage from the additional dwelling(s) can be demonstrated;*
- f) the additional dwelling(s) will not adversely detract from the rural character and amenity of the area or conflict with agricultural production on the subject lot or adjoining land;*
- g) access to the existing road network is to be provided for any additional dwelling(s) and shared with any existing dwelling(s) where practicable;*
- h) the existence of more than one dwelling on a lot in the General Agriculture zone shall not be considered by itself to be sufficient grounds for subdivision.*

COUNCIL RECOMMENDATION

MIN 130/17 MOTION - Moved Cr. Steber

2nd Cr. Reid

That Council pursuant to Section 75 of the Planning and Development Act 2005, adopts Shire of Kellerberrin Planning Scheme No. 4, Amendment 3 by:

- 1. Modify Table 1 – Zoning Table to make ‘Grouped Dwelling’ a discretionary (‘D’) use in the ‘General Agriculture’ zone.**
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- b) the additional dwelling(s) complies with the setback requirements not less than those specified for the Residential Design Code 'R2';***
- c) the lot has an area of not less than 40 hectares;***
- d) it can be demonstrated that the additional dwelling(s) is for workers or family members;***
- e) adequate provision of potable water for and disposal of sewage from the additional dwelling(s) can be demonstrated;***

- f) *the additional dwelling(s) will not adversely detract from the rural character and amenity of the area or conflict with agricultural production on the subject lot or adjoining land;*
- g) *access to the existing road network is to be provided for any additional dwelling(s) and shared with any existing dwelling(s) where practicable;*
- h) *the existence of more than one dwelling on a lot in the General Agriculture zone shall not be considered by itself to be sufficient grounds for subdivision.*

CARRIED 6 / 0
ABSOLUTE MAJORITY

CLOSURE OF MEETING – 4.15 pm

NEXT COUNCIL MEETING

Ordinary Council Meeting Tuesday, 15th August, 2017