

**2.3: FINAL APPROVAL OF AMENDMENT – LOT 202 ROWNEY ROAD,
ROBINSON**

ALTERNATE MOTION BY COUNCILLOR PAVER

DATE & TIME RECEIVED: 11:00AM ON TUESDAY 10 MAY 2011

ITEM 2.3: ALTERNATE MOTION BY COUNCILLOR PAVER

1) In accordance with Section 75 of the Planning and Development Act 2005 and Pursuant to Regulation 17(2) of the Town Planning Regulations 1967, Council **DOES NOT WISH TO PROCEED WITH** Amendment No. 302 to Town Planning Scheme No. 3 for the following reasons:

- Amending the ridgeline protection area to allow for an alternative building envelope will be detrimental to the amenity of Lot 304 (51) Rowney Road.
- Amending the ridgeline protection area to allow for an alternative building envelope may lead to the clearing of additional vegetation on Lot 202 Rowney Road, which will be detrimental to the visual amenity of the area.
- Amending the ridgeline protection area to allow for an alternative building envelope would set an undesirable precedent for further Town Planning Scheme Amendments to alter other aspects of the Subdivision Guide Plan. This would further erode the established planning controls that existing residents have understood prior to purchasing their lots and subsequently complied with when developing those lots.

2) Council advises the Western Australian Planning Commission of the above resolution, requesting the Hon. Minister for Planning refuse the amendment proposal.

Councillor Reason:

The adjacent neighbour, Mr Tilbury, purchased his property on the understanding that a future dwelling was unable to be constructed in the area identified in the amendment proposal.

Officer Report (G Bride)

There are no specific implications related to the alternate motion. Should the motion be supported by Council the Minister for Planning, on the advice of the Western Australian Planning Commission, will ultimately decide whether to refuse the amendment. There is no appeal right if the Minister decides that the amendment is not supported and the existing subdivision guide plan associated with this Special Rural Area (Area No. 10) will remain in place.