



## **TPS POLICY No. 11: ANGLO ESTATE POLICY (Mount Kokeby)**

### **PURPOSE**

To inform potential landowners on the lack of development potential for lots in the area known as Anglo Estates, confirm Council's position on development and provide guidance on surrendering the lots.

### **AUTHORITY TO PREPARE AND ADOPT A PLANNING POLICY**

The Shire of Beverley, pursuant to Clause 7.6 of the Shire of Beverley Town Planning Scheme No.2, hereby makes this Town Planning Scheme Policy regarding the area known as Anglo Estates. The subject area is located outside the Mount Kokeby townsite. This policy will be incorporated into future schemes when Town Planning Scheme No.2, or greater, is revoked.

### **BACKGROUND**

The area known as Anglo Estates was subdivided in 1906 to provide housing lots for an urban settlement centred on the Mount Kokeby train station. The train station no longer exists and apart from a few isolated dwellings there is no remaining urban development. Anglo Estates Pty Ltd purchased the lots in 1995 and in 1996 a test case concerning Council's refusal to grant Planning Approval for a single dwelling was heard by the Town Planning Appeals Tribunal. Council's decision to refuse the application was upheld.

Council has consistently refused to grant Planning Approval for the following reasons:

1. All lots are zoned "FARMING" under the provisions of Shire of Beverley Town Planning Scheme No. 2.
2. A number of the lots concerned do not have frontage to a public road, therefore, access to the same will only be possible through adjoining private property, if the adjoining land owners agree.
3. The building setback provisions within the "Farming" zone of the Shire require that all buildings have the following minimum setback to lot boundaries:

To street:	15.0 m
To rear boundary:	10.0 m
To side boundaries:	10.0 m
4. No reticulated scheme water supply exists in the locality at this time, and due to the distance to existing water mains at Beverley and Brookton, it is unlikely that a scheme water supply will be provided in the future.
5. The existing soil type in the locality suggests that the provision of on-site effluent disposal could be difficult and costly, and that the only long term solution for the disposal of effluent would be via the installation of a sewerage scheme.



6. Due to points 3, 4 and 5 above, the Shire of Beverley has actively resisted the development of the lots concerned for any purpose other than farming.
7. Council's action with regard to the development and/or amalgamation of Anglo Estates lots at Mount Kokeby has consistently been one of non-support, and this action has been the subject of an Appeal by Anglo Estates to the Town Planning Appeal Tribunal of Western Australia, who dismissed that Appeal, due to doubts regarding:
  - ❖ Effluent disposal capability of the land area as a whole.
  - ❖ The provision of an adequate potable water supply to each lot.
  - ❖ The effect that residential development could have on the rural amenity of the locality.
  - ❖ The environmental harms that may be caused to persons occupying residences.
  - ❖ The effect which single residential development could have on the orderly and proper planning of the Mount Kokeby Locality.
8. In conclusion, the Beverley Shire Council has consistently considered that support for the development of the small, generally unserviced, "Farming" zoned lots in the farming locality of Mount Kokeby, for purposes of a single residential nature, would be irresponsible from the Local Authority point of view.

## **DETERMINATION**

Under the Shire of Beverley's Town Planning Scheme No. 2 Planning Approval is required for all development in Farming zones except for Rural Pursuit and compliant outbuildings. Under Clause 6.3.2 of TPS 2 Council may refuse an application if it is not consistent with the orderly and proper planning for an area.

Therefore Council has consistently refused Planning Approval for any development on the Anglo Estates lots that is not consistent with Farming purposes. Such refusal to grant Planning Consent includes single dwellings.

## **POLICY**

1. The lots referred to are included within the heavy broken black line on the attached plan.
2. Development proposals that are inconsistent with viable agricultural production will not be approved.
3. Residential development including single dwellings will not be supported.

To provide a financial incentive for landowners to surrender the lots. Should a landowner surrender the lot(s) then the current and previous years rates would be refunded if paid, or expunged if unpaid. The Shire would then pay all transfer of ownership costs. As the lots are potentially undevelopable it is anticipated the cost of the rates would be equal to or greater than the value of the land.

