

NOT CONFIRMED BY COUNCIL

SHIRE OF JERRAMUNGUP



MINUTES

COUNCIL ORDINARY MEETING

15th AUGUST 2012

ORDINARY MINUTES –15th AUGUST 2012**INDEX**

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NEW BUSINESS OF AN URGENT NATURE		

8. DECLARATIONS OF FINANCIAL INTEREST

Mr Brent Bailey declared a proximity interest in Item 10.3.2. The nature of the interest is he owns 15 John Street, Bremer Bay.

9. CONFIRMATION OF MINUTES

9.1 Ordinary Council Meeting held 18th July 2012

OC120801 Moved Cr Daniel / Seconded Cr Parsons

That the Minutes of the Ordinary Meeting of Council held 18th July 2012 be confirmed.

Carried 5-0

W O R K S

SUBMISSION TO:	Works
AGENDA REFERENCE:	10.1.1
SUBJECT:	Works Report
LOCATION/ADDRESS:	Shire of Jerramungup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Graham Edwards
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	7 August 2012

ATTACHMENT

Attachment 10.1.1(a) – Jerramungup maintenance report
Attachment 10.1.1(b) – Bremer Bay maintenance report
Attachment 10.1.1(c) – Rural road maintenance report

ROAD CONSTRUCTION

The 2012 / 13 Road Construction Programme has commenced with forming and gravel sheeting on Cameron Road.

Projects are now to be scheduled for completion throughout the financial year.

ROAD MAINTENANCE

The majority of damage from national disaster declared storms during early June has been repaired.

Attention has returned to routine maintenance with the attached reports indicating where work was undertaken in the rural area during July.

TOWN SERVICES

Town Services activity has been routine during July with the attached reports indicating road maintenance undertaken at Bremer Bay and Jerramungup.

RECOMMENDATION

That the Works Report be received.

OC120802 Moved Cr Bailey / Seconded Cr Iffla

That the Works Report be received.

Carried 5-0

SUBMISSION TO:	Works
AGENDA REFERENCE:	10.1.1
SUBJECT:	Plant Hire Services Tender
LOCATION/ADDRESS:	Shire of Jerramungup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	PE.CO.2
AUTHOR:	Graham Edwards
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	27 July 2012

SUMMARY

The purpose of this report is to consider Tender 01/12 for the *Supply of Various Plant Hire Services with and without Operator (Wet and Dry Hire)*.

ATTACHMENT

Attachment 10.1.2 (a) - The Request for Tender

Confidential Attachment 10.1.2 (b) - A Confidential Recommendation Report prepared by the Western Australian Local Government Association (WALGA) Procurement Consultancy Service.

BACKGROUND

The Procurement Consultancy Service was engaged to administer, advertise and evaluate tender submissions for the *Supply of Plant Hire Services With and Without Operator (Wet and Dry)*.

Eighty (80) suppliers registered to receive copies of the Request for Tender with fifteen (15) offers being submitted by the deadline at 3:00 pm Tuesday 3 July 2012.

Tendering provides statutory and policy compliance for a panel of contractors to supplement the Shire of Jerramungup workforce as required, for delivery of the Annual Works Programme. The tender:

- a) Is for a two (2) year period, with a two (2) year extension option, exercisable at the absolute discretion of the Principal.
- b) Does not commit the Shire of Jerramungup to a guaranteed quantity of work.
- c) Was evaluated impartially and equitably against predetermined criteria, provided to all interested suppliers.

CONSULTATION

There was consultation with the Procurement Consultancy Service.

Officers were alerted to the risk of potential canvassing and contractors who sought advice were referred to the Procurement Consultancy Service.

The Procurement Consultancy Service has offered to debrief contractors wishing to avail themselves of the service.

COMMENT

It is identified through financial planning and the Adopted Annual Budget that:

- a) Annual revenue is dependent upon the level of non-continuing grants and varies considerably.
- b) The Shire of Jerramungup does not have the internal capacity to deliver the Works Programme, without the support of contractors.

Appointing a panel of contractors to supplement the permanent workforce:

- a) Provides certainty about resource availability, capacity and flexibility for scheduling and delivery of the Annual Works Programme in a variable financial environment.
- b) Avoids overinvestment in plant and a non-sustainable financial commitment by the Shire of Jerramungup; allowing the redirection of those funds to service delivery.
- c) Provides an opportunity to assess internal resource requirements with a sound knowledge of external resource availability.
- d) Provides continuity and facilitates the development of valuable, mutually beneficial relationships, for high quality, efficient service delivery to the community.
- e) Improves the potential for business development and the availability of services within the community.
- f) Promotes confidence about committing, should unexpected grant funds become available, or agencies such as Main Roads seek assistance from the Shire of Jerramungup.
- g) Resolves sustained pressure confronting Councillors and officers and inefficiency from an un-resourced demand to obtain quotes, as private enterprise competes for limited public sector funds.

Tendering has:

- a) Demonstrated statutory and policy compliance.
- b) Ensured that the submissions are evaluated impartially and equitably, against predetermined criteria, which are provided to all interested suppliers.
- c) The process is transparent and the potential for actual or perceived conflicts of interest is diminished; as private enterprise competes for public sector business.

- d) Reduced potential operational, public liability and contractual risks to the Jerramungup Shire Council by assessment against qualitative criteria.

STATUTORY REQUIREMENTS

The Local Government Act 1995 states:

Section 3.18 Performing Executive Functions

A local government is to satisfy itself that, services and facilities it provides are managed efficiently and effectively.

Section 3.57 Tenders for Providing Goods or Services

A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

The Local Government (Functions and General) Regulations 1996 state in part:

Part 4 Provision of Goods and Services

Regulation 11(1) When tenders have to be publicly invited

Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000 unless subregulation (2) states otherwise.

Regulation 12 Anti-avoidance provision for r. 11(1)

If a local government enters into 2 or more contracts in circumstances such that the desire to avoid the requirements of regulation 11(1) is a significant reason for not dealing with the matter in a single contract, tenders are to be publicly invited according to the requirements of this Division before entering into any of the contracts regardless of the consideration.

Regulations 24E and 24F state in part:

24E. Regional Price Preference Policies for Local Governments

Where a local government intends to give a regional price preference in relation to a process, the local government is to:

- a) Prepare a proposed regional price preference policy (if no policy has yet been adopted for that kind of contract); and*
- b) Give Statewide public notice of the intention to have a regional price preference policy and include in that notice:
 - i) The region to which the policy is to relate; and*
 - ii) Details of where a complete copy of the proposed policy may be obtained; and**

- iii) *a statement inviting submissions commenting on the proposed policy, together with a closing date of not less than 4 weeks for those submissions; and*
- c) *Make a copy of the proposed regional price preference policy available for public inspection in accordance with the notice.*

24F Adoption and Notice of Regional Price Preference Policy

An adopted policy cannot be applied until the local government gives Statewide notice that it has adopted that policy.

The local government is to ensure that a copy of an adopted regional price preference policy is:

- a) *Included with any specifications for tenders to which the policy applies; and*
- b) *Made available in accordance with regulation 29 of the Local Government (Administration) Regulations 1996.*

STRATEGIC IMPLICATIONS

The establishment of a panel of contractors is consistent with the Shire of Jerramungup Strategic Plan 2009 – 2014.

The Shire of Jerramungup will provide leadership to maintain our identity by promoting social and economic development whilst embracing our unique natural environment.

Building and Road Infrastructure

The Shire of Jerramungup will provide the community with quality road and building infrastructure by:

- i) *Ensuring that built infrastructure is well utilised and maintained.*
- ii) *Adopting whole of life asset management principles.*
- iii) *Keeping abreast of new technology and industry best practice.*

FINANCIAL IMPLICATIONS

A panel of contractors does not commit the Shire of Jerramungup to expenditure beyond the Annual Adopted Budget.

There are however, efficiency and strategic financial benefits for the Shire of Jerramungup from a panel of contractors through:

- a) *Investing in employees and plant to reflect recurrent levels of revenue and duties which are undertaken regularly and utilising contractors for expenditure beyond the capacity of internal resources.*

- b) Having the capacity to engage contractors and ensure that funds, which might become available in addition to the Adopted Annual Budget, are expended and a service is delivered to the community.
- c) Within statutory compliance and sound business practices, establishing an environment which encourages business development.
- d) Reduced potential for over investment in employees and plant to accommodate extraordinary revenue levels and resultant underutilisation, inefficiency or possible redundancy.
- a) Reduced political risks associated with unexpended grant funds and loss of revenue for the community.

POLICY IMPLICATIONS

The Regional Price Preference Policy applied at the advertising and evaluation of tenders as follows.

Regional Price Preference Policy

1. *Price Preference will apply to all quotations or tenders invited by Council for the supply of goods and services and Construction (Building) services, unless Council resolves that this Policy not apply to a particular tender.*
2. *The following levels of preference will be applied under this Policy:*
 - a. *Goods and Services under \$50,000 in value, (with the exception of passenger vehicles):*
 - *10% price discount to businesses within the Shire of Jerramungup.*
 - b. *Construction Services under \$50,000 in value:*
 - *2.5% price discount to businesses within the Shire of Jerramungup.*
 - c. *All Good and Services between \$50,000 and \$500,000 in value:*
 - *5% price discount to businesses within the Shire of Jerramungup.*
 - d. *Passenger Vehicles under \$50,000 in value:*
 - *2.5% price discount to businesses within the Shire of Jerramungup.*
3. The levels of preference stated in 2 above, will only apply to businesses that have been located within the local government areas for at least six (6) months prior to the closing date of the quotations or tenders.
4. Staff should note that price is only one of the factors to be evaluated when accepting quotations, and should also consider the ability of the company to deliver the goods or service, the experience of the company in providing that good or service, and the after sales service ability of the company.
5. Staff should also note that price is only one of the factors to be evaluated when Council decides to accept a tender it thinks would be most advantageous to accept. These factors should be detailed in the tender specifications, which is available for all applicants to inspect.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That:

- a) The recommendation of the Western Australian Local Government Association (WALGA) Procurement Consultancy Service is adopted.
- b) On the basis of providing the most advantageous submissions, Tender RFT 01-12 for the Supply of Various Plant Hire Services with and without Operator (Wet and Dry Hire) is awarded to Avon Hiab Services, Deep South Civil Contractors, BN Grader Services, John Davis Bulldozing and Ravensthorpe Bulk Haulage.

OC120803 Moved Cr Lester / Seconded Cr Daniel

ALTERNATE MOTION BY COUNCILLOR LESTER

That Council, on the basis of providing the most advantageous submissions, Tender RFT 01-12 for the Supply of Various Plant Hire Services with and without Operator (Wet and Dry Hire) is awarded to Avon Hiab Services, Deep South Civil Contractors and BN Grader Services.

Councillor's Reason:

Although both John Davis Bulldozing and Ravensthorpe Bulk Haulage rate comparatively well against the qualitative criteria in the request for tender, their specified mobilisation and demobilisation costs are high when compared to the other three recommended tenderers. This is demonstrated in the table below –

Tenderer	Q ranking	Mob & demob range	Location	Est travel time
Avon	1	\$60 to \$110 p/hr	Bremer Bay	1.25 hrs
Deep South	2	\$100 to \$150 p/hr	Jerramungup Shire	Depends where work is
BN Grader	4	None	N/A	N/A
John Davis	5	\$245 p/hr	Gnowangerup	1 hr
Ravensthorpe	3	\$500	Ravensthorpe	N/A

Carried 5-0

FINANCE

SUBMISSION TO:	Finance
AGENDA REFERENCE:	10.2.1
SUBJECT:	Accounts Payable
LOCATION/ADDRESS:	Shire of Jerramungup
NAME OF APPLICANT:	
AUTHOR:	Mel Aitchison
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	1 st August 2012

ATTACHMENT

Attachment 10.2.1 - List of Accounts Paid to 31st July 2012

BACKGROUND

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	27315	
	EFT 5906 - 5992	\$330,331.92
	EFT 5994 - 6007	\$69,344.41
	Cheque 27316 - 27329	\$24,467.88
	Direct Debits	\$4,345.30
Municipal Account Total		\$428,489.51
Trust Account		
	EFT 5993	\$10,000.00
Trust Account Total		\$10,000.00
<u>Grand Total</u>		<u>\$438,489.51</u>

CERTIFICATE

This schedule of accounts as presented, which was submitted to each member of the Council, has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices computation, and costings and the amounts shown have been paid.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the schedule of direct debits and accounts payable, totalling submitted \$438,489.51 to the Full Council on 15th August 2012 be endorsed.

SIGNATURES

Author

Chief Executive Officer

OC120804 Moved Cr Bailey / Seconded Cr Parsons

That the schedule of direct debits and accounts payable, totalling submitted \$438,489.51 to the Full Council on 15th August 2012 be endorsed.

SIGNATURES

Author

Chief Executive Officer

Carried 5-0

SUBMISSION TO:	Finance
AGENDA REFERENCE:	10.2.2
SUBJECT:	Monthly Financial Report
LOCATION/ADDRESS:	Shire of Jerramungup
AUTHOR:	Brent Bailey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	2 nd August 2012

SUMMARY

This report presents the monthly financial report to Council which is provided as an attachment to the agenda. The recommendation is to receive the monthly financial report.

ATTACHMENT

Attachment 10.2.2 - Monthly Financial Report – Period Ending 31st July 2012

BACKGROUND

As per the Financial Management Regulation 34 each Local Government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1) (d), for that month with the following detail

- The annual budget estimates,
- The operating revenue, operating income, and all other income and expenses,
- Any significant variations between year to date income and expenditure and the relevant budget provisions to the end of the relevant reporting period,
- Identify any significant areas where activities are not in accordance with budget estimates for the relevant reporting period,
- Provide likely financial projections to 30 June for those highlighted significant variations and their effect on the end of year result,
- Include an operating statement, and
- Any other required supporting notes.

CONSULTATION

Council financial records.

COMMENT

This report contains annual budget estimates, actual amounts of expenditure, revenue and income to the end of the month. It shows the material differences between the budget and actual amounts where they are not associated to timing differences for the purpose of keeping Council abreast of the current financial position.

STATUTORY REQUIREMENTS

Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996 require that financial activity statement reports are provided each month reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month.

The report is to be presented at either the next ordinary meeting after the end of the month, or if not prepared in time to the next ordinary meeting after that meeting.

STRATEGIC IMPLICATIONS

Key Focus Area One: Ongoing social, economic and financial viability.

FINANCIAL IMPLICATIONS

As detailed within the Monthly Financial Report

POLICY IMPLICATIONS

Finance Policy 2: Detailed within Monthly Financial Report

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

- 1) That Council receive the Monthly Financial Report for the period ending 31st July 2012 in accordance with Section 6.4 of the Local Government Act 1995.

OC120805 Moved Cr Iffla / Seconded Cr Bailey

- 1) That Council receive the Monthly Financial Report for the period ending 31st July 2012 in accordance with Section 6.4 of the Local Government Act 1995.

Carried 5-0

**HEALTH,
BUILDING
&
TOWN PLANNING**

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.1
SUBJECT:	Proposed Quad Bike Tour Business (Use Not Listed)
LOCATION/ADDRESS:	Lot 2097 O'Dea Road, Bremer Bay
NAME OF APPLICANT:	Mr Tom Long
FILE REFERENCE:	A80503
AUTHOR:	Planning Officer, Craig Pursey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	2 August 2012

SUMMARY

The owners of Lot 2097 O'Dea Road, Bremer Bay have applied to start a Quad Bike Tour business from the existing house and sheds at Lot 2097 O'Dea Road, Bremer Bay.

The Quad Bike Tour business would involve guided tours through private land and unallocated Crown Land to Dillon Bay along an approved route. The applicant has provided details of the proposed route and a description of how the business would be operated.

The application has been advertised for public comment and three submissions have been received with queries over controlling dieback, noise management issues and impact upon the local environment.

This report recommends issuing a conditional planning approval and providing advice to other responsible agencies regarding the proposed route.

ATTACHMENT

Attachment 10.3.1(a) - Plans and supporting letter from applicant.

Attachment 10.3.1(b) - Schedule of Submissions

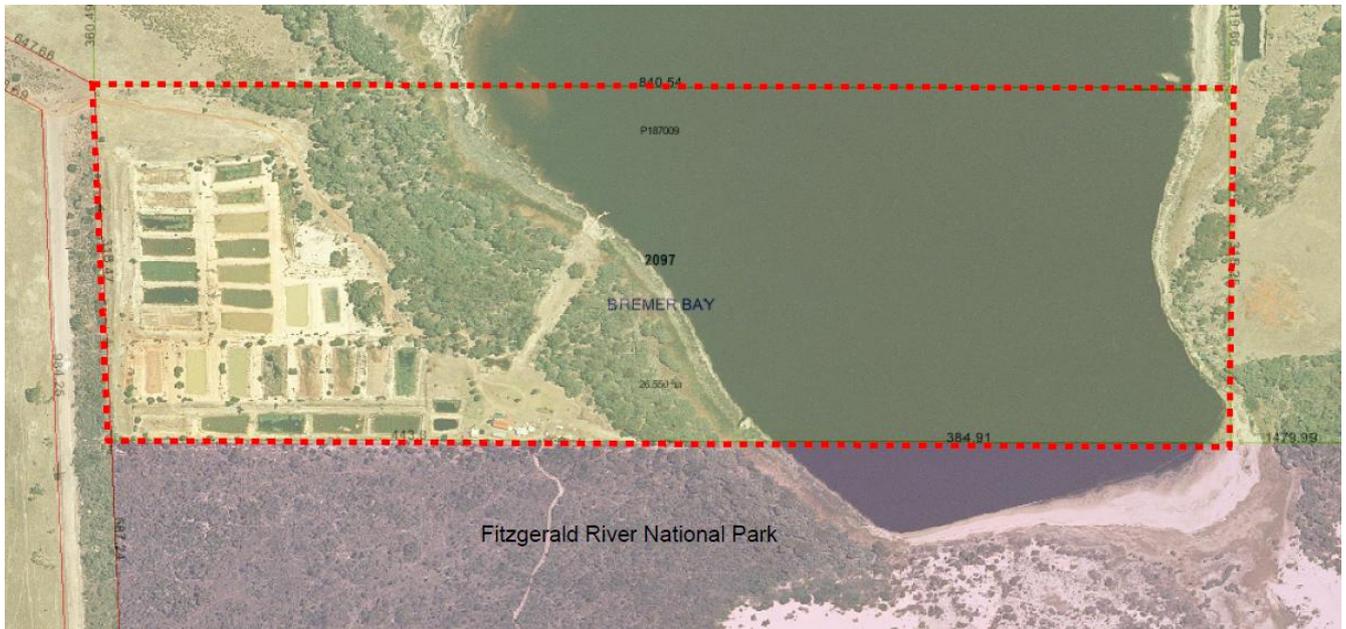
Attachment 10.3.1(c) - Correspondence from Department of Regional Development and Lands

BACKGROUND

Site Description

Lot 2097 O'Dea Road, Bremer Bay is 26.556ha in area and developed with a marron farm, single house and associated outbuildings. Approximately half of the property lies beneath a lake.

Lot 2097 has grazing land to the east and west, bushland and lake to the north and the Fitzgerald River National Park immediately to the south. A site plan is provided overleaf.



Aerial photo showing extent of Lot 2097 edged in red (LandGate 2008)

Lot 2097 is located approximately 3km from Dillon Bay and 4.5km from Bremer Bay town centre.

Zoning

The subject land is zoned 'Rural' under the Shire of Jerramungup Local Planning Scheme No 2 ("the Scheme").

Past Correspondence

Council has received an enquiry from the Department of Regional Development and Lands (RDL) on whether the Council supports the proposed route through unallocated Crown Land (UCL) through to Dillon Bay.

RDL is responsible for managing UCL and therefore approving the use of UCL.

A copy of this letter is at Attachment 10.3.1(c).

CONSULTATION

The application has been advertised for public comment for 21 days including letters to neighbouring landowners and adverts in the local papers closing on the 14th July 2012.

Three (3) submissions were received during this process that are summarized and responded to in the Schedule of Submissions at Attachment 10.3.1(b). None of the submissions objected to the proposed business, all raised specific issues that require addressing.

Copies of the individual submissions are available on request.

COMMENT

Description of proposal

Mr Tom Long has proposed a Quad Bike Tour business based from his property at Lot 2097 O'Dea Road, Bremer Bay.

The bikes would be stored in an existing shed and the business administration run from within the house. In summary the proposal includes:

- Guided Quad Bike tours with customers accompanied by two guides taking an approved route through neighbouring properties to Dillon Bay.
- Control over participants including requiring participants to have a drivers licence and not be under the influence of alcohol;
- Full safety and orientation before use; and
- An enforced dress code including helmets and closed footwear.

The proposed route heads east through privately owned Lot 1213 and then through unallocated Crown Land to Dillon Bay. The bikes would then travel along the beach through to the first headland to the west.

The details of the proposal are provided in full at Attachment 10.3.1(a) including an example of a similar business currently operating in Denham.

Scheme Requirements

The Scheme does not list a tourism business of this type as a land use in the Zoning Table. Therefore the proposal has been assessed as a 'Use Not Listed'. Clause 4.4 of the Scheme states:

4.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use the local government may:

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- (b) determine that the proposed use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or*
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

The use has been assessed by staff under delegated authority and determined to be consistent with the specific 'Rural' zone objective to "... allow for facilities for tourists and travellers, and for recreation uses."

The proposal was then advertised in accordance with the requirements of clause 9.4 and is now presented to Council for determination.

Additionally, clause 5.18 of the Scheme allows for tourist related uses as follows:

5.18 TOURIST RELATED USES

Despite any other provision of the Scheme the local government may approve tourist-related uses that are operated in conjunction with the predominant use of the land and which are for:

- a) consumption of food and / or beverages,*
- b) the sale of produce,*
- c) the sale of arts and crafts, and / or*
- d) conducting excursions for tourists.*

The proposed use is operated in conjunction with the existing residential use on the land and involves 'conducting excursions for tourists'.

Being a 'Use Not Listed' in the Scheme there are no specific development criteria set out in the Scheme for the assessment of the current proposal. However, clause 10.2 lists the matters to be considered by Council in making a determination of any planning proposal. The relevant clauses include:

- ...(i) the compatibility of a use or development with its setting;*
- ...(j) any social issues that have an effect on the amenity of the locality;*
- ...(l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
- ...(n) the preservation of the amenity of the locality;*
- ...(q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- ...(y) any relevant submission received on the application;*
- ...(z) potential impacts of noise, dust, light, risk, and other pollutants on surrounding land uses*

These matters are explored in the 'assessment' section below.

Assessment

The submissions raise a number of issues dealt with in detail in the schedule of submissions at Attachment 10.3.1(b). The main issues to be addressed as part of the proposal are discussed briefly below.

Other Approvals

The applicant will need approval from a number of other agencies to operate the proposed Quad Bike Tours through to Dillon Bay. These include:

- Permission has been received from the neighbouring landowner at Lot 1213. If the landownership changes the applicant will have renegotiate access through this privately held property.
- Permission to travel through the unallocated Crown Land (UCL) to and along Dillon Bay from the Department of Regional Development and Lands (RDL). This has already been applied for. RDL have referred this to Council for feedback. Council's decision on the current application will inform this response to RDL.

- The quad bikes will need to be suitably licenced with the Department of Transport.

Access & Parking

O'Dea Road provides access to Lot 2097 from Borden-Bremer Bay Road and this is in reasonably poor condition, with water crossing the road in at least two places during the winter months. Having said this, O'Dea Road is in a trafficable state.

Council may choose to require the applicant to contribute to the upgrading of O'Dea Road as a condition of planning approval. However, this has not been recommended in this instance as the scale of development and traffic generated is unlikely to push traffic numbers substantially beyond what would normally be generated from a rural property.

The house is serviced by a single driveway that loops adjacent to the house. There is ample area for the parking of visitors' vehicles whilst attending the quad bike tours. A more formal parking area would assist in providing some legibility to the business.

Environmental Protection

Concerns have been raised in the public submissions with a number of potential environmental issues that may arise from the proposed route, these include:

- Spread of dieback;
- Additional erosion of the tracks in the area;
- Protection of bird habitat and in particular nesting areas; and
- Noise issues for people enjoying the beach.

In addressing these concerns it should be remembered that the Council is approving the use of Lot 2097 for Quad Bike Tours, in particular the storage of the bikes and the administration of the business. The proposed route is through surrounding land that is either privately owned or managed by the Department of Regional Development and Lands (RDL). Council can require measures to be put in place at Lot 2097 and *recommend* actions when outside of the subject site. The control of the activity on UCL is managed by RDL and will be conditioned appropriately by that department.

The consistent use of a single, approved track should assist in controlling the spread of dieback and limiting any damage to the environment. A Dieback Management Plan is recommended as a condition of approval to ensure that the applicant operates in a manner so as to prevent the spread of dieback into the surrounding land. This can be administered from Lot 2097 and therefore can be required by a condition of planning approval.

If bird nesting areas are identified, their location can be passed onto the applicant. However, it should be borne in mind that the beach area is currently traversed in an uncontrolled manner by the general public so controlling the proposed Quad Bike Tours may have limited benefits.

Dillon Bay is already used by many off road vehicles. However, as the quad bike tours are guided, speeds and route can be controlled by the tour operator and they should be encouraged to operate in a responsible manner.

Conclusion

The proposed Quad Bike Tour business will offer another tourism product for visitors to Bremer Bay. The proposal will have only limited on-site impacts and impacts on the Shire's road network.

The applicant has proposed a single route to Dillon Bay and intends on operating in a responsible manner with the safety of participants at the forefront of the proposal. Conditional approval for the proposal is recommended including a condition requiring the preparation and implementation of a Dieback Management Plan.

A separate letter to RDL is proposed advising that the Council has no objection to the proposed Quad Bike Tour business but recommends that access is limited to use of a route that avoids known bird nesting areas and is conducted in a manner that respects other users of the beach.

STRATEGIC IMPLICATIONS

The proposed land use is consistent with the following parts of the Shire's Strategic Plan:

The Shire of Jerramungup will continue to grow and prosper whilst maintaining its identity and sense of place by:

...1.2 Providing a range of recreational and sporting opportunities.

STATUTORY REQUIREMENTS

The applicant has a right of review to the State Administrative Tribunal if aggrieved by any decision made by the Council.

FINANCIAL IMPLICATIONS

N/A

POLICY IMPLICATIONS

Not applicable.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council,

1. Approve the proposed Quad Bike Tour Business (Use Not Listed) at Lot 2097 O'Dea Road, Bremer Bay subject to the following conditions:
 - a) At least 3 parking bays being set aside for the use of patrons of the Quad Bike Tour Business.
 - b) Vehicular parking, manoeuvring and circulation areas being constructed to the satisfaction of the Shire of Jerramungup. All parking spaces being maintained in good repair.
 - c) A Dieback Management Plan being prepared and implemented prior to the commencement of the business to the satisfaction of the Shire of Jerramungup.

Advise the applicant that:

- i) No signs are to be erected on the lot without Council's approval.
 - ii) The parking area required at conditions (a) and (b) should be constructed to a gravel standard similar to that of the driveway.
 - iii) The Dieback Management Plan required at condition (c) above may require the construction of a sealed wash-down bay.
 - iv) Separate approval of Department of Regional Development and Lands is required for access through unallocated Crown Land.
2. Write to the Department of Regional Development and Lands and advise them that the Shire of Jerramungup does not object to the proposed Quad Bike Tour business and encourages RDL to consider the following issues:
 - a) The use of a single access route to the beach and that this route avoids known bird nesting areas.
 - b) That the Tours are conducted in a manner that respects other users of the beach; and
 - c) Provide a full copy of the officers report and submissions received during the advertising period for their information.

OC120806 Moved Cr Parsons / Seconded Cr Bailey

That Council,

1. **Approve the proposed Quad Bike Tour Business (Use Not Listed) at Lot 2097 O'Dea Road, Bremer Bay subject to the following conditions:**
 - a) **At least 3 parking bays being set aside for the use of patrons of the Quad Bike Tour Business.**
 - b) **Vehicular parking, manoeuvring and circulation areas being constructed to the satisfaction of the Shire of Jerramungup. All parking spaces being maintained in good repair.**

- c) A Dieback Management Plan being prepared and implemented prior to the commencement of the business to the satisfaction of the Shire of Jerramungup.

Advise the applicant that:

- i) No signs are to be erected on the lot without Council's approval.
 - ii) The parking area required at conditions (a) and (b) should be constructed to a gravel standard similar to that of the driveway.
 - iii) The Dieback Management Plan required at condition (c) above may require the construction of a sealed wash-down bay.
 - iv) Separate approval of Department of Regional Development and Lands is required for access through unallocated Crown Land.
- 2. Write to the Department of Regional Development and Lands and advise them that the Shire of Jerramungup does not object to the proposed Quad Bike Tour business and encourages RDL to consider the following issues:**
- a) The use of a single access route to the beach and that this route avoids known bird nesting areas.
 - b) That the Tours are conducted in a manner that respects other users of the beach; and
 - c) Provide a full copy of the officers report and submissions received during the advertising period for their information.

Carried 5-0

2.20pm Mr Bailey left the meeting after declaring a proximity interest Item 10.3.2 - 4 lot subdivision Lot 135 (Reserve 31611) John Street, Bremer Bay

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.2
SUBJECT:	4 lot subdivision
LOCATION/ADDRESS:	Lot 135 (Reserve 31611) John Street, Bremer Bay
NAME OF APPLICANT:	Cardno (WA) Pty Ltd
FILE REFERENCE:	LU.PL.6
AUTHOR:	Craig Pursey, Planning Officer
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	3 August 2012

SUMMARY

- The applicant proposes to subdivide Lot 135 (Reserve 31611) John Street, Bremer Bay (“the subject site”) into 4 green title lots.
- The application has been referred to the Shire by the Western Australian Planning Commission (WAPC) for a recommendation and comments.
- The subdivision is the first stage of the Bremer Bay Town Centre and will facilitate the creation of a commercial lot, civic lot and a medium density lot in accordance with the adopted Bremer Bay Town Centre Structure Plan.
- This report recommends that the application be supported subject to conditions.

ATTACHMENT

Attachment 10.3.2(a) - Subdivision Plan and supporting report
Attachment 10.3.2(b) - Modified Bremer Bay Town Centre Structure Plan

BACKGROUND

Site Description

Reserve 31611 has an approximate area of 10 hectares and is generally bound by Bremer Bay Road, Garnett Road and John Street.

Garnett Road runs along the western boundary of the site and is constructed as far as the Bremer Bay Primary School. A significant portion of the site contains natural vegetation, and a portion of the north-west section is cleared (disused oval).

A site plan is provided overleaf.



Subject site edged in red (Harley Global 2010)

Shire of Jerramungup Local Planning Scheme No 2

Reserve 31611 is zoned 'Special Use' under the Shire of Jerramungup Local Planning Scheme No 2 ('the Scheme'). Specific provisions apply under Schedule 4 of the Scheme and the 'Special Use' is designated as;

'Bremer Bay Town Centre providing for:

- *Civic uses*
- *Offices*
- *Dwellings under the medium density codes of the Residential Design Codes*
- *Community purposes*
- *Shops*
- *Movements systems*
- *Landscaping areas*
- *Civic spaces, and parking'.*

The Scheme lists conditions for the 'Special Use' zone stating that:

'A Structure Plan is to be prepared by the proponent and approved by the local government and endorsed by the Commission before any subdivision or development. The Structure Plan will incorporate:

- *A Strategy to retain areas of native vegetation in the design to enhance local character of the centre and conserve water;*
- *Permissible land uses;*
- *Road and Servicing networks;*

- *Development staging; and*
- *Such other matters as determined by the local government. ‘*

Previous considerations

The proposed subdivision is the latest stage in the development of the Bremer Bay Town Centre. The subdivision is being coordinated by LandCorp as a result of successful applications to that organisation by the Shire of Jerramungup to achieve the following:

1. Approval from LandCorp under the Regional Development Assistance Program (RDAP) to develop 2 lots within the Bremer Bay Town Centre; a commercial lot to be sold on the open market and a civic lot for the use and purposes of the Shire.
2. Most recently the Shire received approval under the RDAP program for the creation of a lot within the Bremer Bay Town Centre for medium density residential purposes.

The Shire, together with LandCorp, has been working on a Structure Plan to coordinate and guide the development of the new town centre for some time. The planning steps undertaken so far include:

1. Council considered two preliminary concepts for a structure plan over the Bremer Bay town centre site prepared by Gray & Lewis Land Use Planners at its meeting of 16th February 2010;
2. These draft structure plans were publically advertised with the intent of attracting comment;
3. Submission's received and incorporated into future planning;
4. LandCorp agreed to take on the project and produce 2 lots, one commercial and 1 for public purposes;
5. LandCorp engaged a consultancy team to prepare structure plan and supporting documentation;
6. October 2011 Council considered the draft Structure Plan (plan only) and adopt it for the purposes of advertising.
7. December 2011 Council adopts the supporting report that accompanies the Structure Plan and resolves to place the full Structure Plan on public advertising.
8. February 2012 Council adopts an 'omnibus' amendment to its Local Planning Strategy which clarifies the role and function of the future town centre.
9. April 2012 Council adopts the final version of the Structure Plan, subject to modifications, and forwards to the WAPC for endorsement.

CONSULTATION

None is required as part of the current application.

Considerable consultation has been undertaken in the formulation of the adopted Town Centre Structure Plan.

COMMENT

Application

The subdivision proposes the creation of 4 lots to facilitate the development of the first stage of the Bremer Bay Town Centre. The proposed lots are as follows:

- Lot 1 – 1294m² in area located on the corner of the new Main Street and Borden-Bremer Bay Road, identified for commercial uses in the recently adopted Bremer Bay Town Centre Structure Plan;
- Lot 3 – 3117m² in area and proposed for medium density residential development;
- Lot 4 – 9185m² in area and proposed for civic uses;
- Lot 9000 – is the balance of the Title; and
- Proposed road reserves linking the proposed lots to the existing road network.

The proposed subdivision is intended to be stage 1 of the development of the Bremer Bay Town Centre.

The applicant has provided a report explaining and justifying the proposed subdivision, provided in full at Attachment 10.3.2(a).

Assessment

The subject site is zoned 'Special Use site No.8' under the Shire of Jerramungup Local Planning Scheme No 2 ('the Scheme') for the purpose of 'Bremer Bay Town Centre'.

The Scheme requirements for development in this zone are found in Schedule 4 of the scheme. The conditions of the Special Use site include the adoption of a Structure Plan by the local government and its endorsement by the Commission.

A Structure Plan has been prepared and adopted by the local government. This was forwarded to the WAPC for endorsement in April. As the local government is being asked for their recommendation on the proposed subdivision it is fair to refer to the adopted Structure Plan. Both the subdivision and Structure Plan lie with the WAPC for final approval

The proposed subdivision is consistent with the adopted Structure Plan. A copy of the Structure Plan, with modifications as resolved by Council in April 2012, is provided at Attachment 10.3.2(b).

Standard conditions of approval are recommended including the extensions of services and the construction of roads and footpaths.

STATUTORY REQUIREMENTS

The Shire of Jerramungup has a role in the development of the proposed town centre as a 'developer'. It is important for the Council to bear in mind that this report is requiring the Council to separate themselves from this role and consider the proposed subdivision in their role as a referral agency in the subdivision process.

STRATEGIC IMPLICATIONS

The proposed structure plan aligns with a variety of the key focus areas in the Strategic Plan:

Ongoing social, economic and financial viability

The Shire of Jerramungup will continue to grow and prosper whilst maintaining its identity and sense of place by: ...

...1.4 Ensuring that the availability of residential, industrial and commercial land meets demand

Service delivery and the environment

The Shire of Jerramungup will deliver a range of excellent community services whilst minimising our impact on the environment by:

2.1 Ensuring that growth occurs in a controlled and sustainable manner. ...

2.4 Supporting a range of community services that enhances the community fabric.

FINANCIAL IMPLICATIONS

The Council has budgeted for the construction of stage 1 of the Bremer Bay Town Centre in this year's Budget.

POLICY IMPLICATIONS

Design Guidelines to control and guide the development of the lots proposed as part of this subdivision will need to be drafted in anticipation of the sale of the lots proposed as part of this subdivision.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council;

Recommend that the Western Australian Planning Commission approve the subdivision application for Lot 135 (Reserve 31611) John Street, Bremer Bay subject to the following conditions:

- a) Preparation and implementation of a stormwater drainage management plan/integrated urban water management plan.
- b) The lots being provided with stormwater drainage connections and connected to the comprehensive district drainage system at the subdivider's cost to the satisfaction of the Shire of Jerramungup.
- c) The land being filled and/or drained at the subdivider's cost to the satisfaction and specifications of the Shire of Jerramungup, and any easements and/or reserves necessary for the implementation thereof, being provided free of cost to the Council and in accordance with its requirements.

- d) The land is to be graded and stabilised at the subdivider's cost to the specification and satisfaction of the Shire of Jerramungup.
 - e) Those lot(s) not fronting a sealed constructed road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road to the local road system and such subdivisional road being constructed and drained at the subdivider's cost to the specifications and satisfaction of the Shire of Jerramungup.
 - f) The remnant vegetation on the lots being retained in so far as possible during the subdivision process to the satisfaction of the Shire of Jerramungup.
 - g) Roads that have been designed to connect with existing or proposed roads abutting the subject land are to coordinate such that the road reserve location and width match and connect seamlessly.
 - h) The pedestrian accessway(s) within the subdivision are to be constructed and drained at the subdividers cost to the specifications and satisfaction of the Shire of Jerramungup and such land is to be vested in the Crown without any payment of compensation.
2. Refer a copy of the Council report to the WAPC with a formal response on the application.

OC120807 Moved Cr Daniel / Seconded Cr Bailey

That Council;

Recommend that the Western Australian Planning Commission approve the subdivision application for Lot 135 (Reserve 31611) John Street, Bremer Bay subject to the following conditions:

- a) Preparation and implementation of a stormwater drainage management plan/integrated urban water management plan.**
- b) The lots being provided with stormwater drainage connections and connected to the comprehensive district drainage system at the subdivider's cost to the satisfaction of the Shire of Jerramungup.**
- c) The land being filled and/or drained at the subdivider's cost to the satisfaction and specifications of the Shire of Jerramungup, and any easements and/or reserves necessary for the implementation thereof, being provided free of cost to the Council and in accordance with its requirements.**
- d) The land is to be graded and stabilised at the subdivider's cost to the specification and satisfaction of the Shire of Jerramungup.**
- e) Those lot(s) not fronting a sealed constructed road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road to the local road system and such subdivisional road being constructed and drained at the subdivider's cost to the specifications and satisfaction of the Shire of Jerramungup.**
- f) The remnant vegetation on the lots being retained in so far as possible during the subdivision process to the satisfaction of the Shire of Jerramungup.**

- g) Roads that have been designed to connect with existing or proposed roads abutting the subject land are to coordinate such that the road reserve location and width match and connect seamlessly.**
 - h) The pedestrian accessway(s) within the subdivision are to be constructed and drained at the subdividers cost to the specifications and satisfaction of the Shire of Jerramungup and such land is to be vested in the Crown without any payment of compensation.**
- 2. Refer a copy of the Council report to the WAPC with a formal response on the application.**

Carried 5-0

2.23pm Mr Bailey returned to the meeting.

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.3
SUBJECT:	Proposed Scheme Amendment No 5 – Omnibus Amendment
LOCATION/ADDRESS:	Whole of Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	LU.PL.9
AUTHOR:	Planning Officer, Craig Pursey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	3 August 2012

SUMMARY

Council is to consider granting final approval to an omnibus amendment to Local Planning Scheme No 2. An omnibus amendment is a scheme amendment that rectifies small issues in the way a Scheme works without undertaking a wholesale review.

This omnibus specifically seeks to:

- Ensure that any unpaid contributions for maintenance of standpipe facilities and fire fighting are recoverable;
- Introduce a definition in the Scheme for Strategic Fire Break;
- Modify, expand and clarify the requirements for development and landuses in the Bremer Bay Town Centre;
- Introduce specific scheme provisions for Structure Plans and Subdivision Guide Plans which apply to Rural Residential zones, Residential Development zone and the Special Design Area;
- Introduce a new Residential Development zone and relevant scheme requirements;
- Incorporate a generic clause that gives Council the ability to require a Structure Plan where a co-ordinated approach is required for development and / or subdivision;
- Update the Priority P1 and P2 Public Drinking Water Source protection boundaries as applicable to Lot 109 Borden Bremer Bay Road, Bremer Bay;
- Correct a number of anomalies identified in the Scheme text and map;
- Address various outstanding landuse matters in the Shire; and
- Make a number of improvements and updates to the existing Scheme text.

The amendment has been advertised for public comment during which time 6 submissions were received. This report recommends that the amendment be adopted for final approval with modifications.

ATTACHMENT

Attachment 10.3.1(a) - Schedule of Submissions

BACKGROUND

Council adopted Scheme Amendment No. 5 to the Scheme for the purpose of initiating public consultation in December 2011 (refer Item 10.3.4 – 21 December 2011).

A full copy of the amendment was distributed to Councillors and included as an attachment to the Council agenda.

The Amendment was referred to the Environmental Protection Authority (EPA) for advice, prior to advertising. The EPA objected to the proposed rezoning of Lot 248 Paperbark Road, Boxwood Hill.

Council reinitiated Scheme Amendment 5 at its meeting of 16th May 2012 without the proposed rezoning of Lot 248.

The EPA provided formal advice that Scheme Amendment 5 does not require formal assessment on the 5th June 2012.

A full copy of the Scheme Amendment documentation is available on request.

CONSULTATION

The Amendment was referred to the Environmental Protection Authority (EPA) who advised that no environmental assessment is required on the 5th June 2012.

The amendment has been placed on public advertising and affected landowners and relevant government agencies written to individually.

Formal advertising of Scheme Amendment 5 closed on the 2 August 2012, during which time 6 submissions were received; all from government agencies.

A Schedule of Submissions has been prepared that summarises the submissions received, offers comment and makes recommendations on each submission. The Schedule is attached to this report at Attachment 10.3.3(a).

Full copies of any submissions are available to Councillors on request, and will be provided to the WAPC who undertakes final assessment of the amendment.

COMMENT

The role of the Council at this stage of the scheme amendment process is to assess the public submissions and determine if changes are required to the scheme amendment as a result.

The submissions are addressed in detail in the Schedule of Submissions at Attachment 10.3.3(a) with only one minor modification proposed.

During the public advertising period staff became aware of one additional shortcoming in the Scheme. Telecommunication Facilities are dealt with in detail at clause 5.11 of the Scheme. 'Telecommunications Infrastructure' is defined in the Scheme. However, they are not listed as a land use in the Zoning Table.

An additional modification is proposed to include 'Telecommunications Infrastructure' as a listed land use in the Zoning Table as an 'A;' use in all zones. An 'A' use is a discretionary use that may be considered by Council following public advertising.

Conclusion

The Scheme Amendment will result in significant benefits and corrects a number of existing problems associated with the Scheme text and some anomalies in the Scheme maps.

Final approval is recommended subject to minor modifications.

STATUTORY REQUIREMENTS

All amendments undergo a statutory process including referral to the EPA, public advertising and ultimately approval of the amendment is required by the Minister for Planning.

Should Council decide to adopt the Amendment for final approval it will be forwarded to the Western Australian Planning Commission (WAPC) and Minister for Planning for final approval and gazettal.

STRATEGIC IMPLICATIONS

The proposed Omnibus Amendment aligns with the following key focus area in the Strategic Plan:

Service delivery and the environment

The Shire of Jerramungup will deliver a range of excellent community services whilst minimising our impact on the environment:

2.1 *Ensuring that growth occurs in a controlled and sustainable manner. ...*

FINANCIAL IMPLICATIONS

The Shire has employed Gray & Lewis Land Use Planners to prepare the Scheme Amendment documentation. Additional modifications may be required as the assessment of this document progresses.

POLICY IMPLICATIONS

There will be a requirement to formulate and adopt a local planning policy for the areas coded R15/30 to guide development at density as a result of this Amendment.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council,

- A. Adopt Amendment No 5 to the Shire of Jerramungup Local Planning Scheme No 2 pursuant to Section 75 of the Planning and Development Act 2005 by;

1. Modifying existing Clause 4 (b) applicable to 'RRes 1' and Clause 3 (b) applicable to 'RRes 3' under 'Schedule 11 – Rural Residential Zone' which currently states;

“The local government will require all owners to contribute annually to the special fund to be administered by the local government and used for the maintenance of the standpipe facilities and the fire fighting equipment”.

And replacing them with;

‘The local government will require all owners to contribute annually to a special fund to be administered by the local government and used for general fire management purposes or to implement fire management plans including and not limited to maintenance of standpipe facilities, water tanks, fire fighting equipment/ facilities and strategic fire breaks or emergency fire accesses.’

2. Modifying existing Clause 4 (d) applicable to 'RRes 4' and existing Clause 4 (b) applicable to 'RRes 5' under 'Schedule 11 – Rural Residential Zone' which currently states:

“The local government will require all owners to contribute annually to the special fund to be administered by the local government and used solely for the maintenance of fire fighting facilities or equipment”.

And replacing it with;

‘The local government will require all owners to contribute annually to a special fund to be administered by the local government and used for general fire management purposes or to implement fire management plans including and not limited to maintenance of standpipe facilities, water tanks, fire fighting equipment/ facilities and strategic fire breaks or emergency fire accesses.’

3. Inserting a new Clause 5.25.3 (t) as follows;

“Where the local government requires an owner of land specified in Schedule 11 to contribute to a special fund administered by the local government pursuant to Schedule 11, the owner must pay the contribution to the local government within 28 days of the date of the requisition being made.”

4. Inserting a new Clause 5.25.3 (u) as follows;

“Where an owner does not pay a contribution required by the local government pursuant to Schedule 11 within 28 days of the requisition being made, the local government may recover it as well as the costs of the proceedings for that recovery in a court of competent jurisdiction.”

5. Modifying existing Clause 5.25.3 (p) which currently states:

‘Strategic firebreaks as nominated on the Subdivision Guide Plan, are to be constructed and maintained to the specification and satisfaction of the local government and Bush Fires Service’.

And replacing it with:

‘Strategic firebreaks as nominated on an approved Subdivision Guide Plan, Fire Management Plan or Subdivision Plan are to be constructed and maintained throughout the year to the specification and satisfaction of the local government’.

6. Inserting a new definition for ‘Strategic Fire Break’ in ‘Schedule 1 – Dictionary of defined words and expressions’ under ‘1. Definitions’ as follows;

‘Strategic Fire Break – means an area of land required for unrestricted emergency vehicular access which must be cleared to bare earth, and maintained devoid of all material (living or dead) by removal of all inflammable matter and vegetation between the ground and 5 metres above the ground with no overhanging branches. The width of a strategic fire break shall be in accordance with an approved Subdivision Guide Plan, Fire Management Plan, Subdivision Plan or in accordance with a notice issued by the local government in accordance with the Bush Fire Act 1954.’

7. Inserting a new Clause 5.25.2 (d) which states;

‘All landowners and development shall comply with the conditions for specific Rural Residential areas as listed under ‘Schedule 11 – Rural Residential Zone’. Where conflict exists between the provisions under Clause 5.25 and Schedule 11, the conditions of Schedule 11 will prevail.’

8. Modifying existing text which currently states ‘5.19 Residential Zone’ to be bolded and in capitals to state ‘5.19 RESIDENTIAL ZONE’ and listing it in the Scheme ‘Table of Contents’.

9. Inserting a new Clause ‘5.19.4 Outbuildings’ as applicable to Residential zoned land as follows;

‘5.19.4 Outbuildings

- (a) *Applications shall be assessed in accordance with Local Planning Policy No 16 – Outbuildings (as amended from time to time), and the applicable setback and open space requirements under the Residential Design Codes and / or the relevant provisions of the Scheme.*
- (b) *In assessing any variation to the Scheme or relevant Local Planning Policy, Council may have regard for existing development, streetscape, visual impact and amenity.’*

10. Inserting a new Clause ‘5.25.4 Outbuildings’ applicable to the rural residential zone land as follows;

‘5.25.4 Outbuildings

- (a) *Applications shall be assessed in accordance with Local Planning Policy No 16 – Outbuildings (as amended from time to time), and the applicable setback requirements under the Scheme.*

- (b) *In assessing any variation to the Scheme or relevant Local Planning Policy, Council may have regard for existing development, streetscape, visual impact, amenity and the general requirements under Clause 5.25.3.'*

11. Modifying Clause 5.3 (b) which currently states:

- (a) *In the Residential zone with R15/30 density code the local government may permit an increase from R15 up to a maximum of R30 to allow development of more than 1 dwelling on a lot where:*
- (i) *adequate connection to reticulated sewerage is available;*
 - (ii) *in the opinion of the local government the lot is suitably located close to services and facilities;*
 - (iii) *the local government after following the advertising procedures in clause 9.4 is satisfied there will not be adverse impacts on local amenities;*
 - (iv) *the local government considers the design of the development will enhance the amenity of the area; and*
 - (v) *the development is compatible with the surrounding land uses and development.'*

To state:

- (a) *In the Residential zone with R15/30 density code the local government has discretion to permit an increase from the base code of R15 up to a maximum density of R30 where:*
- (i) *adequate connection to reticulated sewerage is available; and*
 - (ii) *the proposal is consistent with, and has a high degree of compliance with the relevant Local Planning Policy in the opinion of Council. '*

12. Modifying and expanding Clause 8.1 which currently states:

8.1 REQUIREMENT FOR APPROVAL TO COMMENCE DEVELOPMENT

Subject to clause 8.2, all development on land zoned and reserved under the Scheme requires the prior approval of the local government. A person must not commence or carry out any development without first having applied for and obtained the planning approval of the local government pursuant to the provisions of Part 9.

And inserting as follows;

8.1 REQUIREMENT FOR APPROVAL TO COMMENCE DEVELOPMENT

8.1.1 *Subject to clause 8.2, all development on land zoned and reserved under the Scheme requires the prior approval of the local government. A person must not commence or carry out any development without first having applied for and obtained the*

planning approval of the local government pursuant to the provisions of Part 9.

8.1.2 For the purpose of obtaining Council's approval for the use of land the commencement, carrying out or change of a use of land shall be considered development notwithstanding that it may not involve the carrying out of any building or other works.'

13. Modifying 'Point (iii)' to existing Clause 8.2 (b) under 'permitted development' which currently states:

'(iii) the single house is a transported building under clause 5.10;'

To state:

'(iii) the single house is a second hand transported building under clause 5.10 and is not proposed in the Rural zone (refer Clause 8.2 (g)) ;'

14. Inserting a new point (vi), (vii), (viii) and (ix) to existing Clause 8.2 (b) under 'permitted development' as follows;

'(vi) the single house includes a level above a single storey including an upper storey loft, or two or more storeys, or similar additions to an existing residence;'

(vii) in the case of outbuildings, a variation is proposed to Local Planning Policy No 16 – Outbuildings or where the lot is vacant;

(viii) the single house requires a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes pertaining to an R15 density on a lot which is contained in the Residential zone with a density code of R2/15.

(ix) the development proposes a variation to a Local Planning Policy adopted by the local government in accordance with Clause 2.4.

15. Modifying existing Clause 8.3 which currently states;

'8.3 AMENDING OR REVOKING A PLANNING APPROVAL

The local government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to commencement of use or development subject to the planning approval.'

And inserting as follows:

'8.3 AMENDING OR REVOKING A PLANNING APPROVAL

8.3.1 The local government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to commencement of use or development subject to the planning approval.

8.3.2 *Where the local government gives a Planning Approval with or without conditions, the Council, upon written request from the owner of land in respect of which planning approval has been granted, may add to, vary, modify or delete any condition, or substitute any other condition.*

8.3.3 *If the Council adds to, varies or deletes any conditions, or substitutes a condition pursuant to the provisions of the proceeding subclause, then the Council shall as soon as possible send to the owner an updated list of the conditions.'*

16. Delete the existing definition for 'plantation' in 'Schedule 1 – Dictionary of defined words and expressions' under point '2. Land use definitions' which states:

“has the same meaning as in the Code of Practice for Timber Plantations in Western Australia (1997) published by the Department of Conservation and Land Management and the Australian Forest Growers”.

Inserting a new definition for 'plantation' in 'Schedule 1 – Dictionary of defined words and expressions' under point '2. Land use definitions' which states:

“means a stand of trees of ten hectares, or larger, that has been established by sowing or planting of either native or exotic tree species selected and managed intensively for commercial gain and/or carbon sequestration value. A plantation may or may not involve harvesting and includes roads, tracks, firebreaks and areas of native vegetation surrounded by plantation.”

17. Modify and expand existing Clause 5.26.3 to state:

5.26.3 Development of Agroforestry and plantations (harvesting and non-harvesting)

- (a) *In addition to those matters listed in clause 10.2, applications for the development of agroforestry and plantations are to be determined by the local government having regard to:*
- (i) *The objectives of the Rural zone with high regard to the need to ensure continuation of broad hectare farming as the principal landuse;*
 - (ii) *The Code of Practice for Timber Plantations in Western Australia 2006 as amended from time to time ('Code of Practice');*
 - (iii) *Submission of a plantation management plan in accordance with the protocol in the Code of Practice;*
 - (iv) *Provision of an adequate Fire Management Plan to the satisfaction of the local government that addresses matters such as fire risk, suppression response, water supply, emergency access, firebreak locations, and ongoing implementation of a Fire Management Plan;*
 - (v) *The Guidelines for Plantation Fire Protection (FESA) as amended from time to time;*
 - (vi) *The benefits of agroforestry and plantations in addressing land degradation including soil erosion, waterlogging, erosion and salinity on the development land;*

- (vii) *The need for adequate buffers between plantations and water courses having regard for Water Quality Protection Notes, guidelines or policies produced by the Department of Water from time to time;*
- (viii) *The benefits of plantations which supplement continued traditional agriculture on the development land and result in specific benefits to the development land through protecting water courses, providing vegetation corridors, mitigating wind erosion, protecting existing grazing / cropping areas and / or providing vegetation linkages to surrounding remnant vegetation;*
- (ix) *Landuse compatibility and the location of the land in relation to land zoned and / or planned for residential, industrial and commercial uses;*
- (x) *Any relevant Local Planning Policy adopted by the Shire;*
- (xi) *The suitability of the current and future road systems.'*

18. Delete Clause 5.26.3 (b) which states:

- '(b) In determining applications for agroforestry and plantations the local government may impose conditions relating to inter alia:*
- (i) The application of fire management measures and the provision of internal and boundary fire breaks and water supplies in accordance with the Guidelines for Plantation Fire Protection 1998 (Bush Fire Service of WA/FESA and CALM).*
 - (ii) Compliance with the Code of Practice.'*

19. Modifying existing 'Clause 5.10 – Transported Buildings' which currently states:

'5.10.1 A person is not to transport a building and place it on land in the Scheme area and use it as a dwelling unless planning approval has been granted by the local government. The local government is not to grant planning approval if the land is within a Heritage Area designated in Clause 7.2.

5.10.2 The local government must only grant planning approval in accordance with clause 5.10.1 if the transported building:

- (a) complies with the provisions of the Scheme, the Residential Design Codes, and any local laws applicable both to the transported building and the land on which it is to be situated; and*
- (b) is, in the opinion of the local government, in a satisfactory condition and will not detrimentally affect the amenity of the area.'*

And inserting as follows:

'5.10 TRANSPORTED BUILDINGS

'5.10.1 A person is not to transport a second hand building and place it on land in the Scheme area and use it as a dwelling unless planning approval has been granted by the local government (unless otherwise exempted in Clause 8.2 (g)).

5.10.2 In considering whether or not to grant planning approval in accordance with Clause 5.10.1 the Council shall have special regard to:

- (a) Whether the application complies with the provisions of the Scheme and the Residential Design Codes; and
- (b) The quality of the building and whether, in the opinion of the local government, it is in a satisfactory condition and will not detrimentally affect the amenity of the area; and
- (c) The dwelling appearance is, or can be upgraded to, the standard and appearance equivalent of a new dwelling to the satisfaction of the local government; and
- (d) Any upgrading or alterations proposed by the proponent as part of the development application; and
- (e) The visual prominence of the site; and
- (f) Any proposed landscaping which will enhance the development and;
- (g) All applicable local planning policies relating to Transported Buildings and the lot upon which it is to be located following transportation.

5.10.3 In granting an approval for a Transported Building to be used as a dwelling, the Council may impose conditions as reasonably relate to the development including which:

- (a) require landscaping in the front setback area to be established and maintained; and
- (b) require the applicant or owner to provide a bond or bank guarantee to Council as surety for the completion of any upgrading required for a second hand Transported Building to a standard of presentation acceptable to Council within a specified time frame. Should Council require provision of a bond, such monies so received shall be deposited in an interest bearing Trust account and upon completion of the necessary works to the satisfaction of Council, such monies shall be refunded.'

20. Insert a new Clause 8.2 (g) as follows:

- '(g) the erection of a Transported Building for use as a dwelling on a lot zoned 'Rural' except where:
 - (i) there is already a dwelling or dwellings located on the same lot;
 - (ii) the building does not comply with the minimum building setbacks under Clause 5.26.1;
 - (iii) the building will be located in a Heritage Area designated under the Scheme; or
 - (iv) the building will be located on a lot abutting an unconstructed road or a lot which does not have frontage to a constructed road.'

21. Replace the existing provisions in Schedule 4 as applicable to the Town Centre as 'Special Use – 7' which currently states:

No.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS
SU 8	Reserve 31611 Bremer Road, Garnett Road and John Street, Bremer Bay	Bremer Bay Town Centre providing for: <ul style="list-style-type: none"> ▪ Civic uses ▪ Offices ▪ Dwellings under the medium density codes of the Residential Design Codes ▪ Community purposes ▪ Shops ▪ Movements systems ▪ Landscaping areas ▪ Civic spaces, and, ▪ Parking areas. 	A Structure Plan is to be prepared by the proponent and approved by the local government and endorsed by the Commission before any subdivision or development. The Structure Plan will incorporate: <ul style="list-style-type: none"> ▪ A Strategy to retain areas of native vegetation in the design to enhance local character of the centre and conserve water; ▪ Permissible landuses; ▪ Road and Servicing networks; ▪ Development staging; and ▪ Such other matters as determined by the local government.

To state as follows;

No.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS
SU 8	Reserve 31611 Bremer Road, Garnett Road and John Street, Bremer Bay	(1) The area is to accommodate a Town Centre to service Bremer Bay. (2) The objectives of the Bremer Bay Town Centre are to: <ul style="list-style-type: none"> (a) Create a safe, convenient, prosperous and vibrant Town Centre that services existing and future needs of residents, visitors and tourists; (b) Ensure that the Bremer Bay Town Centre is the principal place for civic, retail, business and administration uses within the district including professional services that provide for the needs of the community; (c) Cater for a 	1. <u>Structure Plan</u> (a) A Structure Plan and Structure Plan Report is to be prepared by the proponent and approved by the local government and endorsed by the Commission before any subdivision or development. (b) The Structure Plan (and Structure Plan report) shall address the following matters: <ul style="list-style-type: none"> - An assessment of vegetation and identification of areas of vegetation to be retained in the design to enhance local character of the centre; - Road and Servicing networks; - Identify opportunities for water conservation; - Provide an appropriate interface with surrounding areas; - Landuse Permissibility and provisions for development control. 2. <u>Development</u> (a) Development shall be generally in accordance with a Structure Plan

		<p>wide range of uses normally found in a local centre and provide flexibility to accommodate non commercial uses that will complement the Town Centre subject to landuse compatibility and preservation of local amenities;</p> <p>(d) Encourage and facilitate a high standard of development through design guidelines for buildings, landscaping and carparking;</p> <p>(e) Create a Town Centre that is an attractive place to visit, work, live and conduct business;</p> <p>(f) Provide for greater housing choice through medium density residential development and maximize the number of people living within walking distance of the Town Centre;</p> <p>(g) Ensure that a comprehensive Structure Plan is developed that recognises the unique attributes of Bremer Bay.</p> <p>(3) Council has broad discretion to consider a wide range of landuses normally associated with a Town Centre and its surrounds consistent with a Structure Plan and Structure Plan report approved by the Local Government and endorsed by the Western Australian Planning Commission.</p> <p>(4) The following landuses will be actively encouraged within</p>	<p>approved by the local government and endorsed by the Commission.</p> <p>(b) Land Use permissibility shall be in accordance with those specifically nominated on the Structure Plan or be assessed in accordance with the land use permissibility and development controls in the Structure Plan Report.</p> <p>(c) All development shall be generally in accordance with any guidelines, site requirements and/or design criteria adopted by the local government as a Local Planning Policy.</p> <p>(d) In determining any application the local government may have regard for the objectives and vision for the Local Structure Plan as outlined in any associated Local Structure Plan report and / or Local Planning Policy.</p> <p>(e) In determining applications, Council shall have regard for normal planning considerations such as streetscape, amenity, landuse compatibility, architectural design, traffic, car parking and landscaping.</p> <p>(f) Uses that are more appropriate in other zones, such as Industries, will not be supported in the Town Centre.</p> <p><u>3. Subdivision</u></p> <p>(a) Subdivision shall be generally in accordance with a Structure Plan approved by the local government and endorsed by the Commission.</p>
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		<p>Bremer Bay Town Centre;</p> <ul style="list-style-type: none"> - Civic uses - Offices - Community purposes - Shops - Cafes / Restaurants - Grouped Dwellings to comply with the density code as nominated on the Structure Plan - Short stay and tourist accommodation - Tourist related developments. 	
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22. Delete 'A2 Kent Location 2118, Dillon Bay' and the associated additional use and conditions in 'Schedule 2 – Additional Uses' as applicable to 'A2'.

23. Replace existing Clause 5.3 (c) which currently states:

'Land in the Residential zone in the Bremer Bay townsite with R2/R15 density code is not to be developed to a density greater than R2 unless reticulated sewerage is provided to the land in which case development may be permitted up the maximum of R15'.

And inserting a new Clause 5.3 (c) as follows;

'(c) In the Residential zone with an R2/15 density code subdivision or development above the base code of R2 shall only be permitted where;

- (i) Reticulated sewer is available and it is demonstrated that it can be provided to service the new lots; and*
- (ii) Any existing dwellings are provided with adequate setbacks to new lot boundaries; and*
- (iii) The subdivider constructs all available road frontages and right of ways abutting the development site as part of subdivision; and/ or*
- (iv) Subdivision shall be generally in accordance with a Subdivision Guide Plan where it has been adopted by Council and endorsed by the Western Australian Planning Commission (as applicable).*

24. Deleting existing Clause 5.3 (d) which states:

'Where planning approval is required for a dwelling that is more than 5 metres over natural ground level the local government may consult with adjoining owners likely to be affected and the local government is to take into consideration any submissions when determining an application for planning approval.'

25. Inserting a new Clause 5.3 (d) as follows;

'The setback and site requirements for R15 under the Residential Design Codes will be applied to all dwellings (including any dwelling extension) on land coded Residential with a density code of R2/15'.

26. Deleting existing Clause 5.16.3 which states:

"An approval to carry on a home business or home occupation or rural home business:

- (a) is valid for a period of 12 months after the date of issue thereof but may be renewed upon application in writing to the local government.*
- (b) relates only to the premises for which, and the person for whom, the application was made and the approval subsequently issued.*
- (c) is not capable of being transferred or assigned to any other person and does not run with the land in respect of which it was granted."*

Inserting a new Clause 5.16.3 as follows;

"The Council shall not grant planning consent to a home occupation, home business or rural home business unless it is satisfied the use:

- (a) Complies with the home occupation, home business or rural home business landuse as defined in Schedule 1 of the Scheme;*
- (b) Will not prejudicially affect the amenity of the neighbourhood by way of traffic, noise, number of people attending the site, inadequate parking, scale of business operations or emissions;*
- (c) Is of a low scale compatible with the zoning of the property and not of a scale, type or nature that would be better suited to location in a Town Centre, Commercial or other zone. "*

27. Inserting a new Clause 5.16.5 and Clause 5.16.6 as follows;

"5.16.5A planning consent to conduct a home occupation, home business or rural home business is issued to a specific occupier of a parcel of land, it shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it was granted. Should there be a change of occupier of the land in respect of which planning consent for a home occupation is issued the planning consent is automatically cancelled and extinguished without any written notification.

5.16.6 If, in the opinion of Council, a home occupation, home business or rural home business is causing a nuisance or annoyance to owners or occupiers in the locality the Council may rescind the planning consent by absolute majority. "

28. Deleting existing Clause 5.17 which currently states:

“The provisions of this clause apply for all caretakers’ dwellings in the Light Industry and General Industry zones.

- (a) a caretaker’s dwelling is not to be developed and/or occupied on a lot unless that lot has been developed and is being used in accordance with the Scheme;*
- (b) only one caretaker’s dwelling is to be permitted on a lot; for the purposes of this clause “lot” excludes a strata lot or survey-strata lot created under the Strata Titles Act 1985;*
- (c) a caravan or park home is not to be permitted as a caretaker’s dwelling for either permanent or temporary occupation;*
- (d) a caretaker’s dwelling is to be screened and/or fenced from the street frontage of the lot to the satisfaction of the local government and wherever possible is to be sited at the rear of other buildings on the lot;*
- (e) a caretaker’s dwelling is to contain 1 bedroom only within an a total floor area that does not exceed 100 square metres measured from the external face of walls;*
- (f) open verandahs may be permitted but must not be enclosed by any means unless the total floor area remains within the 100 square metres referred to in clause 5.17 (e).”*

Inserting a new Clause 5.17 as follows;

“5.17 CARETAKERS DWELLING

The following provisions apply to all applications for caretakers dwellings in the Light Industry, Service Commercial and General Industry zone:

- (a) A caretakers dwelling shall not be developed and / or occupied on a lot unless that lot has been substantially developed with an industry, business or office and is being used in accordance with the Scheme;*
- (b) A caretakers dwelling shall be located on a lot larger than 2000m² in the Light Industrial zone and 4000m² in the General Industry zone unless otherwise approved by Council;*
- (c) Council may require caretakers dwellings to be constructed in a form that is capable of being removed including a park home and transported buildings so that future Industrial development of lots is not constrained by permanent dwellings;*
- (d) A caravan is not permitted as a caretakers dwelling for either permanent or temporary occupation;*
- (e) The location of a Caretakers Dwelling on a lot shall be assessed in relation to its proximity to adjoining lots and the likely impact of any noise, dust, fumes, vibration and the like emanating from activities on the adjoining lots;*
- (f) Council may require applicants proposing caretakers dwellings to provide information and technical assessments of potential emissions, risks and*

hazards of existing development and to enter into an agreement with Council to certify they are aware of potential impacts associated with normal industrial activities;

- (g) Caretakers dwellings are not permitted on land adjacent to vacant lots unless there are extenuating circumstances, as future industrial landuses may have adverse impacts. Council will have regard to the need to cater for new Industries within the General Industrial zone and ensure that future development of vacant lots are not unduly constrained by the location of caretakers dwellings;*
- (h) Council will consider the need to maintain adequate buffers between caretakers dwellings (sensitive dwellings) and Industrial uses outlined in the Environmental Protection Authority 'Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Landuses';*
- (i) Caretakers dwellings shall be located to the rear of lots in an area that does not interfere with truck movements, loading areas, car parking or landscaping for the business located on the same lot (unless otherwise approved by Council);*
- (j) Caretakers dwellings shall be provided with a private external open space area equal to the floor area of the proposed dwelling and adequate landscaping screening the dwelling from view of any street, public place or adjacent lots;*
- (k) A caretakers dwelling is to contain 1 bedroom only with a total floor area that does not exceed 100 square metres measured from the external face of the walls. The total floor area does not include any pergola, patio, veranda or carport that is open on at least two sides;*
- (l) A maximum of one caretakers dwelling shall be permissible on a lot;*
- (m) Council may limit the term of the planning approval for any caretakers dwelling in recognition that industrial land uses in a locality change over time, the need to maximise potential industrial development on vacant land in a locality, to minimise landuse conflict between a caretakers dwelling and new development, and to ensure that ultimately industrial areas are not unduly constrained by the location of non industrial uses. “*

29. Inserting objectives for a new 'Residential Development' zone as a dot point under '4.2 OBJECTIVES OF THE ZONES' as follows;

- *Residential Development Zone*
- *To allow for the progressive development of land for predominately residential purposes together with compatible uses.*
- *To retain the single house as the predominant form of residential development and maintain flexibility to cater for a variety of housing choice and future housing needs.*

- *To allow for incidental non-residential uses only where the local amenity is not adversely affected.*
- *To ensure that subdivision occurs in a co-ordinated manner and has regard for other future subdivisions in the area.*
- *To ensure all residential development is provided with adequate services and infrastructure.*

30. Inserting a new column to Table 1-Zoning Table with notations as follows against each use for a new 'Residential Development' zone;

USES		RESIDENTIAL DEVELOPMENT
1	aged or dependent persons dwelling	D
2	agriculture-extensive	X
3	agriculture-intensive	X
4	agroforestry	X
5	ancillary accommodation	D
6	animal establishment	X
7	animal husbandry - intensive	X
8	aquaculture	X
9	bed and breakfast	D
10	caretaker's dwelling	X
11	civic use	D
12	club premises	A
13	educational establishment	A
14	fast food outlet	X
15	fuel depot	X
16	grouped dwelling	D
17	home business	D
18	home occupation	D
19	hotel	A
20	industry - cottage	D
21	industry - extractive	X
22	industry - general	X
23	industry - light	X
24	industry - rural	X
25	industry - service	X
26	motel	A
27	motor vehicle repair	X
28	multiple dwelling	D
29	office	X
30	place of worship	X
31	plantation	X
32	plant nursery	X
33	recreation - private	A
34	residential building	D
35	restaurant	A
36	rural home business	X
37	rural pursuit	X
38	service station	X
39	shop	X
40	single house	P
41	tavern	X
42	tourist accommodation	D
43	transport depot	X
44	veterinary centre	X

45	warehouse	X
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* Refer Clause 5.29.5.2 for 'Residential Development ' zone or areas subject to a Structure Plan.

31. Inserting a new clause 5.28 in 'Part 5 – General Development Requirements' as follows:

5.28 RESIDENTIAL DEVELOPMENT ZONE

5.28.1 Site Requirements

Residential development is to be in accordance with the Residential Design Codes. The minimum building setbacks and other development standards will be determined in accordance with the applicable R Code, as shown on an approved Structure Plan for the site.'

5.28.2 Structure Plan Requirement

The Local Government is not to:

- (a) consider recommending subdivision; or
- (b) approve development

of land within the Residential Development zone unless a structure plan has been prepared in accordance with Clause 5.29 of the Scheme.'

32. Inserting a new Clause 5.29 in 'Part 5 – General Development Requirements' as follows:

5.29 STRUCTURE PLANS

5.29.1 The local government or the Western Australian Planning Commission may require the preparation of a Structure Plan prior to considering a subdivision or development proposal for any area or zone in the scheme.

5.29.2 Subdivision and development should generally be in accordance with an approved structure plan.

5.29.3 A departure from, or alteration to, a structure plan may be permitted if the local government and Western Australian Planning Commission considers the proposed departure or alteration to be minor in nature and it will not prejudice the future subdivision and development of the area.

5.29.4 Structure plan form and content

5.29.4.1 A Structure Plan is to contain such detail as, in the opinion of the local government and Western Australian Planning Commission, is required to satisfy the planning

requirements for the structure plan area, and should include the following details:

- a) a set of maps and a report describing the structure plan area and surrounding land uses;
- b) maps are to be of a legible scale for the structure plan area;
- c) key opportunities and constraints of the structure plan area including landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage, values, ownership, land use, roads and services;
- d) conservation and environmental values including bushland, wetlands, streams and water courses, foreshore reserves and setbacks, environmental policy areas and urban water management areas;
- e) sites and features of Aboriginal and European heritage value;
- f) transport routes, including highways, district and neighbourhood roads, public transport routes, cycle routes and railway stations;
- g) the planning context for the structure plan including the regional and neighbourhood structure, relevant strategies, Scheme provisions and policies and where appropriate, an indication of how the structure plan is to be integrated into the surrounding area;
- h) proposed major land uses, in particular, residential areas, public open space, school sites, civic and community uses, commercial uses (including the location and hierarchy of commercial centres), mixed use, industrial mixed business uses;
- i) the proposed indicative lot pattern and general location of any major buildings;
- j) estimates of future lots, dwellings, population, commercial and industrial floor space;
- k) provision for major infrastructure, including water supply, main drainage, sewerage, and other key infrastructure services;
- l) the proposed road network and hierarchy, public transport services, and bicycle and pedestrian networks;
- m) the timeframe and staging of subdivision and development, and the method of implementation, including any proposals for funding by development contributions; and
- n) such other information as may be required by the local government as a result of the site's characteristics.

5.29.4.2 Advertising and adoption of structure plans

- 5.29.4.3 Upon receiving a structure plan, the local government is to either:
- a) determine that the structure plan is satisfactory for advertising;
 - b) determine that the structure plan is not be advertised until further details have been provided or modifications undertaken; or
 - c) determine that the structure plan is not satisfactory for advertising and give reasons for this to the proponent.
- 5.29.4.4 When the local government has determined the structure plan to be suitable for advertising, the structure plan should be advertised for a minimum period of 21 days.
- 5.29.4.5 The local government shall advise affected landowners and relevant agencies in writing that the structure plan is available for public advertising.
- 5.29.4.6 Following advertising, the local government shall consider the public submissions made in respect of the structure plan, and either uphold or dismiss the submissions made.
- 5.29.4.7 The local government may require modifications to the structure plan prior to adoption.
- 5.29.4.8 When the local government is satisfied with the structure plan, it is to adopt the structure plan and forward the Council's resolution, the adopted structure plan, and schedule of public submissions is to be forwarded to the Western Australian Planning Commission for final approval.
- 5.29.4.9 The Western Australian Planning Commission shall then either approve the structure plan, approve the structure plan with modifications or refuse the structure plan.
- 5.29.5 Operation of Structure Plan
- 5.29.5.1 A structure plan commences operation when it is adopted by the local government and approved by the Western Australian Planning Commission.
- 5.29.5.2 If a structure plan imposes a classification on the land included in it by reference to reserves, zones, or Residential Design Codes then:
- a) the provisions of the structure plan apply to the land as if its provisions were incorporated into the Scheme and it is binding and enforceable in the

same way as corresponding provisions incorporated in the Scheme; and

- b) provisions in the Scheme applicable to land in those classifications under the Scheme apply to the structure plan;
- c) where there is conflict between the provisions of a zone, reserve or provision in a structure plan or a scheme, the scheme shall prevail.
- d) The landuse permissibility for development within the 'Residential Development' zone shall apply in accordance with Table 1 – Zoning Table until such time as a Structure Plan commences operation. Notwithstanding any other provision in the Scheme, once a Structure Plan commences operation then landuse permissibility's for the 'Residential Development' zone shall be in accordance with the provisions and zones in the Structure Plan.

5.29.5.3 If the zones and reserves in a structure plan are inconsistent with the scheme, they must be incorporated into the scheme via an amendment or a scheme review.

5.29.6 Right of Review

5.29.6.1 The proponent of a structure plan required by this Scheme may make application for review under Part 14 of the *Planning and Development Act 2005* on the following grounds:

- a) The failure of the local government to make a determination on the content and requirement of a structure plan (or an amendment to a structure plan) within 120 days of the structure plan being lodged;
- b) A decision by the local government not to endorse a structure plan (or an amendment to a structure plan); and
- c) Conditions of approval of the structure plan (or an amendment to a structure plan).

5.29.6.2 In considering other procedural matters involved with structure plans, the local government and proponent will be guided by policies of the Western Australian Planning Commission.

5.29.7 Subdivision Guide Plan

- 5.29.7.1 Any Subdivision Guide Plan as required under Clause 5.25.2 (b), Clause 6.3.2 or referenced in Schedule 11 shall be prepared and processed in accordance with Clause 5.29.
- 5.29.7.2 Any Subdivision Guide Plan or Plan of Subdivision duly approved by both the Shire of Jerramungup Council and endorsed by the Western Australian Planning Commission shall have the same force and effect as if it was approved as Structure Plan in accordance with Clause 5.29.

33. Deleting existing Clause 5.25.2 (b) which states:

‘A Subdivision Guide Plan is to be prepared for a specific area showing, amongst other things:

- (i) the proposed ultimate subdivision including approximate lot sizes and dimensions;
- (ii) areas to be set aside for public open space, pedestrian access ways, horse trails, community facilities, etc as may be considered appropriate;
- (iii) those physical features it is intended to conserve and the methods to be put in place by the applicant to ensure those areas will be appropriately managed;
- (iv) the proposed staging of the subdivision where relevant;
- (v) proposed cluster designs for vegetated sites to improve fire safety and reduce impacts on flora and fauna values; and
- (vi) retention and creation through revegetation using local native species, of wildlife corridors linking with areas of native vegetation on adjoining land. ‘

And inserting a new Clause 5.25.2 (b) as follows;

‘A Subdivision Guide Plan is to be prepared for a specific area in accordance with Clause 5.29.4.1 and shall be processed in accordance with Clause 5.29.4.2. All Subdivision Guide Plans in the Rural Residential zone shall be accompanied by a Fire Management Plan to the satisfaction of the local government. ‘

34. Modifying the title of Clause 6.3.1 from ‘Purpose of Special Control Area’ to ‘Purpose of Special Design Area’.

35. Modifying Clause 6.3.2 Application and Referral Requirements which states:

‘Before the local government considers any development or subdivision a plan of the overall proposed development is to be prepared for approval by the local government and the Commission. The plan is to include:

- (a) An assessment of the site in regard to:
 - (i) the type, quality and quantity of existing vegetation;
 - (ii) the depth and nature of the soils, including rock;
 - (iii) the existing contour information adequate to depict the landform;
 - (iv) any existing structures or improvements on the land;
 - (v) any other factors the local government considers relevant.

- (b) Information concerning the proposal for the land including:
 - (i) the proposed and ultimate subdivision of the land;
 - (ii) new contours of the site;
 - (iii) services and facilities for the development;
 - (iv) the trees and areas of vegetation to be preserved;
 - (v) new tree planting, landscape and proposed public open space;
 - (vi) the nature, form, scale and proposed use of the development on the land; and
 - (vii) where applicable, the staging of the proposal, and the maintenance strategy for the development.'

And inserting a new Clause 6.3.2 Application and Referral Requirements as follows;

6.3.2 Structure Plan Requirement

The Local Government is not to:

- (a) consider recommending subdivision; or
- (b) approve development of land within the Special Design Area unless a structure plan has been prepared in accordance with Clause 5.29 of the Scheme, and adopted by the Shire of Jerramungup Council and endorsed by the Western Australian Planning Commission.

36. Insert a new Clause 6.3.3 as follows:

'The Shire may require detailed design guidelines for any Structure Plan or Special Design Area to be implemented as a Local Planning Policy in order to ensure new development blends in with the environment and mitigate visual impact. '

37. List 'Lot 781 Bremer Bay' in the 'Description of Land' for existing 'SU6' in 'Schedule 4 – Special Use zones' and insert the following after the word 'aquiculture' in the 'Special Use' column for existing 'SU6' in 'Schedule 4 – Special Use zones' :

'and other compatible ancillary uses including caretakers dwelling, outbuildings, and other structures.'

MAP CHANGES

- 38. Rezone the northern portion of Lot 9007 Little Boat Harbour Road, Bremer Bay from 'Recreation and Open Space' to 'Rural Residential' as depicted on the Scheme Amendment map.
- 39. Re-classifying a portion of Lot 109 Bremer Bay Road, Bremer Bay from 'Rural-Residential Zone', 'Residential R2/15' zone and 'Recreation and Open Space' local scheme reserve to 'Residential Development' zone and 'Recreation and Open Space' local scheme reserve as depicted on the Scheme Amendment map.
- 40. Re-classifying Lot 9000 Goorie Way, Bremer Bay from 'Residential R2/15' zone to 'Residential Development' zone as depicted on the Scheme Amendment map.

41. Modify the P1 and P2 'Special Control Area – PDWS' boundaries on Lot 109 Bremer Bay Road as depicted on the Scheme Amendment map.
 42. Re-classify Lot 781, Bremer Bay from 'Recreation and Open Space' to 'Special Use – 6' zone as depicted on the Scheme Amendment map.
 43. Delete the additional use 'A2' over Lot 95 Dillon Bay Road and Kent Location 2118 Dillon Bay as depicted on the Scheme Amendment map.
- B. Note the submissions and adopt the recommendations in the Schedule of Submissions at Attachment 10.3.3(a);
 - C. Make the additional modifications to the Scheme Amendment document:
 - Include 'Telecommunications Infrastructure' as a listed land use in the Zoning Table as an 'A;' use in all zones.
 - D. Authorise the Chief Executive Officer to modify the amendment documents in accordance with the recommended modifications at the Schedule of Submissions and lodge the amendment with the WAPC for final approval (after execution by the CEO and Shire President).
 - E. Forward Scheme Amendment 5 to the Western Australian Planning Commission for final approval with the schedule of submissions, copies of each submission and a full copy of the officer's report.

That Council,

A. Adopt Amendment No 5 to the Shire of Jerramungup Local Planning Scheme No 2 pursuant to Section 75 of the Planning and Development Act 2005 by;

1. Modifying existing Clause 4 (b) applicable to 'RRes 1' and Clause 3 (b) applicable to 'RRes 3' under 'Schedule 11 – Rural Residential Zone' which currently states;

“The local government will require all owners to contribute annually to the special fund to be administered by the local government and used for the maintenance of the standpipe facilities and the fire fighting equipment”.

And replacing them with;

‘The local government will require all owners to contribute annually to a special fund to be administered by the local government and used for general fire management purposes or to implement fire management plans including and not limited to maintenance of standpipe facilities, water tanks, fire fighting equipment/ facilities and strategic fire breaks or emergency fire accesses.’

2. Modifying existing Clause 4 (d) applicable to 'RRes 4' and existing Clause 4 (b) applicable to 'RRes 5' under 'Schedule 11 – Rural Residential Zone' which currently states:

“The local government will require all owners to contribute annually to the special fund to be administered by the local government and used solely for the maintenance of fire fighting facilities or equipment”.

And replacing it with;

‘The local government will require all owners to contribute annually to a special fund to be administered by the local government and used for general fire management purposes or to implement fire management plans including and not limited to maintenance of standpipe facilities, water tanks, fire fighting equipment/ facilities and strategic fire breaks or emergency fire accesses.’

3. Inserting a new Clause 5.25.3 (t) as follows;

“Where the local government requires an owner of land specified in Schedule 11 to contribute to a special fund administered by the local government pursuant to Schedule 11, the owner must pay the contribution to the local government within 28 days of the date of the requisition being made.”

4. Inserting a new Clause 5.25.3 (u) as follows;

“Where an owner does not pay a contribution required by the local government pursuant to Schedule 11 within 28 days of the requisition being made, the local

government may recover it as well as the costs of the proceedings for that recovery in a court of competent jurisdiction.”

5. Modifying existing Clause 5.25.3 (p) which currently states:

‘Strategic firebreaks as nominated on the Subdivision Guide Plan, are to be constructed and maintained to the specification and satisfaction of the local government and Bush Fires Service’.

And replacing it with:

‘Strategic firebreaks as nominated on an approved Subdivision Guide Plan, Fire Management Plan or Subdivision Plan are to be constructed and maintained throughout the year to the specification and satisfaction of the local government’.

6. Inserting a new definition for ‘Strategic Fire Break’ in ‘Schedule 1 – Dictionary of defined words and expressions’ under ‘1. Definitions’ as follows;

‘Strategic Fire Break – means an area of land required for unrestricted emergency vehicular access which must be cleared to bare earth, and maintained devoid of all material (living or dead) by removal of all inflammable matter and vegetation between the ground and 5 metres above the ground with no overhanging branches. The width of a strategic fire break shall be in accordance with an approved Subdivision Guide Plan, Fire Management Plan, Subdivision Plan or in accordance with a notice issued by the local government in accordance with the Bush Fire Act 1954.’

7. Inserting a new Clause 5.25.2 (d) which states;

‘All landowners and development shall comply with the conditions for specific Rural Residential areas as listed under ‘Schedule 11 – Rural Residential Zone’. Where conflict exists between the provisions under Clause 5.25 and Schedule 11, the conditions of Schedule 11 will prevail.’

8. Modifying existing text which currently states ‘5.19 Residential Zone’ to be bolded and in capitals to state ‘**5.19 RESIDENTIAL ZONE**’ and listing it in the Scheme ‘Table of Contents’.

9. Inserting a new Clause ‘5.19.4 Outbuildings’ as applicable to Residential zoned land as follows;

‘5.19.4 Outbuildings

- (a) *Applications shall be assessed in accordance with Local Planning Policy No 16 – Outbuildings (as amended from time to time), and the applicable setback and open space requirements under the Residential Design Codes and / or the relevant provisions of the Scheme.*
- (b) *In assessing any variation to the Scheme or relevant Local Planning Policy, Council may have regard for existing development, streetscape, visual impact and amenity.’*

10. Inserting a new Clause '5.25.4 Outbuildings' applicable to the rural residential zone land as follows;

'5.25.4 Outbuildings

- (a) *Applications shall be assessed in accordance with Local Planning Policy No 16 – Outbuildings (as amended from time to time), and the applicable setback requirements under the Scheme.*
- (b) *In assessing any variation to the Scheme or relevant Local Planning Policy, Council may have regard for existing development, streetscape, visual impact, amenity and the general requirements under Clause 5.25.3.'*

11. Modifying Clause 5.3 (b) which currently states:

- (a) *In the Residential zone with R15/30 density code the local government may permit an increase from R15 up to a maximum of R30 to allow development of more than 1 dwelling on a lot where:*
- (i) *adequate connection to reticulated sewerage is available;*
 - (ii) *in the opinion of the local government the lot is suitably located close to services and facilities;*
 - (iii) *the local government after following the advertising procedures in clause 9.4 is satisfied there will not be adverse impacts on local amenities;*
 - (iv) *the local government considers the design of the development will enhance the amenity of the area; and*
 - (v) *the development is compatible with the surrounding land uses and development.'*

To state:

- (a) *In the Residential zone with R15/30 density code the local government has discretion to permit an increase from the base code of R15 up to a maximum density of R30 where:*
- (i) *adequate connection to reticulated sewerage is available; and*
 - (ii) *the proposal is consistent with, and has a high degree of compliance with the relevant Local Planning Policy in the opinion of Council. '*

12. Modifying and expanding Clause 8.1 which currently states:

'8.1 REQUIREMENT FOR APPROVAL TO COMMENCE DEVELOPMENT

Subject to clause 8.2, all development on land zoned and reserved under the Scheme requires the prior approval of the local government. A person must not commence or carry out any development without first having applied for and obtained the planning approval of the local government pursuant to the provisions of Part 9.

And inserting as follows;

'8.1 REQUIREMENT FOR APPROVAL TO COMMENCE DEVELOPMENT

8.1.1 *Subject to clause 8.2, all development on land zoned and reserved under the Scheme requires the prior approval of the local government. A person must not commence or carry out any development without first having applied for and obtained the planning approval of the local government pursuant to the provisions of Part 9.*

8.1.2 *For the purpose of obtaining Council's approval for the use of land the commencement, carrying out or change of a use of land shall be considered development notwithstanding that it may not involve the carrying out of any building or other works.'*

13. Modifying 'Point (iii)' to existing Clause 8.2 (b) under 'permitted development' which currently states:

'(iii) the single house is a transported building under clause 5.10;'

To state:

'(iii) the single house is a second hand transported building under clause 5.10 and is not proposed in the Rural zone (refer Clause 8.2 (g)) ;'

14. Inserting a new point (vi), (vii), (viii) and (ix) to existing Clause 8.2 (b) under 'permitted development' as follows;

'(vi) the single house includes a level above a single storey including an upper storey loft, or two or more storeys, or similar additions to an existing residence;'

(vii) in the case of outbuildings, a variation is proposed to Local Planning Policy No 16 – Outbuildings or where the lot is vacant;

(viii) the single house requires a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes pertaining to an R15 density on a lot which is contained in the Residential zone with a density code of R2/15.

(ix) the development proposes a variation to a Local Planning Policy adopted by the local government in accordance with Clause 2.4.

15. Modifying existing Clause 8.3 which currently states;

'8.3 AMENDING OR REVOKING A PLANNING APPROVAL

The local government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to commencement of use or development subject to the planning approval.'

And inserting as follows:

‘8.3 AMENDING OR REVOKING A PLANNING APPROVAL

8.3.1 *The local government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to commencement of use or development subject to the planning approval.*

8.3.2 *Where the local government gives a Planning Approval with or without conditions, the Council, upon written request from the owner of land in respect of which planning approval has been granted, may add to, vary, modify or delete any condition, or substitute any other condition.*

8.3.3 *If the Council adds to, varies or deletes any conditions, or substitutes a condition pursuant to the provisions of the proceeding subclause, then the Council shall as soon as possible send to the owner an updated list of the conditions.’*

16. Delete the existing definition for ‘plantation’ in ‘Schedule 1 – Dictionary of defined words and expressions’ under point ‘2. Land use definitions’ which states:

“has the same meaning as in the Code of Practice for Timber Plantations in Western Australia (1997) published by the Department of Conservation and Land Management and the Australian Forest Growers”.

Inserting a new definition for ‘plantation’ in ‘Schedule 1 – Dictionary of defined words and expressions’ under point ‘2. Land use definitions’ which states:

“means a stand of trees of ten hectares, or larger, that has been established by sowing or planting of either native or exotic tree species selected and managed intensively for commercial gain and/or carbon sequestration value. A plantation may or may not involve harvesting and includes roads, tracks, firebreaks and areas of native vegetation surrounded by plantation.”

17. Modify and expand existing Clause 5.26.3 to state:

5.26.3 Development of Agroforestry and plantations (harvesting and non-harvesting)

(a) *In addition to those matters listed in clause 10.2, applications for the development of agroforestry and plantations are to be determined by the local government having regard to:*

(xii) *The objectives of the Rural zone with high regard to the need to ensure continuation of broad hectare farming as the principal landuse;*

(xiii) *The Code of Practice for Timber Plantations in Western Australia 2006 as amended from time to time (‘Code of Practice’);*

(xiv) *Submission of a plantation management plan in accordance with the protocol in the Code of Practice;*

(xv) *Provision of an adequate Fire Management Plan to the satisfaction of the local government that addresses matters such as fire risk, suppression response, water supply,*

- emergency access, firebreak locations, and ongoing implementation of a Fire Management Plan;
- (xvi) *The Guidelines for Plantation Fire Protection (FESA) as amended from time to time;*
 - (xvii) *The benefits of agroforestry and plantations in addressing land degradation including soil erosion, waterlogging, erosion and salinity on the development land;*
 - (xviii) *The need for adequate buffers between plantations and water courses having regard for Water Quality Protection Notes, guidelines or policies produced by the Department of Water from time to time;*
 - (xix) *The benefits of plantations which supplement continued traditional agriculture on the development land and result in specific benefits to the development land through protecting water courses, providing vegetation corridors, mitigating wind erosion, protecting existing grazing / cropping areas and / or providing vegetation linkages to surrounding remnant vegetation;*
 - (xx) *Landuse compatibility and the location of the land in relation to land zoned and / or planned for residential, industrial and commercial uses;*
 - (xxi) *Any relevant Local Planning Policy adopted by the Shire;*
 - (xxii) *The suitability of the current and future road systems.'*

18. Delete Clause 5.26.3 (b) which states:

- '(b) In determining applications for agroforestry and plantations the local government may impose conditions relating to inter alia:*
- (iii) The application of fire management measures and the provision of internal and boundary fire breaks and water supplies in accordance with the Guidelines for Plantation Fire Protection 1998 (Bush Fire Service of WA/FESA and CALM).*
- (iv) Compliance with the Code of Practice.'*

19. Modifying existing 'Clause 5.10 – Transported Buildings' which currently states:

'5.10.1 A person is not to transport a building and place it on land in the Scheme area and use it as a dwelling unless planning approval has been granted by the local government. The local government is not to grant planning approval if the land is within a Heritage Area designated in Clause 7.2.

5.10.2 The local government must only grant planning approval in accordance with clause 5.10.1 if the transported building:

- (a) complies with the provisions of the Scheme, the Residential Design Codes, and any local laws applicable both to the transported building and the land on which it is to be situated;*
- and*
- (b) is, in the opinion of the local government, in a satisfactory condition and will not detrimentally affect the amenity of the area.'*

And inserting as follows:

'5.10 TRANSPORTED BUILDINGS

'5.10.1 A person is not to transport a second hand building and place it on land in the Scheme area and use it as a dwelling unless planning approval has been granted by the local government (unless otherwise exempted in Clause 8.2 (g)).

5.10.2 In considering whether or not to grant planning approval in accordance with Clause 5.10.1 the Council shall have special regard to:

- (a) Whether the application complies with the provisions of the Scheme and the Residential Design Codes; and*
- (b) The quality of the building and whether, in the opinion of the local government, it is in a satisfactory condition and will not detrimentally affect the amenity of the area; and*
- (c) The dwelling appearance is, or can be upgraded to, the standard and appearance equivalent of a new dwelling to the satisfaction of the local government; and*
- (d) Any upgrading or alterations proposed by the proponent as part of the development application; and*
- (e) The visual prominence of the site; and*
- (f) Any proposed landscaping which will enhance the development and;*
- (g) All applicable local planning policies relating to Transported Buildings and the lot upon which it is to be located following transportation.*

5.10.3 In granting an approval for a Transported Building to be used as a dwelling, the Council may impose conditions as reasonably relate to the development including which:

- (a) require landscaping in the front setback area to be established and maintained; and*
- (b) require the applicant or owner to provide a bond or bank guarantee to Council as surety for the completion of any upgrading required for a second hand Transported Building to a standard of presentation acceptable to Council within a specified time frame. Should Council require provision of a bond, such monies so received shall be deposited in an interest bearing Trust account and upon completion of the necessary works to the satisfaction of Council, such monies shall be refunded.'*

20. Insert a new Clause 8.2 (g) as follows:

- '(g) the erection of a Transported Building for use as a dwelling on a lot zoned 'Rural' except where:*
 - (i) there is already a dwelling or dwellings located on the same lot;*
 - (ii) the building does not comply with the minimum building setbacks under Clause 5.26.1;*
 - (iii) the building will be located in a Heritage Area designated under the Scheme; or*
 - (iv) the building will be located on a lot abutting an unconstructed road or a lot which does not have frontage to a constructed road.'*

21. Replace the existing provisions in Schedule 4 as applicable to the Town Centre as 'Special Use – 7' which currently states:

No.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS
SU 8	Reserve 31611 Bremer Road, Garnett Road and John Street, Bremer Bay	Bremer Bay Town Centre providing for: <ul style="list-style-type: none"> ▪ Civic uses ▪ Offices ▪ Dwellings under the medium density codes of the Residential Design Codes ▪ Community purposes ▪ Shops ▪ Movements systems ▪ Landscaping areas ▪ Civic spaces, and, ▪ Parking areas. 	A Structure Plan is to be prepared by the proponent and approved by the local government and endorsed by the Commission before any subdivision or development. The Structure Plan will incorporate: <ul style="list-style-type: none"> ▪ A Strategy to retain areas of native vegetation in the design to enhance local character of the centre and conserve water; ▪ Permissible landuses; ▪ Road and Servicing networks; ▪ Development staging; and ▪ Such other matters as determined by the local government.

To state as follows;

No.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS
SU 8	Reserve 31611 Bremer Road, Garnett Road and John Street, Bremer Bay	(1) The area is to accommodate a Town Centre to service Bremer Bay. (2) The objectives of the Bremer Bay Town Centre are to: (a) Create a safe, convenient, prosperous and vibrant Town Centre that services existing and future needs of residents, visitors and tourists; (b) Ensure that the Bremer Bay Town Centre is the principal place for civic, retail, business and administration uses within the district including professional services that provide for the needs of the community; (c) Cater for a	1. Structure Plan (a) A Structure Plan and Structure Plan Report is to be prepared by the proponent and approved by the local government and endorsed by the Commission before any subdivision or development. (b) The Structure Plan (and Structure Plan report) shall address the following matters: <ul style="list-style-type: none"> – An assessment of vegetation and identification of areas of vegetation to be retained in the design to enhance local character of the centre; – Road and Servicing networks; – Identify opportunities for water conservation; – Provide an appropriate interface with surrounding areas; – Landuse Permissibility and provisions for development control. 2. Development (a) Development shall be generally in accordance with a Structure Plan

		<p>wide range of uses normally found in a local centre and provide flexibility to accommodate non commercial uses that will complement the Town Centre subject to landuse compatibility and preservation of local amenities;</p> <p>(d) Encourage and facilitate a high standard of development through design guidelines for buildings, landscaping and carparking;</p> <p>(e) Create a Town Centre that is an attractive place to visit, work, live and conduct business;</p> <p>(f) Provide for greater housing choice through medium density residential development and maximize the number of people living within walking distance of the Town Centre;</p> <p>(g) Ensure that a comprehensive Structure Plan is developed that recognises the unique attributes of Bremer Bay.</p> <p>(3) Council has broad discretion to consider a wide range of landuses normally associated with a Town Centre and its surrounds consistent with a Structure Plan and Structure Plan report approved by the Local Government and endorsed by the Western Australian Planning Commission.</p> <p>(4) The following landuses will be actively encouraged within</p>	<p>approved by the local government and endorsed by the Commission.</p> <p>(b) Land Use permissibility shall be in accordance with those specifically nominated on the Structure Plan or be assessed in accordance with the land use permissibility and development controls in the Structure Plan Report.</p> <p>(c) All development shall be generally in accordance with any guidelines, site requirements and/or design criteria adopted by the local government as a Local Planning Policy.</p> <p>(d) In determining any application the local government may have regard for the objectives and vision for the Local Structure Plan as outlined in any associated Local Structure Plan report and / or Local Planning Policy.</p> <p>(e) In determining applications, Council shall have regard for normal planning considerations such as streetscape, amenity, landuse compatibility, architectural design, traffic, car parking and landscaping.</p> <p>(f) Uses that are more appropriate in other zones, such as Industries, will not be supported in the Town Centre.</p> <p>3. Subdivision</p> <p>(a) Subdivision shall be generally in accordance with a Structure Plan approved by the local government and endorsed by the Commission.</p>
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		<p>Bremer Bay Town Centre;</p> <ul style="list-style-type: none"> - Civic uses - Offices - Community purposes - Shops - Cafes / Restaurants - Grouped Dwellings to comply with the density code as nominated on the Structure Plan - Short stay and tourist accommodation - Tourist related developments. 	
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22. Delete 'A2 Kent Location 2118, Dillon Bay' and the associated additional use and conditions in 'Schedule 2 – Additional Uses' as applicable to 'A2'.

23. Replace existing Clause 5.3 (c) which currently states:

'Land in the Residential zone in the Bremer Bay townsite with R2/R15 density code is not to be developed to a density greater than R2 unless reticulated sewerage is provided to the land in which case development may be permitted up the maximum of R15'.

And inserting a new Clause 5.3 (c) as follows;

'(c) In the Residential zone with an R2/15 density code subdivision or development above the base code of R2 shall only be permitted where;

- (i) Reticulated sewer is available and it is demonstrated that it can be provided to service the new lots; and*
- (ii) Any existing dwellings are provided with adequate setbacks to new lot boundaries; and*
- (iii) The subdivider constructs all available road frontages and right of ways abutting the development site as part of subdivision; and/ or*
- (iv) Subdivision shall be generally in accordance with a Subdivision Guide Plan where it has been adopted by Council and endorsed by the Western Australian Planning Commission (as applicable).*

24. Deleting existing Clause 5.3 (d) which states:

'Where planning approval is required for a dwelling that is more than 5 metres over natural ground level the local government may consult with adjoining owners likely to be affected and the local government is to take into consideration any submissions when determining an application for planning approval.'

25. Inserting a new Clause 5.3 (d) as follows;

'The setback and site requirements for R15 under the Residential Design Codes will be applied to all dwellings (including any dwelling extension) on land coded Residential with a density code of R2/15'.

26. Deleting existing Clause 5.16.3 which states:

"An approval to carry on a home business or home occupation or rural home business:

- (a) is valid for a period of 12 months after the date of issue thereof but may be renewed upon application in writing to the local government.*
- (b) relates only to the premises for which, and the person for whom, the application was made and the approval subsequently issued.*
- (c) is not capable of being transferred or assigned to any other person and does not run with the land in respect of which it was granted."*

Inserting a new Clause 5.16.3 as follows;

"The Council shall not grant planning consent to a home occupation, home business or rural home business unless it is satisfied the use:

- (a) Complies with the home occupation, home business or rural home business landuse as defined in Schedule 1 of the Scheme;*
- (b) Will not prejudicially affect the amenity of the neighbourhood by way of traffic, noise, number of people attending the site, inadequate parking, scale of business operations or emissions;*
- (c) Is of a low scale compatible with the zoning of the property and not of a scale, type or nature that would be better suited to location in a Town Centre, Commercial or other zone. "*

27. Inserting a new Clause 5.16.5 and Clause 5.16.6 as follows;

"5.16.5A planning consent to conduct a home occupation, home business or rural home business is issued to a specific occupier of a parcel of land, it shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it was granted. Should there be a change of occupier of the land in respect of which planning consent for a home occupation is issued the planning consent is automatically cancelled and extinguished without any written notification.

5.16.6 If, in the opinion of Council, a home occupation, home business or rural home business is causing a nuisance or annoyance to owners or occupiers in the locality the Council may rescind the planning consent by absolute majority. "

28. Deleting existing Clause 5.17 which currently states:

“The provisions of this clause apply for all caretakers’ dwellings in the Light Industry and General Industry zones.

- (g) a caretaker’s dwelling is not to be developed and/or occupied on a lot unless that lot has been developed and is being used in accordance with the Scheme;*
- (h) only one caretaker’s dwelling is to be permitted on a lot; for the purposes of this clause “lot” excludes a strata lot or survey-strata lot created under the Strata Titles Act 1985;*
- (i) a caravan or park home is not to be permitted as a caretaker’s dwelling for either permanent or temporary occupation;*
- (j) a caretaker’s dwelling is to be screened and/or fenced from the street frontage of the lot to the satisfaction of the local government and wherever possible is to be sited at the rear of other buildings on the lot;*
- (k) a caretaker’s dwelling is to contain 1 bedroom only within an a total floor area that does not exceed 100 square metres measured from the external face of walls;*
- (l) open verandahs may be permitted but must not be enclosed by any means unless the total floor area remains within the 100 square metres referred to in clause 5.17 (e).”*

Inserting a new Clause 5.17 as follows;

“5.17 CARETAKERS DWELLING

The following provisions apply to all applications for caretakers dwellings in the Light Industry, Service Commercial and General Industry zone:

- (a) A caretakers dwelling shall not be developed and / or occupied on a lot unless that lot has been substantially developed with an industry, business or office and is being used in accordance with the Scheme;*
- (b) A caretakers dwelling shall be located on a lot larger than 2000m² in the Light Industrial zone and 4000m² in the General Industry zone unless otherwise approved by Council;*
- (c) Council may require caretakers dwellings to be constructed in a form that is capable of being removed including a park home and transported buildings so that future Industrial development of lots is not constrained by permanent dwellings;*
- (d) A caravan is not permitted as a caretakers dwelling for either permanent or temporary occupation;*
- (e) The location of a Caretakers Dwelling on a lot shall be assessed in relation to its proximity to adjoining lots and the likely impact of any noise, dust, fumes, vibration and the like emanating from activities on the adjoining lots;*
- (f) Council may require applicants proposing caretakers dwellings to provide information and technical assessments of potential emissions, risks and*

hazards of existing development and to enter into an agreement with Council to certify they are aware of potential impacts associated with normal industrial activities;

- (g) Caretakers dwellings are not permitted on land adjacent to vacant lots unless there are extenuating circumstances, as future industrial landuses may have adverse impacts. Council will have regard to the need to cater for new Industries within the General Industrial zone and ensure that future development of vacant lots are not unduly constrained by the location of caretakers dwellings;*
- (h) Council will consider the need to maintain adequate buffers between caretakers dwellings (sensitive dwellings) and Industrial uses outlined in the Environmental Protection Authority 'Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Landuses';*
- (i) Caretakers dwellings shall be located to the rear of lots in an area that does not interfere with truck movements, loading areas, car parking or landscaping for the business located on the same lot (unless otherwise approved by Council);*
- (j) Caretakers dwellings shall be provided with a private external open space area equal to the floor area of the proposed dwelling and adequate landscaping screening the dwelling from view of any street, public place or adjacent lots;*
- (k) A caretakers dwelling is to contain 1 bedroom only with a total floor area that does not exceed 100 square metres measured from the external face of the walls. The total floor area does not include any pergola, patio, veranda or carport that is open on at least two sides;*
- (l) A maximum of one caretakers dwelling shall be permissible on a lot;*
- (m) Council may limit the term of the planning approval for any caretakers dwelling in recognition that industrial land uses in a locality change over time, the need to maximise potential industrial development on vacant land in a locality, to minimise landuse conflict between a caretakers dwelling and new development, and to ensure that ultimately industrial areas are not unduly constrained by the location of non industrial uses. “*

29. Inserting objectives for a new 'Residential Development' zone as a dot point under '4.2 OBJECTIVES OF THE ZONES' as follows;

- **Residential Development Zone**
- *To allow for the progressive development of land for predominately residential purposes together with compatible uses.*
- *To retain the single house as the predominant form of residential development and maintain flexibility to cater for a variety of housing choice and future housing needs.*

- *To allow for incidental non-residential uses only where the local amenity is not adversely affected.*
- *To ensure that subdivision occurs in a co-ordinated manner and has regard for other future subdivisions in the area.*
- *To ensure all residential development is provided with adequate services and infrastructure.*

30. Inserting a new column to Table 1-Zoning Table with notations as follows against each use for a new 'Residential Development' zone;

USES		RESIDENTIAL DEVELOPMENT
1	aged or dependent persons dwelling	D
2	agriculture-extensive	X
3	agriculture-intensive	X
4	agroforestry	X
5	ancillary accommodation	D
6	animal establishment	X
7	animal husbandry - intensive	X
8	aquaculture	X
9	bed and breakfast	D
10	caretaker's dwelling	X
11	civic use	D
12	club premises	A
13	educational establishment	A
14	fast food outlet	X
15	fuel depot	X
16	grouped dwelling	D
17	home business	D
18	home occupation	D
19	hotel	A
20	industry - cottage	D
21	industry - extractive	X
22	industry - general	X
23	industry - light	X
24	industry - rural	X
25	industry - service	X
26	motel	A
27	motor vehicle repair	X
28	multiple dwelling	D
29	office	X
30	place of worship	X
31	plantation	X
32	plant nursery	X
33	recreation - private	A
34	residential building	D
35	restaurant	A
36	rural home business	X
37	rural pursuit	X
38	service station	X
39	shop	X
40	single house	P
41	tavern	X
42	tourist accommodation	D
43	transport depot	X
44	veterinary centre	X

45	warehouse	X
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* Refer Clause 5.29.5.2 for 'Residential Development ' zone or areas subject to a Structure Plan.

31. Inserting a new clause 5.28 in 'Part 5 – General Development Requirements' as follows:

5.28 RESIDENTIAL DEVELOPMENT ZONE

5.28.1 Site Requirements

Residential development is to be in accordance with the Residential Design Codes. The minimum building setbacks and other development standards will be determined in accordance with the applicable R Code, as shown on an approved Structure Plan for the site.'

5.28.2 Structure Plan Requirement

The Local Government is not to:

- (a) consider recommending subdivision; or
- (b) approve development

of land within the Residential Development zone unless a structure plan has been prepared in accordance with Clause 5.29 of the Scheme.'

32. Inserting a new Clause 5.29 in 'Part 5 – General Development Requirements' as follows:

5.29 STRUCTURE PLANS

5.29.1 The local government or the Western Australian Planning Commission may require the preparation of a Structure Plan prior to considering a subdivision or development proposal for any area or zone in the scheme.

5.29.2 Subdivision and development should generally be in accordance with an approved structure plan.

5.29.3 A departure from, or alteration to, a structure plan may be permitted if the local government and Western Australian Planning Commission considers the proposed departure or alteration to be minor in nature and it will not prejudice the future subdivision and development of the area.

5.29.4 Structure plan form and content

5.29.4.1 A Structure Plan is to contain such detail as, in the opinion of the local government and Western Australian Planning Commission, is required to satisfy the planning

requirements for the structure plan area, and should include the following details:

- a) a set of maps and a report describing the structure plan area and surrounding land uses;
- b) maps are to be of a legible scale for the structure plan area;
- c) key opportunities and constraints of the structure plan area including landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage, values, ownership, land use, roads and services;
- d) conservation and environmental values including bushland, wetlands, streams and water courses, foreshore reserves and setbacks, environmental policy areas and urban water management areas;
- e) sites and features of Aboriginal and European heritage value;
- f) transport routes, including highways, district and neighbourhood roads, public transport routes, cycle routes and railway stations;
- g) the planning context for the structure plan including the regional and neighbourhood structure, relevant strategies, Scheme provisions and policies and where appropriate, an indication of how the structure plan is to be integrated into the surrounding area;
- h) proposed major land uses, in particular, residential areas, public open space, school sites, civic and community uses, commercial uses (including the location and hierarchy of commercial centres), mixed use, industrial mixed business uses;
- i) the proposed indicative lot pattern and general location of any major buildings;
- j) estimates of future lots, dwellings, population, commercial and industrial floor space;
- k) provision for major infrastructure, including water supply, main drainage, sewerage, and other key infrastructure services;
- l) the proposed road network and hierarchy, public transport services, and bicycle and pedestrian networks;
- m) the timeframe and staging of subdivision and development, and the method of implementation, including any proposals for funding by development contributions; and
- n) such other information as may be required by the local government as a result of the site's characteristics.

5.29.4.2 Advertising and adoption of structure plans

- 5.29.4.3 Upon receiving a structure plan, the local government is to either:
- a) determine that the structure plan is satisfactory for advertising;
 - b) determine that the structure plan is not be advertised until further details have been provided or modifications undertaken; or
 - c) determine that the structure plan is not satisfactory for advertising and give reasons for this to the proponent.
- 5.29.4.4 When the local government has determined the structure plan to be suitable for advertising, the structure plan should be advertised for a minimum period of 21 days.
- 5.29.4.5 The local government shall advise affected landowners and relevant agencies in writing that the structure plan is available for public advertising.
- 5.29.4.6 Following advertising, the local government shall consider the public submissions made in respect of the structure plan, and either uphold or dismiss the submissions made.
- 5.29.4.7 The local government may require modifications to the structure plan prior to adoption.
- 5.29.4.8 When the local government is satisfied with the structure plan, it is to adopt the structure plan and forward the Council's resolution, the adopted structure plan, and schedule of public submissions is to be forwarded to the Western Australian Planning Commission for final approval.
- 5.29.4.9 The Western Australian Planning Commission shall then either approve the structure plan, approve the structure plan with modifications or refuse the structure plan.
- 5.29.5 Operation of Structure Plan
- 5.29.5.1 A structure plan commences operation when it is adopted by the local government and approved by the Western Australian Planning Commission.
- 5.29.5.2 If a structure plan imposes a classification on the land included in it by reference to reserves, zones, or Residential Design Codes then:
- a) the provisions of the structure plan apply to the land as if its provisions were incorporated into the Scheme and it is binding and enforceable in the

same way as corresponding provisions incorporated in the Scheme; and

- b) provisions in the Scheme applicable to land in those classifications under the Scheme apply to the structure plan;
- c) where there is conflict between the provisions of a zone, reserve or provision in a structure plan or a scheme, the scheme shall prevail.
- d) The landuse permissibility for development within the 'Residential Development' zone shall apply in accordance with Table 1 – Zoning Table until such time as a Structure Plan commences operation. Notwithstanding any other provision in the Scheme, once a Structure Plan commences operation then landuse permissibility's for the 'Residential Development' zone shall be in accordance with the provisions and zones in the Structure Plan.

5.29.5.3 If the zones and reserves in a structure plan are inconsistent with the scheme, they must be incorporated into the scheme via an amendment or a scheme review.

5.29.6 Right of Review

5.29.6.1 The proponent of a structure plan required by this Scheme may make application for review under Part 14 of the *Planning and Development Act 2005* on the following grounds:

- a) The failure of the local government to make a determination on the content and requirement of a structure plan (or an amendment to a structure plan) within 120 days of the structure plan being lodged;
- b) A decision by the local government not to endorse a structure plan (or an amendment to a structure plan); and
- c) Conditions of approval of the structure plan (or an amendment to a structure plan).

5.29.6.2 In considering other procedural matters involved with structure plans, the local government and proponent will be guided by policies of the Western Australian Planning Commission.

5.29.7 Subdivision Guide Plan

- 5.29.7.1 Any Subdivision Guide Plan as required under Clause 5.25.2 (b), Clause 6.3.2 or referenced in Schedule 11 shall be prepared and processed in accordance with Clause 5.29.
- 5.29.7.2 Any Subdivision Guide Plan or Plan of Subdivision duly approved by both the Shire of Jerramungup Council and endorsed by the Western Australian Planning Commission shall have the same force and effect as if it was approved as Structure Plan in accordance with Clause 5.29.

33. Deleting existing Clause 5.25.2 (b) which states:

‘A Subdivision Guide Plan is to be prepared for a specific area showing, amongst other things:

- (i) the proposed ultimate subdivision including approximate lot sizes and dimensions;
- (ii) areas to be set aside for public open space, pedestrian access ways, horse trails, community facilities, etc as may be considered appropriate;
- (iii) those physical features it is intended to conserve and the methods to be put in place by the applicant to ensure those areas will be appropriately managed;
- (iv) the proposed staging of the subdivision where relevant;
- (v) proposed cluster designs for vegetated sites to improve fire safety and reduce impacts on flora and fauna values; and
- (vi) retention and creation through revegetation using local native species, of wildlife corridors linking with areas of native vegetation on adjoining land. ‘

And inserting a new Clause 5.25.2 (b) as follows;

‘A Subdivision Guide Plan is to be prepared for a specific area in accordance with Clause 5.29.4.1 and shall be processed in accordance with Clause 5.29.4.2. All Subdivision Guide Plans in the Rural Residential zone shall be accompanied by a Fire Management Plan to the satisfaction of the local government. ‘

34. Modifying the title of Clause 6.3.1 from ‘Purpose of Special Control Area’ to ‘Purpose of Special Design Area’.

35. Modifying Clause 6.3.2 Application and Referral Requirements which states:

‘Before the local government considers any development or subdivision a plan of the overall proposed development is to be prepared for approval by the local government and the Commission. The plan is to include:

- (a) An assessment of the site in regard to:
 - (vi) the type, quality and quantity of existing vegetation;
 - (vii) the depth and nature of the soils, including rock;
 - (viii) the existing contour information adequate to depict the landform;
 - (ix) any existing structures or improvements on the land;
 - (x) any other factors the local government considers relevant.

- (b) Information concerning the proposal for the land including:
 - (viii) the proposed and ultimate subdivision of the land;
 - (ix) new contours of the site;
 - (x) services and facilities for the development;
 - (xi) the trees and areas of vegetation to be preserved;
 - (xii) new tree planting, landscape and proposed public open space;
 - (xiii) the nature, form, scale and proposed use of the development on the land; and
 - (xiv) where applicable, the staging of the proposal, and the maintenance strategy for the development.'

And inserting a new Clause 6.3.2 Application and Referral Requirements as follows;

6.3.2 Structure Plan Requirement

The Local Government is not to:

- (a) consider recommending subdivision; or
- (b) approve development of land within the Special Design Area unless a structure plan has been prepared in accordance with Clause 5.29 of the Scheme, and adopted by the Shire of Jerramungup Council and endorsed by the Western Australian Planning Commission.

36. Insert a new Clause 6.3.3 as follows:

'The Shire may require detailed design guidelines for any Structure Plan or Special Design Area to be implemented as a Local Planning Policy in order to ensure new development blends in with the environment and mitigate visual impact. '

37. List 'Lot 781 Bremer Bay' in the 'Description of Land' for existing 'SU6' in 'Schedule 4 – Special Use zones' and insert the following after the word 'aquiculture' in the 'Special Use' column for existing 'SU6' in 'Schedule 4 – Special Use zones' :

'and other compatible ancillary uses including caretakers dwelling, outbuildings, and other structures.'

MAP CHANGES

- 38. Rezone the northern portion of Lot 9007 Little Boat Harbour Road, Bremer Bay from 'Recreation and Open Space' to 'Rural Residential' as depicted on the Scheme Amendment map.
- 39. Re-classifying a portion of Lot 109 Bremer Bay Road, Bremer Bay from 'Rural-Residential Zone', 'Residential R2/15' zone and 'Recreation and Open Space' local scheme reserve to 'Residential Development' zone and 'Recreation and Open Space' local scheme reserve as depicted on the Scheme Amendment map.
- 40. Re-classifying Lot 9000 Goorie Way, Bremer Bay from 'Residential R2/15' zone to 'Residential Development' zone as depicted on the Scheme Amendment map.

41. Modify the P1 and P2 'Special Control Area – PDWS' boundaries on Lot 109 Bremer Bay Road as depicted on the Scheme Amendment map.
 42. Re-classify Lot 781, Bremer Bay from 'Recreation and Open Space' to 'Special Use – 6' zone as depicted on the Scheme Amendment map.
 43. Delete the additional use 'A2' over Lot 95 Dillon Bay Road and Kent Location 2118 Dillon Bay as depicted on the Scheme Amendment map.
- B. Note the submissions and adopt the recommendations in the Schedule of Submissions at Attachment 10.3.3(a);**
- C. Make the additional modifications to the Scheme Amendment document:**
- Include 'Telecommunications Infrastructure' as a listed land use in the Zoning Table as an 'A;' use in all zones.
- D. Authorise the Chief Executive Officer to modify the amendment documents in accordance with the recommended modifications at the Schedule of Submissions and lodge the amendment with the WAPC for final approval (after execution by the CEO and Shire President).**
- E. Forward Scheme Amendment 5 to the Western Australian Planning Commission for final approval with the schedule of submissions, copies of each submission and a full copy of the officer's report.**

Carried 5-0

A D M I N

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.1
SUBJECT:	Administration Status Report
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Shire of Jerramungup
FILE REFERENCE:	
AUTHOR:	Bill Parker
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	6 th August 2012

SUMMARY

This status report provides Council with an update on current projects of interest being addressed by administration.

ATTACHMENT

Nil

PROJECT UPDATE

1) Jerramungup Residential Land Developments

Bremer Bay Realty has been appointed to sell the blocks. The blocks are now advertised on www.realestate.com.au

An offer has been received for two blocks. Council will formally consider this offer in September 2012.

2) Farmland Water Response Planning

Alternative sites are being investigated with a preferred site currently being assessed. Works are likely to commence in 2012/13.

3) Bremer Bay Medical Centre

Aurora Projects (consultant) will provide the report and then the information in it will be verified. When the key stakeholders agree that the report is accurate, the report will go to the Regional Director for consideration.

4) Bremer Bay Town Centre

The Shire has included a provisional sum in the draft 2012/13 budget to complete stage one of the project.

5) Town Site Revitalisation – Jerramungup

The Fitzgerald Biosphere Garden is essentially complete with a majority of the plant species being sourced, successfully propagated and now planted.

The only remaining component is the manufacture of signs. The signage component will be completed in 2012/13.

6) Strategic Waste Management

The final business case has been received by the Shire. Funding has been approved by the Department for Regional Development and Lands.

Drilling has concluded on the Ravensthorpe site with Council to consider dual management of the site within the coming months.

Tenders will be called in September for the detailed design of this site.

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.2
SUBJECT:	Donation: Bremer Bay Sports Club
LOCATION/ADDRESS:	Frantom Way Bremer Bay
NAME OF APPLICANT:	Bremer Bay Sports Club
AUTHOR:	Bill Parker
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	30 July 2012

SUMMARY

In adopting the 2011/12 Budget, Council approved a donation towards the construction of a playground at the Bremer Bay Sports Club.

Due to a number of unforeseen circumstances, a further invoice requires payment beyond the scope of the initial donation.

ATTACHMENT

- Attachment 10.4.2(a) - Correspondence ICR126466
- Attachment 10.4.2(b) - Bremer Bay Sports Club Invoice 16
- Attachment 10.4.2(c) - Shire of Jerramungup transaction listing (1140)
- Attachment 10.4.2(d) - Correspondence OCR113478

BACKGROUND

On 20 July 2011, Council adopted the 2011/12 Annual Budget. In adopting the budget, Council gave consideration to a number of funding requests including a \$10,000 contribution towards the construction of a co-funded playground at the Bremer Bay Sports Club.

The request for funding was successful with a confirmation letter sent to the Bremer Bay Sports Club on 21 July 2011. The correspondence outlined a “budgetary commitment to provide \$10,000 towards the installation of new playground equipment at the Bremer Bay Sports Club”. The letter requested that the Sports Club send the Shire an invoice for the amount (\$10,000) together with a copy of the designs and quotes.

In late August 2011, Peter Smith (Vice President Bremer Bay Sports Club), met with a Shire representative to discuss a number of issues including the proposed playground. During this meeting, the following process was agreed to recoup the Shire’s \$10,000 contribution.

1. The Bremer Bay Sports Club would pay for and organise transport of equipment, limestone blocks and 9m³ concrete. This was approximately \$6,000. This amount would then be claimed from the Shire.
2. The balance of the funding (\$4,000) would then be used for the supply of river sand for the soft fall area.

From this point, the Shire organised the mining, hire of equipment, transport and delivery of sand to the Bremer Bay Sports Club.

In January 2012, the Shire received an invoice from the Bremer Bay Sports Club for \$6003.38. The Shire had already spent a significant amount of money on the project and had exceeded the donation amount approved by Council.

This item seeks Council authorisation to pay the invoice.

CONSULTATION

Various meetings have occurred with the Bremer Bay Sports Club.

COMMENT

It is very common in rural local governments for contributions to consist of both cash and in-kind works. This is a further example of the Shire not having the capacity to satisfy individual requests whilst also trying to deliver a significant works program.

In future, the Shire would only provide cash contributions and seldom provide in-kind support towards community projects. The process is too resource intensive and could result in further errors and overruns.

STATUTORY REQUIREMENTS

Section 6.8 of the Local Government Act 1995 relates to this item.

6.8. Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

- (a) is incurred in a financial year before the adoption of the annual budget by the local government;
- (b) is authorised in advance by resolution*; or
- (c) is authorised in advance by the mayor or president in an emergency.

STRATEGIC IMPLICATIONS

This item relates to the following components from the Shire of Jerramungup's Strategic Plan;

Key Focus Area One: Ongoing Social, Economic & Financial Viability

The Shire of Jerramungup will continue to grow and prosper whilst maintaining its identity and sense of place by;

1.2 Providing a range of recreational and sporting opportunities.

FINANCIAL IMPLICATIONS

Payment of the invoice will incur expenditure of \$6003.38 that was not provided for in the 2012/13 Budget.

The Shire will have the capacity to spread the expenditure across the Town Services budget.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council;

In accordance with section 6.8 of the Local Government Act 1995, authorise payment of \$6,003.38 to the Bremer Bay Sports Club towards the construction of a playground.

OC120809 Moved Cr Daniel / Seconded Cr Bailey

That Council;

In accordance with section 6.8 of the Local Government Act 1995, authorise payment of \$6,003.38 to the Bremer Bay Sports Club towards the construction of a playground.

Carried by Absolute Majority 5-0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.3
SUBJECT:	Biosphere Renomination
LOCATION/ADDRESS:	n/a
NAME OF APPLICANT:	Biosphere Implementation Group
AUTHOR:	Bill Parker
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	23 July 2012

SUMMARY

The Fitzgerald River Biosphere Reserve was originally listed by UNESCO in 1978. Currently, it is not recognised as a fully functional Biosphere Reserve. In response, a re-nomination process has commenced that requires Council support prior to submission.

This item seeks Council support for the renomination process.

ATTACHMENT

Attachment 10.4.3(a) - Renomination Form: Fitzgerald River Biosphere Reserve
Attachment 10.4.3(b) - Map: Proposed Fitzgerald Biosphere Boundary

BACKGROUND

Biosphere Reserves are areas of terrestrial and/or coastal/marine ecosystems which are internationally recognized within the framework of UNESCO's Programme on Man and the Biosphere (MAB). They are established to promote and demonstrate a balanced relationship between humans and the biosphere.

Each Biosphere Reserve is intended to fulfil 3 basic functions, which are complementary and mutually reinforcing:

1. A conservation function: to contribute to the conservation of landscapes, ecosystems, species and genetic variation;
2. A development function: to foster economic and human development which is socio-culturally and ecologically sustainable;
3. A logistic function: to provide support for research, monitoring, education and information exchange related to local, national and global issues of conservation and development.

The Fitzgerald River Biosphere Reserve was originally listed by UNESCO in 1978. A review of the Biosphere status was completed in 2003 and found that the Fitzgerald River Biosphere Reserve was not a fully functional Biosphere Reserve. The review made a series of recommendations to obtain a functional status.

1. Formally recognise a buffer zone and transition area in the areas where the local land care group of farmers and landowners were currently working in cooperation with the National Park administration.
2. Consider extending the marine component, so that the whole Biosphere Reserve could serve to illustrate the Ecosystem Approach (CBD 2010) for the entire Fitzgerald River catchment basin.

3. Provide more information on the process of measures to rehabilitate degraded lands in the areas corresponding to the potential future transition area.

The Fitzgerald River Biosphere Reserve is the only Biosphere Reserve in Southern Western Australia and one of only fourteen in Australia.

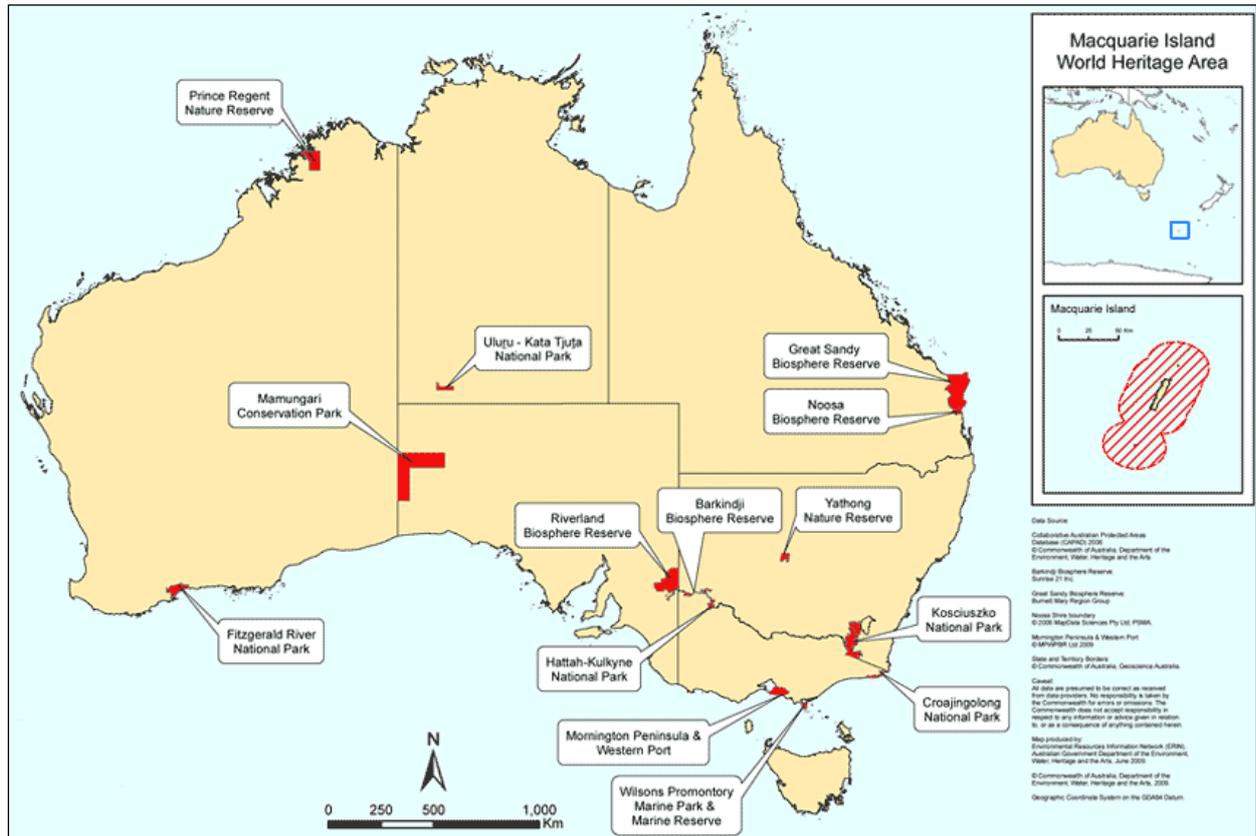


Figure 1: Location of Biosphere Reserves in Australia

Since 2010 and in response to external funding, South Coast NRM has coordinated a process aimed at gaining functional status. South Coast NRM appointed a principal consultant (Nathan McQuoid) and formed a working group to participate in the renomination process. The group comprised;

- State Government
- Local Government
- Community groups, and;
- Indigenous (Noongar) representatives

The working group has worked through the renomination process and specifically focussed upon the Biosphere boundary, buffer and transition areas and the inclusion of a marine component.

The renomination form has subsequently been prepared and requires Council endorsement prior to submission.

CONSULTATION

Extensive consultation has occurred with all stakeholders since 2010.

COMMENT

A series of recent community workshops as part of the Shire's community strategic planning process has highlighted the importance of the Biosphere to the Shire of Jerramungup community. At each workshop the Fitzgerald River Biosphere Reserve was discussed and highlighted as a point of competitive advantage and uniqueness. The community did agree that the Biosphere status was underutilised.

In investigating other Biosphere reserves throughout Australia, a majority capitalise on the brand and use the unique status to drive economic development (art and ecotourism). The renomination process serves as a great opportunity to reinvigorate the Biosphere concept and deliver tangible community outcomes. The benefits include;

- The Biosphere Reserve concept can be used as a framework to guide and reinforce projects to enhance people's livelihoods and ensure environmental sustainability.
- The designation of a site as a Biosphere Reserve can raise awareness among local people, citizens and government authorities on environmental and development issues.
- It can help to attract additional funding from different sources.
- At the national level, Biosphere Reserves can serve as pilot sites or 'learning places' to explore and demonstrate approaches to conservation and sustainable development, providing lessons which can be applied elsewhere.

STATUTORY REQUIREMENTS

Nil

STRATEGIC IMPLICATIONS

This item relates to the following components from the Shire of Jerramungup's Strategic Plan;

Key Focus Area Two: Service Delivery & the Environment

The Shire of Jerramungup will deliver a range of excellent community services whilst minimising our impact on the environment by:

2.5 Working in partnership with key agencies to deliver environmentally responsible services.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council;

1. Endorse the renomination for the currently listed Fitzgerald River Biosphere Reserve.
2. Authorise the Shire President and Chief Executive Officer to execute the renomination form.

OC120810 Moved Cr Parsons / Seconded Cr Iffla

That Council;

1. **Endorse the renomination for the currently listed Fitzgerald River Biosphere Reserve.**
2. **Authorise the Shire President and Chief Executive Officer to execute the renomination form.**

Carried 5-0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.4
SUBJECT:	CSRFF – Application for Local Government Determination
LOCATION/ADDRESS:	Boxwood Hill Sports Complex
NAME OF APPLICANT:	Boxwood Hill Combined Sporting Club
FILE REFERENCE:	
AUTHOR:	Brent Bailey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	2 nd August 2012

SUMMARY

The purpose of this report is to place an application for CSRFF Funding from the Boxwood Hill Combined Sports Club for the upgrade of lighting facilities. Council is required to endorse the Local Government Assessment sheet and provide a ranking with any other submissions.

ATTACHMENT

Attachment 10.4.4(a) - CSRFF Application – Boxwood Hill Combined Sports Club
Confidential Attachment 10.4.4(b) – Financials Boxwood Hill Combined Sports Club

BACKGROUND

Each year the Department of Sport and Recreation calls for grant applications under its CSRFF program. The process is for applicants to complete their applications and lodge them with their Local Government by the end of September. The Local Government's task is to assess and then rank applications received and lodge them with the Department no later than 4pm on the last working day in October.

One application was received from the Boxwood Hill Combined Sports Club for upgrades to the lighting facilities which cover the football oval and netball courts. Detailed information on the submission is contained in the application package.

CONSULTATION

The author has discussed the project with a representative from the Sports Club. The lighting project was also identified in the Boxwood Hill Combined Sports Club Business plan and Council's Recreation Strategy recently reviewed in January 2012.

COMMENT

Council is now required to consider the applications and complete the project assessment sheet (provided as attachment 10.4.4) to prioritise each project based on the following principles:

1. Project Justification
2. Planned Approach
3. Community Input
4. Management planning

5. Access and Opportunity
6. Design
7. Financial Viability
8. Coordination
9. Potential to increase physical activity.

In addition to the above principles, the ranking of each project must also be completed by Council, from one (1) being number one priority, to two (2), being second priority.

The Council must also make reference to whether the project has been included in Councils Local Recreation Plan and also assign each proposal a project rating under the following headings:

- A) Well planned and needed by municipality
- B) Well planned and needed by applicant
- C) Needed by municipality, more planning required
- D) Needed by applicant, more planning required
- E) Idea has merit, more preliminary work needed
- F) Not recommended

The application from the Boxwood Hill Combined Sports Club requires a cash contribution from Council of \$29,092. Council's policy is to contribute an amount of 2.5% of the previous year's rates towards CSRFF projects which equates to a pool available of \$58,740.

This project has been well planned and researched by the club and given its alignment with Council's policy and the Sport and Recreation Strategy is supported by Council administration. There were no other CSRFF submissions received from other sporting groups within the Shire first the first small grants round of the year.

Another grants round will open from February however will not impact the 2012/2013 budget due to the final approval of grants not being announced until June 2013.

STATUTORY REQUIREMENTS

Nil

STRATEGIC IMPLICATIONS

Key Focus Area 1: Ongoing Social, economic and financial viability

- 1.2 Providing a range of recreational and sporting opportunities.

FINANCIAL IMPLICATIONS

Council has forecasted a 2.5% annual contribution to CSRFF projects in the 10 Year Financial Plan.

POLICY IMPLICATIONS

Council's Policy is to contribute 2.5% of the previous year's rates to CSRFF funding.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

- 1) That Council place the following priority on the project submitted for CSRFF funding:
 1. Boxwood Hill Combined Sporting Club – Lighting Upgrade
- 2) That Council authorise a financial contribution of up to a third of the total project cost and (\$29,092) on the condition that the project is successful in achieving funding from the Department of Sport and Recreation.
- 3) That the following project assessment sheet be endorsed:

PROJECT ASSESSMENT SHEET

This page is for the use of the relevant Local Government Authority to be used for both community and LGA projects. Please attach copies of council minutes relevant to the project approval.

Name of Local Government Authority: Shire of Jerramungup

Name of Applicant: Boxwood Hill Combined Sports Club Incorporated

Note: The applicant's name cannot be changed once the application is lodged at DSR.

Section A

The CSRFF principles have been considered and the following assessment is provided: (Please include below your assessment of how the applicant has addressed the following criteria)

All applications

	Satisfactory	Unsatisfactory	Not relevant
Project justification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Planned approach	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community input	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Management planning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Access and opportunity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Design	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial viability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Co-ordination	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential to increase Physical activity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sustainability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Development applications only

	Satisfactory	Unsatisfactory	Not relevant
Location	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sustainability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Co-Location	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Special Interest Group	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Section B

LGA – priority ranking of this project	1
Priority ranking of no of applications received	1 of 1 applications received
Is this project consistent with the	<input checked="" type="checkbox"/> Local Plan <input type="checkbox"/> Regional Plan <input type="checkbox"/> State Plan
Have all planning and building approvals been given for this project?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If no, what approvals are still outstanding?	Building License to be issued on receipt of funding approval.

Project Rating (Please tick the most appropriate box to describe the project)

- | | | |
|---|--|-------------------------------------|
| A | Well planned and needed by municipality | <input checked="" type="checkbox"/> |
| B | Well planned and needed by applicant | <input type="checkbox"/> |
| C | Needed by municipality, more planning required | <input type="checkbox"/> |
| D | Needed by applicant, more planning required | <input type="checkbox"/> |
| E | Idea has merit, more planning work needed | <input type="checkbox"/> |
| F | Not recommended | <input type="checkbox"/> |

- 1) That Council place the following priority on the project submitted for CSRFF funding:

1. Boxwood Hill Combined Sporting Club – Lighting Upgrade

- 2) That Council authorise a financial contribution of up to a third of the total project cost and (\$29,092) on the condition that the project is successful in achieving funding from the Department of Sport and Recreation.
- 3) That the following project assessment sheet be endorsed:

PROJECT ASSESSMENT SHEET

This page is for the use of the relevant Local Government Authority to be used for both community and LGA projects. Please attach copies of council minutes relevant to the project approval.

Name of Local Government Authority: Shire of Jerramungup

Name of Applicant: Boxwood Hill Combined Sports Club Incorporated

Note: The applicant's name cannot be changed once the application is lodged at DSR.

Section A

The CSRFF principles have been considered and the following assessment is provided: (Please include below your assessment of how the applicant has addressed the following criteria)

All applications

	Satisfactory	Unsatisfactory	Not relevant
Project justification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Planned approach	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community input	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Management planning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Access and opportunity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Design	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial viability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Co-ordination	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential to increase Physical activity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sustainability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Development applications only

	Satisfactory	Unsatisfactory	Not relevant
Location	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sustainability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Co-Location	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Special Interest Group	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Section B

LGA – priority ranking of this project	1
Priority ranking of no of applications received	1 of 1 applications received
Is this project consistent with the	<input checked="" type="checkbox"/> Local Plan <input type="checkbox"/> Regional Plan <input type="checkbox"/> State Plan
Have all planning and building approvals been given for this project?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If no, what approvals are still outstanding?	Building License to be issued on receipt of funding approval.

Project Rating (Please tick the most appropriate box to describe the project)

- | | | |
|---|--|-------------------------------------|
| A | Well planned and needed by municipality | <input checked="" type="checkbox"/> |
| B | Well planned and needed by applicant | <input type="checkbox"/> |
| C | Needed by municipality, more planning required | <input type="checkbox"/> |
| D | Needed by applicant, more planning required | <input type="checkbox"/> |
| E | Idea has merit, more planning work needed | <input type="checkbox"/> |
| F | Not recommended | <input type="checkbox"/> |

Carried 5-0

COUNCILLOR REPORTS

11. COUNCILLOR REPORTS

Cr Parsons

Attended the 2012 WA Local Government Convention

Cr Daniel

Attended the 2012 WA Local Government Convention

Confirmed Lotterywest funding for the Needilup Centenary Celebrations

Cr Iffla

Attended the 2012 WA Local Government Convention

Attended a Bremer Bay Sports Club meeting

Cr Bailey

Attended the 2012 WA Local Government Convention

Attended a Jerramungup FESA AGM

Cr Lester

Attended the 2012 WA Local Government Convention

Attended a State Dialogue

Attended a WALGA AGM

Attended a meeting with the Housing Authority

Attended a Regional Road Group meeting

Attended the Wes Carparade

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY LEAVE OF THE PRESIDING MEMBER

12.1 From Officers

Nil

12.2 From Elected Members

Nil

13. NEXT MEETING/S

13.1 Ordinary Meeting – to be held Wednesday 19th September 2012 commencing 1.30pm at the Council Chambers, Jerramungup.

14. CLOSURE

The Deputy President declared the meeting closed at 3.10pm.