

# SHIRE OF JERRAMUNGUP



## MINUTES

### COUNCIL ORDINARY MEETING

17<sup>th</sup> November 2009

*Please Note... Agenda item numbers may not follow sequence in the Minutes, this is due to items being discussed out of order. Please go by the page numbers to find a specific item.*

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SHIRE OF JERRAMUNGUP

ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS,  
JERRAMUNGUP ON TUESDAY 17<sup>TH</sup> NOVEMBER 2009, COMMENCING AT  
10.30AM.

1. **DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

The President declared the meeting open at 10.30am.

2. **RECORD OF ATTENDANCE**

Cr B Trevaskis	President
Cr W Bailey	Deputy President
Cr T Barrett	Member
Cr C Hobbs	Member
Cr R Williams	Member
Cr J Iffla	Member

Mr W Parker	Chief Executive Officer
Mr B Bailey	Deputy Chief Executive Officer
Mr G Edwards	Executive Manager – Infrastructure Services
Mrs C Solomon	Executive Secretary

Mr Andrew Duffield	Main Roads Albany
Mr Bruce Bone	Department of Environment & Conservation
Mr Tim Maisey	Department of Environment & Conservation

3. **APOLOGIES**

Cr B Atkin	Member
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4. **LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Nil

5. **PUBLIC QUESTION TIME**

Nil

6. **APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

## **7. PETITIONS / DEPUTATIONS / PRESENTATIONS**

**7.1** Andrew Duffield Main Roads Albany, Tim Maisey and Bruce Bone from Department of Conservation presented the Fitzgerald River National Park Eastern Section Road Upgrade and Walk trail Project. The State Government has committed \$20 million to the project, with a request for matched funding from the Federal Government, to help deliver the western section of the project, improving tourist access from Bremer Bay to Point Anne.

10.52 am Mr Duffield, Mr Bone and Mr Maisey left the meeting.

10.52 am Mr Nathan McQuoid entered the meeting.

**7.2** Nathan McQuoid presented two revised bird hide concepts for Council to consider.

Cr Trevaskis informed Mr McQuoid that the Chief Executive Officer would contact him to discuss Council's decision.

11.02 am Mr Nathan McQuoid left the meeting.

11.02 am Mr Graham Carthew entered the meeting.

**7.3** Graham Carthew presented the Jerramungup and Bremer Bay health survey findings and provided an update on the developments of the Albany hospital. Mr Carthew informed Council that the overall perception from the community was that they were satisfied with the level of health services provided by Jerramungup and Bremer Bay.

Cr Trevaskis thanked Mr Carthew for his efforts in conducting the survey.

11.25 am Mr Carthew left the meeting

## **8. DECLARATIONS OF FINANCIAL INTEREST**

Cr Iffla declared a proximity interest in Item 10.3.1. The nature of the interest is she owns the adjoining property on Lot 51 Bennett Street.

Cr Bailey declared a impartiality interest in Item 10.4.4. The nature of the interest is he owns an onsite caravan.

Mr Parker declared a financial interest in Item 10.4.7. The nature of the interest is a contract of employment.

**9. CONFIRMATION OF MINUTES**

9.1 Ordinary Council Meeting of 20<sup>th</sup> October 2009

**OC110901 Moved Cr Hobbs / Seconded Cr Barrett**

That the Minutes of the Ordinary Meeting of Council held 20<sup>th</sup> October 2009 be confirmed.

**Carried 6-0**

# **W O R K S**

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<b>SUBMISSION TO:</b>	Works
<b>AGENDA REFERENCE:</b>	10.1.1
<b>SUBJECT:</b>	Works Report
<b>LOCATION/ADDRESS:</b>	Shire of Jerramungup
<b>NAME OF APPLICANT:</b>	N/A
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Graham Edwards
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	10 November 2009

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## **CONSTRUCTION**

The forming and gravel sheeting of Jacup North Road has been completed.

The 2009 / 2010 Road Construction and Flood Damage Programme has been temporarily suspended while attention is given to preparing roads for harvest.

Construction activity will be limited to flood damage repairs until late January, when the Devils Creek Road project will commence.

This will provide flexibility for responding to maintenance requirements during harvest.

## **MAINTENANCE**

During October maintenance was undertaken on:

Agnes Place	Bowra Road	Boxwood-Ongerup Road
Bremer Bay Streets	Brown South Road	Cardinniniup Road
Carlawillup Road	Carlawillup South Road	Carney Road
Clifton Avenue	Corackerup Road	Cowellelup Road
Derrick Street	Diagonal Road	Doubtful Island Road
Exchange Road	Fitzgerald Road	Gairdner South Road
Jacup North Road	Jacup South Road	Jerramungup North Road
John Street	Kokoda Road	Lancaster Road
Mallee Road	Margaret Street	Marnigarup South Road
Marnigarup West Road	Mary Street	Meechi Road
Memorial Road	Middamidjup Road	Monjebup Road
Mooreshead Road	Murray Road	Needilup North Road
Ocumup Road	Park Road	Peniup Road
Point Henry Road	Quiss Road	Rabbit Proof Fence Road
Reid Road	Reserve Road	Ridgeway Drive
South Coast Hwy	Spitfire Avenue	Swamp Road
The Esplanade	Tobruk Road	Vasey Street
Yate Road		

## **PARKS AND GARDENS**

Concern has been expressed by ratepayers, about the insufficient watering of gardens, and employees about reticulation system problems at the Bremer Bay Hall, Entry Statement and Cemetery.

Following investigation it was found to be a combination of maintenance and external interference, which were contributing factors and that:

1. Although the Hall reticulation required some routine maintenance, the controller had been vandalised.
2. Reticulation at the Entry Statement were being activated externally, but timers were leaking under pressure and required replacement.
3. The water supply at the Cemetery, which is supplied from a bore, had been activated externally and the tank drained.

These gardens are subject to legislative requirements administered by the Water Corporation and the Department of Water. For information the requirements include that:

1. All local governments using scheme water for reticulation must comply with the daytime sprinkler ban.
2. The sprinkler reticulation systems can only be used to water the gardens at the Hall and the Entry Statement on two days a week, only once on those days and either before 9am or after 6pm.
3. Country Councils using groundwater or surface water have been required to comply with the new watering regime since 1 July 2009.
4. The Cemetery can be watered using sprinklers on any day but only before 9am and after 6pm.
5. Local Governments must develop and submit water efficiency plans to the Department of Water.

### **REGIONAL ROAD GROUP**

At the meeting on Monday 2 November 2009, the Great Southern Regional Road Group considered 2010 / 2011 Road Project Grant submissions and supported the following allocations to the Shire of Jerramungup.

- |                        |           |
|------------------------|-----------|
| 1. Devils Creek Road   | \$390,000 |
| 2. Gairdner South Road | \$80,000  |

The grants remain conditional upon endorsement by the State Road Funds to Local Government Advisory Committee and the Shire of Jerramungup making a minimum  $\frac{1}{3}$  contribution to the project cost.

### **RECOMMENDATION**

That the Works Report be received.

**OC110902 Moved Cr Bailey / Seconded Cr Hobbs**

That the Works Report be received.

**Carried 6-0**

# **FINANCE**

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<b>SUBMISSION TO:</b>	<b>Finance</b>
<b>AGENDA REFERENCE:</b>	10.2.1
<b>SUBJECT:</b>	Accounts Payable
<b>LOCATION/ADDRESS:</b>	Shire of Jerramungup
<b>NAME OF APPLICANT:</b>	
<b>FILE REFERENCE:</b>	16.7
<b>AUTHOR:</b>	Kirsty Hodgins
<b>DISCLOSURE OF ANY INTEREST:</b>	
<b>DATE OF REPORT:</b>	9 <sup>th</sup> November 2009

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**ATTACHMENT**

**BACKGROUND**

<b>FUND</b>	<b>VOUCHERS</b>	<b>AMOUNTS</b>
Municipal Account	25828	Last cheque used
	EFT2616 – EFT2681	\$544,518.10
	EFT2682	Cancelled
	EFT2683 – EFT2686	\$43,007.07
	25792-25824	\$25,597.05
	25825	Cancelled
	25826-25828	\$13,387.25
	Direct Debits	\$30,777.71
Trust Account	000163	\$240.00
	<b>Municipal Account Total</b>	<b>\$657,287.28</b>
	<b>Trust Account Total</b>	<b>\$240.00</b>
	<b>GRAND TOTAL</b>	<b>\$657,527.28</b>

**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 \$657,527.28 which was submitted to the Full Council on 17<sup>th</sup> November 2009 be endorsed.

**SIGNATURES**

\_\_\_\_\_  
**Author**

\_\_\_\_\_  
**Chief Executive Officer**

**OC110903 Moved Cr Williams / Seconded Cr Iffla**

That the schedule of direct debits and accounts payable, totalling \$657,527.28 which was submitted to the Full Council on 17<sup>th</sup> November 2009 be endorsed.

**SIGNATURES**

\_\_\_\_\_  
**Author**

\_\_\_\_\_  
**Chief Executive Officer**

**Carried 6-0**

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<b>SUBMISSION TO:</b>	<b>Finance</b>
<b>AGENDA REFERENCE:</b>	10.2.2
<b>SUBJECT:</b>	Monthly Financial Report
<b>LOCATION/ADDRESS:</b>	Shire of Jerramungup
<b>AUTHOR:</b>	Brent Bailey
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	5 November 2009

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## **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**

Monthly Financial Report – Period Ending 31 October 2009

## **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.

The road construction and maintenance graphs have been added to the financial report to give Council an indication of the progress of each programme. Council should note

that due to the delay between committed costs and invoices being received the graph level for the current month will be behind total expenditure.

There is still a significant portion of the capital budget to commence and finalise and it is expected that a sharp increase in payments for these items will come in the new year.

### **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 31 October 2009 in accordance with Section 6.4 of the Local Government Act 1995.

### **OC110904 Moved Cr Barrett / Seconded Cr Williams**

- 1) That Council receive the Monthly Financial Report for the period ending 31 October 2009 in accordance with Section 6.4 of the Local Government Act 1995.

**Carried 6-0**

**HEALTH,  
BUILDING  
&  
TOWN PLANNING**

11.59pm Cr Iffla left the meeting.

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<b>SUBMISSION TO:</b>	<b>Health, Building and Town Planning</b>
<b>AGENDA REFERENCE:</b>	10.3.1
<b>SUBJECT:</b>	Two grouped (transported) dwelling units
<b>LOCATION/ADDRESS:</b>	Lot 39 Roderick Street, Bremer Bay
<b>NAME OF APPLICANT:</b>	Leigh Nelson (owner)
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Gray & Lewis Landuse Planners
<b>DISCLOSURE OF ANY INTEREST:</b>	Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of Local Government Act 1995
<b>DATE OF REPORT:</b>	4 November 2009

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## **SUMMARY**

- Council is to consider an application for two grouped dwelling units on Lot 39 Roderick Street, Bremer Bay. Both dwellings are transported buildings.
- The application (with original site plan) has been advertised for public comment and no objections had been received at the time of writing this report.
- The lot has a flexible code of 'R15/30' under the Shire of Jerramungup Local Planning Scheme No 2 ("the Scheme").
- The application generally complies with the Residential Design Codes.
- It is recommended that the application be conditionally approved.

## **ATTACHMENT**

Confidential Attachment A – copy of plans  
Attachment B - Photographs of transported buildings

## **BACKGROUND**

### ***Zoning***

The lot is zoned Residential and has a flexible code of 'R15/30' under the Shire of Jerramungup Local Planning Scheme No 2 ("the Scheme").

The base code of R15 requires a minimum of 580m<sup>2</sup> and average of 666m<sup>2</sup> per dwelling. Council has to discretion to support densities up to a maximum of R30. The R30 code allows for a minimum of 270m<sup>2</sup> and average of 300m<sup>2</sup> per dwelling.

### ***Development classification***

The development is construed as 'grouped dwelling' under the Residential Design Codes as the definition includes '*a dwelling that is one of a group of two or more dwellings on the same lot*'.

The application has been assessed in accordance with the grouped dwelling requirements which differ from a single house on a green title or strata lot (without any common property).

## **COMMENT**

### ***Application***

The application is summarised below;

- The existing lot has been developed with older style dwelling (beach shack) which is proposed to be demolished.
- The application proposes erection of two separate dwelling units on the existing green title lot – refer Confidential Attachment A.
- The dwellings are ‘transported buildings’ currently located in Hopetoun.
- The dwellings were constructed in 2006, and the owner has lodged photographs demonstrating that they are still in good condition – refer Attachment B.
- Both dwellings include features such as curved rooflines and verandas.
- Two separate driveways are proposed to service each dwelling unit. The original plan submitted proposed one shared driveway however it did not have sufficient reversing areas/ manoeuvrability, so Gray & Lewis requested amended plans.
- Both dwellings have access from Roderick Street. There is an existing area of vegetation adjacent to the Bennett Street frontage which is proposed to be retained.
- A new outbuilding / shed is also proposed to the rear of Unit 2 central to the lot. The outbuilding measures 7.5 metres by 12 metres (90m<sup>2</sup>).

### ***Proposed Density***

There is some discretion over application of the development requirements due to the ‘R15/30’ flexible code.

Unit 1 fronting Roderick Street has a minimum site area of 480.63m<sup>2</sup>, and Unit 2 has a minimum site area of 1607.43m<sup>2</sup>. Minimum site areas are basically the areas available for the exclusive use of each dwelling including independent driveways, parking, the dwelling and any portion of the lot that is not shared (ie excludes shared driveways).

The minimum site area for Unit 1 is equivalent to that of an R20 density, therefore the R20 requirements are used for the assessment of the application.

### ***Scheme Requirements***

Whilst the base code is R15, Council has discretion to support higher densities up to a maximum of R30 in this area. In exercising discretion, Council shall have regard for specific criteria listed under Clause 5.3(a) of the Scheme applicable to the flexible code.

Compliance with Clause 5.3(a) of the Scheme is summarised below;

<b>Scheme Requirement</b>	<b>Comment</b>
Adequate connection to sewer.	Complies. A condition of development will require connection to sewer.
In the opinion of the local government the lot is suitably located close to services and facilities.	Complies. The lot has access to services and facilities in Bremer Bay.

The local government is satisfied there will not be adverse impacts on local amenities.	Complies. The proposed development will not have a negative impact on the amenity of the area. The development will result in improved streetscape as it entails demolition of the existing older shack located on the property, and the elevations of the units are considered good quality.
The local government considers the design of the development will enhance the amenity of the area.	Complies. The applicant has lodged photographs of the proposed dwellings which demonstrate that they are good quality.  The introduction of newer housing stock will enhance the amenity of the area.
The development is compatible with the surrounding landuses and development.	Complies. The proposed development only equates to an R20 density and is considered compatible with surrounding development.

In accordance with Clause 5.10 of the Scheme;

1. All transported buildings require planning approval.
2. Council shall not grant approval for a transported building if it is in a heritage area.
3. The building is to comply with the Scheme, the Residential Design Codes and any local laws.
4. Planning approval will only be granted where in the opinion of Council the building is in a satisfactory condition and will not detrimentally affect the amenity of the locality.

In this case the transported buildings were constructed in 2006 and are still in good condition.

### ***Residential Design Codes ('the Codes')***

Compliance with the Codes (R20) is discussed under relevant headings below;

- *Building Setbacks*

The dwelling complies with the building setbacks as demonstrated in the table below.

<b>Setback (units)</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Front setback</b>	6 metres	6 metres	Complies
<b>Side Setback (north)</b>	1.5 metres	12.9 metres to Unit 1 and 7.1 metres to Unit 2	Complies
<b>Side Setback (south)</b>	1.5 metres	8.6 metres to Unit 1 and 14.4 metres to Unit 2.	Complies
<b>Rear</b>	6 metres	43.75 metres (approximate)	Complies

The proposed outbuilding also fully complies with all setbacks.

- Carparking

Under the Residential Design Codes a minimum of 2 car parking spaces is required per dwelling unit.

The original plan submitted had one shared driveway along the southern boundary to service both units, however there was insufficient reversing areas provided. The applicant has lodged an amended plan with two separate driveways and carparking for each unit has sufficient manoeuvrability.

Clause A4.4 of the Codes requires provision for vehicles to enter the street in forward gear where the distance from a car space to the street alignment is more than 15 metres. The parking for both units includes a reversing bay so all cars can egress the site in forward gear.

- Outdoor Living Area (courtyard)

The Codes require each grouped dwelling to have a 30m<sup>2</sup> outdoor living area (courtyard) with a minimum width of 4 metres, which can be accessed from a habitable room. The application complies and an outdoor living area has been provided for both units.

- Storeroom

A 4m<sup>2</sup> storeroom is also required for each unit. The application technically does not comply as the owners propose one large outbuilding to be shared by both units.

This is supported whilst both units remain on one lot as the proposed outbuilding is of sufficient size to cater for storage needs of both dwellings. In the event that the existing green title lot were to be strata titled, then an additional storeroom would need to be provided to service Unit 1 (unless the shed was included in common property). Accordingly a footnote advice relating to any future strata is recommended.

### **Local Planning Policy 15 – Transported Buildings**

The proposed residence has been assessed in accordance with Local Planning Policy 15 as follows;

<b>Policy Requirement</b>	<b>Officer Comment</b>	<b>Compliance</b>
7.1 The onus is on the applicant to demonstrate that any second hand transported building is structurally sound. Applications should be accompanied by a professional report by a structural engineer on the structure and condition of the building demonstrating that is structurally sound.	The applicant has lodged photographs which demonstrate that the units constructed in 2006 are still in good condition. The applicant has also lodged a copy of the original 2006 engineering certification.	Complies with condition.  The applicant has been advised that an updated engineering certificate will be required to be lodged for the building licence, and as a condition of any planning consent.

7.2 Council needs to be satisfied that the external appearance of a transported building is equivalent to that of a new dwelling or that its appearance is not discernable from existing development in the street.	Both dwellings were purpose built 'as new' in 2006 and are still in good condition.	Complies.  As no upgrading to the dwellings are required a bond is not proposed as a condition.
7.3 Any transported building needs to complement and fit in with the existing streetscape in terms of the quality of elevations, roof pitch, building height, scale and bulk.	The dwelling will include architectural features such as a curved roof and verandahs. Aesthetics are subjective however the elevations are considered good quality.	Complies.
7.3 The use of new transported dwellings is preferred over use of second hand transported dwellings. Notwithstanding the above, it is recognised that some second hand transported buildings may be in excellent condition, or can be upgraded/renovated.	The proposed transported dwellings are second hand however they were only constructed in 2006 and have been maintained in good condition.  No upgrading is required.	Complies.

The Policy is a guideline only and each application should still be assessed on its individual merit.

**Local Planning Policy No 16 – Outbuildings**

The table below shows the applicable requirements.

Zoning	Maximum Wall Height (metres)	Maximum Ridge Height (metres)	Maximum floor area (aggregate)
Residential	3	4.2	90m <sup>2</sup>
Proposed	3.1	3.76	90m <sup>2</sup> (7.5 metres x 12 metres)

The plans submitted indicate a 3 metre wall height however Gray & Lewis requested confirmation of the wall and roof height from the owner. The owner has advised in writing that the proposed outbuilding wall height is 3.1 metres (which is a marginal variation) and it has a 3.76 roof height.

The proposed outbuilding is supported as it complies with the roof height and area under the Policy, and the minor 10 cm variation of wall height is compensated by the low roofline so will not have any visual impact. The outbuilding is proposed to the rear of the units so the minor variation will not have any streetscape impact.

**Local Planning Policy No 5 – Use of Reflective materials**

The above policy has limited applications as a number of single houses do not require planning approval under the Scheme if they comply with the Residential Design Codes.

The proposed dwelling appears to include zincalume materials or light grey colorbond for the roof and some wall panels therefore this policy is relevant to the assessment.

One of the Policy objectives is '*To ensure that highly reflective building materials are only used where the applicant demonstrates to the satisfaction of Council that there will be no adverse glare, nuisance or potential impact on amenity.*'

The Policy allows Council discretion to approve reflective materials where it essentially will not cause nuisance as follows;

- The reflective material cannot be overlooked from adjacent or nearby properties.
- The reflective material will not be visually prominent from a main road or public place.
- The reflective material will not cause any nuisance or glare to surrounding residents.
- The use of reflective material will not detrimentally affect the rural/scenic character of the area, or impact on scenic vistas.
- The use of reflective materials will not undermine or contravene the objectives of this Local Planning Policy or provisions of the Shire of Jerramungup Local Planning Scheme.

Gray & Lewis recommends that the proposed materials be supported as it is not considered that it will cause undue amenity impact having regard to the flat nature of the lot, that the dwellings are well setback from the street and neighbours boundaries, and that there are many examples throughout the metropolitan region (such as Subiaco) where zincalume roofs do not cause major glare problems.

Potential glare is more of an issue where there is undulating topography with neighbours overlooking roof areas.

### ***Consultation and Amended plans***

The Scheme requires any development above the base R15 code to be advertised for public comment.

The application complies with the average area per dwelling unit for the base R15 density, however has been referred to neighbours for comment as (i) the minimum site area for Unit 1 equates to an R20 density and (ii) the application includes transported dwellings.

The original plans submitted were advertised and advertising closes on the 9 November 2009. During advertising Gray & Lewis received some queries on the development from neighbours including a request for an emailed set of plans (which was provided with consent of the owner), and a query on whether any fencing was proposed (which was also answered by email). None of the email queries expressed any objections to the development. At the time of writing this report (6 November 2009) no objections had been received.

It should be noted that an amended site plan was lodged during advertising. The amended plan has not been re-advertised as;

- It was required to provide adequate reversing areas;
- The setbacks to the proposed units remain unchanged;
- It does not significantly alter the nature of the application;
- The only change between the original site plan and amended plan is the inclusion of a second driveway with parking for Unit 1 along the northern boundary.

A copy of the superceded site plan is included in the **Confidential Attachment 10.3.1(a)**.

*Note: Council officers to check for any additional submissions prior to agenda finalisation.*

## **Conclusion**

It is recommended that the application be conditionally supported, having regard for the following;

- The applicant is only seeking support for a low density of R20, just above the base coding of R15.
- The development will facilitate demolition of the existing older beach shack, introduce newer housing stock, provide greater housing choice and cater for different community needs.
- Development will maximise efficient use of existing services and infrastructure (sewer, drainage, roads etc).
- The design allows for both dwellings to achieve casual street surveillance which will increase security.
- It is not considered that the proposed development will have any negative impact on the amenity of the area, and higher densities have already been supported in Roderick Street through subdivision.
- The proposed dwellings are of a good quality.

## **STRATEGIC IMPLICATIONS**

Not applicable.

## **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**

Not applicable.

## **POLICY IMPLICATIONS**

There is a draft Local Planning Policy No 2 which was specifically developed for the R15/30 flexible coded areas. The draft Policy proposed to;

1. Expand on the existing Scheme criteria for higher densities above the base code of R15.
2. Place greater restrictions on subdivision or strata above the base code of R15 unless (i) a development application for the lots had been approved or (ii) the applicant demonstrated the Scheme criteria could be met through a Detailed Area Plan.

Draft Local Planning Policy No 2 was referred to Council for initiation of advertising in May 2008 (refer Item 11.3.2). Council resolved '*That the matter lay on the table until the town planning consultants briefs Council on the matter.*'

Gray & Lewis will refer the Draft Policy to a future Council meeting for further consideration and direction.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That Council;

1. Approve the application and amended plans (site plan dated 29.9.2009) for two grouped dwellings (transported buildings) on Lot 39 Roderick Street lodged by Leigh Nelson (owner) subject to the following conditions;
  - (i) All stormwater from roofed and paved areas shall be collected and disposed of on-site to the satisfaction of Council unless otherwise agreed to in writing and approved by the Shire.
  - (ii) Vehicle parking shall be constructed on site to accommodate a minimum of 2 car parking spaces (as per Clause 6.5.1 A1(i) of the Residential Design Codes) per dwelling to the satisfaction of Council in accordance with the plans submitted.
  - (iii) Prior to occupation or use of the development, vehicle crossovers shall be constructed in bitumen, asphalt, in-situ concrete, concrete or clay brick pavers in accordance with the Shire of Jerramungup crossover guidelines to the satisfaction of Council.
  - (iv) No clothes drying devices shall be erected or clothes dried outside which is visible from a street or public place.
  - (v) No retaining walls exceeding 500mm from natural ground level shall be constructed (unless separately approved).
  - (vi) No portion of the finished floor level of the proposed dwellings shall be greater than 500mm from natural ground level as stated in the application, and the area between the floor levels and the ground shall be infilled to give the appearance of a 'permanent' building to the satisfaction of the Chief Executive Officer.
  - (vii) The dwelling units shall be connected to reticulated sewer prior to occupation.
  - (viii) Any existing septic tanks, soakwells or leach drains and any associated pipework must be decommissioned and removed from the site prior to the transported dwelling units being located on the lot.
  - (ix) Prior to the issue of a building licence the owner shall lodge a new Engineering certification for the proposed two grouped (transported) dwellings specific to the lot subject of this application.
  - (x) Any front fencing within the 6 metre primary street setback to Roderick Street is to be visually permeable above 1.2 metres from natural ground level and comply with the provisions of the Residential Design Codes.
  
2. Advise the applicant that;
  - (i) Planning approval should not be construed as an approval to commence works as a separate building licence is also required.
  - (ii) A separate demolition licence is required prior to any demolition commencing on site. It is recommended that the applicant liaise with the Shires Building Surveyor to obtain the necessary licence.
  - (iii) Prior to the issue of a building licence the owner shall lodge a copy of the amended site plan stamped by the Water Corporation. The existing plan that has been stamped by the Corporation has been modified.
  - (iv) In regards to Condition (x), no front fencing was shown as part of the application. Any erection of a future front fence must comply with the Residential Design Codes. Any fence adjacent to a driveway must allow for adequate sightlines. Owners should liaise with the Shire regarding fencing requirements.
  - (v) The Residential Design Codes require each dwelling to be provided with a 4m<sup>2</sup> storeroom. The proposed shared use of the outbuilding to service the storage needs of the two units is supported whilst all the development remains on one green title. If the existing Lot 39 was strata titles in the future then a separate 4m<sup>2</sup> storeroom would be required for Unit 1 (unless the outbuilding can continued to be shared on common property). It is noted that the owner has no current plans for any strata proposal, however this advice is included for information.

## OC110905 Moved Cr Hobbs / Seconded Cr Bailey

That Council;

1. Approve the application and amended plans (site plan dated 29.9.2009) for two grouped dwellings (transported buildings) on Lot 39 Roderick Street lodged by Leigh Nelson (owner) subject to the following conditions;
  - (i) All stormwater from roofed and paved areas shall be collected and disposed of on-site to the satisfaction of Council unless otherwise agreed to in writing and approved by the Shire.
  - (ii) Vehicle parking shall be constructed on site to accommodate a minimum of 2 car parking spaces (as per Clause 6.5.1 A1(i) of the Residential Design Codes) per dwelling to the satisfaction of Council in accordance with the plans submitted.
  - (iii) Prior to occupation or use of the development, vehicle crossovers shall be constructed in bitumen, asphalt, in-situ concrete, concrete or clay brick pavers in accordance with the Shire of Jerramungup crossover guidelines to the satisfaction of Council.
  - (iv) No clothes drying devices shall be erected or clothes dried outside which is visible from a street or public place.
  - (v) No retaining walls exceeding 500mm from natural ground level shall be constructed (unless separately approved).
  - (vi) No portion of the finished floor level of the proposed dwellings shall be greater than 500mm from natural ground level as stated in the application, and the area between the floor levels and the ground shall be infilled to give the appearance of a 'permanent' building to the satisfaction of the Chief Executive Officer.
  - (vii) The dwelling units shall be connected to reticulated sewer prior to occupation.
  - (viii) Any existing septic tanks, soakwells or leach drains and any associated pipework must be decommissioned and removed from the site prior to the transported dwelling units being located on the lot.
  - (ix) Prior to the issue of a building licence the owner shall lodge a new Engineering certification for the proposed two grouped (transported) dwellings specific to the lot subject of this application.
  - (x) Any front fencing within the 6 metre primary street setback to Roderick Street is to be visually permeable above 1.2 metres from natural ground level and comply with the provisions of the Residential Design Codes.
2. Advise the applicant that;
  - (i) Planning approval should not be construed as an approval to commence works as a separate building licence is also required.
  - (ii) A separate demolition licence is required prior to any demolition commencing on site. It is recommended that the applicant liaise with the Shires Building Surveyor to obtain the necessary licence.
  - (iii) Prior to the issue of a building licence the owner shall lodge a copy of the amended site plan stamped by the Water Corporation. The existing plan that has been stamped by the Corporation has been modified.
  - (iv) In regards to Condition (x), no front fencing was shown as part of the application. Any erection of a future front fence must comply with the Residential Design Codes. Any fence adjacent to a driveway must allow for adequate sightlines. Owners should liaise with the Shire regarding fencing requirements.
  - (v) The Residential Design Codes require each dwelling to be provided with a 4m<sup>2</sup> storeroom. The proposed shared use of the outbuilding to service the storage needs of the two units is supported whilst all the development remains on one green title. If the existing Lot 39 was strata titles in the future then a separate 4m<sup>2</sup> storeroom would be required for Unit 1 (unless the outbuilding can continued to be shared on common property). It is noted that the owner has no current plans for any strata proposal, however this advice is included for information.

**Carried 6-0**

12.01 pm Cr Iffla returned to the meeting.

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<b>SUBMISSION TO:</b>	<b>Health, Building and Town Planning</b>
<b>AGENDA REFERENCE:</b>	10.3.2
<b>SUBJECT:</b>	Amendment 6 to Shire of Jerramungup Local Planning Scheme No 2
<b>LOCATION/ADDRESS:</b>	Lot 1321 Bremer Bay Road, Bremer Bay
<b>NAME OF APPLICANT:</b>	N/A
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Gray & Lewis Landuse Planners
<b>DISCLOSURE OF ANY INTEREST:</b>	Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of Local Government Act 1995
<b>DATE OF REPORT:</b>	4 November 2009

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### **SUMMARY**

Council is to consider final adoption of Amendment 6 to the Shire of Jerramungup Local Planning Scheme No 2 to re-zone Lot 1321 Bremer Bay Road, Bremer Bay from 'Rural' to 'Rural Residential', 'General Industry' and 'Farmlet' zone.

The amendment has been advertised for public comment. This report recommends that the amendment be adopted for final approval with minor modifications and that the Subdivision Guide Plan (SGP) be supported.

### **ATTACHMENT**

Attachment A - Subdivision Guide Plan  
Attachment B - Schedule of Submissions

### **BACKGROUND**

At its ordinary Meeting held on 21 April 2009 Council considered an application to amend the Shire of Jerramungup Local Planning Scheme No. 2 ("the Scheme") to rezone Lot 1321 Bremer Bay Road, Bremer Bay from 'Rural' to 'Rural Residential', 'General Industry' and 'Farmlet' zone – refer Item 10.3.5.

The Amendment was referred to the Environmental Protection Authority (EPA) who advised that no environmental assessment is required. The EPA letter included some advice and recommendations as summarised below;

<b>EPA comment / recommendation</b>	<b>Officer Comment and Recommendation</b>
Any clearing of remnant vegetation in the building exclusion area may require a clearing permit from the EPA.	Noted. This is information only.
Watercourse setbacks should be inserted in the provisions.	Setbacks to water courses are addressed by the SGP which shows building envelopes 30 metres from any watercourse. This is a development issue and does not necessitate any changes to the amendment.

EPA comment / recommendation	Officer Comment and Recommendation
The fire management plan required under schedule 12 for the Farmlet zone should be prepared in consultation with DEC prior to endorsement by the Shire and WAPC.	The provisions already require that the FMP be endorsed prior to subdivision, and is to accompany the subdivision application. The WAPC can refer the subdivision and FMP to DEC if required, however this should not be the responsibility of the local government. If there are conflicts between DEC requirements and the FMP then the applicant will need to address that as part of the subdivision process.
The existing conservation covenant is to be retained and this be reflected in Schedule 12.	It is explained in the amendment report and can be dealt with by subdivision conditions. It is likely that WAPC will refer the subdivision to DEC for comment.
No schedule requirements have been included in the amendment for the General Industry zone.	The Scheme already contains landuse controls and specific provisions for the General Industry zone. There is no need to include any new requirements, and the amendment simply seeks to introduce a map change. In other words, the provisions already exist.

No changes to the amendment are recommended as a result of the EPA advice for the reasons outlined in the table above.

## **CONSULTATION**

### ***Preliminary consultation***

The site has been selected by the Great Southern Development Commission who has liaised with both the Shire and the Department for Planning and Infrastructure (DPI). DPI has not expressed any initial concerns over the amendment.

### ***Formal advertising***

The amendment was advertised from 25 August to 16 October 2009. A total of eight submissions were received during advertising, as summarised in Attachment B – Table of Submissions.

Two minor text modifications are recommended to address matters raised in the Water Corporation submission, as detailed in the Table of Submissions.

It is also recommended that the applicant be formally advised of the MRWA submission and that at detailed subdivision design they need to examine the central road alignment/ Bremer Bay Road intersection to ensure that it avoids the low point, which may necessitate a minor re-alignment.

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. Copies of all submissions have been provided to the applicant.

## **COMMENT**

### ***Location and description***

The subject property is located approximately 5 kilometres to the west of Bremer Bay Townsite, on the corner of Bremer Bay Road and Swamp Road.

The lot is an existing 'Rural' zoned property (known as 'Old Myamba') and has an approximate area of 1, 035 hectares.

### ***Description of proposed Amendment***

The amendment proposes to;

1. Rezone an eastern portion of the lot to 'Rural Residential' consistent with the Local Planning Strategy.
2. Rezone a south west portion of the lot (corner Swamp Road and Bremer Bay Road) to Industrial.
3. Rezone the balance area to 'Farmlet'.

### ***Subdivision Guide Plan (SGP)***

A Subdivision Guide Plan (SGP) was lodged as part of the amendment document and was discussed in the original report to Council.

Advertising of the amendment has not raised any major concerns over the SGP and accordingly it is also recommended for support. The SGP is consistent with a land capability report lodged by the applicant.

The Subdivision Guide Plan also requires endorsement by the Western Australian Planning Commission.

### ***Conclusion***

As explained in the submission table, two minor modifications to Amendment 6 are recommended as a result of the Water Corporation submission. It is recommended that Council adopt the amendment for final approval (with modifications) and endorse the Subdivision Guide Plan.

## **STATUTORY REQUIREMENTS**

Once initiated, all amendments must be referred to the WAPC for final endorsement and require approval from the Minister for Planning.

## **STRATEGIC IMPLICATIONS**

Gray and Lewis has drafted a Townsite Expansion Strategy for Bremer Bay which simply expands on and acts as a supplementary document to the Shires Local Planning Strategy.

Gray & Lewis has placed the Townsite Expansion Strategy on hold awaiting the outcome of this Industrial amendment. If the WAPC supports this amendment then they may also recommend that the Shires Local Planning Strategy (2006) be updated to reflect the amendment. If that occurs then the townsite expansion strategy may be better incorporated into the Local Planning Strategy as a modification.

If the WAPC does not request that the Local Planning Strategy be updated then it is more likely that a Townsite Expansion Strategy for Bremer Bay can simply be progressed as a supplementary document or Local Planning Policy which will be a less onerous process.

Once this amendment has been substantially progressed by WAPC, then the townsite expansion strategy for Bremer Bay can be finalised and presented to a future Council meeting.

### **FINANCIAL IMPLICATIONS**

Council pays planning fees to Gray & Lewis for processing of scheme amendments.

### **POLICY IMPLICATIONS**

N/A.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

That Council:

1. Adopt Amendment No 6 to the Shire of Jerramungup Local Planning Scheme No 2 pursuant to Section 75 of the Planning and Development Act 2005 subject to minor modifications (bolded and highlighted in the resolution) by;
  - a) Rezoning portion of Lot 1321 Bremer Bay Road, Bremer Bay, from 'Rural' zone to 'Rural Residential' zone as more clearly shown on the Scheme Amendment Map.
  - b) Adding a new Rural Residential area to 'Schedule 11 – Rural Residential Zone' as follows;

#### **'SCHEDULE 11 – RURAL RESIDENTIAL ZONE**

<b>No</b>	<b>PARTICULARS OF LAND</b>	<b>REQUIREMENTS</b>
<i>RRes 6</i>	Portion of Lot 1321 Bremer Bay Road, <b>BREMER BAY</b>	<p><u>1. Objective</u></p> <p>The objective is to facilitate the creation of rural-residential lots in a scenic environment. The presence of the estate will not be apparent from Bremer Bay Road and will have minimal impact on the environment.</p> <p><u>2. Subdivision and Development</u></p> <p>(a) Subdivision is to be generally in accordance with a Subdivision Guide Plan adopted by the Shire and endorsed by the Western Australian Planning Commission.</p>

		<p>(b) Minimum lot sizes are as per the approved Subdivision Guide Plan. No further breakdown of lots shall be supported by the local government.</p> <p>(c) The local government will request that the Commission impose a condition on any future subdivision requiring a Notification on Title to advise prospective purchasers that there is an approved Subdivision Guide Plan for the land, and that specific provisions apply under the Shire of Jerramungup Local Planning Scheme No 2.</p> <p>(d) Buildings shall not be permitted within the Building Exclusion Area as shown on the approved Subdivision Guide Plan. Buildings include effluent disposal systems and are required to be approved by the local government and the Health Department of WA prior to installation.</p> <p>(e) Written approval of the local government is required for any effluent disposal system proposed to be located in a Building Exclusion Area on the Subdivision Guide Plan and shall be considered only where;</p> <ul style="list-style-type: none"> <li>(i) The applicant has demonstrated that it is necessary due to soil conditions; and</li> <li>(ii) The request is accompanied by a detailed report by a suitably qualified person demonstrating that the location can support on site effluent disposal; and</li> <li>(iii) It does not conflict with the Fire Management Plan; and</li> <li>(iv) The objectives of vegetation protection are maintained.</li> </ul> <p><u>3. Landscape Protection</u></p> <p>(a) No native vegetation shall be felled or removed from the site except where it is:</p> <ul style="list-style-type: none"> <li>(i) required for approved development or subdivision works; or</li> <li>(ii) required to fulfil the requirements and recommendations of an approved Fire Management Plan; or</li> <li>(iii) to comply with a Council Firebreak Order; or</li> <li>(iv) The trees are declared dead or dangerous.</li> </ul> <p><u>4. Fire Protection</u></p>
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		<p>(a) A Fire Management Plan is to be prepared and endorsed by the Shire and WAPC prior to subdivision. The Fire Management Plan is to accompany the subdivision application for the land.</p> <p>(b) The local government will request that the Commission impose a condition on any future subdivision requiring a Notification on Title to advise prospective purchasers that there is an approved Fire Management Plan for the land.</p> <p>(c) The local government may require all owners to contribute annually to a special fund to be administered by the local government and used for maintenance or upgrading of any local emergency access to fire equipment, fire equipment, water tanks or strategic fire breaks.</p> <p><u>5. Water Supply</u></p> <p>(a) <b>The local government will request that the Commission impose a condition on any future subdivision requiring a Notification of Title to advise prospective purchasers that in view of the water capacity limitations in the town, landowners will need to provide their own potable water supply through installation of rainwater tanks which have sufficient storage to avoid the need to tanks to be re-filled via water carting from the town water scheme.</b></p>
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**c) Creating a new 'Farmlet' zone by**

1. Adding a notation to the scheme map legend;
2. Adding a new dot point to Clause 4.2 (Objectives of the zones) of the Scheme text as follows;

- Farmlet Zone
  - To select areas where the creation of small farms will provide for uses and development that will not adversely affect local amenities.
  - To provide opportunity for a residential use in association with a rural pursuit in a manner that will not adversely impact on the environment.
  - To make provision for the retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such uses.
  - To provide for rural lifestyle themes including conservation lots, bush lots and small farms in a rural environment.'

- (d) Amending Table 1 – Zoning Table by adding a new column and annotations as follows;

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

- (e) Adding a new Clause as follows;

## **5.27 FARMLET ZONE**

### **5.27.1 Site Requirements**

Unless otherwise provided on the Subdivision Guide Plan, the minimum building setbacks are to be:

Front : 30.0m

Rear : 20.0m  
Side : 20.0m

### **5.27.2 General Requirements**

- (a) Before making provision for a Farmlet zone the local government is to require the owner(s) of the land to prepare a submission supporting the creation of the Farmlet zone and such submission is to include:
- (i) a statement as to the purpose or intent for which the zone is being created and the reasons for selecting the particular area the subject of the proposed zone;
  - (ii) a plan or plans showing contours at such intervals as to adequately depict the landform of the area and physical features such as existing buildings, rock outcrops, trees or groups of trees, creeks, wells and significant improvements;
  - (iii) information regarding the method whereby it is proposed to provide a potable water supply to each lot;
  - (iv) a detailed report on the land capability of the site and its suitability for the proposed lot sizes; and
  - (v) a detailed report on the vegetation characteristics of the area outlining the type and general health of vegetation and any measures undertaken to identify rare or endangered species.
- (b) 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;
  - (ii) 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.
  - (iii) retention of vegetation and creation of revegetation using local native species, of wildlife corridors linking with areas of native vegetation on adjoining land.
- (c) In addition to the Subdivision Guide Plan the provisions for making recommendations on subdivision and development shall be in accordance with Schedule 12.

### **5.27.3 Development Requirements**

- (a) Development in a Farmlet zone is to be subject to:
- (i) planning approval is required for all development including a dwelling and the keeping of any hoofed animal or beast of burden. Such application is to be made in accordance with the provisions of the Scheme;
  - (ii) not more than 1 dwelling per lot is to be erected but the local government may, at its discretion, approve ancillary accommodation;
  - (iii) the retention of all trees and features of natural beauty in order to conserve the rural environment, unless their removal is authorised by the local government;
  - (iv) the planting of such trees and/or groups of trees and species as specified by the local government in order to enhance the rural amenity of the land in areas the local government considers deficient in tree cover;
  - (v) the appropriate measures to prevent noise, odour, or dust pollution or soil erosion, to the satisfaction of the local government, by a

- person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals;
- (vi) the prevention of overstocking, erosion and any other practice detrimental to the amenity of a Farmlet zone, the local government may take any action which in the opinion of the local government is necessary to reduce or eliminate adverse effects on the environment caused wholly or partly by the stocking of animals; and
  - (vii) any costs incurred by the local government in taking action under clause 5.27.3 (vi) are to be recoverable by the local government from the landowner.
- (b) In considering an application for planning approval for a proposed development (including additions and alterations to existing development) the local government is to have regard to the following:
    - (i) the colour and texture of external buildings materials;
    - (ii) building size, height, bulk, roof pitch;
    - (iii) setback and location of the building on its lot;
    - (iv) architectural style and design details of the building;
    - (v) relationship to surrounding development;
    - (vi) provision to be made for Bush Fire Control in accordance with a Policy of the Commission.
    - (vii) landuse compatibility and any relevant landuse buffers.
  - (c) Subdivision and development is to generally be in accordance with the Subdivision Guide Plan adopted by the local government for the land.
  - (d) No building on a lot will be permitted within the Building Exclusion Area defined on the Subdivision Guide Plan. Under exceptional circumstances the local government may permit a variation to the Building Exclusion Area if the local government is satisfied that the proposed location will not be detrimental to the landscape or the environment, set an undesirable precedent, compromise the approved Subdivision Guide Plan or undermine the objectives of the zone.
  - (e) The Building Exclusion Areas defined on the Subdivision Guide Plan are based on Land Capability, areas of remnant vegetation and maintains setbacks to water courses. For any application that proposes a variation to the Building Exclusion Area on the approved Subdivision Guide Plan Council may require lodgement of a report by a suitably qualified consultant which addresses land capability/soils, vegetation, revegetation; and demonstrates that any new building area can sustain on site effluent disposal.
  - (f) Building Exclusion Areas as shown on the Subdivision Guide Plan are to:
    - (i) be delineated on-site by owner and approved by the local government prior to the commencement of any clearing of vegetation and the local government may require an alternative Building Exclusion Area if it considers the resultant envelope delineated would be detrimental to the landscape or environment;
    - (ii) not exceed 10% of the lot area, or 2,000m<sup>2</sup> whichever is the lesser;
    - (iii) be located having regard for the suitability of the soil for effluent disposal, wind protection and the objective to minimise erosion and the visual prominence of buildings.
  - (g) Despite any other provision of the Scheme the local government may grant planning approval to clear vegetation around buildings as required for Hazard Separation Zones and Building Separation Zones referred to in

Commission policy; where vegetation is felled or removed, the surface soil is to be retained to prevent erosion.

- (h) Driveways are to be located and constructed to the satisfaction of the local government having regard for the objective to minimise soil erosion.
  - (i) The materials and colours of external walls and the roofs of all buildings are to be non-reflective and, blend with the landscape to the satisfaction of the local government, and are to be constructed of materials that are relatively fire resistant.
  - (j) Buildings are to be designed to be compatible with the rural setting and rural character of the immediate locality.
  - (k) Water supply and effluent disposal for each lot is to be the responsibility of the owner.
  - (l) A dwelling is not to be occupied unless water storage tank(s) of minimum total capacity of 92 kilolitres and an approved method of effluent disposal have been installed and are operating.
  - (m) No signs are to be erected without the prior written approval of the local government except for a lot and homeowner identification sign no larger than 0.1m<sup>2</sup> in area.
  - (n) Boundary fences are not to be erected on lots with coverage of more than 80% natural vegetation. Where livestock is to be kept in accordance with the Scheme all areas of natural vegetation on the lot are to be fenced and a boundary fence provided to contain animals within the lot.
  - (o) Strategic Fire Breaks are to be constructed and maintained in accordance with a Fire Management Plan approved by the Shire of Jerramungup and any associated approved Subdivision Guide Plan and / or Subdivision Plan.
  - (p) The clearing of firebreaks along boundary lines other than for strategic fire breaks is not permitted unless to comply with requirements of the local government or Bush Fires Service.
- f) Rezoning portion of Lot 1321 Bremer Bay Road, **Bremer Bay**, from 'Rural' zone to 'Farmlet' zone, as more clearly shown on the Scheme Amendment Map.
- g) Adding a new 'Schedule 12 – Farmlet Zone' with the following new Farmlet area as follows;

**'SCHEDULE 12 – FARMLET ZONE**

No	PARTICULARS OF LAND	REQUIREMENTS
F 1	Portion of Lot 1321 Bremer Bay Road, <b>BREMER BAY</b>	<p>1. <u>Objective</u> The objective is to facilitate the creation of farmlet lots in a scenic environment. The presence of the estate will not be apparent from Bremer Bay Road and will have minimal impact on the environment.</p> <p>2. <u>Subdivision and Development</u></p>

		<p>(a) Subdivision is to be generally in accordance with a Subdivision Guide Plan adopted by the Shire and endorsed by the Western Australian Planning Commission.</p> <p>(b) Minimum lot sizes are as per the approved Subdivision Guide Plan. No further breakdown of lots shall be supported by the local government.</p> <p>(c) The local government will request that the Commission impose a condition on any future subdivision requiring a Notification on Title to advise prospective purchasers that there is an approved Subdivision Guide Plan for the land, and that specific provisions apply under the Shire of Jerramungup Local Planning Scheme No 2.</p> <p>(d) Buildings shall not be permitted within the Building Exclusion Area as shown on the approved Subdivision Guide Plan. Buildings include effluent disposal systems and are required to be approved by the local government and the Health Department of WA prior to installation.</p> <p>(e) Written approval of the local government is required for any effluent disposal system proposed to be located in a Building Exclusion Area on the Subdivision Guide Plan and shall be considered only where;</p> <ul style="list-style-type: none"> <li>(i) The applicant has demonstrated that it is necessary due to soil conditions; and</li> <li>(ii) The request is accompanied by a detailed report by a suitably qualified person demonstrating that the location can support on site effluent disposal; and</li> <li>(iii) It does not conflict with the Fire Management Plan; and</li> <li>(iv) The objectives of vegetation protection are maintained.</li> </ul> <p><u>3. Landscape Protection</u></p> <p>(a) No native vegetation shall be felled or removed from the site except where it is:</p> <ul style="list-style-type: none"> <li>(i) required for approved development or subdivision works; or</li> <li>(ii) required to fulfil the requirements and recommendations of an approved Fire Management Plan; or</li> <li>(iii) to comply with a Council Firebreak Order; or</li> <li>(iv) The trees are declared dead or dangerous.</li> </ul> <p>(b) No vegetation shall be felled or removed from any lot with a conservation covenant unless written approval has been granted by the Department of Environment and Conservation.</p>
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		<p><u>4. Fire Protection</u></p> <p>(a) A Fire Management Plan is to be prepared and endorsed by the Shire and WAPC prior to subdivision. The Fire Management Plan is to accompany the subdivision application for the land.</p> <p>(b) The local government will request that the Commission impose a condition on any future subdivision requiring a Notification on Title to advise prospective purchasers that there is an approved Fire Management Plan for the land.</p> <p>(c) The local government may require all owners to contribute annually to a special fund to be administered by the local government and used for maintenance or upgrading of any local emergency access to fire equipment, fire equipment, water tanks or strategic fire breaks.</p> <p><u>5. Water Supply</u></p> <p>(a) <b>The local government will request that the Commission impose a condition on any future subdivision requiring a Notification of Title to advise prospective purchasers that in view of the water capacity limitations in the town, landowners will need to provide their own potable water supply through installation of rainwater tanks which have sufficient storage to avoid the need to tanks to be re-filled via water carting from the town water scheme.</b></p>
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- h)** Rezoning portion of Lot 1321 Bremer Bay Road, Bremer Bay, from 'Rural' zone to 'General Industry' zone as more clearly shown on the Scheme Amendment Map.
2. Note the submissions and adopt the recommendations in the Table of Submissions (Attachment B) and write to all persons/authorities who lodged submissions and advise that:
- (i) Amendment 6 has been supported with minor modifications.
  - (ii) The amendment will be lodged with the Western Australian Planning Commission for final approval and the WAPC will be provided with copies of each submission. Ultimately, the amendment requires endorsement of the WAPC and approval of the Minister for Planning.
3. Adopt the Subdivision Guide Plan and request that it be endorsed by the Western Australian Planning Commission.

4. Authorise Gray & Lewis Landuse Planners to modify the amendment documents and lodge the amendment with the WAPC for final approval (after execution by the CEO and Shire President).
5. Advise the applicant formally of the MRWA submission and that at detailed subdivision design they need to examine the central road alignment/ Bremer Bay Road intersection to ensure that it avoids the low point, which may necessitate a minor re-alignment.
6. Advise the owner of the Council decision and provide them with a full copy of the report minutes for information.

### **OC110906 Moved Cr Bailey / Seconded Cr Barrett**

That Council:

1. Adopt Amendment No 6 to the Shire of Jerramungup Local Planning Scheme No 2 pursuant to Section 75 of the Planning and Development Act 2005 subject to minor modifications (bolded and highlighted in the resolution) by;
  - a) Rezoning portion of Lot 1321 Bremer Bay Road, Bremer Bay, from 'Rural' zone to 'Rural Residential' zone as more clearly shown on the Scheme Amendment Map.
  - b) Adding a new Rural Residential area to 'Schedule 11 – Rural Residential Zone' as follows;

#### **'SCHEDULE 11 – RURAL RESIDENTIAL ZONE**

<b>No</b>	<b>PARTICULARS OF LAND</b>	<b>REQUIREMENTS</b>
<i>RRes 6</i>	Portion of Lot 1321 Bremer Bay Road, <b>BREMER BAY</b>	<p><u>1. Objective</u></p> <p>The objective is to facilitate the creation of rural-residential lots in a scenic environment. The presence of the estate will not be apparent from Bremer Bay Road and will have minimal impact on the environment.</p> <p><u>2. Subdivision and Development</u></p> <p>(a) Subdivision is to be generally in accordance with a Subdivision Guide Plan adopted by the Shire and endorsed by the Western Australian Planning Commission.</p> <p>(b) Minimum lot sizes are as per the approved Subdivision Guide Plan. No further breakdown of lots shall be supported by the local government.</p> <p>(c) The local government will request that the Commission impose a condition on any future subdivision requiring a Notification on Title to advise prospective purchasers that there is an approved Subdivision Guide Plan for the land, and that specific provisions apply under the Shire of</p>

		<p>Jerramungup Local Planning Scheme No 2.</p> <p>(d) Buildings shall not be permitted within the Building Exclusion Area as shown on the approved Subdivision Guide Plan. Buildings include effluent disposal systems and are required to be approved by the local government and the Health Department of WA prior to installation.</p> <p>(e) Written approval of the local government is required for any effluent disposal system proposed to be located in a Building Exclusion Area on the Subdivision Guide Plan and shall be considered only where;</p> <p>(i) The applicant has demonstrated that it is necessary due to soil conditions; and</p> <p>(ii) The request is accompanied by a detailed report by a suitably qualified person demonstrating that the location can support on site effluent disposal; and</p> <p>(iii) It does not conflict with the Fire Management Plan; and</p> <p>(iv) The objectives of vegetation protection are maintained.</p> <p><u>3. Landscape Protection</u></p> <p>(a) No native vegetation shall be felled or removed from the site except where it is:</p> <p>(i) required for approved development or subdivision works; or</p> <p>(ii) required to fulfil the requirements and recommendations of an approved Fire Management Plan; or</p> <p>(iii) to comply with a Council Firebreak Order; or</p> <p>(iv) The trees are declared dead or dangerous.</p> <p><u>4. Fire Protection</u></p> <p>(a) A Fire Management Plan is to be prepared and endorsed by the Shire and WAPC prior to subdivision. The Fire Management Plan is to accompany the subdivision application for the land.</p> <p>(b) The local government will request that the Commission impose a condition on any future subdivision requiring a Notification on Title to advise prospective purchasers that there is an approved Fire Management Plan for the land.</p>
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		<p>(c) The local government may require all owners to contribute annually to a special fund to be administered by the local government and used for maintenance or upgrading of any local emergency access to fire equipment, fire equipment, water tanks or strategic fire breaks.</p> <p>5. <u>Water Supply</u></p> <p>(a) <b>The local government will request that the Commission impose a condition on any future subdivision requiring a Notification of Title to advise prospective purchasers that in view of the water capacity limitations in the town, landowners will need to provide their own potable water supply through installation of rainwater tanks which have sufficient storage to avoid the need to tanks to be re-filled via water carting from the town water scheme.</b></p>
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**c) Creating a new 'Farmlet' zone by**

1. Adding a notation to the scheme map legend;
2. Adding a new dot point to Clause 4.2 (Objectives of the zones) of the Scheme text as follows;

- **Farmlet Zone**

- To select areas where the creation of small farms will provide for uses and development that will not adversely affect local amenities.
- To provide opportunity for a residential use in association with a rural pursuit in a manner that will not adversely impact on the environment.
- To make provision for the retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such uses.
- To provide for rural lifestyle themes including conservation lots, bush lots and small farms in a rural environment.'

**(d) Amending Table 1 – Zoning Table by adding a new column and annotations as follows;**

<b>USES</b>		<b>FARMLET</b>
1	aged or dependent persons dwelling	X
2	agriculture-extensive	D
3	agriculture-intensive	A
4	agroforestry	D
5	ancillary accommodation	D
6	animal establishment	X

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

(e) Adding a new Clause as follows;

## **5.27 FARMLET ZONE**

### **5.27.1 Site Requirements**

Unless otherwise provided on the Subdivision Guide Plan, the minimum building setbacks are to be:

Front : 30.0m  
Rear : 20.0m  
Side : 20.0m

### **5.27.2 General Requirements**

- (a) Before making provision for a Farmlet zone the local government is to require the owner(s) of the land to prepare a submission supporting the creation of the Farmlet zone and such submission is to include:
- (i) a statement as to the purpose or intent for which the zone is being created and the reasons for selecting the particular area the subject of the proposed zone;
  - (ii) a plan or plans showing contours at such intervals as to adequately depict the landform of the area and physical features

- such as existing buildings, rock outcrops, trees or groups of trees, creeks, wells and significant improvements;
  - (iii) information regarding the method whereby it is proposed to provide a potable water supply to each lot;
  - (iv) a detailed report on the land capability of the site and its suitability for the proposed lot sizes; and
  - (v) a detailed report on the vegetation characteristics of the area outlining the type and general health of vegetation and any measures undertaken to identify rare or endangered species.
- (b) 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;
  - (ii) 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.
  - (iii) retention of vegetation and creation of revegetation using local native species, of wildlife corridors linking with areas of native vegetation on adjoining land.
- (c) In addition to the Subdivision Guide Plan the provisions for making recommendations on subdivision and development shall be in accordance with Schedule 12.

### **5.27.3 Development Requirements**

- (a) Development in a Farmlot zone is to be subject to:
- (i) planning approval is required for all development including a dwelling and the keeping of any hoofed animal or beast of burden. Such application is to be made in accordance with the provisions of the Scheme;
  - (ii) not more than 1 dwelling per lot is to be erected but the local government may, at its discretion, approve ancillary accommodation;
  - (iii) the retention of all trees and features of natural beauty in order to conserve the rural environment, unless their removal is authorised by the local government;
  - (iv) the planting of such trees and/or groups of trees and species as specified by the local government in order to enhance the rural amenity of the land in areas the local government considers deficient in tree cover;
  - (v) the appropriate measures to prevent noise, odour, or dust pollution or soil erosion, to the satisfaction of the local government, by a person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals;
  - (vi) the prevention of overstocking, erosion and any other practice detrimental to the amenity of a Farmlot zone, the local government may take any action which in the opinion of the local government is necessary to reduce or eliminate adverse effects on the environment caused wholly or partly by the stocking of animals; and
  - (vii) any costs incurred by the local government in taking action under clause 5.27.3 (vi) are to be recoverable by the local government from the landowner.
- (b) In considering an application for planning approval for a proposed development (including additions and alterations to existing development) the local government is to have regard to the following:

- (i) the colour and texture of external buildings materials;
  - (ii) building size, height, bulk, roof pitch;
  - (iii) setback and location of the building on its lot;
  - (iv) architectural style and design details of the building;
  - (v) relationship to surrounding development;
  - (vi) provision to be made for Bush Fire Control in accordance with a Policy of the Commission.
  - (vii) landuse compatibility and any relevant landuse buffers.
- (c) Subdivision and development is to generally be in accordance with the Subdivision Guide Plan adopted by the local government for the land.
- (d) No building on a lot will be permitted within the Building Exclusion Area defined on the Subdivision Guide Plan. Under exceptional circumstances the local government may permit a variation to the Building Exclusion Area if the local government is satisfied that the proposed location will not be detrimental to the landscape or the environment, set an undesirable precedent, compromise the approved Subdivision Guide Plan or undermine the objectives of the zone.
- (e) The Building Exclusion Areas defined on the Subdivision Guide Plan are based on Land Capability, areas of remnant vegetation and maintains setbacks to water courses. For any application that proposes a variation to the Building Exclusion Area on the approved Subdivision Guide Plan Council may require lodgement of a report by a suitably qualified consultant which addresses land capability/soils, vegetation, revegetation; and demonstrates that any new building area can sustain on site effluent disposal.
- (f) Building Exclusion Areas as shown on the Subdivision Guide Plan are to:
- (i) be delineated on-site by owner and approved by the local government prior to the commencement of any clearing of vegetation and the local government may require an alternative Building Exclusion Area if it considers the resultant envelope delineated would be detrimental to the landscape or environment;
  - (ii) not exceed 10% of the lot area, or 2,000m<sup>2</sup> whichever is the lesser;
  - (iii) be located having regard for the suitability of the soil for effluent disposal, wind protection and the objective to minimise erosion and the visual prominence of buildings.
- (g) Despite any other provision of the Scheme the local government may grant planning approval to clear vegetation around buildings as required for Hazard Separation Zones and Building Separation Zones referred to in Commission policy; where vegetation is felled or removed, the surface soil is to be retained to prevent erosion.
- (h) Driveways are to be located and constructed to the satisfaction of the local government having regard for the objective to minimise soil erosion.
- (i) The materials and colours of external walls and the roofs of all buildings are to be non-reflective and, blend with the landscape to the satisfaction of the local government, and are to be constructed of materials that are relatively fire resistant.
- (j) Buildings are to be designed to be compatible with the rural setting and rural character of the immediate locality.

- (k) Water supply and effluent disposal for each lot is to be the responsibility of the owner.
  - (l) A dwelling is not to be occupied unless water storage tank(s) of minimum total capacity of 92 kilolitres and an approved method of effluent disposal have been installed and are operating.
  - (m) No signs are to be erected without the prior written approval of the local government except for a lot and homeowner identification sign no larger than 0.1m<sup>2</sup> in area.
  - (n) Boundary fences are not to be erected on lots with coverage of more than 80% natural vegetation. Where livestock is to be kept in accordance with the Scheme all areas of natural vegetation on the lot are to be fenced and a boundary fence provided to contain animals within the lot.
  - (o) Strategic Fire Breaks are to be constructed and maintained in accordance with a Fire Management Plan approved by the Shire of Jerramungup and any associated approved Subdivision Guide Plan and / or Subdivision Plan.
  - (p) The clearing of firebreaks along boundary lines other than for strategic fire breaks is not permitted unless to comply with requirements of the local government or Bush Fires Service.
- f) Rezoning portion of Lot 1321 Bremer Bay Road, **Bremer Bay**, from 'Rural' zone to 'Farmlot' zone, as more clearly shown on the Scheme Amendment Map.
- g) Adding a new 'Schedule 12 – Farmlot Zone' with the following new Farmlot area as follows;

**'SCHEDULE 12 – FARMLET ZONE**

No	PARTICULARS OF LAND	REQUIREMENTS
F 1	Portion of Lot 1321 Bremer Bay Road, <b>BREMER BAY</b>	<p><u>1. Objective</u> The objective is to facilitate the creation of farmlot lots in a scenic environment. The presence of the estate will not be apparent from Bremer Bay Road and will have minimal impact on the environment.</p> <p><u>2. Subdivision and Development</u></p> <p>(a) Subdivision is to be generally in accordance with a Subdivision Guide Plan adopted by the Shire and endorsed by the Western Australian Planning Commission.</p> <p>(b) Minimum lot sizes are as per the approved Subdivision Guide Plan. No further breakdown of lots shall be supported by the local government.</p> <p>(c) The local government will request that the Commission impose a condition on any future subdivision requiring a Notification on Title to advise prospective purchasers that there is an approved Subdivision Guide Plan for the land,</p>

		<p>and that specific provisions apply under the Shire of Jerramungup Local Planning Scheme No 2.</p> <p>(d) Buildings shall not be permitted within the Building Exclusion Area as shown on the approved Subdivision Guide Plan. Buildings include effluent disposal systems and are required to be approved by the local government and the Health Department of WA prior to installation.</p> <p>(e) Written approval of the local government is required for any effluent disposal system proposed to be located in a Building Exclusion Area on the Subdivision Guide Plan and shall be considered only where;</p> <p>(i) The applicant has demonstrated that it is necessary due to soil conditions; and</p> <p>(ii) The request is accompanied by a detailed report by a suitably qualified person demonstrating that the location can support on site effluent disposal; and</p> <p>(iii) It does not conflict with the Fire Management Plan; and</p> <p>(iv) The objectives of vegetation protection are maintained.</p> <p><u>3. Landscape Protection</u></p> <p>(a) No native vegetation shall be felled or removed from the site except where it is:</p> <p>(i) required for approved development or subdivision works; or</p> <p>(ii) required to fulfil the requirements and recommendations of an approved Fire Management Plan; or</p> <p>(iii) to comply with a Council Firebreak Order; or</p> <p>(iv) The trees are declared dead or dangerous.</p> <p>(b) No vegetation shall be felled or removed from any lot with a conservation covenant unless written approval has been granted by the Department of Environment and Conservation.</p> <p><u>4. Fire Protection</u></p> <p>(a) A Fire Management Plan is to be prepared and endorsed by the Shire and WAPC prior to subdivision. The Fire Management Plan is to accompany the subdivision application for the land.</p> <p>(b) The local government will request that the Commission impose a condition on any future subdivision requiring a Notification on Title to advise prospective purchasers that there is an approved Fire Management Plan for the land.</p>
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		<p>(c) The local government may require all owners to contribute annually to a special fund to be administered by the local government and used for maintenance or upgrading of any local emergency access to fire equipment, fire equipment, water tanks or strategic fire breaks.</p> <p>5. <u>Water Supply</u></p> <p>(a) <b>The local government will request that the Commission impose a condition on any future subdivision requiring a Notification of Title to advise prospective purchasers that in view of the water capacity limitations in the town, landowners will need to provide their own potable water supply through installation of rainwater tanks which have sufficient storage to avoid the need to tanks to be re-filled via water carting from the town water scheme.</b></p>
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**h)** Rezoning portion of Lot 1321 Bremer Bay Road, Bremer Bay, from 'Rural' zone to 'General Industry' zone as more clearly shown on the Scheme Amendment Map.

2. Note the submissions and adopt the recommendations in the Table of Submissions (Attachment B) and write to all persons/authorities who lodged submissions and advise that:
  - (i) Amendment 6 has been supported with minor modifications.
  - (ii) The amendment will be lodged with the Western Australian Planning Commission for final approval and the WAPC will be provided with copies of each submission. Ultimately, the amendment requires endorsement of the WAPC and approval of the Minister for Planning.
3. Adopt the Subdivision Guide Plan and request that it be endorsed by the Western Australian Planning Commission.
4. Authorise Gray & Lewis Landuse Planners to modify the amendment documents and lodge the amendment with the WAPC for final approval (after execution by the CEO and Shire President).
5. Advise the applicant formally of the MRWA submission and that at detailed subdivision design they need to examine the central road alignment/ Bremer Bay Road intersection to ensure that it avoids the low point, which may necessitate a minor re-alignment.
6. Advise the owner of the Council decision and provide them with a full copy of the report minutes for information.

**Carried 6-0**

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<b>SUBMISSION TO:</b>	<b>Health, Building and Town Planning</b>
<b>AGENDA REFERENCE:</b>	10.3.3
<b>SUBJECT:</b>	Proposed two storey house
<b>LOCATION/ADDRESS:</b>	Lot 211 Mary Road, Bremer Bay
<b>NAME OF APPLICANT:</b>	Thomas Long (owner)
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Gray & Lewis Landuse Planners
<b>DISCLOSURE OF ANY INTEREST:</b>	Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of Local Government Act 1995
<b>DATE OF REPORT:</b>	5 November 2009

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## **SUMMARY**

- Council is to consider an application for a two storey house on Lot 211 Mary Street, Bremer Bay
- The application complies with the Residential Design Codes with exceptions as detailed in this report. The non compliant upper storey kitchen window can be modified to comply through a condition.
- The application was referred to surrounding landowners for comment.
- Advertising closed on the 3 November 2008. At the time of writing this report no objections had been received.
- It is recommended that the application be conditionally approved.

## **ATTACHMENT**

Confidential attachment A – copy of plans  
Attachment B – Photograph example of similar screening for privacy (acrylic screen)

## **BACKGROUND**

### ***Zoning***

The property is located to the south of Mary Street adjacent to a right of way. The property is zoned 'Residential R15' under the Shire of Jerramungup Local Planning Scheme No 2 ("the Scheme").

## **COMMENT**

### ***Application***

An application has been lodged for a two storey house. A copy of the plans are included as Confidential Attachment 10.3.3 (a).

### ***Site Description***

The existing lot has an approximate area of 636m<sup>2</sup> and is currently vacant.

### ***Residential Design Codes ('the Codes')***

The application has been assessed in accordance with the Residential Design Codes and generally complies with all site requirements as summarised overpage.

- *Building Setback Compliance based on R15 requirements*

<b>Setback</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Front setback</b>	6 metre average	6 metre average	Complies
<b>Side Setback (to Lot 212)</b>	3.1 metres (includes second storey wall height)	3.9 metres	Complies
<b>Side Setback for balcony (to Lot 212)</b>	2.5 metres (Based on 3m floor level and 2.4 wall height as per Clause 6.3.1 A1(ii) of the Codes.)	1.5 metres	Variation proposed – supported as the main issue is overshadowing and privacy. Both have been addressed.
<b>Side Setback for Gymnasium (to Lot 212)</b>	1.5 metres	1.5 metres	Complies.
<b>Side Setback to right of way</b>	1.5 metres (measured as secondary street)	1.5 metres (house) and 5.54 metres (gymnasium)	Complies
<b>Rear</b>	6 metre average	8.8 metres	Complies

- *Privacy Setback Compliance based on R15 requirements*

The Residential Design Codes include two options for applicants being ‘deemed to comply’ criteria or a ‘performance criteria’.

In addition to building setbacks, the Residential Design Codes also include privacy setbacks to the boundary for upper storey windows and balconies. The setbacks are aimed at minimising privacy and overlooking, and the distances vary depending on the use of the room/ area as follows;

- 4.5 metres in the case of bedrooms and studies
- 6 metres in the case of habitable rooms other than bedrooms and studies; and
- 7.5 metres in the case of unenclosed outdoor active habitable spaces.

The Codes allow balconies and windows closer than the above setbacks if they ‘are provided with permanent vertical screening to restrict views within the cone of vision from any major opening of an active habitable space’.

<b>Setback</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Upper storey Living room window (east elevation)</b>	6 metres (without screening) – <i>not applicable when screening provided.</i>	4 metres (with screening)	Complies.  The sightlines / view from the window is to the balcony. The balcony includes 1.8 metre high opaque acrylic screening preventing overlooking of Lot 212.
<b>Upper storey kitchen window (east elevation)</b>	6 metres	4 metres	Complies with condition.  Current plan does not comply however Gray & Lewis has liaised with Dryka and Partners who have confirmed in writing that the kitchen window can be changed to opaque

			glass. Condition v is recommended.
<b>Balcony (east elevation)</b>	7.5 metres (without screening)	1.5 metres (with screening)	Complies. The balcony includes 1.8 metre high permanent screening preventing overlooking. The screening will be fixed opaque acrylic sheets – the applicant has provided photographs of a similar material – refer Attachment B.

Note: Overlooking to the street, right of way or areas in the public realm are encouraged under the codes for casual surveillance. The front and west balcony complies.

- *Fencing*

The Residential Design Codes require fences adjacent to driveways to be truncated or reduced in height to allow for suitable sightlines for vehicles. The applicant has submitted an amended site plan on the 20 October 2009 with a truncated fence to comply. A condition regarding fencing is also recommended.

- *Open Space and carparking*

The application complies with the open space requirements and car parking requirements of the Codes. Two uncovered car bays can be accommodated in the driveway and are of a sufficient distance from the Mary Street intersection.

### **Local Planning Policy No 5 – Use of Reflective materials**

The above policy has limited applications as a number of single houses do not require planning approval under the Scheme if they comply with the Residential Design Codes.

The proposed dwelling will include a zincalume roof therefore this policy is relevant to the assessment.

One of the Policy objectives is *‘To ensure that highly reflective building materials are only used where the applicant demonstrates to the satisfaction of Council that there will be no adverse glare, nuisance or potential impact on amenity.’*

The Policy allows Council discretion to approve reflective materials where it essentially will not cause nuisance as follows;

- The reflective material cannot be overlooked from adjacent or nearby properties.
- The reflective material will not be visually prominent from a main road or public place.
- The reflective material will not cause any nuisance or glare to surrounding residents.
- The use of reflective material will not detrimentally affect the rural/scenic character of the area, or impact on scenic vistas.
- The use of reflective materials will not undermine or contravene the objectives of this Local Planning Policy or provisions of the Shire of Jerramungup Local Planning Scheme.

Gray & Lewis recommends that the proposed zincalume roof be supported as it is not considered that it will cause undue glare as the subject land is flat and the glare will reflect upwards due to height of the roof. There are many examples throughout the metropolitan region (such as Subiaco) where zincalume roofs do not cause major glare problems. Potential glare is more of an issue where there is undulating topography with neighbours overlooking roof areas.

### **Consultation**

The application was referred to adjacent residential landowners for comment and advertising closed on the 3 November 2009. One letter was received from the owner of adjacent Lot 212 advising that they have no objections as the screening to the balcony would give them privacy.

### ***Conclusion***

The application generally complies with the Residential Design Codes, and conditional approval is recommended.

### **STRATEGIC IMPLICATIONS**

Not applicable.

### **STATUTORY REQUIREMENTS**

Under Clause 8.2 of the Scheme planning approval is not required for single houses in the residential zone unless, among others and relevant to this proposal, the application involves a variation to the Residential Design Codes.

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

### **FINANCIAL IMPLICATIONS**

Not applicable.

### **POLICY IMPLICATIONS**

Explained in body of this report.

It should be noted the proposed 'gymnasium' is connected to the main house and is therefore not classified as an 'outbuilding'. Local Planning Policy No 16 – Outbuildings does not apply.

### **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That Council;

1. Approve the application lodged by Thomas Long (owner) for a two storey house on Lot 211 Mary Street, Bremer Bay subject to the following conditions;
  - (i) All stormwater from roofed and paved areas shall be collected and disposed of on-site to the satisfaction of Council.
  - (ii) Vehicle parking shall be constructed in accordance with the approved plan (minimum 2 uncovered car parking spaces) to the satisfaction of Council.
  - (iii) Prior to occupation or use of the development, vehicle crossovers shall be constructed in bitumen, asphalt, in-situ concrete, concrete or clay brick pavers in accordance with the Shire of Jerramungup crossover guidelines to the satisfaction of Council.
  - (iv) No clothes drying devices shall be erected or clothes dried outside which is visible from a street or public place.
  - (v) Prior to the issue of a building licence, the applicant is to submit amended plans showing the upper storey kitchen window on the east elevation to have a sill height over 1800mm (highlight windows) or fixed opaque glazing below a height of 1800mm.
  - (vi) The upper storey balcony (east side) is to include 1.8 metre high permanent fixed opaque screening to the satisfaction of the Chief Executive Officer on a portion of the front north elevation, the full length of the side east elevation and the entire rear south elevation as shown on the amended plans dated 5-10-2009.
  - (vii) All front fencing within the 6 metre primary street setback is to be visually permeable above 1.2 metres from natural ground level and comply with the provisions of the Residential Design Codes.
  - (viii) The colorbond fence adjacent to the proposed driveway shall be truncated to comply with the residential Design Codes in accordance with the amended site plan lodged on and dated the 20 October 2009.
2. Advise the applicant that;
  - (i) Planning approval should not be construed as an approval to commence works as a separate building licence is also required. Amended plans are required to be lodged for the building licence to comply with Condition v.
  - (ii) In regards to Condition v, the owner is advised that the kitchen window must be fixed opaque glass. Any window capable of being opened will need to be a highlight window (above 1800mm sill height).
  - (iii) The Residential Design Codes have specific requirements applicable to front fencing under Clause 6.2.5 A5. Front fencing cannot include any solid panels.
3. Request the Chief Executive Officer instruct the Shires Building Surveyor to ensure that amended plans are lodged for the building licence application that comply with Conditions (v) and (vi) of the planning approval.

## **OC110907 Moved Cr Bailey / Seconded Cr Iffla**

That Council;

1. Approve the application lodged by Thomas Long (owner) for a two storey house on Lot 211 Mary Street, Bremer Bay subject to the following conditions;
  - (i) All stormwater from roofed and paved areas shall be collected and disposed of on-site to the satisfaction of Council.

- (ii) Vehicle parking shall be constructed in accordance with the approved plan (minimum 2 uncovered car parking spaces) to the satisfaction of Council.
  - (iii) Prior to occupation or use of the development, vehicle crossovers shall be constructed in bitumen, asphalt, in-situ concrete, concrete or clay brick pavers in accordance with the Shire of Jerramungup crossover guidelines to the satisfaction of Council.
  - (iv) No clothes drying devices shall be erected or clothes dried outside which is visible from a street or public place.
  - (v) Prior to the issue of a building licence, the applicant is to submit amended plans showing the upper storey kitchen window on the east elevation to have a sill height over 1800mm (highlight windows) or fixed opaque glazing below a height of 1800mm.
  - (vi) The upper storey balcony (east side) is to include 1.8 metre high permanent fixed opaque screening to the satisfaction of the Chief Executive Officer on a portion of the front north elevation, the full length of the side east elevation and the entire rear south elevation as shown on the amended plans dated 5-10-2009.
  - (vii) All front fencing within the 6 metre primary street setback is to be visually permeable above 1.2 metres from natural ground level and comply with the provisions of the Residential Design Codes.
    - (viii) The colorbond fence adjacent to the proposed driveway shall be truncated to comply with the residential Design Codes in accordance with the amended site plan lodged on and dated the 20 October 2009.
    - (ix) The roof to be constructed with non reflective materials.
2. Advise the applicant that;
- (i) Planning approval should not be construed as an approval to commence works as a separate building licence is also required. Amended plans are required to be lodged for the building licence to comply with Condition v.
  - (ii) In regards to Condition v, the owner is advised that the kitchen window must be fixed opaque glass. Any window capable of being opened will need to be a highlight window (above 1800mm sill height).
  - (iii) The Residential Design Codes have specific requirements applicable to front fencing under Clause 6.2.5 A5. Front fencing cannot include any solid panels.
3. Request the Chief Executive Officer instruct the Shires Building Surveyor to ensure that amended plans are lodged for the building licence application that comply with Conditions (v) and (vi) of the planning approval.

**Carried 6-0**

Reason – Council felt that the glare caused by zincalume roofs will be a nuisance to surrounding residents and need to be addressed by the applicant.

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<b>SUBMISSION TO:</b>	<b>Health, Building and Town Planning</b>
<b>AGENDA REFERENCE:</b>	10.3.4
<b>SUBJECT:</b>	Proposed new outbuilding / shed
<b>LOCATION/ADDRESS:</b>	Reserve 511
<b>NAME OF APPLICANT:</b>	Ivor Mason for the Bremer Bay Cricket Club
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Gray & Lewis Landuse Planners
<b>DISCLOSURE OF ANY INTEREST:</b>	Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of Local Government Act 1995
<b>DATE OF REPORT:</b>	3 November 2009

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## **ATTACHMENT**

Attachment 10.3.4 – Applicant facsimile and elevations

## **BACKGROUND**

### ***Location / site description***

The Bremer Bay Cricket club has an existing shed adjacent to the practice cricket pitches.

The cricket club uses the sports oval contained on Reserve 511 located at the end of Frampton Way. Reserve 511 is comprised of 5 lots however the proposed development is only on Lot 793.

### ***Zoning***

The portion of Reserve 511 subject of this development is reserved 'Recreation and Open Space' under the Shire of Jerramungup Local Planning Scheme No 2 ("the Scheme"). Under Clause 3.4.1 of the Scheme development within a local reserve requires planning approval.

Council is to have regard for matters such as the ultimate purpose of the reserve (which in this case is recreation).

## **COMMENT**

### ***Description of proposal***

There is an existing shed adjacent to the practice cricket pitches on the south portion of the sports club oval. The application proposes to remove the existing shed, and replace it with a larger one measuring 7.7 metres by 3.04 metres (23.4m<sup>2</sup>). It will also include a verandah overhang measuring 7.7 metres by 4.54 metres (34.65m<sup>2</sup>).

### ***Councils role***

In dealing with this proposal Council has two separate roles.

The first role is as the owner of the land therefore to formalise the proposal into a valid planning application the Shires CEO has signed a planning application form. Reserve 511 is a C class reserve vested in the Shire of Jerramungup.

Council's second role is as the determining authority of the planning application (for reserved land).

### ***Scheme Requirements – planning consideration***

As explained in the background of this report, Council is to have regard for the ultimate purpose of the Reserve. The proposed shed is to service the local cricket club, and is considered to be consistent with the recreation purpose of the reserve.

### ***Consultation***

The cricket club has liaised with the Bremer Bay Sports Club Board prior to lodging the application.

### ***Conclusion***

The proposed development is generally supported and planning approval is recommended.

## **STRATEGIC IMPLICATIONS**

Not applicable

## **STATUTORY REQUIREMENTS**

### **Delegation – for discussion**

Under Clause 11.3 of the Scheme, Council has the ability to give delegated authority to the CEO, and in turn any employee for specific applications.

If, for example, Council does not see a need for minor applications within reserves to be referred to a full Council meeting with a report, then it can grant delegated authority to an officer to determine these applications (within parameters) and for a specific period (eg 12 months).

Delegated authority has advantages as it allows for non controversial, straight forward applications to be fast tracked, minimises processing delays associated with monthly meetings, and allows Council to concentrate on more significant planning matters.

### **Review Right – SAT**

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

## **FINANCIAL IMPLICATIONS**

### *Delegation – for discussion*

If Council does not see a need for minor applications within reserves to be referred to a full Council meeting and decides similar applications should be dealt with under delegated authority, then it will also have financial benefits.

## **POLICY IMPLICATIONS**

Not applicable.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That Council;

1. Approve the application lodged by Ivor Mason for a new shed / outbuilding for the Bremer Bay Cricket Club on Lot 793 of Reserve 511 Frampton Way, Bremer Bay subject to the following condition;
  - (i) The applicant to undertake adequate precautions to the satisfaction of the Chief Executive Officer to protect significant native trees on site (outside of the building area for the new shed) during construction works on site.
2. Advise the applicant that planning approval is not consent for site works or construction. A separate building licence is required prior to any commencement of works.

## **OC110908 Moved Cr Bailey / Seconded Cr Hobbs**

That Council;

1. Approve the application lodged by Ivor Mason for a new shed / outbuilding for the Bremer Bay Cricket Club on Lot 793 of Reserve 511 Frampton Way, Bremer Bay subject to the following condition;
  - (i) The applicant to undertake adequate precautions to the satisfaction of the Chief Executive Officer to protect significant native trees on site (outside of the building area for the new shed) during construction works on site.
  - (ii) The applicant is to prepare a site plan endorsed by the Bremer Bay Sports Club Board to the satisfaction of the Chief Executive Officer demonstrating that the proposed building footprint does not encroach any further onto the sporting oval.
2. Advise the applicant that planning approval is not consent for site works or construction. A separate building licence is required prior to any commencement of works.

**Carried 6-0**

Note : Applicant to note all future applicants to be submitted by the Bremer Bay Sports Club Board as opposed to individual sporting clubs,

12.30pm Council convened for lunch

1.37 pm Council reconvened with the following in attendance, Cr Trevaskis, Cr Barrett, Cr Hobbs, Cr Iffla, Cr Williams, Cr Bailey, Mr Parker, Mr Bailey, Mr Edwards and Mrs Solomon.

**A D M I N**

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.1
<b>SUBJECT:</b>	Administration Status Report
<b>LOCATION/ADDRESS:</b>	
<b>NAME OF APPLICANT:</b>	Shire of Jerramungup
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Bill Parker
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	11 November 2009

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## **SUMMARY**

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

## **ATTACHMENT**

Nil

## **PROJECT UPDATE**

### **1) Bremer Bay Youth Camp**

A draft lease has been received for action.

### **2) Jerramungup Residential Land Developments**

The Shire has received a management order over the land in Sydney Street. As this is considered as a major land transaction, a business plan is required. The business plan is presented in this month's agenda.

### **3) Farmland Water Response Planning**

Quotes have been received and an application lodged with the Water Corporation for funding on this matter.

### **4) Jerramungup Community Pool**

The CEO has discussed this issue with Minister Waldron on a number of occasions. The Department of Education has sent Council a new access agreement which will be examined for terms consistent with the original agreement.

### **5) Police Station and Housing**

It is anticipated that the Police Station will be delivered to Jerramungup in late November 2009.

The residential dwellings are significantly progressed on a structural level and internal painting has commenced.

### **6) Industrial Land Bremer Bay**

The proposed rezoning has been advertised for public comment in response to positive feedback from the EPA.

**7) Bremer Bay Medical Centre**

No further information on this matter.

**8) Local Government Amalgamations**

No further information on this matter.

**9) Bremer Bay Town Centre**

An expression of interest will be prepared for submission to Landcorp. Some preliminary work has commenced on this submission.

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.2
<b>SUBJECT:</b>	Residential Land Sydney Street
<b>LOCATION/ADDRESS:</b>	Sydney Street Jerramungup
<b>NAME OF APPLICANT:</b>	N/A
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Bill Parker
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	27 October 2009

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## **SUMMARY**

The Shire of Jerramungup proposes to develop and sell approximately 30 residential blocks in Sydney Street Jerramungup. It is anticipated that the proposed development will ease demand for residential land within the town site.

## **ATTACHMENT**

Business Plan – Residential Land Development Sydney Street Jerramungup.  
Financial Assessment  
Management Order  
Superlot Policy

## **BACKGROUND**

Given the shortage of residential land in Jerramungup, the Shire attempted to rezone reserve 27494 from recreation and open space to residential. This reserve was previously the old sporting oval.

Initially, the proposed rezoning was supported by a majority of stakeholders. However the Water Corporation intervened and expressed their concern over the proposed development. The rezoning was therefore declined by the Western Australian Planning Commission due to its proximity to the town's water catchment area.

In response, the Shire shifted its focus to a portion of unallocated crown land in Sydney Street, Jerramungup. This land is subdivided and appropriately zoned for residential purposes.

The appropriate applications were made to State Land Services (SLS). In response, SLS commissioned a native title working party to assess the land. This assessment was completed in June 2009. The working party identified that no significant native title issues existed on the subject site.

In September 2009, the Shire received a taking order for the land in Sydney Street. A management order in favour of the Shire for the "use and requirements of the Shire of Jerramungup" was received on 8 September 2009.

## **CONSULTATION**

The Shire has advertised the proposed development within local publications to gauge purchasing interest for this product.

This item seeks Council endorsement to advertise the proposed development state wide.

### **COMMENT**

The land on Sydney Street was previously unallocated crown land and is now under a management order in favour of the Shire of Jerramungup for the purpose of ‘use and requirements of the Shire of Jerramungup’. Given this tenure and under the State Governments Superlot Policy, the Shire can develop the land in stages and subsequently purchase the land from the State in order to meet demand.

The State Governments Superlot Policy seeks to facilitate regional development where demand can be demonstrated and a local government is prepared to undertake the development to meet local needs.

Under this policy, reservations and management orders are placed with local governments and are followed by sale. The sale price to local governments is generally unimproved market value.

The sale price can accommodate development costs such that the land is sold to the Shire at its subdivisional development value rather than its market value as would be the case with a private developer.

### **STATUTORY REQUIREMENTS**

Section 3.59 of the Local Government Act 1995 places certain requirements on Local Governments when entering into commercial enterprises. This section of the Act applies to the proposed development in Sydney Street as the development is defined as a major land transaction. Under this section of the Act, before a local government enters into a major land transaction the local government is to prepare a business plan.

The local government is required to give State wide public notice stating that —

1. The local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction;
2. A copy of the business plan may be inspected or obtained at any place specified in the notice; and
3. Submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;

After the last day for submissions, the local government is to consider any submissions made and may decide\* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.

*\* Absolute majority required.*

### **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;*

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

### **FINANCIAL IMPLICATIONS**

The proposal for a self financing development on Sydney Street will not have a net impact on the 10 Year Financial plan as it will be financed externally by loans and the sale of land. Council will be faced with a greater loan liability and carry the risk of principal and interest repayments from municipal funds should blocks not sell. This risk has been minimised by staging this development across 10 years which can be extended depending on the demand for blocks.

The detailed financial component is outlined within the attached financial assessment.

### **POLICY IMPLICATIONS**

Nil.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

That Council;

1. Receive the Council Business Plan – Residential Land Development Sydney Street Jerramungup.
2. Give State wide public notice stating that the Shire of Jerramungup proposes to enter into a major land transaction and that a copy of the business plan may be inspected or obtained at the Shire of Jerramungup, Vasey Street Jerramungup.

### **OC110909 Moved Cr Williams / Seconded Cr Bailey**

That Council;

1. Receive the Council Business Plan – Residential Land Development Sydney Street Jerramungup.
2. Give State wide public notice stating that the Shire of Jerramungup proposes to enter into a major land transaction and that a copy of the business plan may be inspected or obtained at the Shire of Jerramungup, Vasey Street Jerramungup.

**Carried 6-0**

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.3
<b>SUBJECT:</b>	Bremer Bay Town Centre
<b>LOCATION/ADDRESS:</b>	Reserve 31611
<b>NAME OF APPLICANT:</b>	N/A
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Bill Parker
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	27 October 2009

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## **SUMMARY**

Council has identified within many planning documents the requirement for a Town Centre in Bremer Bay. This report seeks to initiate this project and apply for a change in reserve purpose.

## **ATTACHMENT**

Reserve Enquiry Detail

## **BACKGROUND**

In December 2008, the Elected Group and Executive Team developed a new strategic plan for the period 2009-2014. The development of this plan incorporated a systematic internal and external analysis that resulted in a vision, key focus areas and the broad objectives of the local government being established.

As a part of the strategic planning process, Council identified a number of key projects requiring completion or commencement during the period under assessment. In response to the analysis completed, the Bremer Bay Town Centre was included as a key strategic project. This project has been discussed for a number of years and has been identified as a necessity in terms of supporting and driving growth from a population and economic perspective.

## **CONSULTATION**

Nil

## **COMMENT**

The Shire of Jerramungup Local Planning Strategy identifies a 10 hectare site in Bremer Bay for a future Town Centre. The land is a crown reserve under Council's Management and is generally bound by Bremer Bay Road, Garnett Road and John Street.

The land is contained within a 'Special Use' zone under the Shire of Jerramungup Local Planning Scheme No 2 ('the Scheme') and is specifically designated for Town Centre allowing for uses such as civic use, offices, community purpose, shops, and medium density residential.

For development to occur on this site, a structure plan is to be prepared to address vegetation retention, road and servicing networks and guide development staging.

Whilst the land has been earmarked for a Town Centre it is envisaged that development could occur in stages. As recognised in the Local Planning Strategy, difficulties currently arise with servicing Bremer Bay due to the high transient tourist population as facilities that may be needed in peak periods could be idle for the remaining part of the year.

The Shire has supported several Amendments to its Scheme to allow for further rural residential subdivision and future industrial development in Bremer Bay which may result in some small population increases in the short to medium term.

## **STATUTORY REQUIREMENTS**

Section 3.59 of the Local Government Act 1995 places certain requirements on Local Governments when entering into commercial enterprises. This section of the Act applies to the proposed development in Sydney Street as the development is defined as a major land transaction. Under this section of the Act, before a local government enters into a major land transaction the local government is to prepare a business plan.

The local government is required to give State wide public notice stating that —

4. The local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction;
5. A copy of the business plan may be inspected or obtained at any place specified in the notice; and
6. Submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;

After the last day for submissions, the local government is to consider any submissions made and may decide\* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.

*\* Absolute majority required.*

## **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;*

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

## **FINANCIAL IMPLICATIONS**

This report recommends that Council consider changing the reserve purpose and commence preparing a structure plan. It is anticipated that this process will cost approximately \$8,000. Allowances have been made with the town planning section of the 2009/10 budget.

## **POLICY IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That Council;

1. Authorise the Chief Executive Officer to write to State Land Services requesting that the purpose of reserve 31611 is changed from 'recreation' to a more appropriate and compatible use that will allow for civic, offices, community purpose, shops, and medium density residential uses.
2. Commission the services of Gray and Lewis Land Use Planners to prepare the Structure Plan and design guidelines for the proposed Town Centre.
3. Request that the Chief Executive Officer commence work on a business plan for a major land transaction for Council to consider in conjunction with the final structure plan for the proposed Town Centre.

### **OC110910 Moved Cr Williams / Seconded Cr Iffla**

That Council;

1. Authorise the Chief Executive Officer to write to State Land Services requesting that the purpose of reserve 31611 is changed from 'recreation' to a more appropriate and compatible use that will allow for civic, offices, community purpose, shops, and medium density residential uses.
2. Commission the services of Gray and Lewis Land Use Planners to prepare the Structure Plan and design guidelines for the proposed Town Centre.
3. Request that the Chief Executive Officer commence work on a business plan for a major land transaction for Council to consider in conjunction with the final structure plan for the proposed Town Centre.

**Carried 6-0**

Cr Bailey declared an impartially interest Item 10.4.4.

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.4
<b>SUBJECT:</b>	Bremer Bay Youth Camp
<b>LOCATION/ADDRESS:</b>	Bremer Bay Road
<b>NAME OF APPLICANT:</b>	N/A
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Bill Parker
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	29 October 2009

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## **SUMMARY**

At the September Ordinary Council Meeting, Council resolved to lease lot 155 Bremer Bay Road Bremer Bay to Megatime Pty Ltd. Given the proposed method of disposal, the Shire was required to give local public notice of the proposed disposition

The advertising period expired at 4:00pm Friday 23 October 2009 with one submission received. Council is now required to consider this submission prior to formally disposing of the property.

## **ATTACHMENT**

Submission – Anne Gadsby  
Local Public Notice

## **BACKGROUND**

The Bremer Bay Youth Camp was established by the Shire of Gnowangerup in approximately 1971. It consisted of a kitchen, dining/recreation area, accommodation units and two ablution facilities. All of the infrastructure was transportable and acquired from a mine site in the Kalgoorlie/Norseman area.

The original management structure consisted of a management committee. In 2002/03 the Council dissolved the committee and took over the day to day management of the Youth Camp.

Although the facility received ongoing maintenance and various upgrades, the current kitchen, dining and accommodation units are very old and have been assessed as being in poor condition.

A business case was prepared and received by Council at the June 2009 Ordinary Council Meeting. At this meeting Council resolved;

*That Council receives the Business Case – Bremer Bay Youth Camp and adopts the following recommendations;*

- 1. Agrees in principle to relinquish the control and management of the Bremer Bay Youth Camp.*
- 2. a) In accordance with s 3.28 (3)(ii) of the Local Government Act 1995, authorises the Chief Executive Officer to give local public notice of the Shire's intention to dispose of Reserve 24619; and*

- b) *That the notice of proposed disposition is to include;*
  - i) the names of all other parties concerned*
  - ii) The consideration to be received by the local government for this disposition being \$15,500 per annum.*
  - iii) the market value of the disposition as ascertained by a valuation*
  - iv) a maximum lease term of 10 years expiring in 2019.*
- 3. *After considering the public submissions and prior to entering into a formal lease agreement, invites the proponent to submit a detailed development plan that indicates the proponent's development intentions during the term of the proposed lease.*

This recommendation was forwarded to the owners of the caravan park who have responded accordingly. The owners of the caravan park initially requested a greater lease term. As Council were not prepared to entertain this request, the owners have requested a modified annual lease fee.

Council considered the amended proposal at the September Ordinary Council Meeting. At this meeting Council resolved;

*That Council;*

1. a) *In accordance with s 3.28 (3)(ii) of the Local Government Act 1995, authorises the Chief Executive Officer to give local public notice of the Shire's intention to dispose of Reserve 24619; and*
- b) *That the notice of proposed disposition is to include;*
  - i) the names of all other parties concerned.*
  - ii) the consideration to be received by the local government for this disposition being \$10,000 per annum.*
  - iii) the market value of the disposition as ascertained by a valuation being \$15,500.*
  - iv) a maximum lease term of 10 years expiring in 2019.*
2. *After considering the public submissions and prior to entering into a formal lease agreement, invites the proponent to submit a detailed development plan, for inclusion into the lease document that indicates the proponent's development intentions during the 10 year term of the proposed lease.*
3. *Once a formal lease agreement is in place;*
  - i) agrees to undertake the programmed maintenance work associated with the current Bremer Bay Youth Camp ablution block as outlined within the 2009/10 budget*
  - ii) agrees to remove the existing Youth Camp buildings*
4. *Endorses all upgrades to power, water and fire suppression services. These services are to be established as an independent system and not reliant on existing infrastructure within the adjoining caravan park.*
5. *Authorise the Chief Executive Officer to call for tenders for the sale and removal of the accommodation units and kitchen facilities.*

In response to this resolution, the Shire commenced local advertising of the intention to dispose of lot 155 Bremer Bay Road Bremer Bay to Megatime Pty Ltd. Members of the public were invited to make submissions in relation to the proposal by 4:00pm Friday 23 October 2009. Only one submission was received.

## **CONSULTATION**

Extensive consultation has occurred in relation to disposing of this property.

Although community feedback was received in relation to this disposition, this feedback did not transpire into written submissions.

### **COMMENT**

The submission received in relation to this proposal questioned the disparity between the \$15,000 market value and the proposed \$10,000 annual lease fee. In response, Council decided to reduce the lease fee given the relatively short duration of the lease and the investment required by the proponent.

### **STATUTORY REQUIREMENTS**

The requirements under section 3.58 of the Local Government Act have been satisfied.

### **STRATEGIC IMPLICATIONS**

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

#### **Key Focus Area Three: Building & Road Infrastructure**

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

- 3.1 Ensuring that our built infrastructure is well utilised and maintained.
- 3.2 Adopting whole of life asset management principles.

### **FINANCIAL IMPLICATIONS**

An annual lease component of \$10,000 would be recognised as general revenue for the Shire of Jerramungup.

### **POLICY IMPLICATIONS**

Nil.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

After satisfying the requirements of s 3.28 (3)(ii) of the Local Government Act 1995 and giving due consideration to the public submission received, Council authorises the Chief Executive Officer and Shire President to execute a lease agreement between the Shire of Jerramungup and Megatime Pty Ltd for lot 155 Bremer Bay Road Bremer Bay subject to;

- a. The Shire gaining consent from the Minister for Lands.
- b. An annual consideration of \$10,000 being received.
- c. a maximum lease term of 10 years
- d. The submission of a development plan, to the satisfaction of the Chief Executive Officer for inclusion into the lease document that indicates the proponent's development intentions during the 10 year term of the proposed lease.

Cr Trevaskis moved an amended motion

**OC110911 Moved Cr Trevaskis / Seconded Cr Barrett**

That Council defer considerations with regard to leasing the Bremer Bay Youth Camp until such time as the transportable buildings on the property have been removed, negotiations with Edith Cowan University regarding the research buildings are finalised and maintenance issues with the ablution block are resolved

**Carried 6-0**

Note: Council wish to resolve the outstanding issues prior to continuing negotiations regarding the leasing of the Bremer Bay Youth Camp.

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.5
<b>SUBJECT:</b>	South Coast Management Group-Community Representative
<b>LOCATION/ADDRESS:</b>	
<b>NAME OF APPLICANT:</b>	
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Bill Parker
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	29 October 2009

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## **SUMMARY**

The purpose of this report is to put before Council nominations for the position of Community Representatives for the Shire of Jerramungup on the South Coast Management Group.

## **ATTACHMENT**

Application Form – Anne Gadsby  
Application Form – Kelvin Flugge

## **BACKGROUND**

In the mid 1990's community representatives, Local and State Government representatives formed the South Coast Management Group (SCMG) - a regional representative body of coastal planners and managers on the South Coast. SCMG provides a forum for the discussion of issues relating to coastal and marine planning and management and also actively promotes best practice coastal management in the South Coast Region (Denmark to Esperance).

The Shire of Jerramungup appoints two community representatives to represent the Shire on this group.

The contribution of individual members of SCMG is critical to its successful operation. Individuals must have the capacity to put views clearly and concisely and be prepared to negotiate to achieve acceptable compromises where necessary. This process must avoid members pursuing individual agendas or attacking opposing views, to act in the best interests of the objects of SCMG, putting forward views in an objective and impartial manner.

SCMG comprises the Chief Executive Officer (or their proxy), two elected members (Councillors) and two community members appointed by each Local Government.

Elected and community members are appointed for a two year term to coincide with the Ordinary Local Government election process.

Advertisements were placed in local publications calling for nominations with the closing date being Friday 6 November 2009.

## **CONSULTATION**

N/A

## **COMMENT**

At the close of nominations, the Shire had received two nominations from Anne Gadsby and Kelvin Flugge.

## **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...*

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

## **FINANCIAL IMPLICATIONS**

Nil

## **POLICY IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Simple majority

## **RECOMMENDATION**

That Council appoint Anne Gadsby and Kelvin Flugge as the Shire of Jerramungup Community Representative to the South Coast Management Group.

### **OC110912 Moved Cr Iffla / Seconded Cr Williams**

That Council appoint Anne Gadsby as the Shire of Jerramungup Community Representative to the South Coast Management Group.

**Carried 6-0**

2.15 pm Mr Parker left the meeting after declaring a financial interest in Item 10.4.6.

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.6
<b>SUBJECT:</b>	Chief Executive Officer Appointment and Review Committee Meeting Minutes
<b>LOCATION/ADDRESS:</b>	N/A
<b>NAME OF APPLICANT:</b>	N/A
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Brent Bailey
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	3 November 2009

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### **RECOMMENDATION**

THAT the minutes of the Chief Executive Officer Appointment and Review Committee meeting held on Tuesday 3<sup>rd</sup> November 2009 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendations adopted.

That Council;

1. Receive the Chief Executive Officer Review Report prepared by DL Consulting.
2. Endorse the following Chief Executive Officer Key Performance Indicators (KPI's) and completion dates for the forthcoming review period;
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_
  - c. \_\_\_\_\_
  - d. \_\_\_\_\_
  - e. \_\_\_\_\_
  - f. \_\_\_\_\_
  - g. \_\_\_\_\_
  - h. \_\_\_\_\_
  - i. \_\_\_\_\_
  - j. \_\_\_\_\_
  - k. \_\_\_\_\_
  - l. \_\_\_\_\_
3. Endorse an increase of the Chief Executive Officer's annual cash salary of \$12,000 effective from the 6<sup>th</sup> October 2009.
4. Supports the Chief Executive Officer commencing a Master of Business (Property) and that the Council will reimburse the Chief Executive Officer with all tuition fees associated with this degree upon successful completion of each unit.

### **OC110913 Moved Cr Iffla / Seconded Cr Bailey**

THAT the minutes of the Chief Executive Officer Appointment and Review Committee meeting held on Tuesday 3<sup>rd</sup> November 2009 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendations adopted.

That Council;

1. Receive the Chief Executive Officer Review Report prepared by DL Consulting.

2. Endorse the following Chief Executive Officer Key Performance Indicators (KPI's) and completion dates for the forthcoming review period;

KPI No.	KPI Description	Target Date for Completion
1	Development of a resource sharing MOU's with neighbouring Councils	30/06/2010
2	Implementation of Town Revitalisation Strategy for Jerramungup	30/11/2010
3	Purchase land for staff housing in Bremer Bay	30/11/2010
4	Finalisation of a Structure Plan for Bremer Bay town centre.	30/11/2010
5	Statutory review of all Shire of Jerramungup Local Laws	30/11/2010
6	Review governance structure for Bremer Bay Community Development Committee	30/06/2010
7	Rationalise the operation and condition of the Bremer Bay Youth Camp (This project is currently under way)	30/06/2010
8	Commence implementation of integrated Electronic Records Management system	30/06/2010
9	Landscape Jerramungup municipal precinct	30/06/2010
10	Completion of stage 1 of Sydney Street subdivision	30/11/2010
11	Develop Corporate Documents Register	30/06/2010
12	Develop service standards for road network	30/11/2010
13	Develop new Council website	30/06/2010
14	New workplace agreement for outside staff	30/06/2010
15	Full review of policy manual	30/06/2010

3. Endorse an increase of the Chief Executive Officer's annual cash salary of \$12,000 effective from the 6<sup>th</sup> October 2009.
4. Supports the Chief Executive Officer commencing a Master of Business (Property) and that the Council will reimburse the Chief Executive Officer with all tuition fees associated with this degree upon successful completion of each unit.

**Carried 6-0**

# **COUNCILLOR REPORTS**

2.35pm Mr Parker returned to the meeting.

## 11. **COUNCILLOR REPORTS**

### **Cr Barrett**

CEO Review Meeting  
Fitzgerald National Park Fire Advisory Group

### **Cr Hobbs**

Regional Road Group meeting  
South Coast Management Group dinner  
Off Road vehicle forum  
South Coast Management Group meeting

### **Cr Iffla**

CEO Review Meeting

### **Cr Williams**

Fitzgerald River Catchment Demonstrative Initiative dinner  
Dieback meeting  
CEO Review meeting  
South Coast Management Group meeting  
Off Road Vehicle Forum

### **Cr Bailey**

FBG meeting  
CEO Review meeting

### **Cr Trevaskis**

CEO Review meeting  
Regional Road Group meeting  
Remembrance Day ceremony  
Fitzgerald River Catchment Demonstrative Initiative dinner

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

12.1 From Officers

12.2 From Elected Members

Cr Hobbs advised Council that she had been approached regarding the advertising time frame for the Local Government Elections.

Mr Parker informed Cr Hobbs that the Shire met with all statutory requirements for advertising.

**13. NEXT MEETING/S**

13.1 Ordinary Meeting – 15<sup>th</sup> December 2009 to be held at the Council Chambers, Jerramungup.

**14. CLOSURE**

The President declared the meeting closed at 2.55pm.