

SHIRE OF JERRAMUNGUP



MINUTES

COUNCIL ORDINARY MEETING

18th May 2010

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SHIRE OF JERRAMUNGUP

ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS,
JERRAMUNGUP ON TUESDAY 18TH MAY 2010, 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 J Iffla	Member
Cr R Lester	Member
Cr C Hobbs	Member
Cr B Atkin	Member
Mr W Parker	Chief Executive Officer
Mr B Bailey	Deputy Chief Executive Officer
Mr G Edwards	Executive Manager - Infrastructure Services
Mr C Pursey	Planning Officer
Mrs C Solomon	Executive Secretary

Mr Quinton Clasen
Mr David McCarthy
Dr Chris Mitchell
Mr Martin Crevatin
Mr Aaron Soanes

Mrs Yvonne Lynch
Mr Jeff Henderson

3. **APOLOGIES**

Nil

4. **LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Nil

5. **PUBLIC QUESTION TIME**

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS / DEPUTATIONS / PRESENTATIONS

Mr Aaron Soanes from CO2 presented Council with an overview of their project specific to their planning application for a proposed plantation (whole farm – 1094 hectares) on Lot 1459 South Coast Highway, Gairdner.

Cr Trevaskis thanked Mr Soanes and his consultants for their presentation and comment to Council.

11.20 am Council convened for morning tea.

11.40 am Council reconvened with the following in attendance; Cr Trevaskis, Cr Barrett, Cr Hobbs, Cr Iffla, Cr Bailey, Cr Lester, Cr Atkin, Mr Parker, Mr Bailey, Mr Edwards, Mrs Solomon.

8. DECLARATIONS OF FINANCIAL INTEREST

Nil

9. CONFIRMATION OF MINUTES

9.1 Ordinary Council Meeting of 20th April 2010

OC051001 Moved Cr Hobbs / Seconded Cr Barrett

That the Minutes of the Ordinary Meeting of Council held 20th April 2010 be confirmed.

Carried 7-0

11.45am Mr Pursey entered the meeting.

W O R K S

SUBMISSION TO:	Works
AGENDA REFERENCE:	10.1.2
SUBJECT:	Works Report
LOCATION/ADDRESS:	Shire of Jerramungup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Graham Edwards
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	10 May 2010

ROAD CONSTRUCTION

Devils Creek Road

Minor works to complete the construction and sealing of Devils Creek Road, for 5km eastward from South Coast Highway, are continuing. Once finished, a Certificate of Completion will be submitted to Main Roads for the final recoup of grant funding.

Swamp Road

The stockpiling of gravel has been arranged and clearing and forming is in progress. Drainage improvements will be carried out before additional plant is deployed and gravel sheeting commenced.

It is proposed that the allocation to Swamp Road is increased following advice from Roads to Recovery administrators that funds not spent in 2009/2010 will not be available until 2013/2014. This matter is dealt with through a separate agenda item.

Flood Damage

Flood damage repairs have been in progress, generally in the south western portion of the Shire in the vicinity of Corackerup Road and Monjebup Road.

Gravel sheeting of Swamp Road between Meechi Road and Devils Creek South Road will be the primary focus of construction during the coming weeks with flood damage repairs continuing according to available resources.

A comprehensive review of flood damage reinstatements is intended prior to 2010/2011 budget deliberations.

Fitzgerald River National Park Road Upgrade

The impact of being involved with the upgrading of local roads, as part of the Fitzgerald River National Park Project, and implications for the 2010 / 2011 Construction Programme, is being assessed.

The project provides a unique opportunity for involvement by the Shire of Jerramungup but there are threats and an organisational commitment is required if the project is to be delivered without impacting on routine services.

The establishment of self reliant teams for the delivery of routine services is regarded as critical.

ROAD MAINTENANCE

Recent attention has been focused on flood damage repairs however the control of roadside vegetation has also been a focus of attention. Roads maintained during April include:

Biddy Crescent	Black Rocks Road	Boxwood-Borden Road
Boxwood-Ongerup Road	Bowra Road	Brook Road
Bremer Bay Road	Cameron Road	Carney Road
Corackerup Road	Cuneo Drive	Derrick Street
Devils Creek Road	Devils Creek South Road	Diagonal Road
Don Ende Drive	Gneiss Hill Road	Gnombup Terrace
Gully Road	Java Sea Road	Jerramungup North Road
Lancaster Road	Marnigarup Road	Marnigarup South Road
Millers Point Road	Monjebup Road	Monkey Rock Road
Native Dog Beach Road	Norman Road	Point Gordon Road
Quiss Road	Rabbit Proof Fence Road	Susan Street
Swamp Road	Through Road	Tobruk Road
Wellstead Road		

H. R. ACTIVITIES

Human resource activities which are either in progress or imminent include:

Self Reliant Teams

The establishment of self reliant teams for the delivery of town services, rural maintenance and construction is proceeding. Regardless of past opposition, these teams, which have separate functions and resource requirements are:

- a) Essential to the efficient delivery of the Annual Works Programme.
- b) Critical to the continuation of routine services should the Shire participate in the Fitzgerald River National Park Road Upgrade Project.

To date:

- a) A Leader Town Services has been appointed and the task of structuring employees and equipment resources is in progress.
- b) The appointment of a Construction Team Leader is progressing.
- c) The position of Rural Maintenance Leader has been offered internally. Somewhat disappointingly, no employees have been prepared to express a formal interest to date.

Training

Administrative arrangements are continuing for the establishment of a competency based, employee training programme which will assess and recognise prior learning.

- a) Australian Training Management has been engaged as the Registered Training Organisation.
- b) A programme has been established for most employees.

Annual Reviews.

- a) Preparations are in progress for employee annual reviews as required by section 5.38 of the Local Government Act 1995.

Employee Collective Workplace Agreement

- a) Although it will take some weeks, a review of the Employee Collective Workplace Agreement is proceeding.

BUILDING PROGRAMME

Below is a summary of Building Approvals issued during April:

Date Issued	Licence No	Owner	Address	Builder	Type
11/04/2010	10074	Stephen Porteous	Lot 627 Emma Street Bremer Bay	M. Poett	Shed

PLANT REPLACEMENT – For Information

As part of the strategy for the establishment of self reliant teams, quotes have been requested through the WALGA Purchasing Network the following plant items, which were included in the 2009 / 2010 Adopted Budget.

- a) Heavy duty tandem axle tip truck.
- b) Heavy duty single axle tip truck.
- c) 3 to 4 tonne tip truck.
- d) Integrated tool carrier.

Machines offered will be compared for suitability and the quotes assessed against budget before proceeding further.

RECOMMENDATION

That the Works Report be received.

OC051002 Moved Cr Iffla / Seconded Cr Barrett

That the Works Report be received.

Carried 7-0

SIGNED BY PRESIDENT

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15th JUNE 2010

SUBMISSION TO:	Works
AGENDA REFERENCE:	10.1.2
SUBJECT:	Roads to Recovery Programme
LOCATION/ADDRESS:	Shire of Jerramungup
NAME OF APPLICANT:	Not Applicable
FILE REFERENCE:	RD.PR1
AUTHOR:	Graham Edwards
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	10 May 2010

SUMMARY

The purpose of the report is to review the 2009/2010 Roads to Recovery Programme.

ATTACHMENT

Nil

BACKGROUND

The adopted 2009 / 2010 Road Construction Programme includes the following Roads to Recovery funded projects.

Road	Project	Budget Amount	Expended to Date
Swamp Road	Form, drain and gravel sheet	\$140,000	\$8,140
Garnett Road	Primary School car park	\$60,000	\$336
Derrick Street	Pavement repairs and reseal	\$83,385	\$898
	Total	\$283,385	\$9,374

Subsequent to adoption of the 2009/2010 Road Construction Programme:

1. The Department of Education recently requested that the construction of parking at the Bremer Bay Primary School is delayed while the proposed design is reviewed and a contribution to construction is considered.

The project has been delayed and will be submitted for Council's reconsideration in the 2010/2011 Programme.

2. The allocation to Derrick Street has been designated towards the larger, strategically focused, Jerramungup Revitalisation Project.

Planning is in progress however the Revitalisation will not be completed in 2009/2010.

3. Roads to Recovery administrators recently reminded Local Governments that *"balances of funds not drawn down each financial year move to 2013/2014 NOT to the next financial year."*

CONSULTATION

Executive Officers have discussed the advice from the Roads to Recovery administrators and implications for the Works Programme if a significant portion of the 2009/2010 Roads to Recovery allocation is unspent and not available until 2013/2014.

COMMENT

Whilst some materials might be purchased for Garnett Road, it would be premature to commence construction simply to acquit the funds, as would also be the case for the Jerramungup Revitalisation Project.

Participation in the construction of Shire of Jerramungup local roads as part of the Fitzgerald River National Park Road Upgrade Project provides an opportunity for the Shire to undertake works which might otherwise be financially difficult.

The Jerramungup Revitalisation and Bremer Bay Town Centre Projects are examples of such projects. Postponing the availability of 2009/2010 Roads to Recovery revenue until 2013/2014 is not therefore preferred.

Swamp Road is amongst the most regularly maintained roads in the Shire however the treatment required is beyond the scope of routine maintenance and the road remains a topic of regular complaint by ratepayers.

It is likely that the 2010/2011 budget would include further gravel sheeting of Swamp Road. It is suggested that increasing the scope of works in 2009/2010 for the expenditure of Roads to Recovery funds, by the transfer of amounts allocated to Derrick Street and Garnett Road, is appropriate.

STATUTORY REQUIREMENTS

The *Nation Building Program (National Land Transport) Act 2009* applies to Roads to Recovery payments for the funding period 1 July 2009 to 30 June 2014.

As expenditure associated with this project was not recognised within the 2009/10 annual budget, section 6.8 of the Local Government Act 1995 applies.

6.8 Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government;
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

STRATEGIC IMPLICATIONS

A direct association is identified with 2009 - 2014 Strategic Plan objective of:

Building and road infrastructure

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

- a) Ensuring that built infrastructure is well utilised and maintained.*
- b) Adopting whole of life asset management principles.*

FINANCIAL IMPLICATIONS

Increasing the allocation and extending the forming and sheeting of Swamp Road, by the transfer of 2009/2010 funds from Derrick Street and Garnett Road will:

- a) Not affect overall expenditure of the Adopted 2009/2010 Road Construction Programme.
- b) Not affect 2010/2011 revenue.
- c) Advance an improved level of service for residents of Swamp Road.

Postponing the expenditure of 2009/2010 Roads to Recovery funds until 2013/2014 will however:

- a) Increase the competition for limited funds and therefore difficulty of prioritising projects in 2010/2011.
- b) Limit the flexibility and potential for allocating funds to projects, which might usually be difficult to achieve.
- c) Increase uncertainty about the timetable for funding improvements to Swamp Road.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That:

1. Variation of the Adopted 2009/2010 Road Construction Programme for the expenditure of 2009/2010 Roads to Recovery funds is endorsed as follows.

The allocation for:

- a) Swamp Road (Job N^o R2R7) is increased from \$140,000 to \$262,000.
 - b) Derrick Street (Job N^o R2R8) is reduced from \$83,385 to \$1,385.
 - c) Garnett Road (Job N^o R2R9) is reduced from \$60,000 to \$20,000.
2. The Derrick Street and Garnett Road projects are reconsidered during 2010/2011 budget deliberations.

OC051003 Moved Cr Bailey / Seconded Cr Atkin

That:

1. **Variation of the Adopted 2009/2010 Road Construction Programme for the expenditure of 2009/2010 Roads to Recovery funds is endorsed as follows.**

The allocation for:

- a) **Swamp Road (Job N^o R2R7) is increased from \$140,000 to \$262,000.**
 - b) **Derrick Street (Job N^o R2R8) is reduced from \$83,385 to \$1,385.**
 - c) **Garnett Road (Job N^o R2R9) is reduced from \$60,000 to \$20,000.**
2. **The Derrick Street and Garnett Road projects are reconsidered during 2010/2011 budget deliberations.**

Carried by Absolute Majority 7-0

SUBMISSION TO:	Works
AGENDA REFERENCE:	10.1.3
SUBJECT:	Swamp Road Construction
LOCATION/ADDRESS:	Intersection Swamp Road Bremer Bay Borden Road
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Bill Parker
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	7 May 2010

SUMMARY

On 23 April 2010, the Shire received an invitation from Main Roads WA to participate in constructing and sealing 12.5km of Swamp Road during the 2010/11 financial year.

In response to this invitation and given the compatibility of this project with the Shire's strategic direction it is requested Council consider participating in this project.

ATTACHMENT

Attachment 10.1.3.- Business Plan Swamp Road

BACKGROUND

On Friday 6 November 2009 the Western Australian Premier Hon. Colin Barnett announced funding for a new road to improve access to tourist sites in the Fitzgerald River National Park.

This announcement was in response to the closure of BHP's Ravensthorpe Nickel Operations in an effort to boost the region's tourism industry and benefit communities that had been badly affected by the economic slowdown.

The State Government committed \$20m to the project, with a request for matched funding from the Federal Government, to help deliver this essential project, to improve tourist access from the western and eastern ends to the Fitzgerald River National Park.

The project includes the reconstruction and sealing of existing roads including Hamersley Drive (from Hopetoun to Hamersley Inlet) and Bremer Bay to Point Ann. More specifically, the proposed route from Bremer Bay to Point Ann includes Swamp Road, Doubtful Islands Road, Murray Road, Pabelup Drive and Point Ann Road.

On Tuesday 13 April 2010, the Shire of Jerramungup met with Main Roads to ascertain the current status of the Fitzgerald River road construction project.

On 23 April 2010, the Shire received an invitation from Main Roads to participate in this project and seal 12.5km of road during the 2010/11 financial year.

Should the Shire deliver this section of road within the appropriate time frame and financial parameters, opportunities may exist for further work in 2011/12 and 2012/13.

It is recommended that Council accepts the invitation to participate in this project and immediately commences the preliminary planning.

CONSULTATION

Nil

COMMENT

Without considering the 12.5km section of Swamp Road, the Shire of Jerramungup anticipates delivering the following road construction program in 2010/11:

- a) Devils Creek Road (5km seal)
- b) Gairdner Road South (preservation works)
- c) Jerramungup Town Site Revitalisation Project

When considered collectively, the 2010/11 road construction program is very large. To the Shire's advantage, the construction of Devils Creek Road, Gairdner South Road and Swamp Road are all located within close proximity. This provides a significant advantage from a plant deployment and coordination perspective.

Additionally, the Shire does not anticipate applying internal resources to complete the Jerramungup Town Site Revitalisation Project. This project will be tendered using external contractors therefore lessening the burden on internal resources.

The addition of the Swamp Road project will however have a net impact on the Shire's annual resheeting program. If Council decides to proceed with this project no resheeting will occur in the 2010/11 financial year.

STATUTORY REQUIREMENTS

Where the provision of services or materials exceed \$100,000 and are not subject to an existing contract, tenders will be called as required by local government Act 1995 s3.57.

As expenditure associated with this project was not recognised within the 2009/10 annual budget, section 6.8 of the Local Government Act 1995 applies.

6.9 Expenditure from municipal fund not included in annual budget

- (2) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government;
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

STRATEGIC IMPLICATIONS

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

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

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

1.1 Identifying alternative revenue sources.

FINANCIAL IMPLICATIONS

Main Roads has a project budget of \$175,000 per kilometre to construct the roads under this program managed by the Shire of Jerramungup. As the Shire has recently constructed and sealed 5km of road within the immediate vicinity, these figures have been used as a basis for the following financial projections.

GENERAL ITEMS	COST \$
Survey and Design	\$1,297
Salaries and Wages	\$11,291
Materials / Contractors	\$66,689
Plant Depreciation Recovery	\$7,196
Plant Recoveries	\$11,722
Labour Overhead	\$6,879
Additional Gravel & Water Lead*	\$26,269
SUB TOTAL PER KM	\$131,343
Contingency	\$19,701
Project Management	\$16,418
TOTAL COST PER KM	\$167,462
TOTAL PROJECT COST (12.5KM)	\$2,093,279

*Additional gravel and water lead has been calculated based upon the additional distance required to source appropriate materials in this area.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council;

SIGNED BY PRESIDENT

1. Receive the Council Business Plan – Construction of Swamp Road.
2. Accepts the Offer from Main Roads WA to construct 12.5km of Swamp Road from the intersection of Borden Bremer Bay Road to Doubtful Islands Road during the 2010/2011 financial year.
3. Recognises the expected effect that this project will have upon the provision of facilities and services during the 2010/2011 financial year.
4. Instructs the Chief Executive Officer to commence preliminary works immediately including the sourcing of gravel and water.
5. In accordance with Section 6.8 (1) of the Local Government Act 1995, approve the unbudgeted grant income of \$100,000 and project expenditure of \$100,000 to fund the preliminary stages of this project.

OC051004 Moved Cr Barrett / Seconded Cr Bailey

That Council;

- 1. Receive the Council Business Plan – Construction of Swamp Road.**
- 2. Accepts the Offer from Main Roads WA to construct 12.5km of Swamp Road from the intersection of Borden Bremer Bay Road to Doubtful Islands Road during the 2010/2011 financial year.**
- 3. Recognises the expected effect that this project will have upon the provision of facilities and services during the 2010/2011 financial year.**
- 4. Instructs the Chief Executive Officer to commence preliminary works immediately including the sourcing of gravel and water.**
- 5. In accordance with Section 6.8 (1) of the Local Government Act 1995, approve the unbudgeted grant income of \$100,000 and project expenditure of \$100,000 to fund the preliminary stages of this project.**

Carried By Absolute Majority 7-0

FINANCE

SUBMISSION TO:	Finance
AGENDA REFERENCE:	10.2.1
SUBJECT:	Accounts Payable
LOCATION/ADDRESS:	Shire of Jerramungup
NAME OF APPLICANT:	
FILE REFERENCE:	16.7
AUTHOR:	Kirsty Hodgins
DISCLOSURE OF ANY INTEREST:	
DATE OF REPORT:	11 th May 2010

ATTACHMENT

BACKGROUND

FUND	VOUCHERS	AMOUNTS
Municipal Account	26176	Last cheque used
	EFT 3121-3149	\$242,490.52
	EFT 3150	Cancelled
	EFT 3151 – 3154	\$9,612.71
	EFT3155 - 3156	Cancelled
	EFT 3157	\$5,000.53
	EFT 3158	Cancelled
	EFT 3159 – 3162	\$9,786.56
	EFT 3163	Cancelled
	EFT 3164 - 3165	\$1,354.25
	EFT3166	Cancelled
	EFT 3167 – 3174	\$10,549.95
	CHQ 26142- 26153	\$7,333.35
	CHQ 26154 – 26157	Cancelled
	CHQ 26158 – 26176	\$11,786.45
	Direct Debits	\$124,000.25
	Trust Account Total	\$1,076.00
	Municipal Account Total	\$420,848.20
	GRAND TOTAL	\$421,924.20

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 \$421,924.20 submitted to the Full Council on 18th May 2010 be endorsed.

SIGNATURES

Author

Chief Executive Officer

OC051005 Moved Cr Hobbs/ Seconded Cr Iffla

That the schedule of direct debits and accounts payable, totalling \$421,924.20 submitted to the Full Council on 18th May 2010 be endorsed.

SIGNATURES

Author

Chief Executive Officer

Carried 7-0

SUBMISSION TO:	Finance
AGENDA REFERENCE:	10.2.2
SUBJECT:	Monthly Financial Report
LOCATION/ADDRESS:	Shire of Jerramungup
AUTHOR:	Brent Bailey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	7 May 2010

SUMMARY

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

ATTACHMENT

Attachment 10.2.2 Monthly Financial Report – Period Ending 30 April 2010

BACKGROUND

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

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

CONSULTATION

Council financial records.

COMMENT

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

STATUTORY REQUIREMENTS

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

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

STRATEGIC IMPLICATIONS

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

FINANCIAL IMPLICATIONS

As detailed within the Monthly Financial Report

POLICY IMPLICATIONS

Finance Policy 2: Detailed within Monthly Financial Report

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

- 1) That Council receive the Monthly Financial Report for the period ending 30 April 2010 in accordance with Section 6.4 of the Local Government Act 1995.

OC051006 Moved Cr Lester / Seconded Cr Bailey

- 1) That Council receive the Monthly Financial Report for the period ending 30 April 2010 in accordance with Section 6.4 of the Local Government Act 1995.

Carried 7-0

12.30 pm Council convened for lunch.

12.55 pm Council reconvened with the following in attendance; Cr Trevaskis, Cr Barrett, Cr Hobbs, Cr Iffla, Cr Bailey, Cr Lester, Cr Atkin, Mr Parker, Mr Bailey, Mr Edwards, Mr Pursey.

**HEALTH,
BUILDING
&
TOWN PLANNING**

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.1
SUBJECT:	Draft Local Planning Policy 11 – A Guide on Public Consultation for Development Applications
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Planning Officer, Craig Pursey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	6 May 2010

SUMMARY

Council is to consider final adoption of (Draft) Local Planning Policy 11 – A Guide on Public Consultation for Development Applications, with or without modifications.

The Policy has been advertised and no submissions have been received.

Support for the Local Planning Policy is recommended. A minor modification is also recommended to remove ‘ancillary accommodation’ from those land uses that must be advertised for public comment.

ATTACHMENT

Attachment 10.3.1 – Draft Local Planning Policy No 11 – A Guide on Public Consultation for Development Applications.

BACKGROUND

- *Previous Council consideration*

Council adopted Draft Local Planning Policy No 11 – A Guide on Public Consultation for Development Applications for the purpose of initiating public consultation in March 2010 (refer Item 10.3.4 – 16 March 2010).

CONSULTATION

The Policy has been advertised in accordance with Clause 2.4 of the Shire of Jerramungup Local Planning Scheme No 2 (‘the Scheme’). Advertising included notices in the local paper, and on the Shires website.

Advertising closed on the 13 April 2010. No submissions have been received.

COMMENT

- *Description of Policy*

The Local Planning Policy will assist with future consultation by providing some general guidelines.

SIGNED BY PRESIDENT

- 23 -

15th JUNE 2010

It is not possible for the Policy to list all of the applications and / or land uses that may require advertising.

The Policy does include the following;

- Clearly explains that Council has the right to advertise any application under the Scheme, and will not be hindered by the Policy.
- Outlines the circumstances and the types of applications that are likely to involve consultation (eg applications with a variation to an adopted Local Planning Policy).
- Explains how the Scheme defines landuses, and deals with the permissibility of landuses.
- Explains that some types of applications require compulsory advertising under the Scheme.
- Provides different levels of advertising being Level 1, Level 2 and Level 3.
- Level 1 is low level advertising where a specific R Code variation is referred only to the directly affected neighbour (eg side setback variation).
- Level 2 is broader advertising where letters are sent to all neighbours who share a property boundary with the 'development' lot. It allows discretion for letters to be sent to landowners who own lots opposite the 'development' lot. An example is a proposed relocated building envelope in the Rural Residential zone, or an oversize and over height outbuilding (Policy variation) which has potential to affect more than one neighbour.
- Level 3 is high level advertising where letters can be sent to a wider area, and advertising may include other methods such a newspaper advert.

The Policy generally recommends that advertising be conducted by the Shire as it ensures that members of the public can liaise with Shire staff over queries, and can lodge a submission to the Shire as an independent body.

The Policy recognises that there is scope for landowners to conduct their own advertising under the Residential Design Codes. In these cases, the Policy outlines that the Codes form must be used, and the neighbours must sign the development plans (as proof that they have seen the correct plans).

A copy of the form that can be signed by neighbours is included as an attachment to the Policy, and Gray & Lewis has included notes on the form to advise neighbours that;

- (i) They are under no obligation to sign the form.
- (ii) They can liaise with the Shire if they have any queries.
- (iii) They can lodge submissions directly with the Shire if preferred.

- ***Minor Modification to Policy checklist***

Section 6.2 of the Policy includes a list of land uses that require advertising; 'ancillary accommodation' is included in this list. However, 'ancillary accommodation' (or granny flat) is a discretionary land use ('D' use) in the Scheme and it is not mandatory to advertise this land use. Ancillary Accommodation is by its definition accommodation ancillary to a dwelling and it may not be necessary to advertise it to neighbours for their comment in every instance.

- ***Conclusion***

SIGNED BY PRESIDENT

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It is recommended that Council adopt the Draft Policy for final approval, subject to a minor modification (removal of 'ancillary accommodation' from the list in section 6.2 of the Policy).

STATUTORY REQUIREMENTS

Clause 2.2 of the Scheme provides for the preparation of Local Planning Policies.

Clause 2.4 requires all Local Planning Policies to be advertised for a period of 21 days, and specifies methods available for advertising.

STRATEGIC IMPLICATIONS

The Policy will act as a tool to guide future development.

FINANCIAL IMPLICATIONS

Council has paid all costs associated with advertising of the Policy, and fees to Gray & Lewis for the preparation of the Policy.

POLICY IMPLICATIONS

A copy of the Policy is included in Attachment 10.3.1.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

1. Adopt Local Planning Policy No 11 for final approval, pursuant to Clause 2.2 of the Shire of Jerramungup Town Planning Scheme No 2, inclusive of a minor modification to remove Ancillary Accommodation from section 6.2 of the Policy.
2. Publish a public notice in an official newspaper circulating in the area to notify the public that Council has adopted Local Planning Policy No 11 (in accordance with Clause 2.4.3 (a) of the Shire of Jerramungup Local Planning Scheme No 2).

OC051007 Moved Cr Bailey / Seconded Cr Lester

That Council:

- 1. Adopt Local Planning Policy No 11 for final approval, pursuant to Clause 2.2 of the Shire of Jerramungup Town Planning Scheme No 2, inclusive of a minor modification to remove Ancillary Accommodation from section 6.2 of the Policy.**
- 2. Publish a public notice in an official newspaper circulating in the area to notify the public that Council has adopted Local Planning Policy No 11 (in accordance with Clause 2.4.3 (a) of the Shire of Jerramungup Local Planning Scheme No 2).**

Carried 7-0

1.10 pm Mrs Solomon entered the meeting.

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.2
SUBJECT:	Proposed Plantation (whole farm – 1094 hectares)
LOCATION/ADDRESS:	Lot 1459 South Coast Highway, Gardiner
NAME OF APPLICANT:	Applicant : Mallee Land Company Pty Ltd / Owner: Yvonne Lynch
FILEE REFERENCE:	
AUTHOR:	Gray & Lewis
DISCLOSURE OF ANY INTEREST:	Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of <i>Local Government Act 1995</i>
DATE OF REPORT:	7 May 2010. Modified 11 May 2010.

SUMMARY

Council is to consider an application for a carbon sequestration plantation & harvesting plantation (for bio-feed fuel stock) on Lot 1459 South Coast Highway, Gardiner.

The application has been assessed in accordance with Local Planning Policy No 10 (LPP 10). It proposes planting of a whole farm / lot therefore seeks a variation to the Policy.

The applicant has provided justification for the proposed planting area by lodging a land capability and an assessment of the property by a farm management consultant.

This report recommends that the application be conditionally approved.

Note: LPP 10 requires referral of applications on major roads to Main Roads for comment. This application has not been referred to Main Roads for comment due to agenda time constraints even though it involves harvesting.

ATTACHMENT

Confidential Attachment 10.3.2 (A)	Copy of site plan.
Confidential Attachment 10.3.2 (B)	Copy of Land Capability Report
Confidential Attachment 10.3.2 (C)	Copy of Farm Management Assessment report
Attachment 10.3.2 (D)	Summary of LPP 10 fire management plan requirements and assessment

BACKGROUND

Location

The subject property is known as 'Lynch Block' and is located on the western side of South Coast Highway approximately 25 kilometres south of Jerramungup.

The property has an approximate area of 1398 hectares.

Site Description

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The majority of the land is cleared with the exception of some pockets of remnant vegetation – refer Attachment 10.3.2 (A). Some drainage lines traverse the property.

Zoning & Landuse Permissibility

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

Under the Scheme, the proposed landuse is construed as a 'plantation' which is a discretionary use in the Rural zone meaning that *'the use is not permitted unless the local government has exercised its discretion by granting planning approval'*.

COMMENT

Description of application

The application proposes a 1094 hectare plantation area made up of 19 compartments.

The applicant has advised as follows;

- The block plantings consist of multiple pairs of rows, with rows 2 metres apart with 4 metres between pairs. Target tree spacing along the row is 2.22 metres to yield a stocking rate of 1500 stems per hectare.
- Access is from the eastern side of the property. No additional road construction is required for the establishment of the plantation and condition of access will be monitored as the property is visited to ensure access is of a sufficient standard for operations to be carried out (planting, monitoring, fire management).
- Ripping to a depth of 500mm will be conducted prior to planting and assist with infiltration, absorption and retention of soil moisture.
- Seedlings will usually be planted manually and the species used will be *Eucalyptus loxophleba* and *Eucalyptus polybractea*.
- Replanting will be carried out the following season in all areas below 80% stocking (ie less than 1200 stems average per hectare).
- Weed control will be monitored by CO2 staff and carried out as necessary using various methods such as pre-cultivation, spraying, slashing, grazing etc
- Each site will be inspected once a week for the first 3 months and then once a month for the following 3 months. Monitoring will decrease after the first 6 months but will still involve regular inspections.

Relevant Scheme Requirements

The objectives of the Rural zone include;

- *'to ensure the continuation of broad hectare farming as the principal landuse in the district and encouraging where appropriate the retention and expansion of agricultural activities where the land is capable of such development.'*
- *'To consider non rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources of the environment.'*
- *To help protect rural land from degradation and further loss of biodiversity byencouraging rehabilitation of salt affected areas...'*
- *'To promote the sustainable management of natural resources, and the prevention of land degradation.'*

Clause 5.26.3 of the Scheme has specific requirements applicable to the 'Development of Agroforestry and Plantations' and lists matters to be considered as summarised below;

Matters for consideration under the Scheme	Comment
The Code of Practice for Timber Plantations in WA	The Code of practice is mainly orientated towards commercial plantations such as timber harvesting. There are applicable aspects such as weed control etc which is discussed in the applicants management plan.
Submission of plantation management plan in accordance with the protocol in the Code of Practice	<p>The applicant has lodged a management plan which examines matters such as plantation design, soils, weed control etc.</p> <p>The management plan text is supported with a detailed site plan an aerial photography. The plan provides information on compartment areas, access, dam locations and entrances.</p>
The need to encourage the commercial production of trees which is of significance to the national, regional and local economy.	Complies. The applicant has advised that a harvesting plan would be lodged before any harvesting occurred.
The benefits of agroforestry and plantations in addressing land degradation including soil erosion and salinity.	Complies. There is evidence in the land capability report and Farm Management Consultants report that there is potential for increased area of salinity, increased acidity of the soil and further degradation of fertility (under current management measures).
The role of agroforestry and plantations in protecting water quality and preventing adverse effects on ground water re-charge.	<p>Complies with condition</p> <p>LPP 10 requires a 30 metre buffer to drainage which can be reduced to 20 metres where the landowner practices protect water quality.</p> <p>The site plan shows a watercourse/ drainage line in the south east portion. The buffer on the plan appears sufficient, however Appendix 2 of the plantation management plan cites a 10 metre buffer.</p>

	A 20 metre buffer is recommended (as a condition) unless the applicant can obtain written endorsement by DoW to a lesser buffer. The condition has been worded to provide flexibility.
The location of the land in relation to land zoned for residential, industrial, commercial uses.	Complies. The lot is surrounded by rural zoned land.
The suitability of the current and future road systems.	Complies. Conditions can be imposed relating to harvesting.

Local Planning Policy No 10 – Agroforestry and Plantations

The main Policy requirements are summarised in the table below.

Matters for consideration under the Draft Policy	Comment
<p>10.1 Continuing agricultural activities The policy is aimed at ensuring traditional agricultural activities such as cropping, grazing and food production remain the predominant landuse with agroforestry or plantations as an ancillary and complementary use.</p>	<p>Variation sought. The applicant is seeking to plant a whole lot which is discussed separately in this report.</p>
<p>10.2 Location and compatibility with adjacent land uses The policy recognises that there should be separation to residential and premises which are sensitive to chemical spraying.</p>	<p>Complies. Surrounded by rural land.</p>
<p>10.3 Economic benefits The policy recognises that Council is to have regard for economic benefits however places a higher priority on continued agricultural use in recognition that it is difficult to quantify the extent of any local economic benefits.</p>	<p>Complies.</p>
<p>10.4 Environmental benefits There are already broad environmental benefits associated with plantations and the policy lists more specific examples of environmental matters that will be taken into account such as mitigating salinity, creating vegetation links /</p>	<p>Complies. There is evidence in the land capability report and Farm Management Consultants report that there is potential for increased area of salinity, increased acidity of the soil and further degradation of fertility (under current management measures).</p>

corridors, using local native plantings to protect water courses.	
<p>10.5 Code of Practice for Timber Plantations in Western Australia (as amended)</p> <p>This Policy does not attempt to reiterate all of the requirements in the Codes of Practice however they should be addressed by each applicant.</p>	<p>Complies with conditions.</p> <p>If Council supports the application conditions are recommended to require a harvesting plan and aerial spray application management plan. It is unlikely that harvesting will occur in the medium term given the nature of the proposal, however it allows flexibility.</p>
<p>10.6 Fire Management Plans</p> <p>The draft policy seeks to outline minimum requirements for fire management plans and ensure that they are comprehensive. It also requires FMP to be compiled by a qualified fire consultant as many are compiled by consultants who do not have fire expertise.</p>	<p>Discussed separately in this report.</p>
<p>10.7 Water Quality</p> <p>Examines buffers</p>	<p>LPP 10 checklist requires the plan to require clear setbacks between plantation areas and watercourses.</p> <p>This has not been provided in the plan however the written information cites a 10 metre buffer which has been verbally confirmed with the applicant (although appears wider on site plan).</p> <p>A condition requiring a 20 metre buffer is included in the officer recommendation.</p>
<p>10.8 Plantation Management Plan</p> <p>The Policy requires submission of a Plantation Plan in accordance with Appendix 1 of the Code of Practice.</p>	<p>A plantation plan has been lodged as part of the application and includes the FMP, establishment plan, weed control methods etc</p>
<p>10.9 The suitability of the current and future road systems (for harvesting only).</p>	<p>As the property is located on South Coast Highway and will include harvesting, the Policy requires <u>its referral to Main Roads WA before determination.</u></p> <p>Due to time constraints it is proposed that in this case <u>a condition be imposed requiring a harvest plan to be lodged and approved by Council</u></p>

	on advice from Main Roads WA prior to any harvesting activities occurring.
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Proposed Planting Area

The applicant is seeking a variation to the Shires Local Planning Policy No 10. The Policy states that '*Council will have regard for any specific circumstances where a variation to this criteria 10.1 may be warranted, however in those cases the onus will be on the applicant to demonstrate the particular merits of a proposal or justification*'.

The Policy also states that '*the application should be accompanied by justification such as;*

- *Land Capability Studies;*
- *Farm Management Plan;*
- *Soil or water test results demonstrating areas not suitable for agriculture;*
- *Photographs showing shallow soils or rocky areas which visually demonstrate that the land is not suitable for agriculture.*
- *Demonstration that planting areas will have local environmental benefits for the specific location (refer 10.3). For example, larger planting areas may be warranted as block planting adjacent to a creekline, or for salinity prone areas. '*

The applicant has lodged a Land Capability Report Attachment 10.3.2 (B) and a report by a Farm Management Consultant Attachment 10.3.2 (C) in support of the proposal. Each report is discussed under headings below:

- ***Land Capability***

Land capability refers to the ability of land to support a type of landuse without causing damage. It considers the specific requirements of the landuse such as rooting depth & soil water storage, plus the risks of degradation associated with the use (eg wind erosion).

As far as Gray & Lewis understand the land evaluation standards, land capability classifications range from 1-5. One (1) essentially means there are very few limitations and the risk of land degradation is negligible. The higher scale of five (5) means there are severe limitations and the use is usually prohibitive in terms of development costs or the risk associated with degradation.

The Land capability report examined capability for broad dryland cropping and includes a table examining rooting depth, salinity hazard, soil water storage, water repellence, waterlogging and wind erosion. Of particular note is that salinity hazard ranged from Moderate to High hazard.

The report included an optimistic land capability rating of 3.6 and a pessimistic land capability rating of 4. This indicates a low land capability for broad dryland cropping.

- ***Property Condition Report***

A report on the condition of the property has been compiled by 'Farmanco' being a farm management consultant.

A summary of the main findings are included below:

- The property can only be described as in poor state of repair with limited infrastructure that is in a serviceable condition.
- The dams on the property are mostly dry and require cleaning out of the silt/catchment areas which will severely restrict the management of a livestock enterprise in the short term.
- The house on the property is dilapidated and would be deemed uninhabitable. The shearing shed would require significant maintenance.
- The soil types across the property are typical of the region and consist of mallee duplex with mostly sandy surface layer above a clay or gravel base. 2010 CSBP soil tests indicate many sites have low soil acidity, low phosphorus and low potassium levels. CO₂ soil tests indicate that much of the sand surface is non wetting.
- The weed burden across the property is significant and it is apparent that no weed control has taken place for many months.
- Economic analysis undertaken indicates that the property would be unlikely to generate a sufficient cash surplus to pay a reasonable price to the owner in its current form.
- There is potential for environmental benefit from the change of landuse to plantation with possible reduction in saline water flow from the property over the long term, particularly into the creek system on the southern boundary.
- The social impact of this change in landuse is limited as the property would only ever be an addition to an existing business and would not be capable of supporting a family unit in its own right.
- The property has been advertised for sale over the summer of 2009/2010 and there has been limited interest to date. The owner has previously leased the property (limited to grazing for stock only) for a considerable time previously and now seek to sell the property.

The report includes an executive summary – refer Attachment 10.3.2 (C). The crux of the report appears to be that the property has been neglected, it is not prime agricultural land, and it is unlikely to generate sufficient income to operate as a ‘stand alone’ farm (even with significant investment).

Gray & Lewis supports the application based on the combined information provided in the Land Capability report and advice of the Farm Management Consultants.

The report is clear that the property in the short term is not viable as a stand alone farm, but indicates that good agricultural management could mitigate most of the threats. The report indicates that in the long term and under well resourced good management of an adequate scale the property should be able to produce district average yields of crops and pastures with an acceptable return.

The likeliness of this occurring may be remote given the current state of the property.

As Councillors are most familiar with the local conditions, and have a good understanding of farm management issues, Gray & Lewis would encourage all Councillors to read the farm consultants report. Support for this application will set a precedent therefore Council needs to be satisfied with the information provided.

Fire Management Plan

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Gray & Lewis has been provided with two Fire Management Plans. The first appears to be a generic fire management plan used by CO2 for applications throughout Australia and includes broad information for all states. CO2 has advised that they lodged the generic report to demonstrate that they have broad experience dealing with fire management.

The second is a supplement document which includes more detailed fire management information relating to Lot 1459.

The Fire Management Plan(s) text do not address all of the matters listed under section 10.6 (fire management) of Local Planning Policy No 10 (LLP 10) – refer Attachment 10.3.2 (D). For example, it doesn't include a bush fire hazard assessment of the immediate surrounding area.

The Fire Management Plan is supported by a detailed site plan which includes information on access, dam locations etc

Gray & Lewis initially had concerns that the FMP states that '*the property should be viewed as a 4 wheel drive property*' and whether this was sufficient for emergency vehicle access. Informal discussions with FESA indicate that it is not a major concern and the majority of their fire vehicles are 4 wheel drive.

There are some aspects of the fire management plan that require more detailed clarification. For example, the FMP advises that there are nine water points however that these are dams fed by natural drainage and 'not necessarily reliable'. The FMP needs to provide assurances that there is will be water supply on site for fire management and how the proponent will manage that.

The combination of the text and site plan is considered sufficient to be able to support the proposed use, however the Fire management Plan is not approved as part of this application. It is recommended that a condition require a modified Fire Management Plan that complies with the Shires Policy. Once CO2 develop a 'template' that complies, then they can use that for any future applications in the Shire.

It is recommended that the proponent be provided with a copy of Attachment 10.3.2 (D) and a copy of Appendix 1 of Draft Local Planning Policy 12 – Fire Management Plan Requirements as point 6 outlines a bushfire hazard assessment.

A revised fire management plan can be included as a condition. Gray & Lewis has discussed the Fire Management Plan with the applicant so they are aware modifications are required.

Conclusion

Based on the information provided Gray & Lewis recommends supports the area of plantation subject to conditions.

STRATEGIC IMPLICATIONS

There may be strategic implications associated with the growth of plantations in rural areas if it results in the loss of prime agricultural land – this is still a concern for plantations proposed on whole farms/ lots. In this case the applicants have provided significant justification for the proposed use, and demonstrated that the property is not prime agricultural land.

STATUTORY REQUIREMENTS

Scheme requirements Explained in the body of this report.

Right of Review Under the Planning and Development Act 2005 The applicant has a right of review to the State Administrative Tribunal if aggrieved by any decision made by the Council, including any conditions imposed on development.

FINANCIAL IMPLICATIONS

The Shire pays fees to Gray & Lewis for planning advice.

POLICY IMPLICATIONS

Local Planning Policy No 10 has been used as a basis for assessing this application.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council;

- A. Approve the application lodged by CO2 Australia for a plantation on Lot 1459 South Coast Highway, Gardiner subject to the following conditions:**
- 1. The applicant to lodge a modified Fire Management Plan (FMP) with the Shire for separate written approval prior to commencement of planting or an alternative time frame approved in writing by the Shires Chief Executive Officer. The modified Fire Management Plan shall consolidate fire management information specific to the site, shall comply with the requirements of Local Planning Policy No 10 in the opinion of the Shire CEO and / or Shire Planning Officer, and is to include an updated site plan.**
 - 2. Any future reviewed/ revised Fire Management Plan is to be lodged with the Shire for written endorsement.**
 - 3. The owner/ applicant to make suitable arrangements to implement the recommendations of the Fire Management Plan approved in writing by the Shire.**
 - 4. The owner/ applicant is to provide the local fire brigade and FESA with a copy of the approved fire management plan for records and information.**

5. The owner/ applicant to ensure that a copy of the approved fire management plan is stored at the main entrance to the property in a secure, weatherproof and clearly labeled container at all times.
6. Internal roads / access tracks are to be adequately sign posted to provide clear direction to water points (for fire emergencies), exit points and emergency vehicle turnaround areas.
7. The owner to ensure that there are access connections to all water points / permanent dams required for fire management for access by emergency fire vehicles.
8. The plantation is not to be harvested until a harvesting plan is lodged and approved separately in writing by the Shire on advice from Main Roads WA. The Shire may require lodgement of a bond prior to harvesting to ensure existing roads are maintained to the pre-harvesting standard.
9. Any harvesting shall be in accordance with a harvesting plan approved in writing by the Shire and subject to any further conditions specified by the Shire.
10. All works to be conducted in accordance with the Plantation Management Plan submitted with the application (except the FMP to be approved separately) including measures such as weed management and retention of existing remnant vegetation.
11. The owner / applicant to submit an aerial spray application management plan prior to any aerial spraying on site for the proposed plantation areas. The plan is to be in accordance with Appendix 3 of the Timber Code of Practice and should ensure protection of any watercourses from any spray drift.
12. All planting compartments / areas shall have a minimum buffer separation distance of 20 metres to any water course / drainage line unless otherwise approved in written by the Shire having regard for advice of the Department of Water.

B. Include the following footnote advice on the approval;

- (i) The plantation is to operate in compliance with the Code of Practice for Timber Plantations and FESA 'Guidelines for Plantation Fire Protection'.
- (ii) In regards to Condition 1, the Shire seeks a revised FMP to comply with its Local Planning Policy requirements. Once a standard format is developed by CO2 it can be used for future applications. If CO2 reviews or updates its Fire Management Plan, then it must lodge updated copies with the Shire for endorsement.
- (iii) The owner / applicant is advised that to comply with Condition 1 you must formally lodge a written request with a revised fire management plan seeking the Shires separate written approval of the plan. If a revised plan cannot be produced before the planting commences on site, then you must advise Council in writing when a revised management plan will be lodged.

An approved fire management plan needs to be in place prior to commencement of fire season. To assist the Shire attaches a copy of the FMP assessment, LPP 10 and LPP 12. Council officers are able to assist with development of a revised plan, which can be used by CO2 as a basis for any new applications.

- (iv) In regards to Condition 12, a 20 metre buffer is required under the Shires Local Planning Policy No 10 in accordance with the Department for Water Water Quality Protection Note on '*Vegetation buffers to sensitive water resources*'. The 20 metre buffer is supported on the basis that the landowner / applicant uses a combination of practices (multiple contaminant barriers) to protect water quality. If the applicant seeks a lesser buffer they should liaise with Department of Water and provide the Shire with written DoW advice for review of this matter.
- (v) The applicant is advised that the application should have been referred to Main Roads WA for advice and comment as the property is located on South Coast Highway (under the care and control of Main Roads WA). MRWA advice has not been sought up front due to time limitations for the Council agenda, however it is recommended that the applicant liaise with MRWA regarding harvesting routes as soon as possible.

Any harvesting plan will require separate approval from the Shire, and will be referred to Main Roads WA for comment.

- (vi) The applicant is advised that this application has been supported based on the specific merits of this application and having regard for specific site characteristics. Support for the extent of the plantation area should not be construed as support for any future application.

C. Attaches a copy of the Fire Management Plan Assessment Attachment 10.3.2 (D), Local Planning Policy No 10 and Draft Local Planning Policy No 12 to the planning approval letter.

1.31 pm Mrs Solomon left the meeting.
1.32 pm Mrs Solomon entered the meeting.
1.38 pm Cr Hobbs left the meeting.

OC051008 Moved Cr Trevaskis / Seconded Cr Bailey

That Council defer a decision on this matter until the June 2010 Ordinary meeting of Council and request more information from the applicant including soil & water test results linked to aerial imagery clearly demonstrating areas not suitable for agriculture as stated in Section 10.1.1 Local Planning Policy 10.

Carried 6-0

Reason: Council felt that the information to date was inconclusive to support a variation to the policy.

1.44 pm Cr Hobbs returned to meeting.

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.3
SUBJECT:	Draft Local Planning Policy 13 – Extractive Industries
LOCATION/ADDRESS:	This policy will apply to all land zoned ‘Rural’ within the Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Planning Officer, Craig Pursey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	6 May 2010

SUMMARY

Council is to consider a draft Local Planning Policy which will provide a general guide on information to be submitted for applications for extractive industries, and lists matters that Council will consider in processing applications.

The Policy has been advertised for public comment, and modifications are recommended in response to submissions.

Adoption of the Local Planning Policy (with modifications) is recommended.

ATTACHMENTS

- Attachment 10.3.3 (A) - Draft Local Planning Policy No 13 and Application checklist (suggested modifications are shown in red text).
- Attachment 10.3.3 (B) - Government Authority submissions.

BACKGROUND

Previous Council decision – March 2010

Council adopted Draft Local Planning Policy No 13 at its March 2010 meeting (refer Item 10.3.5 – OCM 16 March 2010).

CONSULTATION

- ***Formal Advertising***

The Draft Local Planning Policy No. 13 required advertising for a minimum of 21 days to comply with Clause 2.4.1 of the Shire of Jerramungup Local Planning Scheme No 2 (‘the Scheme’).

The Draft Policy was advertised for 21 days closing on the 27 April 2010. The policy was also referred to a number of government agencies for comment during this period.

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A total of 6 submissions were received; all from government agencies. Their submissions are addressed individually below. A full copy of each submission can be found at Attachment B.

Department of Water (DoW) submission

The DoW raised three issues with the policy, these are summarised below:

Submission	Response
Recommendation for a standard 50m vegetated buffer to <i>all</i> waterways	The Policy currently recommends a 40m setback to intermittent watercourses and 50m from permanent water courses. The proposed setbacks were based on other similar policies elsewhere in the State. The suggestion of a standard, consistent buffer distance of 50m will be simpler to administer and ensure better protection of waterways. Modification to the Policy is supported.
The submission seems to imply that if a buffer to a waterway is not vegetated then revegetation should occur that is at least to the standard of a well-grassed pasture.	Revegetation of buffers to water courses is generally supported as a sound environmental outcome in most circumstances. However, it is considered unreasonable to apply as a condition of approval. If an adequate buffer distance between a water course and excavation pit is maintained it is difficult to prove a 'planning need' for revegetation.
Support for the referral of all applications to the DoW that are within a Public Drinking Water Source Area or adjacent to significant rivers	Noted, already covered in the Policy.

Department of Mines and Petroleum (DMP) submission

The DMP submission identifies the basic raw materials resources within the Shire and provides links to tools that will identify these resources when considering applications within the Shire. It notes that extractive industry falls outside of the Mining Act 1978.

The Policy currently refers to the DMP as Department of Industry and Resources. This department has been restructured and is now named the Department of Mines and Petroleum; the Policy should be amended to recognise this change.

Department of Indigenous Affairs (DIA) submission

The DIA submission identified the registered sites throughout the Shire and provided access to the data base that has these records. This will assist the Shire in determining when to refer an extractive industry application to the DIA as part of the assessment process.

Main Roads WA

General support for the policy.

Tourism WA

General support for the policy.

Department of Environment and Conservation (DEC)

The DEC have requested a number of changes including:

- Refer to protection of native vegetation in the policy objectives;
- Requiring information on native vegetation and dieback issues in the written application;
- Provided examples of extractive industry where the application needs to be referred to the DEC for comment;
- Add "*close to a national park or nature reserve*" to the matters to be considered by Council; and
- Raise the importance of dieback as an environmental consideration.

The issues raised by the DEC are minor in nature and rightly emphasise the need to protect native vegetation and be mindful of dieback in development of extractive industries. If an application is to be referred to the DEC they will require information on native vegetation and dieback in order to assess an application.

COMMENT

The old Shire Town Planning No 20 on Extractive Industries has been used as a basis for a revised and updated Policy.

A summary of the Draft Policy is included below;

- A detailed application checklist has been developed as a guide for applicants, and to ensure that applications include the information required for a complete assessment of an extractive industry.
- The Policy requires all extractive industry applications to be advertised for public comment, due to the potential for emissions such as noise and dust.
- The Policy outlines the EPA buffer requirements, and requires referral to the EPA if a lesser buffer is proposed.
- It outlines situations where applications may be referred to external authorities for advice.
- The existing Scheme requirements are referenced, and the Policy outlines that Council will have regard for the objectives of the Rural zone.
- The Policy specifies minimum setbacks to roads, property boundaries, easements and watercourses.

- It generally limits approvals to 5 years of excavation unless otherwise approved by Council.
- The Policy outlines the issues that Council needs to consider such as visual impact, rehabilitation, future planning, landuse compatibility, traffic, transport routes / road capability etc
- The Policy specifies that contributions towards road upgrading may be required.
- It includes a list of standard conditions which may be applied by the Shire.
- The Policy directs proponents to the WAPC Manual on extractive industries, as a useful tool and guide on other necessary approvals.

Modifications

In response to the submissions received a number of minor modifications to the Policy are recommended. These are as follows:

- Clause 5.3 being amended to refer to the Department of Mines and Petroleum (DMP) rather than Department of Industry and Resources; and
- Clauses 5.3.1 and 5.4.1 being amended to require all excavation areas/pits being setback 50m from all water courses.

Conclusion

It is recommended that Council adopt the Draft Policy for final approval, subject to two minor modifications made in response to the submissions received.

STATUTORY REQUIREMENTS

Clause 2.2 of the Scheme provides for the preparation of Local Planning Policies.

Clause 2.4 of the Scheme sets out requirements for making a Local Planning Policy, and requires all Local Planning Policies to be advertised for a period of 21 days.

Clause 2.4.3 of the Scheme requires a notice to be published in a local newspaper once a Policy has been adopted.

STRATEGIC IMPLICATIONS

The Policy will act as a tool to guide future development.

FINANCIAL IMPLICATIONS

Council has paid all costs associated with advertising of the Policy, and planning fees to Gray & Lewis for drafting the Policy.

POLICY IMPLICATIONS

A copy of the Policy is included in Attachment 10.3.3 (A). Modifications are shown in red.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

1. Adopt Local Planning Policy No 13 pursuant to Clause 2.2 of the Shire of Jerramungup Town Planning Scheme No 2 for final approval inclusive of the following minor modifications:
 - a) Clause 5.3 being amended to refer to the Department of Mines and Petroleum (DMP) rather than Department of Industry and Resources;
 - b) Clauses 5.3.1 and 5.4.1 being amended to require all excavation areas/pits being setback 50m from all water courses; and
 - c) The requirements of the Department of Conservation and Environment be included as shown in red at Attachment A – draft Local Planning Policy 13.
2. Write to all authorities who lodged a submission, and advise them of the Council's decision to adopt Local Planning Policy No 13 with modifications.
3. Publish a public notice in an official newspaper circulating in the area to notify the public that Council has adopted Local Planning Policy No 13 with modifications (in accordance with Clause 2.4.3 (a) of the Shire of Jerramungup Local Planning Scheme No 2).

OC051009 Moved Cr Bailey / Seconded Cr Barrett

That Council:

1. **Adopt Local Planning Policy No 13 pursuant to Clause 2.2 of the Shire of Jerramungup Town Planning Scheme No 2 for final approval inclusive of the following minor modifications:**
 - d) Clause 5.3 being amended to refer to the Department of Mines and Petroleum (DMP) rather than Department of Industry and Resources;**
 - e) Clauses 5.3.1 and 5.4.1 being amended to require all excavation areas/pits being setback 50m from all water courses; and**
 - f) The requirements of the Department of Conservation and Environment be included as shown in red at Attachment A – draft Local Planning Policy 13.**
2. **Write to all authorities who lodged a submission, and advise them of the Council's decision to adopt Local Planning Policy No 13 with modifications.**
3. **Publish a public notice in an official newspaper circulating in the area to notify the public that Council has adopted Local Planning Policy No 13 with**

modifications (in accordance with Clause 2.4.3 (a) of the Shire of Jerramungup Local Planning Scheme No 2).

Carried 7-0

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.4
SUBJECT:	Draft Detailed Area Plan – Lot 231 Bremer Bay Road, Bremer Bay
LOCATION/ADDRESS:	Lot 231 Bremer Bay Road, Bremer Bay
NAME OF APPLICANT:	N/A
FILE REFERENCE:	A1603837
AUTHOR:	Planning Officer, Craig Pursey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	7 May 2010

SUMMARY

The Western Australian Planning Commission (WAPC) approved a subdivision (Stage 2) for Lot 231 Bremer Bay Road, Bremer Bay on the 20 November 2008 (reference #131320).

The applicant has submitted a Detailed Area Plan to fulfill a condition of subdivision. The Detailed Area Plan is supported and it is recommended that it be adopted and advertised for public comment by Council as a Local Planning Policy.

ATTACHMENT

Attachment 10.3.4 - Copy of draft Detailed Area Plan (DAP)

BACKGROUND

Council adopted a Planning Policy and Detailed Area Plan for stage one of the subdivision of Lot 231 Bremer Bay Road in June 2009. This was prepared and adopted to satisfy condition 17 of the approval at the time and is now adopted as Local Planning Policy 3.

The current stage (Stage 2) of the subdivision of Lot 231 Bremer Bay Road was supported by Council at their 15 April 2008 (*O.C.M 15.04.08 Item 11.3.1*) meeting and conditional approval was issued by the WAPC for the subdivision was issued on the 20 November 2008.

The WAPC approval was issued subject to a number of conditions including the following;

Condition 33:

“Preparation of detailed design guidelines for development of the land to the satisfaction of the Western Australian Planning Commission that include but are not limited to measures that

- *Minimise the visual impact of development on all lots, including limitations on retaining and fill;*

- *Provide surveillance of the public open space from indoor and outdoor living areas of lots abutting the public open space;*
- *Avoid development of sheds, garages and other ancillary buildings within the sightlines from these areas; and*
- *Ensure retention of visually permeable fencing/walls along boundaries adjoining the public open space. (Local Government)”*

In order to satisfy Condition 33 the applicant has lodged a Draft Detailed Area Plan (DAP) and suggested that Council adopt it as a Local Planning Policy.

CONSULTATION

The Policy will require formal advertising to meet statutory requirements.

If adopted by Council it is recommended that the DAP is referred to the Department of Planning for comment during the advertising period as the DAP is intended to satisfy a subdivision condition.

COMMENT

Detailed Area Plan

Council can adopt the DAP as a Local Planning Policy however it is important to note that Policies act as guidelines only and are not statutory documents. Local Planning policies can be varied by Council and are not legally binding like the Town Planning Scheme.

The DAP has been provided in a format that shows both a plan and a list of written requirements – refer to Attachment 10.3.4. Although this is not in the same format as other policies of Council this is one of the first DAP’s for the Shire. It is a standard format used throughout the rest of the State and it is viewed as an acceptable format for future DAP’s that may be required.

The plan part of the DAP shows the subdivision pattern, identifies the lots required to provide passive surveillance of public open space and where open style fencing will be provided as part of the subdivision.

The text down the side of the page outlines the policy requirements. Importantly, the objectives for the DAP are at the top of the page and they clearly state the intention and purpose of the DAP. As a DAP is a planning policy, and subsequently should act as a guideline, clearly stated objectives are important to guide future decision making of Council. If an applicant applies to the Council to relax any of the subsequent clauses of the DAP then the Council has a clear set of objectives for the development to refer to when considering any future application.

Visual Management

The clauses proposed are similar to those previously adopted by Council in Local Planning Policy 3. In this case visual management of Stage 2 of the subdivision is far more important than in Stage 1. The site is visually prominent in Bremer Bay and there a high number of sloping sites throughout the subdivision.

As a result the DAP proposes more stringent controls on earthworks and retaining. During the subdivision process it is proposed to retain the natural contours of the site and leave native vegetation in place wherever practical. Therefore change of level within lots is to occur at the development stage when people are actively developing individual lots. This has the advantage of:

- Retaining the natural topography as far as practical; and
- Retaining vegetation on the undeveloped lots.

This will have the affect of reducing the impact of the development when viewed from elsewhere in Bremer Bay.

However, as the topography of the lots will be changed during the development of individual lots rather than during the subdivision, it is important to control the way in which future individual landowners can change the topography of their lots.

The DAP proposes to achieve this through a number of measures:

- Sets out an objective to limit the height and location of retaining walls and earthworks;
- Retaining and changes to the topography are to be made within the future dwelling's footprint or behind the building line. This will to retain the natural topography when viewed from the street but still allow an individual to create a flat space as private living space.
- Requiring retaining walls to have a similar appearance over the whole development;
- Limits the height of retaining and earthworks; and
- Provides encouragement for future landowners to build dwellings that respect the natural topography rather than create large flat sites.

Subdivision Conditions

Condition 33 of the subdivision approval for Stage 2 requires that the DAP cover as a minimum four main issues. These have been adequately addressed as described in the table below.

Condition Requirement	Compliance
<i>Minimise the visual impact of development on all lots, including limitations on retaining and fill;</i>	Addressed See Visual Management section above.
<i>Provide surveillance of the public open space from indoor and outdoor living areas of lots abutting the public open space;</i>	Addressed Lots are identified on the Plan in the DAP. Identified lots are to provide active private living areas adjacent to POS areas. A window from a habitable room is required to overlook the POS.

<i>Avoid development of sheds, garages and other ancillary buildings within the sightlines from these areas; and</i>	Addressed Clause provided in the DAP in a similar manner as required in Stage 1 policy controls.
<i>Ensure retention of visually permeable fencing/walls along boundaries adjoining the public open space.</i>	Addressed Open style fencing to be provided at time of subdivision by developer. Clause included requiring its retention. Advice to prospective purchasers required.

Conclusion

The main aim of the DAP is to guide future development of Stage 2 of the subdivision of Lot 231 Bremer Bay Road. The DAP needs to satisfy the requirements of condition 33 of the current subdivision approval and the broader visual management issues for the site. The objectives and individual clauses of the DAP appear to provide appropriate solutions to these issues.

It is recommended that Council adopt the Detailed Area Plan as a Planning Policy for the purpose of initiating public advertising.

STATUTORY REQUIREMENTS

Clause 2.2 of the Scheme provides for the preparation of Local Planning Policies.

Clause 2.4 requires all Local Planning Policies to be advertised for a period of 21 days, and specifies methods available for advertising.

STRATEGIC IMPLICATIONS

The Policy will act as a tool to guide future development.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

A copy of the Policy is included in Attachment A

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council:

SIGNED BY PRESIDENT

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15th JUNE 2010

1. Adopt Detailed Area Plan for stage two of the subdivision of Lot 231 Bremer Bay Road, Bremer Bay pursuant to Clause 2.2 of the Shire of Jerramungup Town Planning Scheme No 2 for the purpose of initiating formal procedures including advertising.
2. Advertise the Detailed Area Plan in accordance with Clause 2.4 of the Shire of Jerramungup Town Planning Scheme No 2 by publishing a notice of the proposed policy once a week for two consecutive weeks in a newspaper circulating in the area, giving details of;
 - (i) where the draft policy may be inspected;
 - (ii) the subject and nature of the Policy and
 - (iii) inviting written submissions and nominating the advertising period (not less than 21 days).
3. In particular, write to the Department of Planning seeking their comments on the draft Detailed Area Plan during the 21 day advertising period.
4. Following advertising, a further report be referred to Council to consider any submissions lodged during the advertising period and to consider whether to finally adopt the Local Planning Policy (with or without modifications).

2.00pm Mr Edwards left the meeting.

2.02pm Mr Edwards entered the meeting.

OC051010 Moved Cr Bailey / Seconded Cr Hobbs

That Council:

1. **Adopt Detailed Area Plan for stage two of the subdivision of Lot 231 Bremer Bay Road, Bremer Bay pursuant to Clause 2.2 of the Shire of Jerramungup Town Planning Scheme No 2 for the purpose of initiating formal procedures including advertising.**
2. **Advertise the Detailed Area Plan in accordance with Clause 2.4 of the Shire of Jerramungup Town Planning Scheme No 2 by publishing a notice of the proposed policy once a week for two consecutive weeks in a newspaper circulating in the area, giving details of;**
 - (i) where the draft policy may be inspected;**
 - (ii) the subject and nature of the Policy and**
 - (iii) inviting written submissions and nominating the advertising period (not less than 21 days).**
4. **In particular, write to the Department of Planning seeking their comments on the draft Detailed Area Plan during the 21 day advertising period.**

4. **Following advertising, a further report be referred to Council to consider any submissions lodged during the advertising period and to consider whether to finally adopt the Local Planning Policy (with or without modifications).**

Carried 7-0

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.5
SUBJECT:	Proposed wash down bay at the Gairdner River Rangers Station
LOCATION/ADDRESS:	Murray Road road reserve
NAME OF APPLICANT:	Department of Environment and Conservation (DEC)
FILE REFERENCE:	
AUTHOR:	Planning Officer, Craig Pursey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	7 May 2010

SUMMARY

The Department of Environment and Conservation (DEC) have applied to construct a wash down bay and associated infrastructure at the Gairdner River Rangers Station.

The Rangers Station is located in the Murray Road road reserve and a neighbouring unclaimed crown reserve (UCL). Road reserves are controlled as Reserves under the Scheme and approval of Council is required for development in a road reserve.

The proposal is a minor extension of an existing land use.

It is recommended that the application be approved without conditions.

ATTACHMENT

Attachment 10.3.5 – copy of written application, site plan and floor plans

BACKGROUND

Location / site description

The Gairdner River Rangers Station is located largely in the Murray Road road reserve near the intersection with Devils Creek Road, as shown below. The remainder of the Rangers Station is located in adjacent Reserve 33258 that is currently Unclaimed Crown Land (UCL).



Zoning

The subject land is reserved 'Road' Reserve 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.

COMMENT

Description of proposal

The DEC wishes to build a wash down bay suitable for light vehicles and fire trucks at the Gairdner River Rangers Station. The DEC application states that "...*the purpose of the wash down bay is to improve dieback hygiene practices associated with DEC operations at the station and ultimately across the western portion of the Fitzgerald River National Park.*"

The extent of development proposed includes:

- Concrete wash down bay with a silt trap;
- Low colourbond fence on three sides
- 3 concrete sumps;
- A 45,000l water tank; and
- Clearing of approximately 300m² of vegetation.

The details of the proposal are at Attachment 10.3.5.

Clearing of Vegetation

As the development is located in a road reserve the DEC's normal exemptions under the 'Clearing Regulation's do not apply. They have requested that the permission for clearing is undertaken through the Shire's standard exemption entitlement under these Regulations for clearing to construct a building or structure.

Scheme Requirements – planning consideration

As explained in the background of this report Council is to have regard for the ultimate purpose of the Reserve. Clearly a ranger's station is not what would usually be expected in a road reserve. However, the ranger's station is existing development and Council is being asked to consider the wash down bay only.

The ranger's station has been located in the Murray Road road reserve for many years. The extension proposed is minor in nature and is designed to wash down vehicles – a use that is at least related to the use of vehicles and may be reasonable to locate in a road reserve.

Conclusion

The proposed development is a minor extension of an existing land use. Although it is located in a road reserve the proposed land use is broadly consistent with the reserves purpose.

Approval is recommended.

STRATEGIC IMPLICATIONS

There are environmental benefits through the provision of the proposed facilities in assisting to limit the spread of Dieback in the National Park.

STATUTORY REQUIREMENTS

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

FINANCIAL IMPLICATIONS

N/A

POLICY IMPLICATIONS

Not applicable.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council,

1. Approve the application lodged by the Department of Environment and Conservation unconditionally for a wash down bay and associated infrastructure in the Murray Road road reserve; and
2. Support the associated 300m² of clearing required to enable the development of the proposed wash down bay and associated infrastructure.

OC051011 Moved Cr Lester / Seconded Cr Iffla

That Council,

1. **Approve the application lodged by the Department of Environment and Conservation unconditionally for a wash down bay and associated infrastructure in the Murray Road road reserve; and**
2. **Support the associated 300m² of clearing required to enable the development of the proposed wash down bay and associated infrastructure.**

Carried 7-0

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.6
SUBJECT:	Proposed new dwelling and outbuilding
LOCATION/ADDRESS:	Lot 110 Chuditch Close, Bremer Bay
NAME OF APPLICANT:	Mr Graeme Harris
FILE REFERENCE:	A1600304
AUTHOR:	Planning Officer, Craig Pursey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	7 May 2010

SUMMARY

An application has been lodged for a single house and outbuilding at Lot 110 Chuditch Close, Bremer Bay in Point Henry

Both the single house and outbuilding are over the heights recommended in the Scheme and applicable planning policy.

The application has been advertised to surrounding and nearby landowners for comment. No submissions have been received.

This report recommends that the application be conditionally approved.

ATTACHMENT

Confidential Attachment 10.3.6 (A) –Site plan, floor plan and elevations
Attachment 10.3.6 (B) - Owners submission with photographs

BACKGROUND

Site Description

Lot 110 Chuditch Close is located at the end of Chuditch Close on the edge of the Point Henry Rural Residential area as shown below.

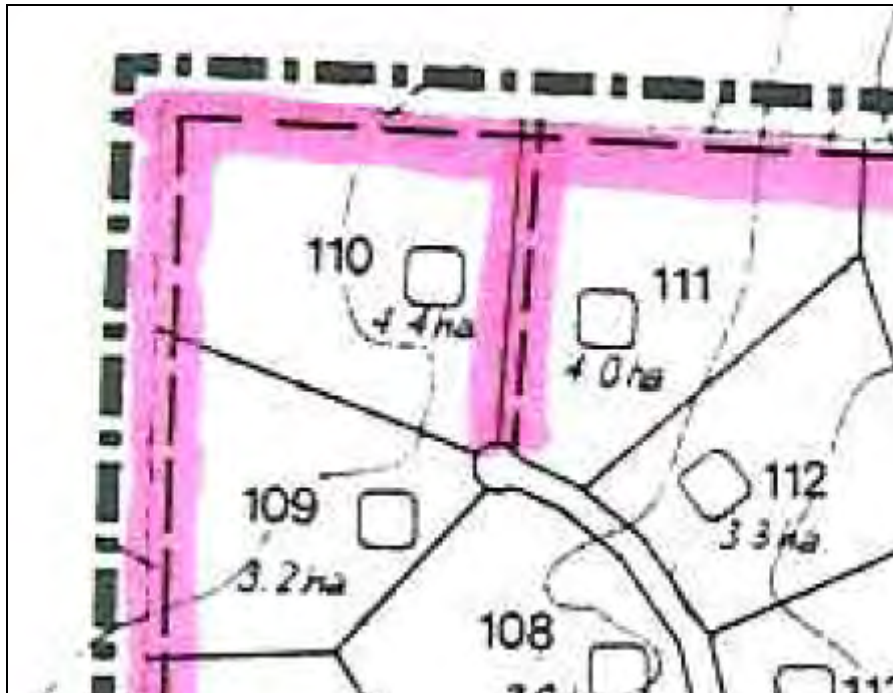


The subject site is largely vegetated with an undulating topography. A strategic break runs through the south eastern corner of the lot and along the northern and western boundaries and these form part of the greater strategic break system in Point Henry.

The building site has already been cleared and is serviced by a constructed driveway.

Building Envelope

A Subdivision Guide Plan with building envelopes applies to all lots in Point Henry. The building envelopes on the approved guide plan are relatively nominal as shown below.



The existing cleared area is located within the approved building envelope.

COMMENT

Application

The application is summarised below;

- A new residence within the original approved building envelope (part of Point Henry Subdivision Guide Plan)
- The residence has total ridge height 8.2 metres from natural ground level at its highest point. However, most of the dwelling is effectively single storey with a steeply pitched roof containing a mezzanine floor extending to the highest point.
- A 223m² outbuilding is proposed, clad in 'Mountain Blue' colourbond.
- The outbuilding proposes a wall height of 4.5m and a roof height of 6.0m.

The applicants have submitted a letter and photographs of the site which are at Attachment 10.3.6 (B).

Zoning

The lot is zoned 'Rural Residential 1' under the Shire of Jerramungup Local Planning Scheme No 2. All development in this zone requires planning approval.

Scheme Requirements

There are specific provisions applicable to the 'Rural Residential' zone and Council can have regard for matters such as colours, materials, building height and bulk, architectural design, relationship to surrounding development and bush fire control.

General compliance with the Scheme is summarised below;

Clause	Summary	Comment	Compliance
5.75.3(e)	All buildings to be contained in the building envelope	The original building envelope has been retained. Some clearing and earthworks have occurred.	Complies – all buildings are within the original building envelope.
5.75.3(h)	Driveways to be located to minimise soil erosion and visibility of driveways	There is an existing driveway which the owners have submitted photographs of.	Complies.
5.73.3(i)	Materials to be non reflective and blend with the environment	The new dwelling is proposed to be constructed out of hard wood jarrah weatherboard, timber, glass and a colorbond roof.	Complies.
5.73.3(j)	Buildings are not to exceed 5 metres in height from natural ground level to the apex of the roof unless the local government is satisfied a higher building will not be visually obtrusive	The residence has a high point of 8.2m from natural ground level (at its highest point). The house is proposed on a small hill that has been lowered by 1m. Most of the dwelling is below 5m in height with the exception of a high pitched roof and mezzanine floor.	The application has been referred to neighbours and no objections to visual impact have been lodged. The ground floor will be screened from surrounding development by the existing peppermint trees. The upper floor will protrude above but is

			lower in the wider landscape than much of the rest of Point Henry. The site is unlikely to be seen from any beach and is far enough away to not detrimentally affect the view from any from any tourist vantage point.
5.73.3(l)	Require 97 kilolitre tank and on site effluent disposal prior to occupation of dwelling.	Rainwater tanks are shown on the site plan and there will be a condition requiring installation.	Complies
Schedule 11	20 metre front setback and 15 metre setback from all other boundaries	The setbacks exceed the minimums.	Complies.

Outbuilding – Local Planning Policy No 16

Local Planning Policy No 16 is used as a guide for assessment of outbuildings, and includes recommended outbuilding sizes and heights. The Policy is a guide and can be varied at the discretion of Council, having regard for normal planning considerations such as amenity, streetscape and visual amenity.

The table below shows the applicable requirements for Rural Residential lots greater than 3ha in area.

	Maximum Wall Height (metres)	Maximum Ridge Height (metres)	Maximum floor area (aggregate)
Policy Requirement	4.2	5.0	240m ²
Proposal	4.5	6.0	223m ²

The floor area of the outbuilding complies with the Policy. However the applicant is seeking a variation to allow for an increased wall and roof height.

It is recommended that Council support the variation for the following reasons;

- The proposed outbuilding is located in a hollow at least 100m from the closest building envelope. Therefore any potential for visual impact on streetscape, neighbouring landowners or from Tooleburrup Hill is diminished.
- The applicant has advised that he has a large bus (mobile home) which is to be stored under cover.
- No objections from adjacent landowners have been lodged.

Fire Management

The Scheme and the WAPC policy "Planning for Bushfire Protection" provide the requirements for protection of dwellings in bushfire prone areas. They establish requirements for siting of buildings, access and water supply, a number of these are dealt with at subdivision stage. However requirements for low fuel zones, adequate access and building standards are to be dealt with in this instance at the development stage.

The dwelling and outbuilding are to have a low fuel zone established around their perimeter at a minimum of 20m wide in accordance with the requirements of 'Planning for Bushfire Protection'.

There are strategic firebreaks running through the south eastern corner of the lot and along the northern and western boundaries. The building envelope should be connected to the strategic fire break system to the north or west to provide two avenues of escape in the event of a fire.

Lastly, the buildings will need to be constructed in accordance with Australian Standard 3959 to the appropriate level stipulated in this document given the surrounding topography and vegetation type.

Consultation

The application was referred to adjacent landowners and a number of landowners further away for comment and no submissions were received.

Conclusion

The application generally complies with the Scheme requirements and conditional approval is recommended.

STRATEGIC IMPLICATIONS

Nil

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

Nil

POLICY IMPLICATIONS

Explained in body of this report.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council;

1. Approve the application lodged by Mr Graeme Harris for a single house and outbuilding subject to the following conditions;
 - (i) The external walls of the house and outbuilding are to be constructed out of non reflective materials.
 - (ii) The roof of the house and outbuilding is to be constructed out of non reflective colorbond materials.
 - (iii) The driveway and all strategic breaks to be maintained at a trafficable standard at all times.
 - (iv) Water tank(s) with a minimum capacity of 97 kilolitres and approved on site effluent disposal must be installed and in operation prior to occupation of dwelling.
 - (v) The building envelope being connected via a two wheel drive trafficable surface to the strategic firebreak system to provide a second escape path in the event of fire.
 - (vi) All stormwater from roofed and paved areas shall be collected and disposed of on-site to the satisfaction of Council.

2. Advise the applicant in footnotes on the planning approval that;
 - (a) Owners need to ensure that sufficient turnaround is provided for fire safety and building separation and hazard separation zones are maintained in accordance with 'Planning for Bush Fire Protection' produced by FESA /WA Planning Commission.
 - (b) Buildings need to be constructed in accordance with Australian Standard 3959: Construction of Buildings in Bushfire Prone areas.
 - (c) Planning approval is not consent for site works or construction. A building licence is required prior to any commencement of works.

OC051012 Moved Cr Hobbs / Seconded Cr Iffla

SIGNED BY PRESIDENT

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15th JUNE 2010

That Council;

- 1. Approve the application lodged by Mr Graeme Harris for a single house and outbuilding subject to the following conditions;**
 - (i) The external walls of the house and outbuilding are to be constructed out of non reflective materials.**
 - (ii) The roof of the house and outbuilding is to be constructed out of non reflective colorbond materials.**
 - (iii) The driveway and all strategic breaks to be maintained at a trafficable standard at all times.**
 - (iv) Water tank(s) with a minimum capacity of 97 kilolitres and approved on site effluent disposal must be installed and in operation prior to occupation of dwelling.**
 - (v) The building envelope being connected via a two wheel drive trafficable surface to the strategic firebreak system to provide a second escape path in the event of fire.**
 - (vi) All stormwater from roofed and paved areas shall be collected and disposed of on-site to the satisfaction of Council.**

- 2. Advise the applicant in footnotes on the planning approval that;**
 - (a) Owners need to ensure that sufficient turnaround is provided for fire safety and building separation and hazard separation zones are maintained in accordance with 'Planning for Bush Fire Protection' produced by FESA /WA Planning Commission.**
 - (b) Buildings need to be constructed in accordance with Australian Standard 3959: Construction of Buildings in Bushfire Prone areas.**
 - (c) Planning approval is not consent for site works or construction. A building licence is required prior to any commencement of works.**

Carried 7-0

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.7
SUBJECT:	Proposed new outbuilding (Storage and workshop)
LOCATION/ADDRESS:	Lot 10 George Street, Bremer Bay
NAME OF APPLICANT:	Mr Mick Batchelor
FILE REFERENCE:	A1604663
AUTHOR:	Planning Officer, Craig Pursey
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	10 May 2010

SUMMARY

Council is to consider an application for a new outbuilding on Lot 10 George Street, Bremer Bay

The applicant has liaised with surrounding landowners and lodged letters of non objection from all surrounding owners.

The outbuilding exceeds the maximum floor area, wall height and ridge height stipulated in Local Planning Policy 16.

It is recommended that the application be refused and delegated authority be extended to the CEO to issue a planning approval for a smaller outbuilding.

ATTACHMENT

- Confidential attachment 10.3.7 (A) – copy of site, floor and elevation plans, a letter that supports the application and neighbours comment.
- Attachment 10.3.7 (B) – photographs of existing house

BACKGROUND

Site Description

Lot 10 George Street, Bremer Bay is a relatively large residential lot 2023m² in area. Lot 10 was created through the amalgamation of former Lots 108 and 109. There is a single house and attached garage the eastern half of Lot 10 (formerly Lot 108).

The western half of Lot 10 is currently vacant with a stand of native vegetation retained in the front of this space, as shown in the images below.



Location Plan of Lot 10 George Street, Bremer Bay



Site Plan of Lot 10 George Street, Bremer Bay

Zoning

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

COMMENT

Application

Council has received an application for an outbuilding at Lot 10 George Street, Bremer Bay. The outbuilding is proposed to have a floor area of 150m², wall height of 3.7m and a high point at the roof pitch of 4.6m.

The application includes:

- A site plan, floors plans and elevations of the proposed outbuilding, copies of which are at Confidential Attachment 10.3.7 (A).
- A photograph of the site provided by the applicant viewing the site from George Street;
- Standard letters signed by all adjoining landowners indicating no objection to the size of the proposed outbuilding; and
- A letter that offers the following explanation for the size of the proposed outbuilding:

"The shed is required for the storage and security of two trailers, two boats, a four wheel drive vehicle, a motorbike, a skidsteer loader, workshop equipment, and a workshop area. ...The larger of the boats requires a minimum safe entry height of 3.44metres. This equates to a gutter height of 3.7metres and a total height (gable height) of 4.58m."

The application also provides the following supporting information:

- The building will be constructed out of colorbond and no zincalume is proposed.
- The outbuilding is proposed at 37m from the front setback;
- There is existing native vegetation to screen the outbuilding from the George Street that will be supplemented with further planting;
- A Neeta screen fence will be constructed around the perimeter of the site to screen the outbuilding; and
- The outbuilding is setback 3 and 4 metres from the neighbouring boundaries and this area will be further landscaped to assist with screening the building.

Consultation

The owner has consulted with all six adjacent landowners and lodged letters of non objections from all of them. The letters are dated April and May of 2009 but none of the landowners have changed in this time and their comments remain valid.

Residential Design Codes

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

- *Setback Compliance based on R15 requirements*

Setback	Required	Proposed	Compliance
Front setback	6 metres	37 metres	Complies
Side Setback (west)	1.5 metres	4 metres	Complies
Side Setback (east)	1.5 metres	21 metres	Complies
Rear (south)	1.5 metres	3 metres	Complies

Local Planning Policy 16 – Outbuildings

Council adopted Local Planning Policy No 16 for final approval on the 18 September 2008.

The table below shows the applicable requirements.

	Maximum Height (metres)	Wall	Maximum Ridge Height (metres)	Maximum floor area (aggregate)
Requirements for Residential	3		4.2	90m ²
Proposed	3.7		4.6	150m ²

Although it is recognised that the outbuilding is substantially larger than the size recommended in the policy, it is important that Council recognises that the Policy is a guideline only and each application still needs to be assessed based on its individual merit.

Council has the discretion to vary the Policy following consultation with surrounding landowners.

The Policy states that *‘Any variations to the policy will require the applicant to demonstrate exceptional circumstances as to why the policy should be relaxed with the*

proposal being presented to an Ordinary Meeting of Council for determination. Assessment of the application will require consultation with adjoining and affected landowners.'

The Policy outlines matters to be taken into consideration by Council in considering Policy variations such as;

1. The visibility of the proposed outbuilding(s) as viewed from a street, public space or neighbouring property;
2. The need for removal of any native vegetation or major trees;
3. Comments for adjacent neighbours/landowners;
4. Preservation of useable on site open space areas;
5. The ability for the outbuilding(s) to be screened by existing or proposed landscaping;
6. Whether support for the application will set an undesirable precedent for similar sized surrounding lots;
7. The impact of the development on streetscape and the character of the area;
8. Any potential for impact on the amenity of the locality;
9. The objectives of the zone;
10. All relevant general matters as set out in Clause 10.2 of the Scheme; and
11. Any other matter considered relevant by the Council.

Conclusion/Recommendation

Given the large size of the proposed outbuilding the applicant was approached with a view to reducing the size of the outbuilding. The applicant has reiterated the need for the size of the outbuilding for storage and in particular to accommodate the size and length of his boat (being 9.5m long when on the trailer).

It is acknowledged that the outbuilding application provides many sound reasons for Council to consider a variation in this instance. These include:

1. The outbuilding is proposed to the rear of the subject site; existing and proposed native vegetation will screen the outbuilding from the road and will not have any adverse impact on the streetscape.
2. The application has been referred to adjacent landowners and no objections were received.
3. The outbuilding is set back from the side and rear boundaries and this area will be fenced and landscaped to soften the impact on neighbouring properties side and rear boundaries.
4. Lot 10 George Street is a large lot (over 2000m²) and will retain large areas of useable open space and is unlikely to set a precedent for similar sized lots in the immediate area (as there as none).
5. The applicant is a builder and boat owner and appears to have a legitimate need for storage of boats, recreational vehicles and work vehicles out of sight in a secure environment.

However, the extent of the variation being requested is considerable. The Policy recommends a floor area of 90m²; 150m² is being applied for. At this size the outbuilding may be considered to be close to losing its residential scale and, despite the

screening proposed, will remain a substantial building when viewed from both George Street and surrounding properties.

There is also considerable potential to set an undesirable precedent for other similar sized applications in Bremer Bay given the high incidence of boat and other recreational vehicle ownership.

Therefore it is recommended that the current application for an outbuilding be refused.

However, *in special circumstances* the policy does allow for “*the erection of no more than two outbuildings with a maximum aggregate area of 120m²...*”. Whilst this proposal is for a single outbuilding and not two individual outbuildings totalling 120m²; in this instance it may be appropriate to approve a single outbuilding with a maximum floor area of 120m² given the following circumstances:

- The owners requirement for a larger shed and slightly higher wall and ridge height;
- The proposed location at the rear of the property, well back from side and rear boundaries;
- Lot 10 being substantially larger than surrounding residential lots; and
- The proposed screening vegetation and lack of neighbours’ objections.

It is therefore recommended that delegated authority be extended to the CEO to issue a planning approval for an outbuilding with a maximum floor area of 120m². This will have the affect of saving a months delay in the processing of the application should both the Council and applicant agree to the reduced outbuilding size.

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.

In the event where Council may set aside an officer recommendation it is important to note that the same assessing officer would not be able to be used as a witness in support of Councils decision, should a SAT matter go to full hearing.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Explained in body of this report.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council;

1. Refuse the application for an outbuilding on Lot 10 George Street, Bremer Bay lodged by Mick Batchelor for the following reasons:
 - a) The proposed floor area greatly exceeds that recommended in Council's Local Planning Policy No 16 and will create an undesirable precedent for other similar applications.
 - b) The outbuilding is of a size that is out of scale in a residential setting.
2. Delegated Authority be extended to the Chief Executive Officer under Clause 11.3.1 of the Shire of Jerramungup Local Planning Scheme No.2 to issue a Planning Approval for an outbuilding at Lot 10 George Street, Bremer Bay with a maximum floor area of 120m² subject to the following conditions:
 - a) All stormwater from roofed and paved areas shall be collected and disposed of on-site to the satisfaction of Council.
 - b) The outbuilding is to be constructed in non reflective materials.
 - c) The outbuilding is not to be used for habitation.
 - d) The outbuilding being screened from the surrounding lots and adjacent road by the use of suitable trees and shrubs.
 - e) The owner/applicant is to submit a landscaping and reticulation plan for the upgrading of landscaping in the front, side and rear setback areas in order to screen the outbuilding from the street and neighbouring properties, prior to the issue of a building licence. The plans shall show the species and quantity of all plant types to be planted.
 - f) The area of land to be landscaped being developed prior to, or concurrently with the practical completion of the outbuilding. All landscaped areas are to be maintained in good condition thereafter.
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) The landscaping plan required by condition (e) of this approval should detail the plants to be used, the manner in which they will be reticulated and not include the following species:
Pampas Grass, Watsonia, Purple Senecio, Sydney golden wattle, Victorian tea tree, Dolichos pea, Blackberry, Bridal creeper, Taylorina, Arum lily and Gorse.

That Council;

1. Refuse the application for an outbuilding on Lot 10 George Street, Bremer Bay lodged by Mick Batchelor for the following reasons:
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 - (i) Planning approval should not be construed as an approval to commence works as a separate building licence is also required.
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Pampas Grass, Watsonia, Purple Senecio, Sydney golden wattle, Victorian tea tree, Dolichos pea, Blackberry, Bridal creeper, Taylorina, Arum lily and Gorse.

Carried 7-0

SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.8
SUBJECT:	Proposed Plantation (50 hectares)
LOCATION/ADDRESS:	Lot 1878 Monjebup Road, Boxwood Hill
NAME OF APPLICANT:	CO2
FILE REFERENCE:	
AUTHOR:	Gray & Lewis
DISCLOSURE OF ANY INTEREST:	Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of <i>Local Government Act 1995</i>
DATE OF REPORT:	11 May 2010

SUMMARY

Council is to consider an application for a carbon sequestration plantation on Lot 1878 Monjebup Road, Boxwood Hill.

The application has been assessed in accordance with Local Planning Policy No 10 and generally complies.

This report recommends that the application be conditionally approved.

ATTACHMENT

Confidential Attachment 10.3.8 -Copy of modified site plan lodged as 'Fire Management Map' on 8 May 2010.

BACKGROUND

Location

The subject property is known as 'Weedehoon' and is located on the eastern side of Monjebup Road approximately 7 kilometres from the intersection of Borden Bremer Bay Road and Monjebup Road.

The property has an approximate area of 970 hectares, and is currently used for cropping and sheep grazing.

Site Description

The majority of the land is cleared with the exception of two pockets of remnant vegetation – refer Attachment 10.3.8.

The site contains a number of watercourses traversing the property.

Zoning & Landuse Permissibility

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

SIGNED BY PRESIDENT

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15th JUNE 2010

Under the Scheme, the proposed landuse is construed as a 'plantation' which is a discretionary use in the Rural zone meaning that *'the use is not permitted unless the local government has exercised its discretion by granting planning approval'*.

COMMENT

Description of application

The application proposes a 50 hectare plantation area (two compartments) adjacent to existing remnant vegetation in the eastern portion of the lot. There will still be significant cleared areas on the remaining 920 hectares to allow for continued agricultural use.

The applicant has advised as follows;

- The block plantings consist of multiple pairs of rows, with rows 2 metres apart with 4 metres between pairs. Target tree spacing along the row is 2.22 metres to yield a stocking rate of 1500 stems per hectare.
- There is no infrastructure in the eastern part of the property.
- Access is from the western boundary at Monjebub Road. No additional road construction is required for the establishment of the plantation and condition of access will be monitored as the property is visited to ensure access is of a sufficient standard for operations to be carried out (planting, monitoring , fire management).
- Ripping to a depth of 500mm will be conducted prior to planting and assist with infiltration, absorption and retention of soil moisture.
- Seedlings will usually be planted manually and the species used will be *Eucalyptus loxophleba* and *Eucalyptus polybractea*.
- Replanting will be carried out the following season in all areas below 80% stocking (ie less than 1200 stems average per hectare).
- Weed control will be monitored by CO2 staff and carried out as necessary using various methods such as pre-cultivation, spraying, slashing, grazing etc
- Each site will be inspected once a week for the first 3 months and then once a month for the following 3 months. Monitoring will decrease after the first 6 months but will still involve regular inspections.

Gray & Lewis supports the proposed planting area which equates to approximately 5.1% of the property area. It is clear from the aerial site plan that there are remaining significantly cleared areas that may be used for agriculture.

Relevant Scheme Requirements

The objectives of the Rural zone include;

- *'to ensure the continuation of broad hectare farming as the principal landuse in the district and encouraging where appropriate the retention and expansion of agricultural activities where the land is capable of such development.'*
- *'To consider non rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources of the environment.'*
- *To help protect rural land from degradation and further loss of biodiversity byencouraging rehabilitation of salt affected areas...'*
- *'To promote the sustainable management of natural resources, and the prevention of land degradation.'*

Clause 5.26.3 of the Scheme has specific requirements applicable to the 'Development of Agroforestry and Plantations' and lists matters to be considered as summarised below;

Matters for consideration under the Scheme	Comment
The Code of Practice for Timber Plantations in WA	<p>The Code of practice is mainly orientated towards commercial plantations such as timber harvesting. There are applicable aspects such as weed control etc which the application complies with.</p> <p>The site plan contained in the Management Plan has limited detail, and needs to include a more detailed map.</p> <p>Gray & Lewis requested a more detailed plan from the applicant when compiling this report. A detailed site plan was lodged on the 8 May 2010 as a 'Fire Management' map (Attachment 10.3.8).</p>
Submission of plantation management plan in accordance with the protocol in the Code of Practice	<p>The applicant has lodged a management plan which examines matters such as plantation design, soils, weed control etc.</p> <p>The applicant should update the plan in the Management Plan so it is consistent with the Fire Management Plan and shows the details of access, entry, existing buildings etc.</p>
The need to encourage the commercial production of trees which is of significance to the national, regional and local economy.	Complies.
The benefits of agroforestry and plantations in addressing land degradation including soil erosion and salinity.	Complies.
The role of agroforestry and plantations in protecting water quality and preventing adverse effects on ground water re-charge.	Assessment of the buffers to watercourses cannot be conducted – discussed separately in report.
The location of the land in relation to land zoned for residential, industrial,	Complies. The lot is surrounded by rural zoned

commercial uses.	land.
The suitability of the current and future road systems.	Complies. Conditions can be imposed relating to harvesting. Harvesting is unlikely to occur as species are being planted for carbon sequestration.

Local Planning Policy No 10 – Agroforestry and Plantations

The main Policy requirements are summarised in the table below.

Matters for consideration under the Draft Policy	Comment
<p>10.1 Continuing agricultural activities The policy is aimed at ensuring traditional agricultural activities such as cropping, grazing and food production remain the predominant landuse with agroforestry or plantations as an ancillary and complementary use.</p>	<p>Complies. The plantation area is limited and allows for agriculture to continue on the land. Generally a 30-35% maximum planting area is encouraged in the Policy, although each application is assessed on its merits on a 'case by case' basis. The total planting area is relatively insignificant at 5.1%.</p>
<p>10.2 Location and compatibility with adjacent land uses The policy recognises that there should be separation to residential and premises which are sensitive to chemical spraying.</p>	<p>Complies. Surrounded by rural land.</p>
<p>10.3 Economic benefits The policy recognises that Council is to have regard for economic benefits however places a higher priority on continued agricultural use in recognition that it is difficult to quantify the extent of any local economic benefits.</p>	<p>Complies.</p>
<p>10.4 Environmental benefits There are already broad environmental benefits associated with plantations and the policy lists more specific examples of environmental matters that will be taken into account such as mitigating salinity, creating vegetation links / corridors, using local native plantings to protect water courses.</p>	<p>Complies. The plantation area is to the north of an existing remnant vegetation area and will provide a link to vegetation along an east-west watercourse. The applicant indicates that there is mallee fowl habitat nearby and that the plantation will build on this. The applicant also cites broader</p>

	<p>environmental benefits such as improved water quality, and reduced impact of salinity on the land.</p> <p>It should be noted that the applicant refers to a reserve located to the south. The lot to the south is well vegetated however it is in private ownership and is not a reserve.</p>
<p>10.5 Code of Practice for Timber Plantations in Western Australia (as amended)</p> <p>This Policy does not attempt to reiterate all of the requirements in the Codes of Practice however they should be addressed by each applicant.</p>	<p>Complies with conditions.</p> <p>If Council supports the application conditions are recommended to require a harvesting plan and aerial spray application management plan. It is unlikely that harvesting will occur given the nature of the proposal, however it allows flexibility.</p>
<p>10.6 Fire Management Plans</p> <p>The draft policy seeks to outline minimum requirements for fire management plans and ensure that they are comprehensive. It also requires FMP to be compiled by a qualified fire consultant as many are compiled by consultants who do not have fire expertise.</p>	<p>The FMP is generally supported however should be modified to address all of the matters in section 10.6 of LPP 10.</p> <p>The FMP was discussed with the applicant who has lodged a separate 'bushfire hazard assessment' map, and fire management map – these should be consolidated into an updated final Fire Management Plan.</p>
<p>10.7 Water Quality</p> <p>Examines buffers</p>	<p>Complies with condition – buffers discussed separately in this report.</p>
<p>10.8 Plantation Management Plan</p> <p>The Policy requires submission of a Plantation Plan in accordance with Appendix 1 of the Code of Practice.</p>	<p>A plantation plan has been lodged as part of the application and includes the FMP, establishment plan, weed control methods etc. The site plan should be updated to reflect the more detailed Fire Management plan site plan.</p>
<p>10.9 The suitability of the current and future road systems (for harvesting only).</p>	<p>A condition can be imposed requiring a harvest plan to be lodged and approved by Council prior to any harvesting activities occurring.</p>

Buffers to Watercourses

The site plan shows a watercourse/ drainage line in the north east portion.

The applicant states that 'a system of buffers of various widths will be applied in accordance with the size of drainage lines'. The application or plan does not give clarification on what distances / buffers will be applied.

LPP 10 checklist requires the plan to require clear setbacks between plantation areas and watercourses. This has not been provided in the plan or written information so has not been assessed.

LPP 10 requires:

- (a) A 50 metre buffer for permanent water or greater ephemeral streams which can be reduced to 30 metres where the landowner practices protect water quality.
- (b) A 30 metre buffer to ephemeral streams and margins of water supply/ drainage which can be reduced to 20 metres where the landowner practices protect water quality.

Note: Gray & Lewis has assumed that the watercourse shown on the site plan is a more minor ephemeral stream as there was insufficient time to liaise with Department of Water.

A minimum 20 metre buffer is recommended (as a condition) unless the applicant can obtain written endorsement by DoW to a lesser buffer. The condition has been worded to provide flexibility.

Conclusion

The proposed planting area is supported and approval subject to conditions is recommended.

STRATEGIC IMPLICATIONS

There may be strategic implications associated with the growth of plantations in rural areas if it results in the loss of prime agricultural land – this is still a concern for plantations proposed on whole farms/ lots.

STATUTORY REQUIREMENTS

Scheme requirements Explained in the body of this report.

Right of Review Under the Planning and Development Act 2005 The applicant has a right of review to the State Administrative Tribunal if aggrieved by any decision made by the Council, including any conditions imposed on development.

FINANCIAL IMPLICATIONS

The Shire pays fees to Gray & Lewis for planning advice.

POLICY IMPLICATIONS

Local Planning Policy No 10 has been used as a basis for assessing this application.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council;

Approve the application lodged by CO2 Australia for a plantation on Lot 1878 Monjebup Road, Boxwood Hill subject to the following conditions;

1. The applicant to lodge a modified Fire Management Plan (FMP) with the Shire for separate written approval prior to commencement of planting or an alternative time frame approved in writing by the Shires Chief Executive Officer. The modified Fire Management Plan shall consolidate fire management information specific to the site, shall comply with the requirements of Local Planning Policy No 10 in the opinion of the Shire CEO and / or Shire Planning Officer, and is to be updated to include the 'Bush fire Hazard Assessment Map' and 'Fire Management Map' lodged separately with the Shire on the 8 May 2010.
2. Any future reviewed/ revised Fire Management Plan is to be lodged with the Shire for written endorsement.
3. The owner/ applicant to make suitable arrangements to implement the recommendations of the Fire Management Plan approved in writing by the Shire.
4. The owner/ applicant is to provide the local fire brigade and FESA with a copy of the approved fire management plan for records and information.
5. The owner/ applicant to ensure that a copy of the approved fire management plan is stored at the main entrance to the property in a secure, weatherproof and clearly labeled container at all times.
6. Internal roads / access tracks are to be adequately sign posted to provide clear direction to water points (for fire emergencies), exit points and emergency vehicle turnaround areas.
7. The owner to ensure that there are access connections to all water points / permanent dams required for fire management for access by emergency fire vehicles.
8. The plantation is not to be harvested until a harvesting plan is lodged and approved separately in writing by the Shire. The Shire may require lodgement of a bond prior to harvesting to ensure existing roads are maintained to the pre-harvesting standard.
9. Any harvesting shall be in accordance with a harvesting plan approved in writing by the Shire and subject to any further conditions specified by the Shire.
10. All works to be conducted in accordance with the Plantation Management Plan submitted with the application (except the FMP to be approved

separately) including measures such as weed management and retention of existing remnant vegetation.

11. The applicant shall update the Plantation Management Plan to include a more detailed site plan (consistent with the 'Fire Management Plan' lodged separately with the Shire on the 8 May 2010).
12. The owner / applicant to submit an aerial spray application management plan prior to any aerial spraying on site for the proposed plantation areas. The plan is to be in accordance with Appendix 3 of the Timber Code of Practice and should ensure protection of any watercourses from any spray drift.
13. All planting compartments / areas shall have a minimum buffer separation distance of 20 metres to any water course / drainage line unless otherwise approved in writing by the Shire having regard for advice of the Department of Water.

B. Include the following footnote advice on the approval;

- (i) The plantation is to operate in compliance with the Code of Practice for Timber Plantations and FESA 'Guidelines for Plantation Fire Protection'.
- (ii) In regards to Condition 1, the Shire seeks a final revised FMP to comply with its Local Planning Policy requirements. The revised FMP shall include:
 - The 'Bush fire Hazard Assessment Map' and 'Fire Management Map' lodged separately with the Shire on the 8 May 2010.
 - A fire suppression response examining the ability of the local fire brigade to respond to a fire on the property, having regard for distance, existing available local equipment and the location of on site water supply.
 - Outline the owners responsibilities, applicant responsibilities and Shire responsibilities.
 - The site plan to show turnaround areas for emergency vehicles.
 - The site plan to show the location for emergency signage. All signage to be in accordance with the specifications / sizes outlined in 'Planning for Bushfire Protection' – AS 3.4.3(x).
 - The site plan to identify existing or proposed gates where firebreaks/emergency accesses intersect with fencing that can accommodate a 3.4 fire appliance.
 - Location / details of any fuel storage.

Once a standard format is developed by CO2 it can be used for future applications. If CO2 reviews or updates its Fire Management Plan, then it must lodge updated copies with the Shire for endorsement.

- (iii) The owner / applicant is advised that to comply with Condition 1 you must formally lodge a written request with a revised fire management plan seeking the Shires separate written approval of the plan. If a revised plan cannot be produced before the planting commences on site, then you must advise Council in writing when a revised management plan will be lodged.

An approved fire management plan needs to be in place prior to commencement of fire season. Council officers are able to assist with development of a revised plan, which can be used by CO2 as a basis for any new applications.

- (iv) In regards to Condition 12, a 20 metre buffer is required under the Shires Local Planning Policy No 10 in accordance with the Department for Water Water Quality Protection Note on '*Vegetation buffers to sensitive water resources*'. The 20 metre buffer is supported on the basis that the landowner / applicant uses a combination of practices (multiple contaminant barriers) to protect water quality. If the applicant seeks a lesser buffer they should liaise with Department of Water and provide the Shire with written DoW advice for review of this matter.
- (v) The applicant is advised that this application has been supported based on the specific merits of this application and having regard for specific site characteristics. Support for the extent of the plantation area should not be construed as support for any future application.

OC051014 Moved Cr Lester / Seconded Cr Atkin

That Council;

Approve the application lodged by CO2 Australia for a plantation on Lot 1878 Monjebup Road, Boxwood Hill subject to the following conditions;

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- 2. Any future reviewed/ revised Fire Management Plan is to be lodged with the Shire for written endorsement.**
- 3. The owner/ applicant to make suitable arrangements to implement the recommendations of the Fire Management Plan approved in writing by the Shire.**
- 4. The owner/ applicant is to provide the local fire brigade and FESA with a copy of the approved fire management plan for records and information.**
- 5. The owner/ applicant to ensure that a copy of the approved fire management plan is stored at the main entrance to the property in a secure, weatherproof and clearly labeled container at all times.**
- 6. Internal roads / access tracks are to be adequately sign posted to provide clear direction to water points (for fire emergencies), exit points and emergency vehicle turnaround areas.**
- 7. The owner to ensure that there are access connections to all water points / permanent dams required for fire management for access by emergency fire vehicles.**
- 8. The plantation is not to be harvested until a harvesting plan is lodged and approved separately in writing by the Shire. The Shire**

- may require lodgement of a bond prior to harvesting to ensure existing roads are maintained to the pre-harvesting standard.
9. Any harvesting shall be in accordance with a harvesting plan approved in writing by the Shire and subject to any further conditions specified by the Shire.
 10. All works to be conducted in accordance with the Plantation Management Plan submitted with the application (except the FMP to be approved separately) including measures such as weed management and retention of existing remnant vegetation.
 11. The applicant shall update the Plantation Management Plan to include a more detailed site plan (consistent with the 'Fire Management Plan' lodged separately with the Shire on the 8 May 2010).
 12. The owner / applicant to submit an aerial spray application management plan prior to any aerial spraying on site for the proposed plantation areas. The plan is to be in accordance with Appendix 3 of the Timber Code of Practice and should ensure protection of any watercourses from any spray drift.
 13. All planting compartments / areas shall have a minimum buffer separation distance of 20 metres to any water course / drainage line unless otherwise approved in writing by the Shire having regard for advice of the Department of Water.

B. Include the following footnote advice on the approval;

- (i) The plantation is to operate in compliance with the Code of Practice for Timber Plantations and FESA 'Guidelines for Plantation Fire Protection'.
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 - Outline the owners responsibilities, applicant responsibilities and Shire responsibilities.
 - The site plan to show turnaround areas for emergency vehicles.
 - The site plan to show the location for emergency signage. All signage to be in accordance with the specifications / sizes outlined in 'Planning for Bushfire Protection' – AS 3.4.3(x).
 - The site plan to identify existing or proposed gates where firebreaks/emergency accesses intersect with fencing that can accommodate a 3.4 fire appliance.
 - Location / details of any fuel storage.

Once a standard format is developed by CO2 it can be used for future applications. If CO2 reviews or updates its Fire Management Plan, then it must lodge updated copies with the Shire for endorsement.

- (iii) The owner / applicant is advised that to comply with Condition 1 you must formally lodge a written request with a revised fire management plan seeking the Shires separate written approval of the plan. If a revised plan cannot be produced before the planting commences on site, then you must advise Council in writing when a revised management plan will be lodged.
An approved fire management plan needs to be in place prior to commencement of fire season. Council officers are able to assist with development of a revised plan, which can be used by CO2 as a basis for any new applications.
- (iv) In regards to Condition 12, a 20 metre buffer is required under the Shires Local Planning Policy No 10 in accordance with the Department for Water Water Quality Protection Note on '*Vegetation buffers to sensitive water resources*'. The 20 metre buffer is supported on the basis that the landowner / applicant uses a combination of practices (multiple contaminant barriers) to protect water quality. If the applicant seeks a lesser buffer they should liaise with Department of Water and provide the Shire with written DoW advice for review of this matter.
- (v) The applicant is advised that this application has been supported based on the specific merits of this application and having regard for specific site characteristics. Support for the extent of the plantation area should not be construed as support for any future application.

Carried 7-0

Mr Pursey withdrew Item 10.3.9 - Proposed single house Lot 224 McGlade Close, Bremer Bay from the meeting due to information being received. This item will be presented at the June 2010 Ordinary Meeting of Council.

A D M I N

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.1
SUBJECT:	Administration Status Report
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Shire of Jerramungup
FILE REFERENCE:	
AUTHOR:	Bill Parker
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	10 May 2010

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

Full payment for the transportable buildings has been received. At the time of preparing this report the proponent was arranging for the buildings to be removed.

2) Jerramungup Residential Land Developments

Detailed design has progressed with the Shire receiving the first draft of the proposed development documentation. It is anticipated that tenders will be presented to Council in July 2010.

3) Farmland Water Response Planning

In consultation with the Elected Group, the Shire has ceased negotiations with the proponent. Alternative locations for the harvesting facility are currently being investigated.

4) Industrial Land Bremer Bay

This item has been lodged with WAPC for final approval.

5) Bremer Bay Medical Centre

The Shire has included provisions for a medical centre within the proposed Bremer Bay Town Centre.

6) Local Government Amalgamations

No further information on this matter.

7) Bremer Bay Town Centre

Submissions closed at 4.00pm Friday 30th April 2010.

The Shire has received a number of submissions from members of the public and service authorities.

An application for funding has been prepared and submitted under the Regional Development Assistance Program.

The Shire anticipates considering the submissions, preparing an amended structure plan taking into account community/industry feedback and presenting an item to Council in July/August 2010.

Once the Structure Plan is adopted by Council in draft format, Community workshops will be conducted.

8) Town Site Revitalisation – Jerramungup

The Shire advertised for community members to form a working group and further progress this project. Submissions closed on 23 April 2010.

The working party will consist of;

1. Janine Barrett
2. Neil Foreman
3. Bianca Gray
4. Tracy Parsons
5. Nikki Carthew
6. Christine Petersen

The first meeting of the working party was on Tuesday 11 May 2010.

9) Fitzgerald River National Park Upgrade

The Shire met with Main Roads on Tuesday 13 April 2010. At this meeting Main Roads formally requested that the Shire construct the section of road from Swamp Road to the intersection of Doubtful Island Road in 2010/11.

An item in relation to the Shire's participation in this project will be considered at this meeting.

10) Power Generation

In response to the Shire's Strategic Plan, the strategic objectives adopted by Council in February 2009 and ongoing power issues within Jerramungup and Bremer Bay, the Great Southern Development Commission has developed an Expression of Interest process for a biomass facility within the Shire.

Strong feedback has been received. Submissions close on 28 May.

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.2
SUBJECT:	Jerramungup Bushfire Advisory Committee Meeting
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Bill Parker
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	28 April 2010

RECOMMENDATION

THAT the minutes of the Jerramungup Bushfire Advisory Committee meeting held on 27 April 2010 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendations adopted.

1. That Council endorse the recommendation to introduce the early suspension of the prohibited burning period to allow for stubble row burning subject to permit controls being in place e.g. after 6pm.
2. That Mr Wes Thomas is appointed to the position of Chief Fire Control Officer
3. That Mr Trevor Ross and Mr Trevor Brown are appointed to the position of Deputy Chief Bush Fire Control Officer.
4. That Mr Wes Thomas is appointed to the position of Chief Fire Weather Officer.
5. That Mr Ray Trevaskis is appointed to the position of Deputy Chief Fire Weather Officer.
6. That the following individuals are appointed as Dual Fire Control Officers.

Gnowangerup/Needilup	Mr Trevor Brown
Jerramungup/Ravensthorpe	Mr John Mudie
Jerramungup/Kent	Mr Paul Hislop
Lake Grace/Jerramungup	Mr John Mudie
Boxwood/Albany	Mr Anthony Thomas
Boxwood/Gnowangerup	TBA
7. That the Shire of Jerramungup writes to Western Power to ascertain the process from an investigative and insurance perspective when Western Power infrastructure causes a fire on private property.

THAT the minutes of the Jerramungup Bushfire Advisory Committee meeting held on 27 April 2010 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendations adopted.

- 1. That Council endorse the recommendation to introduce the early suspension of the prohibited burning period to allow for stubble row burning subject to permit controls being in place e.g. after 6pm.**
- 2. That Mr Wes Thomas is appointed to the position of Chief Fire Control Officer**
- 3. That Mr Trevor Ross and Mr Trevor Brown are appointed to the position of Deputy Chief Bush Fire Control Officer.**
- 4. That Mr Wes Thomas is appointed to the position of Chief Fire Weather Officer.**
- 5. That Mr Ray Trevaskis is appointed to the position of Deputy Chief Fire Weather Officer.**
- 6. That the following individuals are appointed as Dual Fire Control Officers.**

Gnowangerup/Needilup	Mr Trevor Brown
Jerramungup/Ravensthorpe	Mr John Mudie
Jerramungup/Kent	Mr Paul Hislop
Lake Grace/Jerramungup	Mr John Mudie
Boxwood/Albany	Mr Anthony Thomas
Boxwood/Gnowangerup	TBA
- 7. That the Shire of Jerramungup writes to Western Power to ascertain the process from and investigative and insurance perspective when Western Power infrastructure causes a fire on private property.**

Carried 7-0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.3
SUBJECT:	Bremer Bay Youth Camp
LOCATION/ADDRESS:	lot 155 Bremer Bay Road Bremer Bay
NAME OF APPLICANT:	N/A
FILE REFERENCE:	
AUTHOR:	Bill Parker
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	6 May 2010

SUMMARY

In November 2009, Council considered leasing lot 155 Bremer Bay Road Bremer Bay to Megatime Pty Ltd. At this meeting Council resolved to defer negotiations until such time as the transportable buildings on the property were removed and negotiations with Edith Cowan University were finalised.

These stipulations have now been progressed and Council is now requested to consider finalising this transaction.

ATTACHMENT

Attachment 10.4.3 (a) Submission – Anne Gadsby
Attachment 10.4.3 (b) Email – Megatime Pty Ltd

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 3.58 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*

SIGNED BY PRESIDENT

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15th JUNE 2010

- 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 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 requested a modified annual lease fee.

Council considered the amended proposal at the September 2009 Ordinary Council Meeting. At this meeting Council resolved;

That Council;

- 1. a) *In accordance with s 3.58 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.

In November 2009, Council again considered this item. It was recommended to Council that;

After satisfying the requirements of s 3.58 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.*

This motion was not considered by Council as the following alternative motion was successfully resolved.

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.

This motion was carried 6-0 and staff have since arranged for the sale (tender considered by Council in December 2009) and removal of the transportable buildings, finalised negotiations with Edith Cowan University and commenced maintenance work on the ablution block.

Both the transportable buildings and Edith Cowan University buildings were purchased by Mr Ken Goldsworthy. Payment for the facilities has been received by the Shire and the process of removal has commenced.

Given that the Council resolution of November 2010 has been progressed, it is now requested that Council consider finalising this land transaction.

CONSULTATION

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

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.

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

COMMENT

Recent discussions with Megatime Pty Ltd suggest that the initial \$10,000 annual lease fee remains acceptable. The only variation to the original proposal is that Megatime are

granted a 10 year lease that commences post implementation of essential services such as water and electricity etc.

In essence, Megatime has requested a lease that commences 1 January 2011 that allows prior access for development.

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 3.58 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 taking into consideration an initial development period to establish essential services.
- 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.

OC051016 Moved Cr Iffla / Seconded Cr Bailey

After satisfying the requirements of s 3.58 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 indexed annually to CPI.**
- c. Maximum lease term of 5 years commencing 1st July 2010.**
- 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 5 year term of the proposed lease.**

Carried 7-0

Reason: Council felt that 5 years was a more appropriate term for the lease and that the commencement date should coincide with access to the property.

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.4
SUBJECT:	Eight (8) Year Review of Local Laws
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Shire of Jerramungup
FILE REFERENCE:	
AUTHOR:	DL Consulting
DISCLOSURE OF ANY INTEREST:	
DATE OF REPORT:	3 March 2010

SUMMARY

To undertake a statutory review of Shire of Jerramungup local laws in accordance with section 3.16 of the Local Government Act 1995.

ATTACHMENT

Nil

BACKGROUND

Section 3.16 of the *Local Government Act 1995* requires that a periodic review of all local laws is undertaken within a period of 8 years from the date the local law commenced or was last reviewed. Section 3.16 states:

3.16. Periodic review of local laws

- (1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*
- (2) The local government is to give State-wide public notice stating that —*
 - (a) the local government proposes to review the local law;*
 - (b) a copy of the local law may be inspected or obtained at any place specified in the notice; and*
 - (c) submissions about the local law 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.*
- (2a) A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.*
- (3) After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
- (4) When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.*

** Absolute majority required.*

The Shire has the following local laws which are due for review:

Local Law	Gazettal/Amendment Date
By-Laws relating to Reserves and Foreshores	1 st December 1989
Beach Access Local Law 1997	15 th August 1997
Dogs Local Law	7 th February 2003
Parking and Parking Facilities Local Law	5 th August 2005
Local Government Property Local Law	2 nd December 2005

A series of old and obsolete by-laws still currently exist for the Shire and these were considered as a separate report at the March 2010 Ordinary meeting.

CONSULTATION

Public consultation will be undertaken as part of the review process. Councillors will be given the opportunity to make comment on the draft amendments to the local laws.

COMMENT

Clause (2) of section 3.16 requires that public consultation be conducted for a period of at least 6 weeks as part of the review process. The public notice of the proposed review must be advertised State-wide, following which all submissions are to be considered by the local government and a report prepared of the review process and presented to Council. Council is then required to consider the report and determine whether or not it considers that the local law should be repealed or amended.

Consultation with internal officers has been initiated. To supplement the review process, a discussion paper will be prepared and made available to members of the public highlighting the proposed amendments to each local law, arising from the internal review process.

The following process and timeline is envisaged for the review process:

Stage	Date
1. Council resolution to conduct review	18 May 2010
2. Preparation of Discussion Paper & Placement of Public Notice	18 May 2010
3. Closure of Public Notice and Consultation Period	6 July 2010
4. Review of submissions and preparation of report to Council	12 July 2010

It is envisaged that a report on the review process will come back to Council in June 2010. Draft new local laws and any amendments to existing local laws will be available for review in May 2010. Should the Council determine that a Local Law requires amendment a separate process under section 3.12 of the Act will take place, which covers the making and amending of local laws.

The required eight year review of the local laws is now overdue and Council is requested to resolve that the Local Laws review process be commenced and that the review be advertised in accordance with section 3.16 (2) of the Act.

STATUTORY REQUIREMENTS

Agriculture and Related Resources Protection Act 1976
Cemeteries Act 1986
Dog Act 1976
Health Act 1911
Local Government Act 1995
Bushfires Act 1954

STRATEGIC IMPLICATIONS

Up to date and relevant local laws are an important cornerstone of good governance and service delivery. Local Government has a statutory and moral obligation to ensure that the regulation of local matters is conducted in a fair, efficient and reasonable manner.

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.

FINANCIAL IMPLICATIONS

Consultancy fees associated with the local law review; newspaper advertising costs associated with the review and government gazette advertising costs associated with amendments and new local laws.

POLICY IMPLICATIONS

There are no policy implications associated with this item at this point in time. However as a result of the review process and amendments made to local laws, amendments to specific Council policies may be required. Policy amendments, (if any), will be addressed in the review report to Council.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- (a) Resolves to undertake a review of its existing local laws; and

- (b) in accordance with section 3.16 (2) of the Local Government Act 1995, give public notice of its intention to undertake a review of its local laws.

OC051017 Moved Iffla / Seconded Cr Lester

That Council:

- (a) **Resolves to undertake a review of its existing local laws; and**
- (b) **in accordance with section 3.16 (2) of the Local Government Act 1995, give public notice of its intention to undertake a review of its local laws.**

Carried 7-0

SUBMISSION TO:	Administration
AGENDA REFERENCE:	10.4.5
SUBJECT:	Contaminated Site
LOCATION/ADDRESS:	Parcel 31866 Needilup Road
NAME OF APPLICANT:	N/A
FILE REFERENCE:	N/A
AUTHOR:	Bill Parker
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	10 th May 2010

SUMMARY

On 21 April 2010, the Shire of Jerramungup received a notification under the Contaminated Sites Act 2003 from the Department of Environment and Conservation with regard to Parcel 31866 Needilup Road. This site is informally known as the Needilup Refuse Facility.

This notification states that the parcel of land has been reported to the Department of Environment and Conservation as a known or suspected contaminated site.

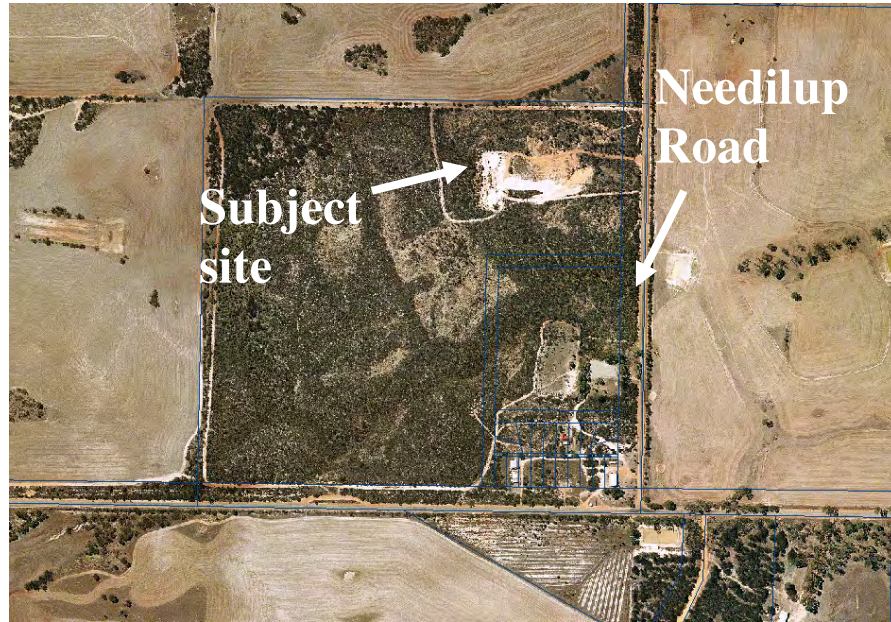
ATTACHMENT

Attachment 10.4.5 - Correspondence Department of Environment and Conservation

BACKGROUND

On 21 April 2010, the Shire received a notification under the Contaminated Sites Act 2003 stating that Parcel 31866 Needilup Road, Needilup has been reported as a known or suspected contaminated site.

The subject land is Unallocated Crown Land (UCL) and zoned as Recreation and Open Space under the Shire of Jerramungup Local Planning Scheme No.2.



The subject site has operated as an informal refuse facility for many years. Upon a recent inspection from the Department of Regional Development and Lands, it became apparent to the State Government that the site is being used as an unauthorised landfill facility. This landuse has the potential to cause contamination and consequently the site was reported to the Department of Environment and Conservation.

The reported inspection found that uncontrolled fill has been dumped in the area, including but not limited to drums, municipal waste and tyres.

A memorial stating the site's classification has been placed on the certificate of title. This will trigger the need for an investigation and risk assessment should the site be proposed for a more sensitive landuse.

CONSULTATION

Nil

COMMENT

All site classifications issued by the Department of Environment and Conservation are appealable.

Given that a memorial has been lodged against the site, the main restriction is if the Shire attempts to reclassify the site to a more sensitive landuse or enter into a process of subdivision. In this instance, the Western Australian Planning Commission may not approve the subdivision of the land or the amalgamation of the land without seeking and taking into account the advice of DEC as to the suitability of the land.

Given that the Shire has not planned for any development in Needilup and in reference to the local planning strategy that states;

'There are limited facilities in Needilup, including a hall, market and golf club. Expansion of residential development is not encouraged by the Council as the servicing costs for

such a relatively remote site from Jerramungup cannot be justified. The Council may take steps to have the townsite status revoked'.

It is recommended that Council does not appeal the contaminated site classification.

It is also recommended that the Shire looks to limit access to this facility immediately with a longer term view of remediating the site concurrently with the strategic waste management review scheduled for 2010/11.

STATUTORY REQUIREMENTS

The Contaminated Sites Act 2003 applies to this item.

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

FINANCIAL IMPLICATIONS

No financial implications are applicable at this stage. If the Shire is assessed as the responsible agency for remediating this site, financial implications will apply. This will be considered within the budget deliberations for the appropriate financial year.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council;

1. Resolves to not appeal the contaminated site classification issued for Parcel 31866 Needilup Road, Needilup.
2. Resolves to immediately limit access to Parcel 31866 Needilup Road, Needilup with a longer term view of remediating the site concurrently with the strategic waste management review scheduled for 2010/11.

OC051018 Moved Bailey / Seconded Cr Lester

That Council;

- 1. Resolves to not appeal the contaminated site classification issued for Parcel 31866 Needilup Road, Needilup.**
- 2. Resolves to immediately limit access to Parcel 31866 Needilup Road, Needilup with a longer term view of remediating the site concurrently with the strategic waste management review scheduled for 2010/11.**

Carried 7-0

COUNCILLOR REPORTS

11. COUNCILLOR REPORTS

Cr Barrett

Attended a Bush Fire Advisory Committee meeting

Cr Hobbs

Attended an ANZAC Day service – Gairdner Primary School

Attended an ANZAC Day service - Bremer Bay Primary School

Attended an ANZAC Day service – Bremer Bay

Attended a Townscape meeting

Attended a FOWEG meeting

Cr Iffla

Attended an ANZAC Day service – Bremer Bay Primary School

Attended a Boxwood Hill Combined Sports Club meeting

Cr Bailey

Attended an ANZAC Day Service - Hopetoun

Cr Lester

Cr Atkin

Attended a South Coast Management meeting

Cr Trevaskis

Attended an ANZAC Day service – Jerramungup

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

12.1 From Officers

Nil

12.2 From Elected Members

Cr Barrett requested information on the building licences to be reassessed.

Mr Parker informed Cr Barrett that the building licences were being reviewed by a consultant which should be finalised by the end of May.

Cr Barrett requested information on the sale of Council owned houses in Jerramungup.

Mr Parker responded that an offer & acceptance has been signed for 7 Kokoda Road. No offers have been made for 1 Coral Sea Road.

13. NEXT MEETING/S

13.1 Ordinary Meeting – 15th June 2010 to be held at the Council Chambers, Jerramungup.

14. CLOSURE

The President declared the meeting closed at 3.13pm.