

# SHIRE OF JERRAMUNGUP



## MINUTES

### COUNCIL ORDINARY MEETING

21<sup>st</sup> July 2009

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

<b>ORDINARY MINUTES – 21<sup>st</sup> July 2009</b>		
<b><u>INDEX</u></b>		
<b>ITEM NO.</b>	<b>DETAILS</b>	<b>PAGE</b>
9.1	Confirmation of Minutes	4
<b>WORKS</b>		
10.1.1	Works Report	6
<b>FINANCE</b>		
10.2.1	Overdue Rates	9
10.2.2	Outstanding Debtors	10
10.2.3	Accounts Payable	11
10.2.4	Monthly Financial Report to 30 <sup>th</sup> June 2009	13
10.2.5	Adoption of the 2009/2010 Budget	16
<b>HEALTH, BUILDING &amp; TOWN PLANNING</b>		
10.3.1	Planning Fee Schedule	26
10.3.2	Amended Plan for proposed subdivision – boundary re-alignment between 2 existing lots – Lot 1896 & 2052 South Coast Highway	32
10.3.3	Proposed plantation – Amended plan plantation on lot 2, 225, 247, 224 South Coast Highway Boxwood Hill	35
10.3.4	Draft Local Planning Policy 9 – Feedlots	49
10.3.5	Proposed road closure – Encroachment from Reserve 27035 into Pimelea street road reserve	52
10.3.6	Reconsideration of condition of planning approval for proposed plantation Lot 1854 Boxwood Hill Ongerup Road Boxwood Hill	55
10.3.7	Proposed single house & ‘shed/garage’ Lot 92 Black Rocks Road Bremer Bay	58
10.3.8	Proposed subdivision into 9 Lots – Lot 400 Wellstead Road Bremer Bay	65
<b>ADMIN</b>		
10.4.1	Administration Status Report	84
10.4.2	Proposed Naming – Phil Hadley Walk Trail	86
10.4.3	CSRFF Grants – Small Grants Round Boxwood Hill Sporting Complex	90
10.4.4	Confidential Item – Executive Manager Infrastructure Services; Renewal of Contract	92
<b>COUNCILLOR REPORT</b>		
11	Councillors Report	94
<b>NEW BUSINESS OF AN URGENT NATURE</b>		
12.2	Voting Delegates WALGA AGM	94

SHIRE OF JERRAMUNGUP

ORDINARY MEETING OF COUNCIL HELD IN THE TOWN HALL, BREMER BAY ON  
TUESDAY 21<sup>ST</sup> JULY 2009, COMMENCING AT 10.40AM.

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

The President declared the meeting open at 10.40am.

2. **RECORD OF ATTENDANCE**

Cr B Trevaskis	President
Cr T Barrett	Member
Cr C Hobbs	Member
Cr J Iffla	Member
Cr R Williams	Member
Cr B Atkin	Member

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

3. **APOLOGIES**

Cr W Bailey	Deputy President
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4. **LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Nil

5. **PUBLIC QUESTION TIME**

Nil

6. **APPLICATIONS FOR LEAVE OF ABSENCE**

OC070901 Moved Cr Iffla / Seconded Cr Barrett

*Cr Williams requested leave of absence for the September 2009 Council Meeting.*

**Carried 6-0**

**7. PETITIONS / DEPUTATIONS / PRESENTATIONS**

Mrs Priscilla Broadbent on behalf of the Townscape Group presented information on the historical naming of street signs and landscapes in relation to Council's decision not to support the naming of the garden adjacent to the Childcare centre and urged the Council to consider her presentation when considering item 10.4.2.

**8. DECLARATIONS OF FINANCIAL INTEREST**

Mr Edwards declared a financial interest Confidential Item 10.4.4. The nature of the interest is a contract of employment.

**9. CONFIRMATION OF MINUTES**

9.1 Ordinary Council Meeting of 16<sup>th</sup> June 2009

**OC070902 Moved Cr Williams / Seconded Cr Barrett**

*That the Minutes of the Ordinary Meeting of Council held 16<sup>th</sup> June 2009 be confirmed subject to an amendment being made to Page 93 (Order of Merit to Order of Australia Medal).*

**Carried 6-0**

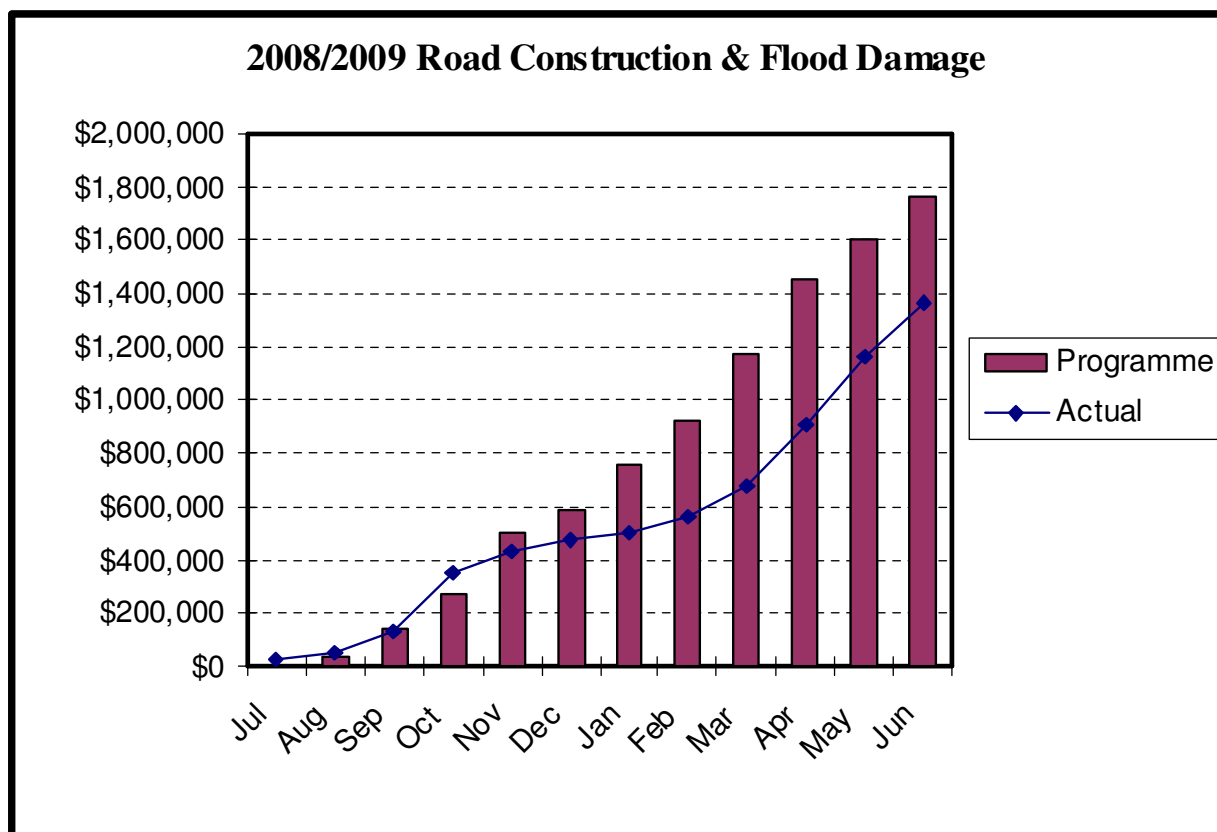
# WORKS

<b>SUBMISSION TO:</b>	Works
<b>AGENDA REFERENCE:</b>	10.1.1
<b>SUBJECT:</b>	Works Report
<b>LOCATION/ADDRESS:</b>	Shire of Jerramungup
<b>NAME OF APPLICANT:</b>	N/A
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Graham Edwards
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	15 July 2009

## CONSTRUCTION

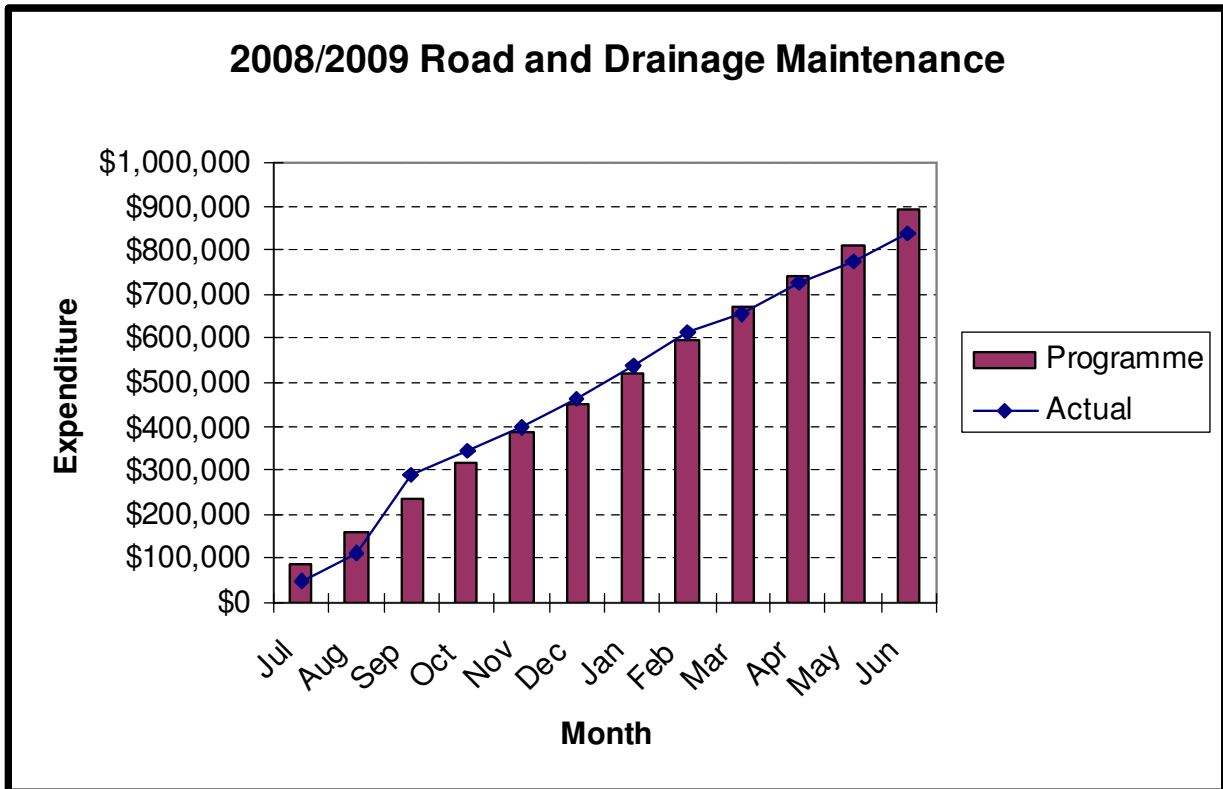
A review of project status for the 2008 / 2009 Road Construction Programme forms part of the 2009 / 2010 Budget process. Construction activity has been reduced while the 2009 / 2010 Road Construction Programme is finalised and scheduled, although forming and gravel sheeting is proceeding on Mallee and Fitzgerald Roads.

Although some committed costs are not included, the graph below indicates Road Construction expenditure against schedule at the end of financial year.



## ROAD MAINTENANCE

The graph below indicates Road Maintenance expenditure against schedule at the end of the 2008 / 2009 financial year.



The attached Road Maintenance summary 10.1.1 is indicative of the frequency of visits to a particular road during the financial year and the comparative maintenance expenditure based upon road length.

Continued development of the road data base and use of the job ledger, which can now be used to identify individual streets in towns and particular maintenance activities, will improve the reliability and usefulness of this information.

Road pavement failures and drainage problems at Jerramungup remain a major concern and the arrival of a contractor, who has been arranged to carry out repairs, is being awaited.

#### **RECOMMENDATION**

That the Works Report be received as presented.

#### **OC070903 Moved Cr Hobbs / Seconded Cr Iffla**

*That the Works Report be received as presented.*

**Carried 6-0**

# **FINANCE**

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<b>SUBMISSION TO:</b>	Finance
<b>AGENDA REFERENCE:</b>	10.2.1
<b>SUBJECT:</b>	Overdue Rates
<b>LOCATION/ADDRESS:</b>	
<b>NAME OF APPLICANT:</b>	Shire of Jerramungup
<b>FILE REFERENCE:</b>	3.12
<b>AUTHOR:</b>	Christine Petersen
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	30 <sup>th</sup> June 2009

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### **ATTACHMENT**

Previous Years Outstanding Rates Debtors as at 30<sup>th</sup> June 2009 \$47,210.56

67 Properties in excess as at 30<sup>th</sup> June 2009 = -\$28,734.73

16 Properties with overdue rates under \$80. = \$340.52

Total Overdue Rates as at 30<sup>th</sup> June = \$18,816.35

### **FINANCIAL IMPLICATIONS**

Nil

### **VOTING REQUIREMENTS**

Nil

### **RECOMMENDATION**

Presented to Council as information only.

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<b>SUBMISSION TO:</b>	Finance
<b>AGENDA REFERENCE:</b>	10.2.2
<b>SUBJECT:</b>	Outstanding Debtors
<b>LOCATION/ADDRESS:</b>	Shire of Jerramungup
<b>NAME OF APPLICANT:</b>	Shire of Jerramungup
<b>FILE REFERENCE:</b>	3.12
<b>AUTHOR:</b>	Christine Petersen
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	30 <sup>th</sup> June 2009

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### **ATTACHMENT**

Sundry Debtors Aged Trial Balance as at 30<sup>th</sup> June 2009

### **BACKGROUND**

Nil

### **COMMENT**

To date there is \$405,685.26 in outstanding debtors.

### **RECOMMENDATION**

Presented to Council as information only

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<b>SUBMISSION TO:</b>	Finance
<b>AGENDA REFERENCE:</b>	10.2.3
<b>SUBJECT:</b>	Accounts Payable
<b>LOCATION/ADDRESS:</b>	Shire of Jerramungup
<b>NAME OF APPLICANT:</b>	
<b>FILE REFERENCE:</b>	16.7
<b>AUTHOR:</b>	Cailee Felesina
<b>DISCLOSURE OF ANY INTEREST:</b>	
<b>DATE OF REPORT:</b>	9 <sup>th</sup> July 2009

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**ATTACHMENT**

**BACKGROUND**

<b>FUND</b>	<b>VOUCHERS</b>	<b>AMOUNTS</b>
Municipal Account	25560	Last cheque used
	EFT2279 – EFT2636	\$272,172.76
	EFT2364	Cancelled
	EFT2365 – EFT2371	\$61,185.20
	25561 – 25578	\$25,887.80
	25579	Cancelled
	25580 – 25595	\$69,471.13
	25596 – 25608	Cancelled
	25609 – 25625	\$18,069.07
	25626 – 25633	Cancelled
	25634 – 25641	\$21,121.32
	Direct Debits	\$118,774.20
Trust Account	00151 – 00155	\$ 865.50
	<b>Municipal Account Total</b>	<b>\$586,681.48</b>
	<b>Trust Account Total</b>	<b>\$865.50</b>
	<b>GRAND TOTAL</b>	<b>\$587,546.98</b>

**CERTIFICATE**

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

That the schedule of direct debits and accounts payable, totalling \$587,546.98 which was submitted to the Full Council on 9<sup>th</sup> July 2009 be endorsed.

**SIGNATURES**

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

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

**OC070904 Moved Cr Barrett / Seconded Cr Williams**

*That the schedule of direct debits and accounts payable, totalling \$587,546.98 which was submitted to the Full Council on 9<sup>th</sup> July 2009 be endorsed.*

**SIGNATURES**

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

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

**Carried 6-0**

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<b>SUBMISSION TO:</b>	<b>Finance</b>
<b>AGENDA REFERENCE:</b>	10.2.4
<b>SUBJECT:</b>	Monthly Financial Report to 30 June 2009
<b>LOCATION/ADDRESS:</b>	Shire of Jerramungup
<b>NAME OF APPLICANT:</b>	N/A
<b>FILE REFERENCE:</b>	16.6
<b>AUTHOR:</b>	Brent Bailey
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	13 July 2009

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## **ATTACHMENT**

Monthly Financial Report for the period ended 30 June 2009.

## **BACKGROUND**

In accordance with Section 6.4 of the Local Government Act 1995 and Financial Management Regulation 34, presented are the Monthly Financial Reports for the period ended 30 June 2009.

- Statement of Financial Activity
- Disposal of Assets Statement
- Capital Expenditure Statement
- Information on Borrowings Statement
- Cash Reserves Statement
- Net Current Assets Statement
- Rating Information Statement
- Trust Funds Statement
- Operating Statement by Nature and Type

## **COMMENT**

This report provides the Council with an indication of annual income and expenditure to date. Variances currently displayed are generally attributed to timing differences. Other variances of note are detailed below for Council information.

1. Trade in values on vehicles – Vehicles sold have not meet budget expectations.
2. Outstanding Accounts Collection Fees – Significant expenses have been incurred carrying out comprehensive recovery actions on outstanding accounts with the Shire. This has impacted on the General Purpose Funding budgets, however expenses are offset by transferring all collection expenses to associated debtors.
3. Additional income associated with interim rates due to subdivisions in Bremer Bay. Total additional income is approximately \$35,000.
4. Income totalling \$17,502 associated with the grant for the new playground equipment at Pelican Park has been received which is impacting on actual vs budget income for Community Amenities. There will be no net impact due to asset expenditure.

5. Completed Roads to Recovery Jobs will need to be reviewed with excess funds from Short Beach reallocated to Native Dog Beach Road and other projects.
6. Depreciation on Roads has now been calculated using Synergy Soft and calculated up to March. In previous years the depreciation on roads has been calculated at the end of the financial year using ROMANS. This depreciation was not included in monthly Synergy Soft budgeting however there is no cash impact on Council's financial position.
7. The major plant items have not been traded in as yet resulting in profit on sale of assets not being realised in the Transport Revenue. This is not a cash income however and does not affect Council's net position.
8. Ranger position has filled the role of the Bremer Bay maintenance and is booking hours to jobs throughout various programs rather than solely to Law/Order and Public Safety.
9. Grant income being received for the first portion of Royalties for Regions in housing programme – revised budget recognises the income coming in June.
10. Additional works being carried out as main roads private works attracting income and expenditure above budgeted amounts.
11. Council's building maintenance manager has spent more time on building applications than budgeted. This is offset by under-expenditure on building maintenance programs.
12. Council's budgeted construction of the police and doctors housing will now be carried forward to the next financial year.
13. Council's budgeted road construction programme will also have two projects carried into next financial year being Fitzgerald Road and Mallee Road.
14. Three items of plant and equipment being the two trucks and the loader will also be carried forward to next financial year and funds have been placed in the plant reserve.

## **FINANCIAL IMPLICATIONS**

Financial Statements are attached for consideration

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

- 1) That the Monthly Financial Report for the period ended 30 June 2009 comprising reports 1 to 9 be received as presented.
- 2) That the following explanations for material variance be endorsed:
  - a. Timing differences between budgeted and actual expenditure.
  - b. Light vehicle sales being less than budgeted.
  - c. Grant income and expenditure being realised for the installation of new playground equipment in Bremer Bay.
  - d. Additional income associated with rates collection and interim rates.
  - e. Roads to Recovery expenditure program to be reviewed and redistributed.
  - f. Road depreciation now being calculated using Council's accounting program monthly rather than at the end of the financial year.
  - g. Major plant items not being traded in as yet.

- h. Ranger position has filled the role of the Bremer Bay maintenance and is booking hours to jobs throughout various programs rather than solely to Law/Order and Public Safety.
- i. Grant income being received for the first portion of Royalties for Regions in housing programme.
- j. Additional works being carried out as main roads private works attracting income and expenditure above budgeted amounts.
- k. Council's building maintenance manager has spent more time on building applications than budgeted. This is offset by under-expenditure on building maintenance programs.
- l. Council's budgeted construction of the police and doctors housing will now be carried forward to the next financial year.
- m. Council's budgeted road construction programme will also have two projects carried into next financial year being Fitzgerald Road and Mallee Road.
- n. Three items of plant and equipment being the two trucks and the loader will also be carried forward to next financial year.

**OC070905 Moved Cr Williams / Seconded Cr Atkin**

*1 That the Monthly Financial Report for the period ended 30 June 2009 comprising reports 1 to 9 be received as presented.*

*2. That the following explanations for material variance be endorsed:*

- a. Timing differences between budgeted and actual expenditure.*
- b. Light vehicle sales being less than budgeted.*
- c. Grant income and expenditure being realised for the installation of new playground equipment in Bremer Bay.*
- d. Additional income associated with rates collection and interim rates.*
- e. Roads to Recovery expenditure program to be reviewed and redistributed.*
- f. Road depreciation now being calculated using Council's accounting program monthly rather than at the end of the financial year.*
- g. Major plant items not being traded in as yet.*
- h. Ranger position has filled the role of the Bremer Bay maintenance and is booking hours to jobs throughout various programs rather than solely to Law/Order and Public Safety.*
- i. Grant income being received for the first portion of Royalties for Regions in housing programme.*
- j. Additional works being carried out as main roads private works attracting income and expenditure above budgeted amounts.*
- k. Council's building maintenance manager has spent more time on building applications than budgeted. This is offset by under-expenditure on building maintenance programs.*
- l. Council's budgeted construction of the police and doctors housing will now be carried forward to the next financial year.*
- m. Council's budgeted road construction programme will also have two projects carried into next financial year being Fitzgerald Road and Mallee Road.*
- n. Three items of plant and equipment being the two trucks and the loader will also be carried forward to next financial year.*

**Carried 6-0**

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<b>SUBMISSION TO:</b>	<b>Finance</b>
<b>AGENDA REFERENCE:</b>	10.2.5
<b>SUBJECT:</b>	Adoption of 2009/2010 Budget
<b>LOCATION/ADDRESS:</b>	Shire of Jerramungup
<b>NAME OF APPLICANT:</b>	n/a
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Brent Bailey
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	10 July 2009

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## **SUMMARY**

The purpose of this item is to put the draft budget to Council for adoption.

## **ATTACHMENT**

2009/2010 Annual Budget to be Adopted

## **BACKGROUND**

The following are some highlights of the 2009/2010 budget above normal operational expenditure.

The construction of the Doctor's House and Police Housing projects are to be completed during 2009/2010 with construction commencing in August 2009. This will be a significant step forward for the community in terms of attracting and retaining key services in the district. Council will also continue with its building maintenance and improvement program with the capital buildings budget totaling \$1,628,601. There will also be significant maintenance to Council owned/operated buildings with the building maintenance budget allowing for \$739,453 of expenditure in maintenance and refurbishment.

The 2009/2010 budget also provides a significant allocation of expenditure to improving the road network in the Shire. Key projects commencing in the financial year include the sealing of Devil's Creek Road and major repairs / improvements to streets within the Jerramungup townsite. Swamp Road will also continue to be re-sheeted along with Fitzgerald, Jacup North and Mallee Road. The school carpark in Bremer Bay will be upgraded and Council has also provided in the budget for works funded by Main Roads WA and the State Government which will progress towards a full seal from Bremer Bay Road to Point Anne. It is expected that works on Swamp Road will commence in 2009/2010 with the remainder of the distance being carried out in following terms. Full details of the road construction program can be found in the supplementary information attached to the budget document.

Council rates will be increased by a yield of 5% on last year. The impact on individual properties will depend on valuation changes for rural properties with Landgate advising that small rural parcels valuations have decreased significantly. Larger agricultural landholdings which are unaffected by salt or native vegetation clearing restrictions have experienced the highest net valuation changes. If landowners disagree with their property valuation they are advised to lodge an objection with Landgate. Townsite

(GRV) rated properties will increase between an average of 5.5% and 6.12% depending on whether they are on minimum rates or rated according to the rate in the dollar. The changing of rate code for properties west of the Bremer Bay primary school has resulted in the remainder of the assessments within the Shire experiencing a rate increase slightly higher than the net yield. Most residential properties rates will increase between \$30 and \$60 from last year.

## **CONSULTATION**

The draft budget has been developed with consultation between senior staff and Councillors.

## **COMMENT**

The 2009/2010 draft budget is presented to Council for its consideration and adoption.

## **STATUTORY REQUIREMENTS**

Sections 6.2 & 6.47 of the Local Government Act 1995  
(*Preparation of annual budget & Concessions*)

Clauses 24 & 25 of the Local Government (Financial Management) Regulations 1996  
(*Service charges & fees and charges*)

Section 112 of the Health Act  
(*Rubbish collection*)

Clause 34(5) of the Local Government (Financial Management) Regulations 1996

## **STRATEGIC IMPLICATIONS**

The Budget where possible is a reflection of Council strategic direction.

## **FINANCIAL IMPLICATIONS**

Budget Expenditures and Revenues as detailed in the budget.

## **POLICY IMPLICATIONS**

Nil.

## **VOTING REQUIREMENTS**

Absolute Majority

## **RECOMMENDATION**

### **1.1 Adoption of 2009/2010 Budget – Section 6.2 Local Government Act 1995**

That Council:

- a) Adopt the budget for the financial year ending 30 June 2010;
- b) Endorse the Rate Setting Statement detailing the amount to be made up from rates for the financial year ending 30 June 2010.
- c) Adopt the Statement of Cash Flows for the financial year ending 30 June 2010;
- d) Endorse the Income Statement by Nature or Type showing operating expenditure of \$5,607,408 and operating revenue of \$4,322,030 with a net result of \$1,414,590 for the financial year ending 30 June 2010.

## 1.2 Adoption of Rates – Section 6.32 Local Government Act, 1995

That Council:

- a) General Rate: That Council impose the following rates in dollar for properties within the Shire of Jerramungup

GRV: 6.610c in the dollar

UV: 1.0627c in the dollar

- b) Minimum Rate: That Council impose the following minimum rate for properties within the Shire of Jerramungup

GRV: \$520

UV: \$520

- c) Interest – Section 6.51 Local Government Act 1995

Apply an interest rate of 11% per annum to rates which remain unpaid beyond due dates and where no election has been made to pay the rate by instalments.

- d) Rates Instalment Payment Options

Offer the following rates instalment options:

Option 1

To pay the total amount of rates and charges included on the rate notice in full by the 18 September 2009 or the 35<sup>th</sup> day after the issue whichever is the latter.

OR

Option 2

To pay by four instalments as detailed on the rates notices with the following anticipated dates:

- First instalment due by 18 September 2009
- Second instalment due by 20 November 2009
- Third instalment due by 22 January 2010

- Fourth instalment due by 19 March 2010

### Option 3

To pay by two instalments as detailed on the rates notices with the following anticipated dates.

- First instalment due by 18 September 2009
- Second instalment due by 22 January 2010

#### e) Administration Charge – Section 6.45(3) Local Government Act 1995

Impose an administration charge of \$5 per instalment and 5% simple interest to the amount on the rate notice where payment of a rate is made via the instalment option.

#### f) Rubbish and Recycling Collection Charges

##### a) Residential Properties – 240L Bin

\$153.50 per annum per occupied Lot for one 240L Rubbish Bin serviced weekly.

\$127.50 per annum per occupied Lot for one 240L Recycling Bin serviced fortnightly

\$168.85 per annum per additional 240L Rubbish Bin (GST Inclusive)

##### b) Commercial Collections – 240L Bin

\$153.50 per annum per occupied Lot for one 240L Bin serviced weekly.

\$168.85 per annum per additional 240L Bin (GST Inclusive)

#### g) Effluent Rate – Townsite of Jerramungup

a) That Council impose the following rates in dollar for GRV properties within the townsite of Jerramungup for the management and maintenance of the Jerramungup Effluent System.

GRV: 3.11c in the dollar

b) That Council impose the following minimum rate for GRV properties within the townsite of Jerramungup for the management and maintenance of the Jerramungup Effluent System.

GRV: \$210.00

Non Rateable First Fixture: \$210.00

Additional Fixture: \$93.00

h) Point Henry Fire Levy

Impose a levy of \$100 on all properties within the Point Henry Peninsula to be used for the maintenance of fire fighting equipment and firebreaks on the Point Henry Peninsula. Any balance of funds created by the levy is to be put to the Point Henry Fire Levy Reserve.

**1.3 Members Meeting Attendance Fees – Section 5.99 Local Government Act 1995**

That Council:

Set the annual meeting attendance fee of \$7,000 for Council Members and \$14,000 for the Shire President.

**1.4 Shire President Allowance – Section 5.98 and 5.98A Local Government Act 1995**

That Council:

Set the Shire President allowance of \$12,000.  
Set the Deputy Shire President allowance of \$3,000.

**1.5 Telecommunications Allowance – Section 5.99A Local Government Act, 1995**

That Council:

Set a telecommunication allowance of \$1,000 for elected members.

**1.6 Adoption of Material Variance for Monthly Reports – Financial Management Regulation 34**

That Council:

Adopt a material variance level of 10% with a minimum \$10,000 variance for the 2009/2010 financial year for monthly reports.

**1.7 Schedule of Fees and Charges**

That Council:

Adopt the Schedule of Fees and Charges for the 2009/2010 financial year with the inclusion of abovementioned items.

**1.8 Statutory Compliance**

That Council:

Confirms that it is satisfied that the services and facilities it provides:

- (a) integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body;
- (b) do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and
- (c) are managed efficiently and effectively.

In accordance with Section 3.18(3) of the Local Government Act 1995.

## **OC070906 Moved Cr Barrett / Seconded Cr Williams**

### **1.1 Adoption of 2009/2010 Budget – Section 6.2 Local Government Act 1995**

*That Council:*

- a) *Adopt the budget for the financial year ending 30 June 2010;*
- b) *Endorse the Rate Setting Statement detailing the amount to be made up from rates for the financial year ending 30 June 2010.*
- c) *Adopt the Statement of Cash Flows for the financial year ending 30 June 2010;*
- d) *Endorse the Income Statement by Nature or Type showing operating expenditure of \$5,607,408 and operating revenue of \$4,322,030 with a net result of \$1,414,590 for the financial year ending 30 June 2010.*

### **1.2 Adoption of Rates – Section 6.32 Local Government Act, 1995**

*That Council:*

- a) General Rate: *That Council impose the following rates in dollar for properties within the Shire of Jerramungup*

*GRV: 6.610c in the dollar  
UV: 1.0627c in the dollar*

- b) Minimum Rate: *That Council impose the following minimum rate for properties within the Shire of Jerramungup*

*GRV: \$520  
UV: \$520*

c) Interest – Section 6.51 Local Government Act 1995

*Apply an interest rate of 11% per annum to rates which remain unpaid beyond due dates and where no election has been made to pay the rate by instalments.*

d) Rates Instalment Payment Options

*Offer the following rates instalment options:*

Option 1

*To pay the total amount of rates and charges included on the rate notice in full by the 18 September 2009 or the 35<sup>th</sup> day after the issue whichever is the latter.*

*OR*

Option 2

*To pay by four instalments as detailed on the rates notices with the following anticipated dates:*

- *First instalment due by 18 September 2009*
- *Second instalment due by 20 November 2009*
- *Third instalment due by 22 January 2010*
- *Fourth instalment due by 19 March 2010*

Option 3

*To pay by two instalments as detailed on the rates notices with the following anticipated dates.*

- *First instalment due by 18 September 2009*
- *Second instalment due by 22 January 2010*

e) Administration Charge – Section 6.45(3) Local Government Act 1995

*Impose an administration charge of \$5 per instalment and 5% simple interest to the amount on the rate notice where payment of a rate is made via the instalment option.*

f) Rubbish and Recycling Collection Charges

a) *Residential Properties – 240L Bin*

*\$153.50 per annum per occupied Lot for one 240L Rubbish Bin serviced weekly.*

*\$127.50 per annum per occupied Lot for one 240L Recycling Bin serviced fortnightly*

*\$168.85 per annum per additional 240L Rubbish Bin (GST Inclusive)*

*b) Commercial Collections – 240L Bin*

*\$153.50 per annum per occupied Lot for one 240L Bin serviced weekly.*

*\$168.85 per annum per additional 240L Bin (GST Inclusive)*

*g) Effluent Rate – Townsite of Jerramungup*

*a) That Council impose the following rates in dollar for GRV properties within the townsite of Jerramungup for the management and maintenance of the Jerramungup Effluent System.*

*GRV: 3.11c in the dollar*

*b) That Council impose the following minimum rate for GRV properties \ within the townsite of Jerramungup for the management and maintenance of the Jerramungup Effluent System.*

*GRV: \$210.00*

*Non Rateable First Fixture: \$210.00*

*Additional Fixture: \$93.00*

*c) Point Henry Fire Levy*

*Impose a levy of \$100 on all properties within the Point Henry Peninsula to be used for the maintenance of fire fighting equipment and firebreaks on the Point Henry Peninsula. Any balance of funds created by the levy is to be put to the Point Henry Fire Levy Reserve.*

**1.3 Members Meeting Attendance Fees – Section 5.99 Local Government Act 1995**

*That Council:*

*Set the annual meeting attendance fee of \$7,000 for Council Members and \$14,000 for the Shire President.*

**1.4 Shire President Allowance – Section 5.98 and 5.98A Local Government Act 1995**

*That Council:*

*Set the Shire President allowance of \$12,000.  
Set the Deputy Shire President allowance of \$3,000.*

**1.5 Telecommunications Allowance – Section 5.99A Local Government Act, 1995**

*That Council:*

*Set a telecommunication allowance of \$1,000 for elected members.*

**1.6 Adoption of Material Variance for Monthly Reports – Financial Management Regulation 34**

*That Council:*

*Adopt a material variance level of 10% with a minimum \$10,000 variance for the 2009/2010 financial year for monthly reports.*

**1.7 Schedule of Fees and Charges**

*That Council:*

*Adopt the Schedule of Fees and Charges for the 2009/2010 financial year with the inclusion of abovementioned items.*

**1.8 Statutory Compliance**

*That Council:*

*Confirms that it is satisfied that the services and facilities it provides:*

*(a) integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body;*

*(b) do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and*

*(c) are managed efficiently and effectively.*

*In accordance with Section 3.18(3) of the Local Government Act 1995.*

***Carried by Absolute Majority 6-0***

**HEALTH,  
BUILDING  
&  
TOWN  
PLANNING**

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<b>SUBMISSION TO:</b>	<b>Health, Building and Town Planning</b>
<b>AGENDA REFERENCE:</b>	10.3.1
<b>SUBJECT:</b>	Planning Fee Schedule
<b>LOCATION/ADDRESS:</b>	N/A
<b>NAME OF APPLICANT:</b>	N/A
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Gray & Lewis Landuse Planners
<b>DISCLOSURE OF ANY INTEREST:</b>	Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of <i>Local Government Act 1995</i>
<b>DATE OF REPORT:</b>	22 June 2009

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## **SUMMARY**

Council is to consider adoption of new planning fees in accordance with the *Planning and Development Regulations 2009*.

This report recommends;

- Adoption of all of the fees outlined in the regulations (with separate advertising costs charged for scheme amendments);
- Development of an information sheet by administration staff on the new fees to provide to customers/applicants;
- Development of an information sheet on ‘Requests for Planning Advice’ by Gray & Lewis,
- Adoption of procedures in dealing with written planning advice requests; and
- A public notice to advertise adoption of the new fees.

## **ATTACHMENT**

List of fees – extract from the *Planning and Development Regulations 2009*.

## **BACKGROUND**

The *Town Planning (Local Government Planning Fees) Regulations 2000* previously provided the regulatory framework for local government fees and charges for planning services and include details of the fees to be levied. The Shire previously adopted fees generally as per the regulations.

These regulations have now been consolidated into the *Planning and Development Regulations 2009*. The fees have been increased by the Consumer Price Index (CPI) rate of 4.2% and the new fees are effective from 1 July 2009.

The Regulations provided fees for a range of planning applications including;

- development applications;
- extractive industry;
- subdivision clearances;
- local planning scheme amendments;

- adoption of structure plans;
- home occupations;
- change of use;
- zoning certificates;
- property settlement questionnaire;
- questionnaires; and
- written planning advice.

It is important to note that the fees under the new Regulations are **maximums** and that Council can choose to adopt a lesser fee or no fee at all for some services.

## **CONSULTATION**

Not applicable

## **COMMENT**

The majority of fees outlined in the Regulations are clear and easy to administer.

It is recommended that the schedule of fees contained within the *Planning and Development Regulations 2009* be adopted however issues for discussion are highlighted below;

- ***Town Planning Scheme Amendments***

The only fee which is more difficult to administer is for town planning scheme amendments. Fees can only be charged where the amendment has been initiated by an applicant.

The Regulations include a table listing the 'tasks' associated with processing a scheme amendment (refer Part 2 of the attachment). The table is used to calculate scheme amendment fees based on hourly rates for different officers and the time spent on each 'task'.

This system of calculating Scheme Amendment Fees is cumbersome especially as some 'tasks' are completed by Gray & Lewis, and other 'tasks' are completed by Shire staff (eg. advertising).

For ease of administration some Shires still charge a 'flat fee' for all scheme amendments, however technically the list of tasks / timesheet is still to be made available to applicants on request. Therefore the tasklist is required to be maintained in order to comply with the regulations.

The Shire has previously charged a flat fee for scheme amendments for ease of administration, however Gray & Lewis is concerned that;

- Some scheme amendments pose a significant cost to the Shire where it involves ongoing applicant discussions.
- Each scheme amendment varies in complexity and a flat fee does not recognise this. Assessment times for each amendment vary significantly.

- More recent scheme amendments have involved lengthy assessments and liaison due to fire management issues (eg. Amendment 1 – Lot 400 Wellstead Road, Amendment 3 – Lot 89 Point Henry Road).

Whilst a 'flat fee' is less administrative, it is recommended that Council charge amendment fees based on hourly rates – especially as records have to be kept on scheme amendments anyway in order to comply with the regulations. The use of the hourly rate maximises the Shires cost recovery, and ensures that there are higher fees for those amendments which involve a greater level of assessment.

The following is recommended;

1. An initial \$3000 fee be charged on lodgement of any formal scheme amendment request. This would not be a flat fee and the total fee will be based on the hourly rates.
2. Gray & Lewis is to co-ordinate and keep records on each scheme amendment. Once the \$3000 is used, additional invoices will be sent to the applicant for payment through the Shire.
3. If the amendment is not initiated by the Shire then a portion of the \$3000 fee can be refunded to the applicant (as per the regulations).
4. The regulations allow a maximum rate of \$79 per hour to be charged for 'Director/City/Shire Planner'. It is recommended that this maximum rate be charged for all planning assessment work completed by Gray & Lewis and any meetings/ discussions by the Chief Executive Officer.
5. Additional advertising costs should also be charged to the applicant. In addition to application fees, the *Regulations* provide local governments with the discretion to charge applicants for costs and expenses associated with advertising.

- ***Written Planning advice***

Council traditionally has not charged fees for written planning advice however this needs to be reconsidered. Historically the Shire employed an Environmental Health Officer who also dealt with most planning matters, and specific items were referred to Gray & Lewis for advice on an 'as needs' basis.

In the past few years Gray & Lewis has taken over the role of shire planner and also become more known to local real estate agents, consultants and general customers.

Whilst Gray & Lewis has a general arrangement to only deal with enquiries referred by the Chief Executive Officer, customers who contact the Shire by phone are often verbally redirected to Gary & Lewis. In many cases customers also contact Gray & Lewis direct.

In the past few years there has been an increase in the number of general enquiries being referred to Gray & Lewis and there is concern that represents costs to the Shire.

Whilst it is recognised that provision of general planning advice is part of local government service, this has to be balanced with the need to ensure some cost recovery. Whilst planning advice is an important service it is recognised that the Shire relies on external consultant advice, and also has other financial commitments.

It is therefore recommended that Council charge for written planning advice as permitted by the regulations (\$66 fee). To ensure that fees are paid 'up front' it is recommended that the following procedure be adopted;

1. All requests for planning information or zoning advice be lodged in writing directly to the Shire via an email, facsimile or letter.
2. These requests be directed to Council administration officers. If the fee of \$66 has not been paid, then officers are to contact the writer and request the fee.
3. Planning enquiries/ letters only to be referred to Gray & Lewis if a fee has been paid (unless otherwise directed by the Chief Executive Officer).

Gray & Lewis considers that in the majority of cases the \$66 would cover the Shires costs for general planning advice.

- ***Information Sheets***

It is recommended that a general information sheet be developed on planning fees to give to customers and potential applicants. The information sheet will effectively be a list of the adopted fee schedule can be made available on the Shires website.

It is also recommended that a separate information sheet be developed to explain to customers the need for written requests and payment of a fee for planning advice.

## **STATUTORY REQUIREMENTS**

- *Local Government Act 1995*

Section 6.16 of the Local Government Act covers the imposition of fees and charges and Section 6.17 covers setting the level of fees and charges.

- *Planning and Development Regulations 2009*

The Regulations limit the maximum fees that can be charged for planning applications and services. Councils can resolve to charge a lesser fee or no fee.

## **STRATEGIC IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Council will generate revenue from all fees. The level of income being budgeted as a result of these fees and charges will be reflected in the Annual Budget.

It should be noted that planning fees are exempt from GST, and this is explained in the WAPC Planning Bulletin 93/2009.

## **POLICY IMPLICATIONS**

Nil.

## **VOTING REQUIREMENTS**

**RECOMMENDATION**

1. That Council:

- (i) Adopt the revised fee schedule in accordance with the *Planning and Development Regulations 2009*.
- (ii) For scheme amendments require;
  - Payment of an initial \$3000 fee for all scheme amendment requests prior to referral of a report to Council.
  - All fees to be based on the maximum rate of \$79 per hour to be charged for 'Director/City/Shire Planner' for all planning assessment work completed by Gray & Lewis and any meetings/ discussions by the Chief Executive Officer.
  - Gray & Lewis to keep records of all costs associated with the processing of a scheme amendment (including time spent by administrative officers) and co-ordinate the issue of invoices once the initial \$3000 is utilised.
  - All applicants to pay for associated advertising costs of scheme amendments (eg notices in the paper).
- (iii) Adopt the following internal procedure for all future planning enquiries and request the Chief Executive Officer to brief all relevant Shire officers;
  - All requests for planning information or zoning advice be lodged in writing directly to the Shire via an email, facsimile or letter. Requests are to be accompanied by the required \$66 fee.
  - These requests be directed to Council administration officers. If the fee of \$66 has not been paid, then officers are to contact the writer and request the fee.
  - Planning enquiries/ letters only to be referred to Gray & Lewis if a fee has been paid (unless otherwise directed by the Chief Executive Officer).
- (iv) Gray & Lewis to develop an information sheet on 'Requests for Planning Advice' to be approved by the Chief Executive Officer for use by administrative officers. The information sheet to explain the procedure and need for fees.
- (v) Councils Administrative Officer to develop a general information sheet on the new planning fee schedule (including the \$3000 initial amendment fees).
- (vi) The Chief Executive Officer to ensure that all relevant documents and checklists are updated to reflect the new fees.
- (vii) Include the schedule of fees and charges in the Annual Budget.
- (viii) Pursuant to Section 6.19 of the Local Government Act 1995, public notice be given of the revised planning fees to apply from 30 July 2009.
- (ix) Gray & Lewis and Council Officers to record all time spent on the tasks for a Local Planning Scheme Amendment.

**OC070907 Moved Cr Hobbs / Seconded Cr Iffla**

1. That Council:

- (i) *Adopt the revised fee schedule in accordance with the Planning and Development Regulations 2009.*
- (ii) *For scheme amendments require;*
  - *Payment of an initial \$3000 fee for all scheme amendment requests prior to referral of a report to Council.*
  - *All fees to be based on the maximum rate of \$79 per hour to be charged for 'Director/City/Shire Planner' for all planning assessment work completed by Gray & Lewis and any meetings/ discussions by the Chief Executive Officer.*
  - *Gray & Lewis to keep records of all costs associated with the processing of a scheme amendment (including time spent by administrative officers) and co-ordinate the issue of invoices once the initial \$3000 is utilised.*
  - *All applicants to pay for associated advertising costs of scheme amendments (eg notices in the paper).*
- (iii) *Adopt the following internal procedure for all future planning enquiries and request the Chief Executive Officer to brief all relevant Shire officers;*
  - *All requests for planning information or zoning advice be lodged in writing directly to the Shire via an email, facsimile or letter. Requests are to be accompanied by the required \$66 fee.*
  - *These requests be directed to Council administration officers. If the fee of \$66 has not been paid, then officers are to contact the writer and request the fee.*
  - *Planning enquiries/ letters only to be referred to Gray & Lewis if a fee has been paid (unless otherwise directed by the Chief Executive Officer).*
- (iv) *Gray & Lewis to develop an information sheet on 'Requests for Planning Advice' to be approved by the Chief Executive Officer for use by administrative officers. The information sheet to explain the procedure and need for fees.*
- (v) *Councils Administrative Officer to develop a general information sheet on the new planning fee schedule (including the \$3000 initial amendment fees).*
- (vi) *The Chief Executive Officer to ensure that all relevant documents and checklists are updated to reflect the new fees.*
- (vii) *Include the schedule of fees and charges in the Annual Budget.*
- (viii) *Pursuant to Section 6.19 of the Local Government Act 1995, public notice be given of the revised planning fees to apply from 30 July 2009.*
- (ix) *Gray & Lewis and Council Officers to record all time spent on the tasks for a Local Planning Scheme Amendment.*

**Carried by Absolute Majority 6-0**

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<b>SUBMISSION TO:</b>	<b>Health, Building and Town Planning</b>
<b>AGENDA REFERENCE:</b>	10.3.2
<b>SUBJECT:</b>	Amended Plan for proposed subdivision – boundary re-alignment between 2 existing lots
<b>LOCATION/ADDRESS:</b>	Lot 1896 and 2052 (South Coast Highway, Boxwood Hill).
<b>NAME OF APPLICANT:</b>	35 Degrees South
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Gray & Lewis Landuse Planners
<b>DISCLOSURE OF ANY INTEREST:</b>	Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of Local Government Act 1995
<b>DATE OF REPORT:</b>	19 June 2009

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## **SUMMARY**

- Council considered a subdivision plan for these lots at its June meeting (Item 10.3.2) and resolved to recommend that the Western Australian Planning Commission (WAPC) approve the application unconditionally.
- The WAPC has referred an amended plan to the Shire for consideration (WAPC reference: 139891).
- The changes in the amended plan are minor and do not impact on the proposed lot sizes or assessment.
- It is recommended that Council support the amended plan unconditionally.

## **ATTACHMENT**

Confidential Attachment 10.3.2 - Original Plan  
Confidential Attachment 10.3.2 - Amended Plan

## **BACKGROUND**

### ***Zoning***

Lot 1896 and 2052 South Coast Highway, Boxwood Hill are zoned 'Rural' under the Shire of Jerramungup Local Planning Scheme No 2 ('the Scheme').

## **COMMENT**

### ***Description of application***

The application includes 2 existing lots which do not have any direct road frontage and are located to the east of South Coast Highway.

Existing Lot 2052 consists of two separate areas with no physical connection – the eastern portion of the lot is severed from the western portion of the lot although it consists of one land title.

The amended plan does not include significant changes and does not affect the proposed lot sizes. The application still proposes a boundary realignment between Lot 1896 and 2052 to create 2 more regular lot configurations with no lot portions being severed.

### **Assessment**

The Shires Scheme does not have any specific provisions relating to subdivision of Rural land.

The WAPC DC Policy 3.4 allows for minor boundary realignments where '*Lot boundaries are poorly aligned with natural or constructed features and/or result in encroachments may be corrected through minor boundary realignments.*'

It is considered that the amended plan still complies with the WAPC Policy as determined at the June Council meeting.

### **Access**

Both existing lots do not have any direct road frontage however the WAPC has confirmed that a reciprocal rights of access easement is in the process of being placed on the title of lots located to the immediate west. This will provide legal access for the proposed lots to South Coast Highway once it is registered on the Certificate of Titles.

### **Related Issue**

Council may recall that Lots 2,225, 247, 224 and 1895 to the east formed part of a recent plantation application in which it was cited that lots were for '*eco-lifestyle development*'. A modified plantation application is included in this agenda.

Whilst there is concern over the sale of individual lot titles which may otherwise be used effectively as one agricultural property, legally individual titles can be sold. This may be the case for Lots 1896 and 2052 as they will be more attractive to buyers once legal access is established via an easement, and the boundary realignment creates more useable regular lot shapes.

Whilst the sale of individual lots is discouraged this application has been assessed on its merit, and the boundary realignment results in an improved lot pattern.

### **Consultation**

There is no statutory consultation required under the Shires Scheme. The WAPC has referred the application to Western Power, Water Corporation, Department of Environment and Conservation, Department of Water and the Department of Industry and Resources.

All authorities are required to respond on the amended plan by 27 July 2009.

### **Conclusion**

It is recommended that the amended plan be supported – the changes are not significant and Council already approved the original plan in June.

### **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 WAPC.

### **FINANCIAL IMPLICATIONS**

The Shire pays planning fees to Gray & Lewis.

### **POLICY IMPLICATIONS**

Not applicable. The WAPC Policy requirements are explained in this report.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

That Council advise the Western Australian Planning Commission that the amended plan received on the 15 June 2009 (WAPC: 139831) is unconditionally supported and constitutes a minor boundary realignment.

### **OC070908 Moved Cr Williams / Seconded Cr Barrett**

*That Council advise the Western Australian Planning Commission that the amended plan received on the 15 June 2009 (WAPC: 139831) is unconditionally supported and constitutes a minor boundary realignment.*

**Carried 6-0**

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<b>SUBMISSION TO:</b>	<b>Health, Building and Town Planning</b>
<b>AGENDA REFERENCE:</b>	10.3.3
<b>SUBJECT:</b>	Proposed Plantation – Amended Plan
<b>LOCATION/ADDRESS:</b>	Plantation on Lot 1895 with access on Lots 2, 225, 247, and 224 South Coast Highway, Boxwood Hill
<b>NAME OF APPLICANT:</b>	Forest Products Commission on behalf of Andrew Gooch (for Strategic property holdings).
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Gray & Lewis
<b>DISCLOSURE OF ANY INTEREST:</b>	Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of <i>Local Government Act 1995</i>
<b>DATE OF REPORT:</b>	18 June 2009

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### **SUMMARY**

Council considered an application for a carbon sequestration plantation on Lots 2, 224, 225, 1895 and 247 South Coast Highway, Boxwood Hill at its meeting held on 19 May 2009 (Item 10.3.10).

Council is to consider an amended plan lodged for Lot 1895 which the applicant intends to replace the previous proposal. The original application form is still valid and includes all 5 lots.

Council has several options in dealing with the application, however this report recommends refusal.

### **ATTACHMENT**

Attachment 10.3.3 - Confidential copy of site plan.

Attachment 10.3.3 - Aerial showing remaining cleared areas

### **BACKGROUND**

#### ***Location & Site Description***

The subject land is located approximately 5 kilometres south of Boxwood Hill townsite. The applicant has indicated on the application form that the existing use is 'Agriculture'.

#### ***Previous Council resolution – May 2009***

Council deferred determination of the previous proposal involving the original 5 lots, and resolved to request additional information from the applicant, refer the application to the Department for Water/ Water Corporation, and advertise the proposal once additional information was provided.

In the May Council resolution the applicant was requested to provide additional information on a number of issues relating to the original application. The majority of those issues are still pertinent to the amended plan so have been summarised in the table below.

<b>Information requested in May – extracted from May report – item 10.3.10 (OCM – 19.5.2009)</b>	<b>Comment</b>
<p>Detailed information and explanation of existing agricultural uses, whether there is any salinity/detailed soil analysis. Any information on proposed agricultural uses which would need to be justified with land capability by a qualified consultant.</p>	<p><b>Information provided</b>            The applicant has advised that the developers graze livestock and the site will be assessed after 3 years to determine if the trees are at a height to allow grazing.             The applicant advised that there are no salinity or soil erosion issues.</p>
<p>Provide information on access. The application refers to a 'right of carriageway' however none is registered on the Certificate of Title as a title search was conducted for Lot 2 which has the road frontage. There is no legal right of access to each plantation on each lot unless it is registered on title. Further explanation is therefore required to clarify this matter.</p>	<p><b>Information partially provided</b>            The applicant has advised that the access will be via a 'right of carriageway' on easement which is not shown on title yet, but has been registered with Landgate.             This is consistent with the verbal advice of DPI to Gray &amp; Lewis in dealing with a boundary re-alignment / subdivision for nearby Lot 1896 and 2052.             No information has been provided on the easement document, which would normally contain information about encumbrances and benefits, and who is responsible for maintaining the easement access.</p>
<p>The FMP is not supported in its current form and no firebreaks have been shown on the site plan. A new FMP would have to be lodged to accompany the application and address the requirements outlined in Draft Local Planning Policy 10. If the owner intends to sell the lots for individual residential development / lifestyle lots (which is not encouraged or supported based on existing available information) then the FMP should address 'Planning for Bushfire Protection'. A revised Fire Management Plan</p>	<p><b>Information partially provided</b>            A new Fire Management Plan has been lodged and the site plan shows firebreaks and water sources.             There is some concern that the new Fire Management Plan examines Lot 1895 almost in isolation whereas concern was previously raised over the single ingress / egress for Lots 2, 224, 225, 1895 and 247 as they can be sold individually and each be developed with a dwelling – similar to a farmlet or small rural holdings area. This is pertinent as the applicant has still not clarified their previous reference to 'eco-lifestyle development'.</p>

<p>is requested 'up front' due to lack of road frontage, limited emergency egress and unregistered rights of carriageway on title. It should be compiled by a qualified fire consultant and address water sources/installation of tanks for each lot.</p>	<p>Council should noted that the FMP hasn't been referred to FESA for advice and these comments are by Gray &amp; Lewis.</p>
<p>Address the Scheme objectives and Draft Local Planning Policy No 10. Provide an enlargement on the site plan with setbacks clearly marked to the Pallinup River. In the interim the application will be referred to Department for Water.</p>	<p><b>Information not provided</b> The applicant hasn't included any written section on the scheme or policy objectives, as requested.  The river setback is not an issue with the amended plan.</p>

Information requested in May – extracted from May report – item 10.3.10 (OCM – 19.5.2009)	Comment
<p>Clarify the reference to ‘eco lifestyle development’. The lots are on separate titles which can be sold however none have access to a gazetted road. The sale of lots with no access is not encouraged.</p>	<p><b>Information not provided</b></p> <p>The amended application seems to infer that all of the lots are used as a farm, which is contrary to the original application which referred to the ‘eco-lifestyle’ development.</p> <p>The only need to provide any easement to the lots for legal access is if the owner intends to sell them for individual development.</p> <p>The applicant has not provided any more advice / clarification on the reference to ‘eco lifestyle development’.</p>
<p>Clarify the location of any creeklines – the site plan does not show watercourses however the vegetation pattern on the aerial suggests that there are some watercourses on site – eg. Lot 224.</p> <p>Lot 2 abuts a public reserve (13106) designated for ‘water’ however the application does not identify this as a ‘sensitive landuse’ or demonstrate any liaison with Water Corporation.</p>	<p><b>Information Provided</b></p> <p>The amended plan shows creeklines on Lot 1895.</p> <p>The Water Corporation have advised that they have no objections to the plantation.</p>

## **COMMENT**

### ***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’*.

In the absence of a specific landuse definition for ‘carbon sequestration planting’, the proposal has been construed as ‘plantation’ as the ‘best fit’ landuse classification (ie the definition most similar to the use).

If the rules for carbon sequestration planting do change then there may be opportunities for harvesting in the longer term (ie beyond 70 years) and approval as a ‘plantation’ allows flexibility for the long term.

## **Description of application**

The application is summarised as follows;

- The amended plan limits the planting area to Lot 1895 which has a total lot size of 308.3 hectares. The proposed planting area of 123 hectares represents 39% of the lot area.
- The planting area ‘compartments’ and / or belts ranging from 0.7 to 30.0 hectares.
- Existing remnant vegetation will be retained.
- The plantation area will use *Eucalyptus cladocalyx* and *Eucalyptus camaldulensis*, and mallee form *Eucalyptus loxophleba subsp. Lissophloia*.
- The stocking rate to be applied in tree form blocks is 400 seedlings per ha (being a spacing of 5m × 5m). Seedlings for mallee form blocks and belts will be planted at a stocking rate of 1666 seedlings per ha (being a spacing of 3m x 1.8m). Alley distance between belts will be 10m.

A site plan is included as Attachment 10.3.3

## **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 by ....encouraging 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;

<b>Matters for consideration under the Scheme</b>	<b>Comment</b>
The Code of Practice for Timber Plantations in WA	Complies. The Code of practice is mainly orientated towards commercial plantations such as timber harvesting. There are applicable aspects such as weed control, maintenance etc which the application complies with.
Submission of plantation management plan in accordance with the protocol in the Code of Practice	Complies. The applicant has lodged an amended management plan which examines matters such as access, plantation design, soils, weed control etc.

<p>The need to encourage the commercial production of trees which is of significance to the national, regional and local economy.</p>	<p>The trees will be retained for carbon sequestration however harvesting may be an option in the longer term if carbon rules change. It is difficult to assess how significant the application is to the local economy.</p>
<p>The benefits of agroforestry and plantations in addressing land degradation including soil erosion and salinity.</p>	<p>N/A - The applicant has advised that salinity is not a risk in this area and soils have been assessed as being sandy duplexes, of low erosion risk.</p>
<p>The role of agroforestry and plantations in protecting water quality and preventing adverse effects on ground water re-charge.</p>	<p>Complies. Plantations can assist in reducing the water table in waterlogged areas.</p>

The location of the land in relation to land zoned for residential, industrial, commercial uses.	The lot is surrounded by rural zoned land however the original application seems to indicate that the lots may be sold or developed for 'lifestyle lots'.
The suitability of the current and future road systems.	Complies. Conditions can be imposed relating to harvesting.

### **Draft Local Planning Policy No 10 – Agroforestry and Plantations**

Gray & Lewis however took the opportunity to assess the application using the draft policy as a guide to demonstrate to Councillors the impact of the Policy.

The main Draft Policy requirements are summarised in the table below.

<b>Matters for consideration under the Draft Policy</b>	<b>Comment</b>
<p><b>10.1 Continuing agricultural activities</b> 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>	<b>Discussed below – requires Councillor consideration</b>
<p><b>10.2 Location and compatibility with adjacent land uses</b> The policy recognises that there should be separation to residential and premises which are sensitive to chemical spraying.</p>	<b>Discussed below – requires Councillor consideration</b>
<p><b>10.3 Economic benefits</b> 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>	Complies however the policy places greater emphasis on continuation of agricultural activities.
<p><b>10.4 Environmental benefits</b> 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</p>	<p>Partially Complies. The aerial plan shows that the plantation areas will assist to establish a vegetation corridor linking areas of existing remnant vegetation on Lot 1895 with vegetated areas on Lot 1730 to the north.</p> <p>Salinity or erosion is not a factor for this site.</p>

to protect water courses.	
<p><b>10.5 Code of Practice for Timber Plantations in Western Australia (as amended)</b></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>The application has been supported by a management plan including a plantation establishment plan, plantation tending plan and fire management plan.</p> <p>There is concern over spraying and landuse compatibility if the lots are to be individually sold and each developed with a dwelling which is not addressed in the application.</p>

<p><b>10.6 Fire Management Plans</b>  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>There is concern over the FMP as;</p> <ol style="list-style-type: none"> <li>1. The issue of eco-lifestyle land development mentioned in the original application and Council report still needs to be clarified. The lots can be sold and developed individually (similar to a rural smallholdings / farmlot zone) so the fire management should be assessed consistent with residential land and 'Planning for Bushfire Protection.' It would be advisable to provide two emergency egress points, and have regard for fire risk due to adjacent vegetated areas/ reserves.</li> <li>2. The application advises that access is via a 'right of carriageway' however it is not yet registered on title. It is not clear who is responsible for maintaining the access under any easement documents – no documentation provided. The FMP and development relies on access from Lots 312 and 427 which is not legally secured yet, and are outside of the application area.</li> <li>3. The area for fire management is significant and due to surrounding vegetated areas it is suspected that the risk of fire may be high. A comprehensive FMP would be required 'up front' in support of any application.</li> </ol> <p>The amended FMP is still not supported in its current form as it does not clarify the eco-lifestyle development / building envelopes, examine contours/slopes, provide legal access or a second egress consistent with Planning for Bushfire Protection'.</p>
<p><b>10.7 Water Quality</b>  The Draft Policy recommends using DoW buffers as a guide.</p>	<p>Discussed below.</p>

<p><b>10.8 Plantation Management Plan</b> 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><b>10.9 The suitability of the current and future road systems (for harvesting only).</b> The Forest Products Commission has advised that whilst the plantation is for carbon sequestration, if legislation changes they would like flexibility to take up any future opportunity for silviculture or harvesting.</p>	<p>A condition can be imposed requiring a harvest plan to be lodged and approved by Council prior to any harvesting activities occurring. However in this case there is concern over any upgrading required to the shared access for harvesting activities, and impact of truck movements if the surrounding lots are sold.</p>

### **Continuing Agricultural Use**

At the May meeting concern was raised over the extent of plantation areas when assessed on an individual lot basis. The plantation areas per lot ranged between 44% to 65%.

The applicant has reduced the plantation area from 44% to 39% of the area of Lot 1895. Gray & Lewis considers the amended application to be 'borderline' in achieving the main Policy objective which is to ensure that agriculture remains the predominant use.

The Draft Policy states that '*Traditional agricultural activities such as cropping, grazing and food production should generally remain the predominant landuse with agroforestry or plantations as an ancillary and complementary use.*'

This warrants discussion as there are several views which Council may have regard for;

**Option 1 – Determine the application does allow for continued agriculture use and complies with the Policy**

Council may accept the applicants argument that the plantation area is only 15% of the total property area, however this is based on the combined areas of Lots 2, 224, 225, 1895 and 247 South Coast Highway, Boxwood Hill.

Gray & Lewis considers that this does not realistically represent the plantation area which is confined to Lot 1895 on the amended plan, and is not consistent with the May assessment which did examine the plantation areas on a per lot basis.

Inclusion of the combined lot areas for the purpose of assessing the proportion of plantation area is considered inappropriate, as those lots can be individually sold.

Notwithstanding the above, Council may consider that there is still sufficient land to allow for agricultural activities, as there is a cleared area in the south west portion of the lot, and in the longer term grazing can occur in between tree belts.

Gray & Lewis does not support this view as any continuing agricultural use would be ancillary once you have regard for existing unusable areas of vegetation combined with the plantation areas.

***Option 2 – Determine the application does not allow for continued agriculture use and does not comply with the Policy***

The fact that the lots were referred to as 'eco-lifestyle land development' in the original application and that they are in the process of being provided with legal easement access means that they will be attractive for future individual sale and development, akin to rural smallholding or farmlet zone.

The proposed planting area represents 39% of the lot area. It is evident from the aerial that any agricultural activities on the remaining cleared areas will likely be limited. It is not considered that the application complies with the main Policy objective to allow for continued agricultural use once you have regard for the combined plantation area, waterways and existing remnant vegetation being retained.

Council has supported a 35% plantation area for Lot 2 Jacup South Road (Item 10.3.6 – 16 June 2009) which also contained significant areas of vegetation. However support for that application was based on the specific site characteristics and had regard that areas of the lot had elevated salinity levels (which is not the case for this application).

Whilst some agricultural activities could occur in the south west corner of the lot, and in the longer term in the tree belt area, the lot area is dominated by existing and proposed vegetation areas.

Following the May meeting the applicant was requested to provide additional information and was advised that '*The Shires Draft Local Planning Policy's main objective is to allow for continuation of agricultural uses and it is not considered that this can be achieved with the substantial plantation areas proposed for each lot.*'

Whilst the application has been amended it still proposes a significant plantation area on Lot 1895. This is an important issue which has not been substantially addressed. Accordingly it is recommended that Option 2 be pursued and the application be refused.

***Landuse Compatibility***

In considering the original application, Council requested additional information on the applicants reference to 'eco-lifestyle development' and expressed concern over spraying and landuse compatibility if the lots (2, 224, 225, 1895 and 247) are to be individually sold and each developed with a dwelling. Any dwelling would be a sensitive landuse.

This issue is still relevant to this revised application and has not been commented on or addressed by the applicant.

Whilst for the most part plantation applications are relatively passive in nature, there is still potential for impact due to spraying, and dust / noise associated with harvesting if that occurs in the long term. In this case the issue of truck movements is also relevant as the access is shared between a number of properties.

If the surrounding smaller lots are sold owners will likely have a reasonably high amenity expectation and could be impacted on by future spraying and harvesting activities.

### ***Consultation with Department of Water***

The application was referred to the Department for Water (DoW) for comment in accordance with the May resolution. The amended plan was subsequently referred to the DoW as they had commenced their assessment.

The Department has advised that they recommend a minimum buffer of 30 metres to Pallinup River – this has become irrelevant as the amended plan is only for Lot 1895 which is not immediately adjacent to the river.

### ***Consultation with Water Corporation***

The original and amended application was also referred to the Water Corporation due to proximity to Reserve 13106 registered for water purposes. The Water Corporation has advised that it is unlikely that the reserve will be utilised as a potable water source.

The Water Corporation confirmed that they have no objection to the plantation as long as it complies with the Shires draft Policy, and the Forest Products Commission provides adequate notification of any activities that may impact on the reserve as the project develops.

### ***Conclusion***

The Draft Local Planning Policy's main objective is to allow for continuation of agricultural uses and allow plantations as an 'ancillary' use.

As identified in this report this application is considered to be 'borderline' in meeting the policy requirements, however is not supported due to combined issues including (i) the limited remaining cleared areas for grazing; (ii) the potential for surrounding lots to be sold / landuse compatibility; (iii) potential for any future harvesting and impact on shared access; (iv) concern over one access servicing several lots / fire management; and (v) the lack of justification provided particularly as the plantation is not for salinity mitigation or soil erosion.

## **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.

## **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**

There is an old Town Planning Policy No 14 – Commercial Tree Plantations which has been superceded as the new Scheme contains specific provisions relating to plantations (as explained in this report). The Policy is outdated and not relevant to the assessment of this application. It mainly looks at harvesting plantations whereas carbon trading plantations are a newer emerging landuse.

A new Draft Local Planning Policy on plantations is currently being advertised. Whilst the Policy is only in draft form Council can still have regard for the Policy requirements in the assessment of applications.

It is understood that the Department for Agriculture and Food WA has prepared a discussion paper on the issues of trees, agriculture and emissions trading. When released it may assist with future policy reviews.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That Council;

1. Refuse the amended plan/application received on the 4 June 2009 lodged by the Forest Products Commission (FPC) for a plantation on Lot 1895 South Coast Highway with access on Lots 2, 225, 247, and 224 South Coast Highway, Boxwood Hill for the following reasons;
  - (i) The application does not comply with the main objective of 'Draft Local Planning Policy No 10 – Agroforestry and Plantations' as the plantation area is not considered to be ancillary to a continued agricultural use (having regard for the combined plantation area, waterways and existing remnant vegetation being retained).
  - (ii) There is concern over spraying, impact of any future harvesting and landuse compatibility as the lots can be individually sold and each developed with a dwelling which is not addressed in the application. Any dwelling would be a 'sensitive landuse'.
  - (iii) No formal access arrangement is registered on the Certificate of Title and parts of the access are on lots outside of the application area including Lots 312 and 427.
  - (iv) Council is not satisfied that the Fire Management Plan provides for safe emergency egress given that the lots included in the application can be individually sold, there is no secondary emergency egress provided and any future easement involves lots outside of the application area and not included / addressed in the Fire Management Plan.
2. Advise the applicant that;

- (i) The Shires Draft Local Planning Policy's main objective is to allow for continuation of agricultural uses and to allow for plantations where they are ancillary.

Whilst the plantation area for Lot 1895 has been reduced from 44% to 39%, there are not significant cleared areas available for agriculture, and there is concern also over access, formal easement arrangements and landuse capability (as explained in the Council report).

#### **OC070909 Moved Cr Hobbs / Seconded Cr Iffla**

*That Council;*

1. *Refuse the amended plan/application received on the 4 June 2009 lodged by the Forest Products Commission (FPC) for a plantation on Lot 1895 South Coast Highway with access on Lots 2, 225, 247, and 224 South Coast Highway, Boxwood Hill for the following reasons;*
  - (i) *The application does not comply with the main objective of 'Draft Local Planning Policy No 10 – Agroforestry and Plantations' as the plantation area is not considered to be ancillary to a continued agricultural use (having regard for the combined plantation area, waterways and existing remnant vegetation being retained).*
  - (ii) *There is concern over spraying, impact of any future harvesting and landuse compatibility as the lots can be individually sold and each developed with a dwelling which is not addressed in the application. Any dwelling would be a 'sensitive landuse'.*
  - (iii) *No formal access arrangement is registered on the Certificate of Title and parts of the access are on lots outside of the application area including Lots 312 and 427.*
  - (iv) *Council is not satisfied that the Fire Management Plan provides for safe emergency egress given that the lots included in the application can be individually sold, there is no secondary emergency egress provided and any future easement involves lots outside of the application area and not included / addressed in the Fire Management Plan.*
2. *Advise the applicant that;*
  - (i) *The Shires Draft Local Planning Policy's main objective is to allow for continuation of agricultural uses and to allow for plantations where they are ancillary.*

*Whilst the plantation area for Lot 1895 has been reduced from 44% to 39%, there are not significant cleared areas available for agriculture, and there is concern also over access, formal easement arrangements and landuse capability (as explained in the Council report).*

**Carried 6-0**

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<b>SUBMISSION TO:</b>	<b>Health, Building and Town Planning</b>
<b>AGENDA REFERENCE:</b>	10.3.4
<b>SUBJECT:</b>	Draft Local Planning Policy 9 – Feedlots
<b>LOCATION/ADDRESS:</b>	Applies to Rural zoned land
<b>NAME OF APPLICANT:</b>	N/A
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Gray & Lewis Landuse Planners
<b>DISCLOSURE OF ANY INTEREST:</b>	Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of Local Government Act 1995
<b>DATE OF REPORT:</b>	12 June 2009

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### **SUMMARY**

Council is consider adopting Draft Local Planning Policy No 9 – Feedlots for the purpose of initiating public advertising.

On the close of advertising, a further report will be referred to Council to consider final adoption of the Policy.

Support for the Local Planning Policy is recommended.

*Note: There is a separate report in this agenda recommending adoption of new planning fees. If the new fees are adopted by Council, then the application checklist in this draft policy will be updated / modified prior to final adoption.*

### **ATTACHMENT**

Attachment 10.3.4 – Draft Local Planning Policy No 9 Feedlots

### **BACKGROUND**

The Shire has an old ‘Town Planning Policy No 12 – Development of feedlots’ however it has not been formally adopted under the current Scheme.

The old Policy effectively re-states some of the main recommendations of the ‘*Department of Environment Guidelines for the Environmental Management of Beef Cattle Feedlots in WA*’ including drainage, solid and liquid waste disposal, stocking rates and buffers. All of these matters have been examined as part of the policy review.

### **CONSULTATION**

The Policy will require advertising in accordance with Clause 2.4 of the Shire of Jerramungup Local Planning Scheme No 2 (‘the Scheme’).

## **COMMENT**

There are already good guidelines in place for feedlot developments as the '*Department of Environment Guidelines for the Environmental Management of Beef Cattle Feedlots in WA*' are comprehensive.

In the past few years there has only been one application for a feedlot, however it is important to maintain current and effective policies for these types of landuses.

The new draft policy is simply an updated version of the old policy and has been expanded as follows;

- It does not propose to replicate the '*Department of Environment Guidelines for the Environmental Management of Beef Cattle Feedlots in WA*' however still includes and summarises the documents main requirements.
- It explains the Scheme requirements.
- It explains the recommended EPA buffer distances to sensitive landuses.
- It requires all feedlot applications to be advertised for public comment.
- It outlines that referrals to Department of Water may occur if the feedlot is near a sensitive water feature.
- It has been expanded to include a comprehensive application checklist. The information required to assess feedlot applications is very specific and covered in the checklist.
- The Policy format has been updated as Gray & Lewis is trying to maintain a consistent format for all local planning policies.

- ***Conclusion***

It is recommended that the Draft Policy be supported for the purpose of advertising. Further modifications can be made if warranted as a result of any public submissions.

## **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. Application of the Policy through the planning process may be limited as only dwellings involving a variation to the R Codes will require planning approval.

## **FINANCIAL IMPLICATIONS**

Council will pay all costs associated with advertising of the Policy, and fees to Gray & Lewis for any further reports to Council.

## **POLICY IMPLICATIONS**

A copy of the Policy is included in Attachment 10.3.4.

## **VOTING REQUIREMENTS**

Absolute Majority

## **RECOMMENDATION**

That Council:

1. Adopt Draft Local Planning Policy No 9 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 Local Planning Policy No 9 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. 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).

## **OC070910 Moved Cr Williams / Seconded Cr Iffla**

*That Council:*

1. *Adopt Draft Local Planning Policy No 9 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 Local Planning Policy No 9 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. *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 6-0**

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<b>SUBMISSION TO:</b>	<b>Health, Building and Town Planning</b>
<b>AGENDA REFERENCE:</b>	10.3.5
<b>SUBJECT:</b>	Proposed road closure
<b>LOCATION/ADDRESS:</b>	Encroachment from reserve 27035 into Pimelea Street road reserve
<b>NAME OF APPLICANT:</b>	N/A
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Gray & Lewis Landuse Planners
<b>DISCLOSURE OF ANY INTEREST:</b>	Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of Local Government Act 1995
<b>DATE OF REPORT:</b>	8 July 2009

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## **SUMMARY**

- Department for Planning and Infrastructure (DPI) State Land Services (SLS) has advised that there is a building encroachment over the Pimelea Road reserve
- A road closure will rectify this anomaly
- Accordingly it is recommended that Council resolve to close a portion of the road and advertise the proposed closure for public comment.
- A final report will be referred to Council after advertising.

## **ATTACHMENT**

Attachment 10.3.5– DPI – SLS letter and plans

## **BACKGROUND**

### ***Description***

Reserve 27035 has an area of 6.5671 hectares and has frontage to 3 roads being Casuarina Street, Pimelea Street and Heath Street, Boxwood Hill. A building associated with the reserve has been constructed partially within the Pimelea Street road reserve.

State Land Services recommends that Council close a portion of Pimelea Street road reserve to rectify this situation, which will allow the land to be amalgamated with the reserve in the future – refer attachment.

There is also a separate issue as tennis courts have been constructed in unallocated crown land to the west of Pimelea Street. In the long term it would be beneficial if they could be amalgamated with Reserve 27035, however State Land Services first has to investigate native title.

### ***Zoning***

Reserve 27035 is zoned '*Recreation and Open Space*' under the Shire of Jerramungup Local Planning Scheme No 2 and road reserve is 'no zone'. The unallocated crown land to the west is zoned 'Rural'.

Once a portion of Pimelea Street is closed then it should be re-zoned to '*Recreation and Open Space*' consistent with the zoning of Reserve 27035. Gray & Lewis will be conducting a future amendment to the Shires Scheme to deal with fire management and there may be an opportunity to include this in the same amendment to save on processing / advertising costs.

## **COMMENT**

### ***Proposal***

Council is to consider supporting closure of a portion of Pimelea Street (which contains a building) with the view that it can be amalgamated in the future with existing Reserve 27035.

This report recommends that Council support the proposed road closure for the purpose of advertising.

### ***Consultation***

There is a statutory requirement for proposed road closures to be advertised for 35 days in a local newspaper, and for Council to consider any objections.

## **STRATEGIC IMPLICATIONS**

The closed road should be re-zoned in the future from 'no zone' to 'Recreation and Open Space' to reflect the existing use.

## **STATUTORY REQUIREMENTS**

Roads are not zoned under the Shires Scheme therefore there are no relevant provisions applicable.

There are provisions relating to road closures under the Land Administration Act 1997 and any proposed road closure has to be advertised for 35 days.

## **FINANCIAL IMPLICATIONS**

There will be advertising costs.

## **POLICY IMPLICATIONS**

N/A .

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That Council resolve to support closure of a portion of Pimelea Street road reserve and advertise the proposed closure in a local newspaper inviting public comment for a minimum of 35 days in accordance with Section 58 (3) of the Land Administration Act 1997.

### **OC070911 Moved Cr Williams / Seconded Cr Hobbs**

*That Council resolve to support closure of a portion of Pimelea Street road reserve and advertise the proposed closure in a local newspaper inviting public comment for a minimum of 35 days in accordance with Section 58 (3) of the Land Administration Act 1997.*

**Carried 6-0**

12.00pm Council adjourned for luncheon.

12.33pm Council reconvened with the following in attendance; Cr Trevaskis, Cr Barrett, Cr Hobbs, Cr Iffla, Cr Williams, Cr Atkin, Mr Parker, Mr Edwards, Mr Bailey, Mrs Solomon.

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<b>SUBMISSION TO:</b>	<b>Health, Building and Town Planning</b>
<b>AGENDA REFERENCE:</b>	10.3.6
<b>SUBJECT:</b>	Reconsideration of Condition of planning approval for proposed Plantation
<b>LOCATION/ADDRESS:</b>	Lot 1854 (No. 1287) Boxwood Hill – Ongerup Road, Boxwood Hill
<b>NAME OF APPLICANT:</b>	Forrest Products Commission for Paul Bignell
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Gray & Lewis
<b>DISCLOSURE OF ANY INTEREST:</b>	Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of <i>Local Government Act 1995</i>
<b>DATE OF REPORT:</b>	10 July 2009

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### **SUMMARY**

Planning approval was issued for a plantation on Lot 1854 (No. 1287) Boxwood Hill – Ongerup Road, Boxwood Hill on the 19 June 2009 subject to a condition requiring a 30 metre buffer to all waterways.

The condition was imposed on recommendation of the Department of Water. The applicant has requested reconsideration of the condition as they have liaised with Department of Water who has agreed to a 20 metre buffer in lieu of 30.

This report recommends that the reconsideration request be supported.

### **ATTACHMENT**

Attachment 10.3.6 - Letter requesting reconsideration

### **BACKGROUND**

Council considered an application for a carbon sequestration plantation on Lot 1854 (No. 1287) Boxwood Hill – Ongerup Road, Boxwood Hill at its May meeting and supported it subject to confirmation from Department of Water confirming acceptance of 30 metre buffers to Corakerup Creek (refer Item 10.3.7 – 19 May 2009).

The application was subsequently referred to Department of Water who recommended a 30 metre buffer to waterways as a condition (including minor, non perennial waterways).

Planning approval was subsequently granted by the Shire subject to a condition requiring the 30 metre buffer.

### **COMMENT**

#### ***Request for reconsideration***

The applicant has lodged a request for reconsideration based on the following;

- The majority of planting will meet the 30 metre buffer however there are sections which may only be 20 metres from watercourses. The main dispensation on the buffer is required for an intermittent drainage line in the centre of the property which currently has no vegetation with unlimited stock access.
- The applicant has liaised directly with Department of Water and they have agreed that a 20 metre buffer would be adequate.

Gray & Lewis confirmed this directly with Department of Water who advised that *'The policy relating to 30 m is a policy - to guide our advice and to ensure protection of waterway values or potential values. It is recognised that where a creek has no riparian vegetation or set back to farmland, then planting of perennials within the 30m may have positive benefits.'*

### **Conclusion**

The 30 metre requirement outlined in the original condition of planning approval was based on advice from Department of Water. The reconsideration request for a 20 metre buffer is supported based on the Department of Water amended advice.

### **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.

### **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**

The Shire is currently advertising a Draft Local Planning Policy on Plantations. The issue of buffers will be re-examined as part of that policy prior to referral to Council for further consideration / adoption.

### **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That Council advise the Forest Products Commission in writing that;

1. It supports the reconsideration request lodged on the 8 July 2009, and agrees to replace the existing Condition 9 of the planning approval dated 19 June 2009 for the plantation on Lot 1854 (No. 1287) Boxwood Hill – Ongerup Road, Boxwood Hill which currently states:

*“9. All plantation areas shall be a minimum of 30 metres from any waterway (including non perennial waters) in accordance with the recommendation of the Department of Water.”*

With a replacement condition as follows;

*“9. All plantation areas shall be a minimum of 20 metres from any waterway (including non perennial waters) in accordance with the recommendation of the Department of Water.”*

2. Whilst a new planning approval letter cannot be issued the applicant can accept this correspondence as a formal modification to Condition 9 and the Shire confirms that compliance with the 20 metre is accepted.

### **OC070912 Moved Cr Iffla/ Secoded Cr Barrett**

*That Council advise the Forest Products Commission in writing that;*

1. *It supports the reconsideration request lodged on the 8 July 2009, and agrees to replace the existing Condition 9 of the planning approval dated 19 June 2009 for the plantation on Lot 1854 (No. 1287) Boxwood Hill – Ongerup Road, Boxwood Hill which currently states:*

*“9. All plantation areas shall be a minimum of 30 metres from any waterway (including non perennial waters) in accordance with the recommendation of the Department of Water.”*

*With a replacement condition as follows;*

*“9. All plantation areas shall be a minimum of 20 metres from any waterway (including non perennial waters) in accordance with the recommendation of the Department of Water.”*

2. *Whilst a new planning approval letter cannot be issued the applicant can accept this correspondence as a formal modification to Condition 9 and the Shire confirms that compliance with the 20 metre is accepted.*

**Carried 6-0**

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<b>SUBMISSION TO:</b>	<b>Health, Building and Town Planning</b>
<b>AGENDA REFERENCE:</b>	10.3.7
<b>SUBJECT:</b>	Proposed single house and 'shed/garage' (combined as one building structure)
<b>LOCATION/ADDRESS:</b>	Lot 92 Black Rock Road, Bremer Bay
<b>NAME OF APPLICANT:</b>	Ian Weir for Matthew Atkinson
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Gray & Lewis Landuse Planners
<b>DISCLOSURE OF ANY INTEREST:</b>	Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of Local Government Act 1995
<b>DATE OF REPORT:</b>	7 July 2009

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## **SUMMARY**

Council is to consider an application for a single house and 'shed / garage' proposed as one connected building structure.

This report recommends that the application be deferred due to concerns over aesthetics, the size of the non habitable floor area which can only be considered as a garage and future intentions to convert the dwelling into ancillary accommodation.

## **ATTACHMENT**

Confidential Attachment 10.3.7 – site plan and elevations

## **BACKGROUND**

### ***Site Description***

Lot 92 is located on the southern side of Black Rock Road to the east of Trevally Place and is currently vacant.

### ***Building Envelope & Approved relocated 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.

Council considered and approved an application for relocation of the building envelope for Lot 92 at its meeting held on the 15 July 2009 (Item 11.3.8). The approved building envelope is on the south east corner of the lot and this is reflected on the plans submitted.

### ***Zoning***

The subject lot is zoned 'Rural Residential 1' under the Shire of Jerramungup Local Planning Scheme No 2 ('the Scheme').

## **COMMENT**

### ***Application***

An application has been lodged for a single house and shed/garage as one combined building.

The application is summarised below;

- The development would have the appearance of one building effectively split into two portions by one common internal wall.
- A 77m<sup>2</sup> portion of the building is proposed as a single house (not including the verandah). The applicant advises that at a later date the owner will apply for this to be ancillary accommodation when they propose to construct a separate new dwelling;
- A 144m<sup>2</sup> portion of the building is proposed to be utilised as a 'shed/garage'. There are no internal doors connecting the house with the shed/garage however there is a shared internal wall.
- The walls and roof will be colorbond (Woodland Grey') and feature walls of the residence will be a dark grey (Monument).

### ***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.

The application generally complies with the Scheme as summarised below;

<b>Clause</b>	<b>Summary</b>	<b>Comment</b>	<b>Compliance</b>
5.25.3(e)	All buildings to be contained in the building envelope	The building is located in the building envelope approved in 2008.	Complies.
5.25.3(h)	Driveways to be located to minimise soil erosion and visibility of driveways	The driveway location was approved in 2008 with the building envelope.	Complies.
5.23.3(i)	Materials to be non reflective and blend with the environment	A grey colorbond material is proposed which is non reflective.	Complies.
5.23.3(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 building height does not exceed 5 metres.	Complies.  The garage has the same finished floor level as the existing residence.
5.23.3(l)	Require 92 kilolitre tank and on site effluent disposal prior to occupation of dwelling.	Two watertanks are proposed.	Complies Can also be a condition of any development
Schedule 2	20 metre front setback and 15 metre setback from all other boundaries	The setbacks exceed the minimum.	Complies.

Notwithstanding the above, there is some concern that the proposed development effectively has an appearance of a large shed with an angled roof. This shedlike appearance is a result of the rectangular floor layout, proposed combination of residential use and shed/garage use, minimal expanses of glass to break up the colourbond expanse on the south and north elevations, and lack of architectural features with the exception of one verandah.

Whilst aesthetics of proposed dwellings is a subjective issue, in this case it is considered that it is relevant due to the unusual design proposed. Council does have the ability to consider aesthetics under the Scheme as Clause 5.25.3(b) specifically makes reference to issues for consideration including 'building size, height, bulk, roof pitch' and 'architectural style and design details of the building'.

Gray & Lewis would like to bring this matter to the owners attention and seek modifications to provide the facade with greater variation and interest. Accordingly it is recommended that the application be deferred **however this is open to Council discussion.**

**Councillors may be willing to support the development in its current form having regard that the proposal complies with the majority of the Schemes 'measurable' requirements and that the proposed dwelling will be set back a substantial distance from Black Rock Road.**

### ***Proposed Shed/Garage***

The application includes a 'shed' attached to the proposed residence. The attached 'shed' cannot technically be classified as an 'Outbuilding' therefore it is proposed to process the 'shed' as a 'garage'.

The Shires Scheme does not have definitions for an 'outbuilding' or 'garage' however these are defined in the Residential Design Codes as follows;

*'Garage Any roofed structure, other than a carport, designed to accommodate one or more motor vehicles and attached to the dwelling'.*

*Outbuilding An enclosed non-habitable structure that is detached from any dwelling. '*

A garage is to be designed to accommodate vehicles and the applicant refers to the structure as a 'shed/garage'. Whilst it is considered that the 'shed' can be processed as a 'garage' there is concern over;

1. The size of the garage as it exceeds that normally required for a standard residence. As the main function of a garage is to accommodate vehicles 144m<sup>2</sup> is considered excessive.
2. The applicant can apply for a separate outbuilding as permissible under the Residential Design Codes and the Shires Local Planning Policy on Outbuildings. There is concern over potential for a separate future outbuilding in addition to the 'garage' proposed.
3. The applicant has indicated that they propose to apply for a separate new dwelling on the lot in the future. The location of the development will result in any future dwelling being located to the rear which is also of concern.

It is recommended that the application be deferred so the applicant can be advised that the 'shed' cannot be classified as an outbuilding under the Residential Design Codes as intrinsic in the outbuilding definition is that the structure is detached from the dwelling.

The only feasible option is for Council to consider the non habitable floor area as a 'garage' however a floor area of 144m<sup>2</sup> is considered excessive for a garage, and there is concern that support for such would set an undesirable precedent.

### ***Proposed future conversion of dwelling to ancillary accommodation***

The applicant has indicated that in the future they propose to apply to construct a new dwelling on the lot and convert the current proposed dwelling into ancillary accommodation. Gray & Lewis has always encouraged applicants to apply for a residence and ancillary accommodation as one application, rather than this staged 'piecemeal' approach.

This approach to development is not actively encouraged by Gray & Lewis as it causes a number of issues;

1. Whilst the applicant has been 'up front' about the owners intentions there is no guarantee that Council will support the proposed conversion to ancillary accommodation.
2. Council can only consider the application before it 'on merit' which is for a single dwelling unit (and garage).
3. Ownerships can change and any future landowner will be purchasing a small single house as currently proposed.
4. Ancillary accommodation will only be considered where family circumstances warrant support. Any ancillary accommodation can only be for a person who is related to occupiers of the main dwelling. If the current dwelling is constructed it will not be ancillary, it will be the main dwelling.
5. For any ancillary accommodation, Council may require an owner to enter into a legal agreement (with caveat) on the lot and / or notifications to be placed on the certificate of title outlining the limitations of the accommodation.

It is recommended that the applicant and owner be advised that this approach is generally not encouraged and that there is no guarantee that any future conversion of the dwelling will be supported for any ancillary accommodation.

### ***Conclusion***

The application generally complies with the Scheme requirements however there is concern over;

1. The aesthetics of the proposed dwelling due to the combination with the 'garage' and 'shedlike appearance' of the proposed dwelling (which is to the front of the building envelope).
2. The size of the proposed 'garage' as the non habitable floor space cannot be classified an outbuilding. If Council is to exercise discretion to support the non habitable floor space as a garage then there is concern that its size is excessive to the need for carparking spaces on site.
3. The proposal to stage development as there are no guarantees that Council will support any future application to convert the proposed dwelling to ancillary accommodation. It is recommended that the owner be aware of this advice and consider lodging a comprehensive application for all development proposed on site.

It is recommended that the application be deferred to allow the applicant and owner to consider the concerns raised.

### **STRATEGIC IMPLICATIONS**

Support for a large garage beyond that normally required to service carparking needs of an average dwelling (2 bays per dwelling unit) may set an undesirable precedent, and it is noted that the owner can still apply for an outbuilding in the future separate from the dwelling.

### **STATUTORY REQUIREMENTS**

The applicant has a right of review to the State Administrative Tribunal if aggrieved by any decision made by the Council. A right of review would only be triggered on the lapse of 60/90 days (depending on whether the application is advertised) or on determination.

### **FINANCIAL IMPLICATIONS**

Not applicable.

### **POLICY IMPLICATIONS**

Local Planning Policy No 16 – Outbuildings was adopted by Council for final approval on the 16 September 2008. It has limited relevance in this case as outbuildings are detached from dwellings.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

That Council;

1. Defer the application lodged by Ian Weir (on behalf of Matthew Atkinson) on 1 July 2009 for a new dwelling (combined with non habitable floor area) on Lot 92 Black Rocks Road, Bremer Bay and advise the applicant that;

- (i) The 'shed' cannot be classified as an outbuilding under the Residential Design Codes as intrinsic in the outbuilding definition is that fact that the structure is detached from the dwelling.

The only feasible option is for Council to consider the non habitable floor area as a 'garage' however a floor area of 144m<sup>2</sup> is considered excessive for any garage use or normal parking needs - there is concern that support for such would set an undesirable precedent. Intrinsic in the 'garage' definition is that it be designed '*to accommodate one or more motor vehicles and attached to the dwelling*'. The 144m<sup>2</sup> is considered beyond an area reasonably required for the parking of vehicles for an average dwelling unit.

It is suggested that the owner consider either a separate outbuilding structure or reducing the non habitable floor area so it can be considered as a 'garage'.

- (ii) There is concern over the aesthetics of the proposed dwelling/ building and its 'shedlike' appearance which is further enhanced due to the proposed combination with non habitable floor space.

Whilst aesthetics of proposed dwellings is a subjective issue, in this case it is considered that it is relevant due to the unusual design proposed. Council does have the ability to consider aesthetics under the Scheme as Clause 5.25.3(b) specifically makes reference to issues for consideration including '*building size, height, bulk, roof pitch*' and '*architectural style and design details of the building*'.

Concern over the appearance stems from the combination of rectangular floor layout, proposed residential use and shed/garage use, minimal expanses of glass to break up the colourbond expanse on the south and north elevations, and lack of architectural features with the exception of one verandah.

Modifications to the design are sought to provide the facade with greater variation and interest incorporating some architectural design features. The applicant may find benefit in lodging colour elevation plans.

2. Write to the owner (Matthew Atkinson) directly and advise that whilst it is appreciated that the applicant has indicated future intentions for conversion of the proposed dwelling into 'ancillary accommodation' there is no guarantee that any such future development will be supported by Council.

Councils planning consultant, Gray & Lewis, encourages owners to apply for a residence and ancillary accommodation as one application, rather than this staged 'piecemeal' approach. If the current application is pursued then it will be assessed as a single house, and Council may not be prepared to consider it as ancillary to any proposed future dwelling as it will be constructed on site as the main dwelling.

Pursuit of the proposed dwelling may cause problems for any future proposal for any second dwelling and causes a number of issues;

- Council can only consider the application before it 'on merit' which is for a single dwelling unit (and garage). Any future intention will not form part of the assessment of this proposal.
- Ownerships can change and any future landowner will be purchasing a small single house as currently proposed.
- Ancillary accommodation will only be considered where family circumstances warrant support and are not automatically approved. Any ancillary accommodation can only be for a person who is related to occupiers of the main dwelling. If the current dwelling is constructed it will not be ancillary, it will be the main dwelling on the lot.
- For any ancillary accommodation, Council may require an owner to enter into a legal agreement (with caveat) on the lot and / or notifications to be placed on the certificate of title outlining the limitations of the accommodation.

Accordingly the owner is advised that staging development in this way presents a risk.

3. Provide the applicant and owner with a copy of this report.

### **OC070913 Moved Cr Hobbs / Seconded Cr Atkin**

*That Council;*

1. *Defer the application lodged by Ian Weir (on behalf of Matthew Atkinson) on 1 July 2009 for a new dwelling (combined with non habitable floor area) on Lot 92 Black Rocks Road, Bremer Bay and advise the applicant that;*

- (iii) *The 'shed' cannot be classified as an outbuilding under the Residential Design Codes as intrinsic in the outbuilding definition is that fact that the structure is detached from the dwelling.*

*The only feasible option is for Council to consider the non habitable floor area as a 'garage' however a floor area of 144m<sup>2</sup> is considered excessive for any garage use or normal parking needs - there is concern that support for such would set an undesirable precedent. Intrinsic in the 'garage' definition is that it be designed 'to accommodate one or more motor vehicles and attached to the dwelling'. The*

144m<sup>2</sup> is considered beyond an area reasonably required for the parking of vehicles for an average dwelling unit.

It is suggested that the owner consider either a separate outbuilding structure or reducing the non habitable floor area so it can be considered as a 'garage'.

- (iv) There is concern over the aesthetics of the proposed dwelling/ building and its 'shedlike' appearance which is further enhanced due to the proposed combination with non habitable floor space.

Whilst aesthetics of proposed dwellings is a subjective issue, in this case it is considered that it is relevant due to the unusual design proposed. Council does have the ability to consider aesthetics under the Scheme as Clause 5.25.3(b) specifically makes reference to issues for consideration including 'building size, height, bulk, roof pitch' and 'architectural style and design details of the building'.

Concern over the appearance stems from the combination of rectangular floor layout, proposed residential use and shed/garage use, minimal expanses of glass to break up the colourbond expanse on the south and north elevations, and lack of architectural features with the exception of one verandah.

Modifications to the design are sought to provide the facade with greater variation and interest incorporating some architectural design features. The applicant may find benefit in lodging colour elevation plans.

2. Write to the owner (Matthew Atkinson) directly and advise that whilst it is appreciated that the applicant has indicated future intentions for conversion of the proposed dwelling into 'ancillary accommodation' there is no guarantee that any such future development will be supported by Council.

Councils planning consultant, Gray & Lewis, encourages owners to apply for a residence and ancillary accommodation as one application, rather than this staged 'piecemeal' approach. If the current application is pursued then it will be assessed as a single house, and Council may not be prepared to consider it as ancillary to any proposed future dwelling as it will be constructed on site as the main dwelling.

Pursuit of the proposed dwelling may cause problems for any future proposal for any second dwelling and causes a number of issues;

- Council can only consider the application before it 'on merit' which is for a single dwelling unit (and garage). Any future intention will not form part of the assessment of this proposal.
- Ownerships can change and any future landowner will be purchasing a small single house as currently proposed.
- Ancillary accommodation will only be considered where family circumstances warrant support and are not automatically approved. Any ancillary accommodation can only be for a person who is related to occupiers of the main dwelling. If the current dwelling is constructed it will not be ancillary, it will be the main dwelling on the lot.
- For any ancillary accommodation, Council may require an owner to enter into a legal agreement (with caveat) on the lot and / or notifications to be placed on the certificate of title outlining the limitations of the accommodation.

Accordingly the owner is advised that staging development in this way presents a risk.

3. Provide the applicant and owner with a copy of this report.

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<b>SUBMISSION TO:</b>	<b>Health, Building and Town Planning</b>
<b>AGENDA REFERENCE:</b>	10.3.8
<b>SUBJECT:</b>	Proposed subdivision into 9 lots
<b>LOCATION/ADDRESS:</b>	Lot 400 Wellstead Road, Bremer Bay
<b>NAME OF APPLICANT:</b>	Thompson McRobert Edgeloe
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Gray & Lewis Landuse Planners
<b>DISCLOSURE OF ANY INTEREST:</b>	Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of Local Government Act 1995
<b>DATE OF REPORT:</b>	3 July 2009

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## **SUMMARY**

- Council is to consider an application for a rural residential subdivision creating 9 lots inclusive of a conservation lot.
- A report on this subdivision was considered by Council at its meeting held on the 21 April 2009 (Item 10.3.7). Determination was deferred to allow assessment of the Fire Management Plan (FMP) and advise the Western Australian Planning Commission (WAPC) of concerns over implementation of a FMP.
- The applicant has lodged an amended subdivision plan to resolve fire management issues following extensive consultation with Shire officers, Gray & Lewis, FESA and the Department for Planning and Infrastructure.
- This report recommends that Council recommend that the amended plan be granted conditional approval by the WAPC.

## **ATTACHMENT**

Attachment 10.3.8(A) – Amended Subdivision Plan

Attachment 10.3.8(B) -Sketch plan showing modified building envelope for Lot 9

## **BACKGROUND**

### ***Zoning***

The subject lots are zoned 'Rural Residential' under the Shire of Jerramungup Local Planning Scheme No 2 ('the Scheme'). This land was subject to Amendment 1 which introduced a new rural residential area, and was gazetted on the 31 October 2008.

A Subdivision Guide Plan was included in the amendment documents and was generally supported subject to compliance with an approved Fire Management Plan.

### ***Relevant Proposal – Status of Amendment 4 – Adjacent Lot 89***

The Western Australian Planning Commission supports Amendment 4 subject to modifications. The applicant lodged modified documents however these have not been approved by the WAPC.

WAPC has requested that the applicant lodge a modified Fire Management Plan as part of the amendment documents.

## ***WAPC referrals and timeframe***

There is no statutory consultation required under the Shires Scheme. The amended plan has been lodged concurrently with the WAPC and the Shire.

The WAPC will formally refer the amended plan to the Shire for comment. Gray & Lewis has prepared this report in anticipation of the formal WAPC referral in order to expedite processing and ensure the matter is determined at the July meeting.

## **COMMENT**

### ***Application***

An application has been lodged for subdivision to create 9 lots in a cluster format generally in accordance with an existing Subdivision Guide Plan which formed part of Amendment 1 to the Scheme. Some minor changes to lot sizes have occurred to address Fire Management.

A copy of the amended plan is included as Attachment A.

### ***Amended Plan and Fire Management***

Over the past few months there has been extensive negotiation and consultation between the applicant, FESA, Shire officers, Gray & Lewis and DPI. There were a number of issues complicating the FMP as follows;

- The FMP for Lot 400 needs to be sustainable in fire safety as a 'stand alone' subdivision. WAPC Planning for Bushfire Protection requires a secondary emergency access to allow for safe egress in the event of a fire, rather than one road in and out.
- In the longer term a second access will be achieved through Lot 89 connecting to Point Henry Road.
- The applicant proposed to utilise an existing strategic firebreak on Lot 9011 to the south, however it was found that the fire break is actually located on Lot 138. This was problematic as access to Lot 138 can only be achieved through Lot 9011.
- Utilising Lot 9011 to access the strategic firebreak also caused administrative issues with planning conditions as it relied on land outside of the subdivision.

The majority of these issues have since been resolved as;

1. A FESA Officer has inspected the site in detail and recommended measures to address Fire Management including;
  - Provision of a 100 metre Hazard Separation Zone (HSZ) for all building envelopes. This effectively meant the original proposed lots 1-8 had to be amended to increase their depth to accommodate two 100 metre hazard separation zones.
  - A 30 metre low fuel zone along the northern boundaries of proposed Lots 1-8 within the northern 100 metre HSZ. This will be maintained by the owners of the lots.
2. An agreement has been lodged signed by the southern Lot 9011 landowner to provide access to the strategic firebreak on Lot 138. DPI has indicated that conditions can be placed on the subdivision relative to Lot 9011 if there is a landowner agreement in place. The applicant has provided an agreement letter with the application.

### **Consultation with FESA**

The amended plan (Attachment A) was referred to FESA who were generally satisfied with the modified plan with the exception of;

- A. They considered that the 30 metre low fuel buffer on the north side may cause confusion as they also recommended that hazard separation zones would have to be parkland cleared.
- B. The Lot 9 building envelope only had a 60 metre separation to bush on the west of Wellstead Road and needs a 100 metre hazard separation zone.

Gray & Lewis liaised with the applicant and they have lodged a sketch plan (Attachment B) demonstrating that a 100 metre hazard separation zone can be achieved for Lot 9.

### **Recommended Conditions**

Ensuring there were adequate fire management measures was the only impediment to determination of this subdivision. The amended subdivision plan combined with the landowner consent from by the owner of Lot 9011 has resolved this matter sufficiently to allow for the Shire to recommend conditions for approval.

The majority of recommend conditions are standard however specific conditions will be required relating to Fire Management to;

1. Require an easement on the Certificate of Title of Lot 9011 with a benefit to proposed Lots 1-9) or a legal agreement with easement in gross to the Shire (signed by the Shire, owners of Lot 400 and 9011) to secure legal access to the existing strategic firebreak on Lot 138. The easement or legal agreement can be revoked once subdivision on Lot 89 is constructed. The road on Lot 89 will provide a permanent connection to the strategic firebreak on Lot 138 to the south.

The option of an easement or legal agreement is recommended to provide flexibility for the applicant. Gray & Lewis recommends this condition as (a) it is not known when Lot 89 will be developed and (b) the access over Lot 9011 needs to be legally secured as ownership can change – a letter from the current owner does not guarantee that any future owner would agree to allow access.

2. Require a legal agreement with a public 'easement in gross' over all strategic firebreaks within the subdivision protected by a caveat on title. This has previously been recommended by the Shires solicitors in discussions on strategic firebreaks in Point Henry. A public easement in gross ensures that the Shire and its contractors can gain access to strategic fire breaks should Council wish to maintain them. It also ensures that they are available for public use in the event of an emergency and are shown on a plan compiled by a licensed surveyor.
3. Require a notification on title to alert prospective purchasers of the fire management plan and their responsibilities, particularly to maintain the low fuel zones and retain a minimum of 10, 000 litres of water for structural fire fighting purposes.
4. No lockable gates to be installed which interfere with strategic firebreaks.

Council may also wish to discuss the issue of gates on strategic firebreaks. Some local governments allow gates along strategic firebreaks where they

intersect with property boundaries. The original FMP text proposed lockable gates and owners would in that case be required to provide the local fire brigade with keys to each gate.

Gray & Lewis recommends against lockable gates as;

- It places another burden on local government and the local fire brigade to maintain an organised key system, and there is less control as owners may change the locks.
- It means less availability in an emergency until and unless the local fire brigade unlocks the gates or can basically knock through them in a moving vehicle.
- Clause 5.2.3(o) of the Shires Scheme does not permit boundary fences to be erected on lots with coverage of more than 80% natural vegetation.

Gray & Lewis liaised with City of Albany who advised that they used to allow lockable gates however now require unlockable gates.

5. All strategic fire breaks to be constructed to a trafficable standard to the satisfaction of the Shire and FESA.

### ***Scheme requirements***

There are specific requirements applicable to Lot 400 under Schedule 11 of the Scheme.

This report concentrates on the Fire Management Plan requirements as;

1. The WAPC required specific provisions to be included in the scheme to deal with Fire Management, including a requirement that the Fire Management Plan be endorsed by the Shire and WAPC.
2. The Scheme also requires the zone to be self contained for its fire protection needs in accordance with the fire management plan endorsed by the local government and WAPC.

As discussed above, the FMP text needs to be updated to reflect the amended subdivision plan and this can be a condition. There are some minor anomalies between the original text and the new plan as;

- A 30 metre low fuel zone is proposed in lieu of 20 metres,
- Lockable gates are not supported so reference to these should be deleted;
- The buildings setbacks need to be updated to reflect the new 100 metre hazard separation zone.
- The plan also needs to be updated to include the modified building envelope for lot 9 as shown in Attachment B.

### ***Heritage***

The Heritage Council provided comments on the subdivision to the WAPC and expressed concern over the appearance of the proposed road into the subdivision due to the proximity of the site to the Wellsteads Homestead group.

Their main concern stems from the fact that there is a sense of isolation around the area and they seem to consider that the road will adversely impact on that. Gray & Lewis does not share this concern however the applicant has included a notation on the plan to 'achieve a Country Lane' appearance for the proposed road to address the Heritage Council concerns.

Regardless, the Shire needs to be satisfied with the standard of road construction and drainage, rather than aesthetics of the road.

## ***Conclusion***

The proposed subdivision design is generally supported and the amended plan has been submitted to address fire management.

It is considered that Council is now in a position to be comfortable that fire management can be adequately addressed, and it is only a formality for the FMP text to be updated to reflect the amended plan and also include the modified building envelope in Attachment B.

Accordingly support for the subdivision is recommended.

## **STRATEGIC IMPLICATIONS**

There are strategic fire management issues which have been outlined in this report.

FESA has recommended that the Shire develop a Local Planning Policy outlining requirements for fire management plans / subdivision which can be provided to developers up front, and assist to reduce workloads / assessment of fire management plans.

Gray & Lewis will draft a policy and liaise with FESA prior to referring it to Council to consider for adoption and advertising.

## **STATUTORY REQUIREMENTS**

Shire of Jerramungup Local Planning Scheme No 2 – explained in this report.  
Planning and Development Act 2005 – The applicant has a right of appeal if aggrieved by a decision made by the WAPC.

## **FINANCIAL IMPLICATIONS**

The creation of new lots may provide increased rates to the Shire. There will be ongoing maintenance costs for fire equipment however a levy can be raised from landowners to assist with costs.

## **POLICY IMPLICATIONS**

Not applicable.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That Council;

- A. Write to the Western Australian Planning Commission recommending approval of the amended subdivision plan (08178P-SU-01 dated 30 June 2009) for Lot 400 Wellstead Road (WAPC: 139652) subject to the following conditions;

## **FIRE MANAGEMENT**

1. The applicant to modify the Fire Management Plan and text to reflect the amended subdivision plan (Attachment B) and submit a final copy to the Shire and WAPC for formal endorsement. The plan is to include a 100 metre HSZ and building envelope for Lot 9 and the text should be updated as;
  - A 30 metre low fuel zone is proposed in lieu of 20 metres,
  - Lockable gates are not supported so reference to these should be deleted;
  - The buildings setbacks need to be updated to reflect the new 100 metre hazard separation zone shown on the amended plan.
  - Clarify the requirements for clearing in the HSZ as recommended by FESA.
2. The Fire Management Plan approved by the Shire of Jerramungup and WAPC shall be implemented to the specifications of the local government and FESA.
3. Require legal access to be provided on Lot 9011 in accordance with the landowner agreement submitted by the applicant. Legal access shall be in the form of an easement on the Certificate of Title of Lot 9011 (with a benefit to proposed Lots 1-9) or a legal agreement with easement in gross to the Shire (signed by the Shire, owners of Lot 400 and 9011) to secure legal access to the existing strategic firebreak on Lot 138.

The easement is to be of adequate dimension to provide a practical vehicular connection to the strategic fire break on Lot 138 and be constructed to a trafficable standard.

4. Notification in the form of a section 70A notification, pursuant to the Transfer of Land Act 1893 (as amended) is to be placed on the Certificate(s) of Title of the proposed lots advising that;
  - (i) The lots are contained in an area designated as extreme fire hazard. There is a Fire Management Plan for this area approved by the Shire and Western Australian Planning Commission. All owners have specific responsibilities under the Fire Management Plan.
  - (ii) There is an approved Subdivision Guide Plan for this area which has designated approved building envelopes. A 100 metre hazard separation zone shall be maintained to all building envelopes where recommended in the Fire Management Plan.
  - (iii) All owners are required to contribute annually to a special fund to be administered by the local government and used for maintenance of fire fighting facilities or equipment.
  - (iv) All lots contain strategic fire breaks which are protected by a public easement in gross. Public access to strategic firebreaks must be maintained at all times and no fences, materials or structures that impede access should be erected by owners.
  - (v) Owners of Lots 1-8 are required to maintain a 30 metre wide slashed Low Fuel Zone which includes a strategic fire break.
  - (vi) All dwellings must be constructed to comply with Australian Standards AS 3959.
  - (vii) No reticulated water supply can be provided to the land by a licensed water service supplier and as a consequence owners will be required to make their own arrangements to provide an adequate water supply of potable water. Water tanks shall be installed prior to occupation of any habitable building and owners need to retain a minimum of 10,000 litres of water for structural fire fighting purposes at all times.
  - (viii) The Shire of Jerramungup Local Planning Scheme No 2 which is a statutory document includes specific provisions applicable to

development of the land contained in Schedule 11. Prospective purchasers should liaise directly with the Shire for advice on development controls.

(viii) All development in this zone requires planning approval of the Shire of Jerramungup.

5. The developer to provide a written undertaking to advise prospective purchasers of the Notification in Condition 4 if any lots are to be presold prior to the issue of titles. If an agent is used to market the subdivision, and/or sell the lots on the developers behalf, then they shall also provide a written undertaking.

6. To facilitate the future movement of vehicular traffic and emergency vehicles in the event of an emergency, an easement in gross is to be granted free of cost to the Shire of Jerramungup as a public access easement over all strategic fire breaks constructed on the land.

The easement documents are to be prepared by the City's solicitors at the developer's cost and shall be completed and signed by the owner and against the certificate of title for the land prior to the issue of any clearances. The easements shall be shown on the Deposited Plan in 'as constructed' locations and those locations shall be pegged on site by a qualified licensed surveyor.

7. The part of Lots 1-9 the subject of any access easement / strategic firebreak shall be constructed to a trafficable standard (4 metre width) at the developers cost to a standard acceptable to the Shire of Jerramungup and FESA. The developer shall notify the Shire in writing prior to installation of strategic breaks on site so that the installation can be supervised.

8. The location of strategic fire breaks shall be pegged and surveyed on site. Any change of fire break location as constructed on site requires written approval of the Shire and would require lodgement of a revised Fire Management Plan.

9. All building envelopes shall be clearly pegged on site by a licensed surveyor, and low fuel zones and hazard separation zones established/slashed at the developers cost.

10. A water tank shall be constructed on site in accordance with a Fire Management Plan approved by the Shire of Jerramungup. The tank to be constructed out of materials approved by the Shire.

11. The developer to lodge a written undertaking with the Shire that they will provide a copy of the Fire Management Plan and Subdivision Guide Plan to all prospective purchasers. If an agent is used to market the subdivision, and/or sell the lots on the developers behalf, then they shall also provide a written undertaking.

## **ROADS AND DRAINAGE**

12. Those lots not fronting an existing road being provided with frontage to a constructed subdivision road connected directly or by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost to the satisfaction of the Shire.

13. Street corners within the subdivision are to be truncated to the standard truncation of 8.5 metres.
14. Arrangements being made with the local government for the upgrading of the portion of Wellstead Road adjacent to Lot 400 to the satisfaction of the local government.
15. A detailed plan demonstrating dual use path/cycleway design to the specifications of the local government is to be submitted prior to commencement of site works.
16. The owner/applicant is to construct dual use paths in accordance with a design approved by the Shire.
17. Adequate street lighting is to be provided at the owners/ applicants costs for all roads and paths to the satisfaction of the Shire.
18. Prior to construction the applicant/ owner is to prepare a construction management plan to be approved in writing by the Shire prior to any on site works. The management plan to detail how water runoff and potential erosion will be managed during construction.
19. The land being filled and/or drained at the subdivider's cost and any easements and/or reserves necessary for the implementation thereof, being granted free of cost. The drainage design is to be supported with a stormwater management plan that addresses impact on downstream flows and improved management of downstream impact.
20. Stormwater being contained on site, or connected into the local drainage system, after passing through an appropriate water quality improvement treatment device. A stormwater management system is to be constructed at the owners/ applicants cost and be designed to protect the water quality and ecology of the downstream surface and receiving environment.
21. The land to be provided with an adequate outlet drainage system at the applicants/owners cost.
22. Road signage to be installed to the specification of the local government at the applicant/owners cost. Approval of new road names are required by the Shire and Landgate – Geographic Names Committee.
23. The land being graded and stabilised.
24. A geotechnical report prepared for the Shire by an appropriately qualified geotechnical engineer must be lodged with the Shire, at the cost of the owner/applicant, prior to the issuance of subdivision clearance. The report must identify the geotechnical conditions of the site and certify to the Shire that any earthworks proposed / constructed are structurally sound.
25. All areas of soil disturbance being stabilised against dust nuisance to adjoining and nearby properties prior to, during or after commencement of site works and clearing. Where appropriate such measures as sprinklers, use of water tanks/trucks, mulching or other land management systems should be installed or implemented within the time and in the manner directed by the Commission if, upon receiving advice from the Shire of Jerramungup, it considers that a dust nuisance exists.

26. The applicant shall provide clear numbering of each lot to the satisfaction of the local government.
27. A Conservation Covenant with the Department of Environment and Conservation pursuant to section 129BA of the Transfer of Land Act 1893 (as amended) is to be placed on the Certificate of Title of the proposed Lot 9 advising of the existence of a restriction on the use of the land to protect areas identified for conservation. Notice of this restriction to be included on the Deposited Plan. The Conservation Covenant is to include a statement that '*Boundary fences that prohibit the passage of flora and fauna are not permitted*'.
28. The 8.3140 hectare area marked as '*Lot 10 - to be ceded for conservation purposes*' on the approved plan of subdivision is to be shown on the Deposited Plan as a reserve for conservation to be vested in the Crown (with a Management Order to Department of Environment and Conservation'. Such land to be ceded free of cost and without any payment of compensation by the Crown.

#### **FOOTNOTES (EXPLANATORY NOTES)**

- i) In regards to Condition 1, the applicant and Commission are advised that the Shire endorses the amended plan and it is a formality for the FMP text to be updated to reflect the amended plan.
- ii) In regards to Condition 3, the option of an easement or legal agreement is recommended to provide flexibility for the applicant. Gray & Lewis recommends this condition as (a) it is not known when Lot 89 will be developed and (b) the access over Lot 9011 needs to be legally secured as ownership can change – a letter from the current owner does not guarantee that any future owner would agree to allow access.

The easement or legal agreement could be revoked once a road is constructed on adjacent Lot 89 providing access to the existing strategic firebreak on Lot 138 to the south. In the interim legal access between Lot 400 and Lot 138 needs to be established.

The Commission and the applicant is advised that Council Officers need to be satisfied on site that that easement width will be adequate to provide practical access to the strategic fire break on Lot 138. If road construction on Lot 89 has substantially commenced at the time of clearance, then no easement will be required.

- (iii) In regards to Conditions 6 and 7, the applicant is advised that the Shire maintains the majority of strategic firebreaks throughout Bremer Bay and in the past there has problems obtaining legal access to private property. The Shires' solicitor has previously recommended that strategic firebreaks be protected by easement.
- (iv) Condition 8 has been imposed as historically there has been problems where strategic firebreaks are installed on site in locations which vary from an approved Fire Management Plan (due to rock or topography).

The Commission is advised that the Shire has experienced problems with some strategic fire breaks in the Point Henry / Peninsular area as they were not constructed in the location designated on the approved Subdivision Guide Plan, and FESA approved alternative fire break locations on site (apparently

without liaison with the Shire). The Shire was not provided with a final plan showing the 'as constructed' locations of firebreaks and has had to subsequently engage a surveyor to prepare a plan showing all strategic fire breaks.

- (iv) In regards to Condition 10 it is recommended that the developer investigate possibilities for a bore installation as a water source to service the water tank, as the Shire only has one water tanker. In the event that subdivision occurs on adjacent Lot 89 in a timely manner Council would be prepared to support a joint water tank to service both subdivisions.
- (v) In regards to road construction and drainage, the Shire of Jerramungup has adopted Subdivision and Development Guidelines, which outline the standards and procedures to be applied by the Shire. The Commission should include a footnote on any approval to advise the applicant to contact the Shire with regard to the Guidelines.
- (vi) In regards to Condition 14, the applicant should liaise with the Manager of Works at the Shire of Jerramungup.
- (vii) In regards to Condition 15 and 16, the Shire may require some upgrading of an existing path along Wellstead Road.
- (viii) With regard to Condition 24 the Shire requires as a minimum that:
  - A class "S" site classification (*AS 2870 Residential slabs and footings – Construction*) for each lot in a residential subdivision with a preference for a class "A" site classification.
  - If as a minimum a class "S" site classification is not achievable the subdivider must advise the purchaser(s) and place a notification on the title describing the site and the implications that this imposes.
  - If the site is class "S" or below, a drainage outlet connection point is to be provided to each residential lot.
  - The entire road reserve is free draining and stable.

Upon completion of the earthworks for the subdivision, the consultant geotechnical engineer shall certify that the works have achieved the required site classifications as per the approved design drawings.

- (iv) It is recommended that the owner/developer liaise with the Department for Environment and Conservation prior to any clearing. FESA has recommended parkland clearing of 100 metre Hazard Separation Zones for fire management, and it is not known whether WAPC has liaised with DEC over the amended plan.
- B. Provide a copy of this report (with Attachment B) and FESA's comments to the Western Australian Planning Commission.
- C. Provide a copy of this report to the applicant and advise in writing that;
  - A modified Fire Management Plan text should be lodged as soon as possible to reflect the amended plan in order to avoid delays at clearance stage. The Shire may liaise with FESA on the revised text.
  - Queries relating to road and drainage conditions should be directed to Graham Edwards at the Shire.

- It is recommended that a road name request also be pursued in the short to medium term to ensure road names are in place by clearance stage. Approval of any proposed road names needs to be gained by the Geographic Names Committee.

## OC070914 Moved Cr Iffla / Seconded Cr Barrett

That Council;

- A. Write to the Western Australian Planning Commission recommending approval of the amended subdivision plan (08178P-SU-01 dated 30 June 2009) for Lot 400 Wellstead Road (WAPC: 139652) subject to the following conditions;

### **FIRE MANAGEMENT**

1. The applicant to modify the Fire Management Plan and text to reflect the amended subdivision plan (Attachment B) and submit a final copy to the Shire and WAPC for formal endorsement. The plan is to include a 100 metre HSZ and building envelope for Lot 9 and the text should be updated as;
  - A 30 metre low fuel zone is proposed in lieu of 20 metres,
  - Lockable gates are not supported so reference to these should be deleted;
  - The buildings setbacks need to be updated to reflect the new 100 metre hazard separation zone shown on the amended plan.
  - Clarify the requirements for clearing in the HSZ as recommended by FESA.
2. The Fire Management Plan approved by the Shire of Jerramungup and WAPC shall be implemented to the specifications of the local government and FESA.
3. Require legal access to be provided on Lot 9011 in accordance with the landowner agreement submitted by the applicant. Legal access shall be in the form of an easement on the Certificate of Title of Lot 9011 (with a benefit to proposed Lots 1-9) or a legal agreement with easement in gross to the Shire (signed by the Shire, owners of Lot 400 and 9011) to secure legal access to the existing strategic firebreak on Lot 138.

The easement is to be of adequate dimension to provide a practical vehicular connection to the strategic fire break on Lot 138 and be constructed to a trafficable standard.

4. Notification in the form of a section 70A notification, pursuant to the Transfer of Land Act 1893 (as amended) is to be placed on the Certificate(s) of Title of the proposed lots advising that;
  - (i) The lots are contained in an area designated as extreme fire hazard. There is a Fire Management Plan for this area approved by the Shire and Western Australian Planning Commission. All owners have specific responsibilities under the Fire Management Plan.
  - (ii) There is an approved Subdivision Guide Plan for this area which has designated approved building envelopes. A 100 metre hazard separation zone shall be maintained to all building envelopes where recommended in the Fire Management Plan.
  - (iii) All owners are required to contribute annually to a special fund to be administered by the local government and used for maintenance of fire fighting facilities or equipment.
  - (iv) All lots contain strategic fire breaks which are protected by a public easement in gross. Public access to strategic firebreaks must be maintained at all times and no fences, materials or structures that impede access should be erected by owners.

- (v) *Owners of Lots 1-8 are required to maintain a 30 metre wide slashed Low Fuel Zone which includes a strategic fire break.*
  - (vi) *All dwellings must be constructed to comply with Australian Standards AS 3959.*
  - (vii) *No reticulated water supply can be provided to the land by a licensed water service supplier and as a consequence owners will be required to make their own arrangements to provide an adequate water supply of potable water. Water tanks shall be installed prior to occupation of any habitable building and owners need to retain a minimum of 10,000 litres of water for structural fire fighting purposes at all times.*
  - (viii) *The Shire of Jerramungup Local Planning Scheme No 2 which is a statutory document includes specific provisions applicable to development of the land contained in Schedule 11. Prospective purchasers should liaise directly with the Shire for advice on development controls.*
  - (viii) *All development in this zone requires planning approval of the Shire of Jerramungup.*
5. *The developer to provide a written undertaking to advise prospective purchasers of the Notification in Condition 4 if any lots are to be presold prior to the issue of titles. If an agent is used to market the subdivision, and/or sell the lots on the developers behalf, then they shall also provide a written undertaking.*
  6. *To facilitate the future movement of vehicular traffic and emergency vehicles in the event of an emergency, an easement in gross is to be granted free of cost to the Shire of Jerramungup as a public access easement over all strategic fire breaks constructed on the land.*

*The easement documents are to be prepared by the Shire's solicitors at the developer's cost and shall be completed and signed by the owner and against the certificate of title for the land prior to the issue of any clearances. The easements shall be shown on the Deposited Plan in 'as constructed' locations and those locations shall be pegged on site by a qualified licensed surveyor.*
  7. *The part of Lots 1-9 the subject of any access easement / strategic firebreak shall be constructed to a trafficable standard (4 metre width) at the developers cost to a standard acceptable to the Shire of Jerramungup and FESA. The developer shall notify the Shire in writing prior to installation of strategic breaks on site so that the installation can be supervised.*
  8. *The location of strategic fire breaks shall be pegged and surveyed on site. Any change of fire break location as constructed on site requires written approval of the Shire and would require lodgement of a revised Fire Management Plan.*
  9. *All building envelopes shall be clearly pegged on site by a licensed surveyor, and low fuel zones and hazard separation zones established/slashed at the developers cost.*
  10. *A water tank shall be constructed on site in accordance with a Fire Management Plan approved by the Shire of Jerramungup. The tank to be constructed out of materials approved by the Shire.*
  11. *The developer to lodge a written undertaking with the Shire that they will provide a copy of the Fire Management Plan and Subdivision Guide Plan to all prospective purchasers. If an agent is used to market the subdivision,*

*and/or sell the lots on the developers behalf, then they shall also provide a written undertaking.*

## **ROADS AND DRAINAGE**

12. *Those lots not fronting an existing road being provided with frontage to a constructed subdivision road connected directly or by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost to the satisfaction of the Shire.*
13. *Street corners within the subdivision are to be truncated to the standard truncation of 8.5 metres.*
14. *Arrangements being made with the local government for the upgrading of the portion of Wellstead Road adjacent to Lot 400 to the satisfaction of the local government.*
15. *A detailed plan demonstrating dual use path/cycleway design to the specifications of the local government is to be submitted prior to commencement of site works.*
16. *The owner/applicant is to construct dual use paths in accordance with a design approved by the Shire.*
17. *Adequate street lighting is to be provided at the owners/ applicants costs for all roads and paths to the satisfaction of the Shire.*
18. *Prior to construction the applicant/ owner is to prepare a construction management plan to be approved in writing by the Shire prior to any on site works. The management plan to detail how water runoff and potential erosion will be managed during construction.*
19. *The land being filled and/or drained at the subdivider's cost and any easements and/or reserves necessary for the implementation thereof, being granted free of cost. The drainage design is to be supported with a stormwater management plan that addresses impact on downstream flows and improved management of downstream impact.*
20. *Stormwater being contained on site, or connected into the local drainage system, after passing through an appropriate water quality improvement treatment device. A stormwater management system is to be constructed at the owners/ applicants cost and be designed to protect the water quality and ecology of the downstream surface and receiving environment.*
21. *The land to be provided with an adequate outlet drainage system at the applicants/owners cost.*
22. *Road signage to be installed to the specification of the local government at the applicant/owners cost. Approval of new road names are required by the Shire and Landgate – Geographic Names Committee.*
23. *The land being graded and stabilised.*
24. *A geotechnical report prepared for the Shire by an appropriately qualified geotechnical engineer must be lodged with the Shire, at the cost of the owner/applicant, prior to the issuance of subdivision clearance. The report*

*must identify the geotechnical conditions of the site and certify to the Shire that any earthworks proposed / constructed are structurally sound.*

- 25. All areas of soil disturbance being stabilised against dust nuisance to adjoining and nearby properties prior to, during or after commencement of site works and clearing. Where appropriate such measures as sprinklers, use of water tanks/trucks, mulching or other land management systems should be installed or implemented within the time and in the manner directed by the Commission if, upon receiving advice from the Shire of Jerramungup, it considers that a dust nuisance exists.*
- 26. The applicant shall provide clear numbering of each lot to the satisfaction of the local government.*
- 27. A Conservation Covenant with the Department of Environment and Conservation pursuant to section 129BA of the Transfer of Land Act 1893 (as amended) is to be placed on the Certificate of Title of the proposed Lot 9 advising of the existence of a restriction on the use of the land to protect areas identified for conservation. Notice of this restriction to be included on the Deposited Plan. The Conservation Covenant is to include a statement that 'Boundary fences that prohibit the passage of flora and fauna are not permitted'.*
- 28. The 8.3140 hectare area marked as 'Lot 10 - to be ceded for conservation purposes' on the approved plan of subdivision is to be shown on the Deposited Plan as a reserve for conservation to be vested in the Crown (with a Management Order to Department of Environment and Conservation'. Such land to be ceded free of cost and without any payment of compensation by the Crown.*

#### **FOOTNOTES (EXPLANATORY NOTES)**

- i) In regards to Condition 1, the applicant and Commission are advised that the Shire endorses the amended plan and it is a formality for the FMP text to be updated to reflect the amended plan.*
- ii) In regards to Condition 3, the option of an easement or legal agreement is recommended to provide flexibility for the applicant. Gray & Lewis recommends this condition as (a) it is not known when Lot 89 will be developed and (b) the access over Lot 9011 needs to be legally secured as ownership can change – a letter from the current owner does not guarantee that any future owner would agree to allow access.*

*The easement or legal agreement could be revoked once a road is constructed on adjacent Lot 89 providing access to the existing strategic firebreak on Lot 138 to the south. In the interim legal access between Lot 400 and Lot 138 needs to be established.*

*The Commission and the applicant is advised that Council Officers need to be satisfied on site that that easement width will be adequate to provide practical access to the strategic fire break on Lot 138. If road construction on Lot 89 has substantially commenced at the time of clearance, then no easement will be required.*

- (iii) In regards to Conditions 6 and 7, the applicant is advised that the Shire maintains the majority of strategic firebreaks throughout Bremer Bay and in the past there has problems obtaining legal access to private property. The*

*Shires' solicitor has previously recommended that strategic firebreaks be protected by easement.*

- (iv) *Condition 8 has been imposed as historically there has been problems where strategic firebreaks are installed on site in locations which vary from an approved Fire Management Plan (due to rock or topography).*

*The Commission is advised that the Shire has experienced problems with some strategic fire breaks in the Point Henry / Peninsular area as they were not constructed in the location designated on the approved Subdivision Guide Plan, and FESA approved alternative fire break locations on site (apparently without liaison with the Shire). The Shire was not provided with a final plan showing the 'as constructed' locations of firebreaks and has had to subsequently engage a surveyor to prepare a plan showing all strategic fire breaks.*

- (iv) *In regards to Condition 10 it is recommended that the developer investigate possibilities for a bore installation as a water source to service the water tank, as the Shire only has one water tanker. In the event that subdivision occurs on adjacent Lot 89 in a timely manner Council would be prepared to support a joint water tank to service both subdivisions.*
- (v) *In regards to road construction and drainage, the Shire of Jerramungup has adopted Subdivision and Development Guidelines, which outline the standards and procedures to be applied by the Shire. The Commission should include a footnote on any approval to advise the applicant to contact the Shire with regard to the Guidelines.*
- (vi) *In regards to Condition 14, the applicant should liaise with the Manager of Works at the Shire of Jerramungup.*
- (vii) *In regards to Condition 15 and 16, the Shire may require some upgrading of an existing path along Wellstead Road.*
- (viii) *With regard to Condition 24 the Shire requires as a minimum that:*

- *A class "S" site classification (AS 2870 Residential slabs and footings – Construction) for each lot in a residential subdivision with a preference for a class "A" site classification.*
- *If as a minimum a class "S" site classification is not achievable the subdivider must advise the purchaser(s) and place a notification on the title describing the site and the implications that this imposes.*
- *If the site is class "S" or below, a drainage outlet connection point is to be provided to each residential lot.*
- *The entire road reserve is free draining and stable.*

*Upon completion of the earthworks for the subdivision, the consultant geotechnical engineer shall certify that the works have achieved the required site classifications as per the approved design drawings.*

- (iv) *It is recommended that the owner/developer liaise with the Department for Environment and Conservation prior to any clearing. FESA has recommended parkland clearing of 100 metre Hazard Separation Zones for fire management,*

*and it is not known whether WAPC has liaised with DEC over the amended plan.*

- B. Provide a copy of this report (with Attachment B) and FESA's comments to the Western Australian Planning Commission.*
- C. Provide a copy of this report to the applicant and advise in writing that;*
- A modified Fire Management Plan text should be lodged as soon as possible to reflect the amended plan in order to avoid delays at clearance stage. The Shire may liaise with FESA on the revised text.*
  - Queries relating to road and drainage conditions should be directed to Graham Edwards at the Shire.*
  - It is recommended that a road name request also be pursued in the short to medium term to ensure road names are in place by clearance stage. Approval of any proposed road names needs to be gained by the Geographic Names Committee.*

**Carried 6-0**

**A D M I N**

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.1
<b>SUBJECT:</b>	Administration Status Report
<b>LOCATION/ADDRESS:</b>	
<b>NAME OF APPLICANT:</b>	Shire of Jerramungup
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Bill Parker
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	3 July 2009

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## **SUMMARY**

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

## **ATTACHMENT**

Nil

12.54pm Mr Bailey left the meeting

## **PROJECT UPDATE**

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

At the June OCM, Council resolved to relinquish the management and control of this reserve for a period of 10 years. The proponents interested in leasing this reserve have indicated that a 10 year period is not sufficient.

Negotiations continue.

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

The native title claimants have withdrawn the objection to the proposed development in Sydney Street. A submission to the Minister will now be prepared to complete the native title process. Once this process has been completed, a reservation and management order in favour of the Shire will be lodged with Landgate.

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

The CEO will provide Council with an update on this matter.

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

The Shire expects a response from the Minister within the coming weeks.

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

The Shire has executed the proposal to lease documents that reflected the conditions contained within the Council resolution.

WA Country Builders are preparing the working drawings and contractual documentation. It is anticipated that these documents will be executed in mid July 2009 and therefore construction will commence in July/August 2009.

**6) Industrial Land Bremer Bay**

No further information on this matter.

**7) Bremer Bay Medical Centre**

The CEO prepared a Medical Services and Infrastructure Strategy which has been circulated to Graham Carthew for feedback. It is anticipated that this document will be presented to Council in August 2009.

**8) Local Government Amalgamations**

The Shire received an encouraging score in response to the submitted reform checklist. An application for structural reform funding was approved on Monday 30 June 2009. A consultant has been appointed by the Shire of Jerramungup, Gnowangerup and Ravensthorpe to facilitate the development of a structural reform submission.

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.2
<b>SUBJECT:</b>	Public Consultation – Proposed Naming Phil Hadley Walk Trail
<b>LOCATION/ADDRESS:</b>	N/A
<b>NAME OF APPLICANT:</b>	N/A
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Bill Parker
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	2 July 2009

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## **SUMMARY**

In April 2008, Council considered an item whereby it was proposed that the new walk trail immediately surrounding Wellstead Estuary be named the 'Phil Hadley Trail'.

The advertising period for public submissions closed at 4pm Friday 20th June 2008.

## **ATTACHMENT**

Advertisement  
Public Submissions

## **BACKGROUND**

Significant progress has been made towards the staged construction of a path that immediately surrounds the Wellstead Estuary. Unfortunately, one of the key personnel involved in the planning of this project, Mr Phil Hadley died suddenly in January 2008.

Subsequently, Council received a request through the Wellstead Estuary Advisory Committee to name the trail the 'Phil Hadley Trail'.

Council considered this request at the April 2008 Ordinary Council Meeting and resolved;

*"That Council call for public comment on the proposed walk trail immediately surrounding Wellstead Estuary being named the Phil Hadley Trail".*

An advertisement was prepared that reflected the above resolution in April/June 2008. The public consultation period closed on Friday 20th June 2008. Only one submission was received from Mr A Giles (Attached). This response supported the proposal.

Council is now required to consider this public feedback and resolve on a position in relation to the proposed name of the walk trail.

With regard to the naming of the trail recommendation, the process is for the Local Government (or other land manager) to assess the proposed name and make a recommendation to Landgates' Geographic Names Committee for approval.

## **CONSULTATION**

A public consultation period was commissioned in June 2008. Only one response was received.

## **COMMENT**

Council often receives requests to name built infrastructure, parks and gardens after community members that have made a significant contribution. Council's position on this matter was outlined at the June 2009 Ordinary Council Meeting whereby a request to name a garden after a community member was declined. In declining this request, Council was of the opinion that although it was important to acknowledge the contribution of volunteers, the group did not feel that it was appropriate to single out individuals.

Regardless of this position, Council will continue to receive such requests and it would be appropriate to establish a policy that places parameters on these applications. Similar policies have been applied in other municipalities that consider the following criteria when assessing such requests;

1. Contribution made by the community member.
2. Period of time since death.
3. Cost of the signage etc being borne by the applicant.

Such policies allow local governments to make consistent decisions on such applications. Some local governments have refrained from naming public places in recognition of community members and have introduced memorial seat policies whereby memorial seats can be placed within Council managed reserves in preference to naming public places.

## **STATUTORY REQUIREMENTS**

Section 26 of the Land Administration Act has relevance to the naming of the trail.

### **26. Constitution, etc. of land districts and townsites**

- (1) In this section —  
“**townsite**” —
  - (a) means townsite constituted under subsection (2); and
  - (b) except in subsection (2)(a), includes land referred to in clause 37 of Schedule 9.3 to the *Local Government Act 1995*.
- (2) Subject to section 26A, the Minister may by order —
  - (a) constitute land districts and townsites;
  - (b) define and redefine the boundaries of, name, rename and cancel the names of, and, subject to this section, abolish land districts and townsites; and
  - (c) name, rename and cancel the name of any topographical feature, road or reserve.

- (3) An order made under subsection (2) may include such matters enabled to be effected under an order made under another provision of this Act as the Minister thinks fit.

### **STRATEGIC IMPLICATIONS**

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

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

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

### **FINANCIAL IMPLICATIONS**

Nil

### **POLICY IMPLICATIONS**

Nil

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

That Council;

- i) Decline the application made by the Wellstead Estuary Advisory Committee to name the walk trail immediately surrounding the Wellstead Estuary the 'Phil Hadley Trail'.
- ii) Authorise the Chief Executive Officer to enter into negotiations with the Wellstead Estuary Advisory Committee to erect a plaque on the trail that reflects the contribution made by Phil Hadley in the planning and construction of the walk trail.
- iii) Instruct the Chief Executive Officer to develop a memorial seat policy that will apply assessment criteria in considering future memorial applications.

12.57pm Mr Bailey returned to the meeting

#### **OC070915 Moved Cr Hobbs / Seconded Cr Barrett**

*That Council;*

- i) *Decline the application made by the Wellstead Estuary Advisory Committee to name the walk trail immediately surrounding the Wellstead Estuary the 'Phil Hadley Trail'.*

- ii) Authorise the Chief Executive Officer to enter into negotiations with the Wellstead Estuary Advisory Committee to erect a plaque on the trail that reflects the contribution made by Phil Hadley in the planning and construction of the walk trail.*
- iii) Instruct the Chief Executive Officer to develop a memorial seat policy that will apply assessment criteria in considering future memorial applications.*

**Carried 6-0**

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.3
<b>SUBJECT:</b>	Community Sport and Recreation Facilities Fund Grants – Small Grants Round
<b>LOCATION/ADDRESS:</b>	Boxwood Hill Sporting Complex
<b>NAME OF APPLICANT:</b>	Boxwood Hill Combined Sports Club
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Brent Bailey
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	13 July 2009

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### **SUMMARY**

The purpose of this report is to place before Council an application from the Boxwood Hill Combined Sports Club for grant funding under the Community Sport and Recreation Facilities Fund (CSRFF) small grants round with a recommendation that the application be supported and financed from the Community Recreation Reserve in 2009/2010.

### **ATTACHMENT**

CSRFF Grant Application

### **BACKGROUND**

The Department of Sport and Recreation has announced the opening of a small grants round for projects less than \$150,000 this financial year as part of its CSRFF program. In response to this funding program the Boxwood Hill Combined Sports Club has submitted an application to Council for support and financial contribution to renew the netball and tennis courts at the Boxwood Hill Sports Complex.

In the past CSRFF projects are approved in one financial year and then rolled out in the next allowing Council to provide for the financial contribution in the following year's budget. This new small grants program however seeks to have projects approved and completed in the same financial year. In formulating the 2009/2010 budget a provision for a \$50,000 withdrawal from the Community Recreation Reserve has been made should Council and State Government support be received for the project.

### **CONSULTATION**

Boxwood Hill Combined Sports Club / Boxwood Netball Club Members  
Department of Sport and Recreation Local Area Manager.  
Council has received a near completed Business Plan from the Boxwood Hill Combined Sports Club.

### **COMMENT**

The Boxwood Hill Sports Complex is a major focus for the community and due to a great deal of community input the facilities are very good and are maintained to a high

level by members. Council provides the Sports Club with between \$2000 and \$5000 of financial support as a contribution to the running costs of the Boxwood Hill Hall.

The existing netball and tennis courts were laid as part of a CSRFF project approximately 7 years ago. The surface however is breaking up and poses a significant safety hazard and will potentially cost the club finals fixtures in the coming years if the surface is not in a safe condition. As part of this project the club will address the issues which have deteriorated the current placing surface such as site drainage and the subsoil base.

Currently the Local Recreation Plan is being reviewed and each of the Sports Clubs have been asked to provide Council with a 5 year Business Plan prior to any funding payments. It is recommended that Council place a condition on the support for the project that any contribution from Council will not be paid until the Business Plan is finalised.

### **STATUTORY REQUIREMENTS**

Nil

### **STRATEGIC IMPLICATIONS**

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

1.2 Providing a range of recreational and sporting opportunities.

### **FINANCIAL IMPLICATIONS**

This application will require a \$50,000 contribution from Council and provision has been made in the 2009/2010 budget for the funds to be withdrawn from the Community Recreation Reserve.

### **POLICY IMPLICATIONS**

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

### **VOTING REQUIREMENTS**

Simple majority

### **RECOMMENDATION**

1. That Council supports the Boxwood Hill Combined Sports Club's CSRFF grant application for one third funding of its proposed project to renew the netball and tennis courts at the Boxwood Hill Sports Complex.
2. That conditional on the grant being approved by the Department of Sport and Recreation – Council provide the Boxwood Hill Combines Sports Club with a \$50,000 contribution towards the project to be withdrawn from the Community Recreation Reserve.
3. Prior to any funds being released to the club a finalised Business Plan for the Boxwood Hill Sports Complex must be submitted to the Shire of Jerramungup administration.

**OC070916 Moved Cr Barrett / Seconded Cr Atkin**

- 1. That Council supports the Boxwood Hill Combined Sports Club's CSRFF grant application for one third funding of its proposed project to renew the netball and tennis courts at the Boxwood Hill Sports Complex.*
- 2. That conditional on the grant being approved by the Department of Sport and Recreation – Council provide the Boxwood Hill Combined Sports Club with a \$50,000 contribution towards the project to be withdrawn from the Community Recreation Reserve.*
- 3. Prior to any funds being released to the club a finalised Business Plan for the Boxwood Hill Sports Complex must be submitted to the Shire of Jerramungup administration.*

**Carried 6-0**

1.10pm Mr Edwards left the meeting after declaring a financial interest in Item 10.4.4.

**OC070917 Moved Cr Hobbs / Seconded Cr Iffla**

To close the meeting to the public.

**Carried 6-0**

**OC070918 Moved Cr Williams / Seconded Cr Iffla**

*That Council*

- i) Endorse the proposal to renew the Executive Manager – Infrastructure Services contract of employment for a term of 5 years commencing on 3 August 2009.*
- ii) Endorse a base salary increase of \$5,000 per annum effective from 3 August 2009.*

**Carried 6-0**

**OC070919 Moved Cr Barrett / Seconded Cr Hobbs**

That the meeting be reopened to the public.

**Carried 6-0**

# **COUNCILLOR REPORTS**

## 11. COUNCILLOR REPORTS

Cr Barrett  
Attended a CDI Meeting  
Attended Structural Reform meetings

Cr Hobbs  
Attended a Budget Workshop  
Attended a FOWEG Meeting

Cr Iffla  
Attended a Budget Workshop  
Attended a FOWEG Meeting  
Attended Structural Reform Meetings

Cr Williams  
Attended a Climate Change Workshop  
Attended a Budget Workshop  
Attended Structural Reform meetings  
Attended a Shell Greening Australia Reconnections Projects Dinner  
Attended a Bremer Bay Catchment Meeting

Cr Atkin  
Attended Structural Reform Meetings

Cr Trevaskis  
Attended Structural Reform Meetings  
Attended a Meeting with Western Power  
Attended a Meeting with Minister Castrilli in Mount Barker  
Attended a Budget Workshop  
Attended a WALGA Meeting

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

12.1 From Officers

12.2 From Elected Members

**OC070920 Moved Cr Atkin / Seconded Cr Iffla**

*That Councillors Trevaskis, Bailey and Williams (Proxy) attend the WALGA AGM as voting delegates.*

**Carried 6-0**

**13. NEXT MEETING/S**

13.1 Ordinary Meeting – 18<sup>th</sup> August 2009 to be held at the Council Chambers, Jerramungup.

**14. CLOSURE**

The President declared the meeting closed at 1.55pm.