

NOT CONFIRMED BY COUNCIL

## SHIRE OF JERRAMUNGUP



## MINUTES

## COUNCIL ORDINARY MEETING

16<sup>th</sup> MAY 2012

**ORDINARY MINUTES – 16<sup>th</sup> MAY 2012****INDEX**

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SHIRE OF JERRAMUNGUP

ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS,  
JERRAMUNGUP ON WEDNESDAY 16<sup>th</sup> MAY 2012, COMMENCING AT 1.30PM.

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

The President declared the meeting open at 1.30pm.

2. **RECORD OF ATTENDANCE**

Cr B Trevaskis	President
Cr R Lester	Deputy President
Cr W Bailey	Member
Cr B Atkin	Member
Cr J Iffla	Member
Cr R Parsons	Member
Cr C Daniel	Member
Mr W Parker	Chief Executive Officer
Mr B Bailey	Deputy Chief Executive Officer
Mr G Edwards	Executive Manager Infrastructure Services
Mrs C Solomon	Coordinator of Governance & Land Administration

3. **APOLOGIES**

Mr C Pursey                      Planning Officer

4. **LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Nil

5. **PUBLIC QUESTION TIME**

Nil

6. **APPLICATIONS FOR LEAVE OF ABSENCE**

OC120501    Moved Cr Iffla / Seconded Cr Bailey

That Cr Atkin request for a leave of absence for the June 2012 Ordinary Meeting of Council be approved.

Carried 7-0

7. **PETITIONS / DEPUTATIONS / PRESENTATIONS**

Nil

**8. DECLARATIONS OF FINANCIAL INTEREST**

Nil

**9. CONFIRMATION OF MINUTES**

9.1 Ordinary Council Meeting held 18<sup>th</sup> April 2012

**OC120502 Moved Cr Daniel / Seconded Cr Parsons**

**That the Minutes of the Ordinary Meeting of Council held 18<sup>th</sup> April 2012 be confirmed.**

**Carried 7-0**

**W O R K S**

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<b>SUBMISSION TO:</b>	<b>Works</b>
<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>	4 May 2012

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### **ATTACHMENT**

Attachment 10.1.1(a) – Jerramungup maintenance report

Attachment 10.1.1(b) – Bremer Bay maintenance report

Attachment 10.1.1(c) – Rural road maintenance report

### **ROAD CONSTRUCTION**

#### **Swamp Road**

The finishing drainage, signs and pit reinstatement is continuing with the final recoup of the grant amount dependent upon completion.

#### **Devils Creek Road**

Sealing has been undertaken for 5 km eastward of Devils Creek South Road with signs and pit reinstatement remaining for project completion.

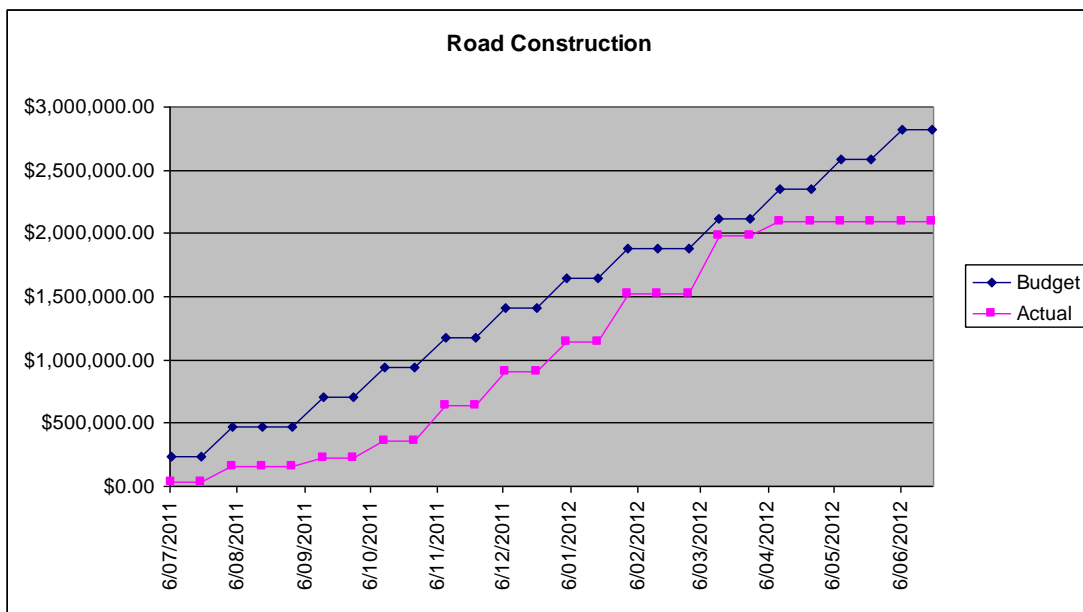
#### **Gairdner South Road**

Drainage reinstatement and pavement repairs have been undertaken.

#### **Jerramungup**

Contractor Correctline Drainage has arranged defect correction at Jerramungup and pavement repairs are being undertaken on Derrick Street. Sealing has been disrupted by wet weather.

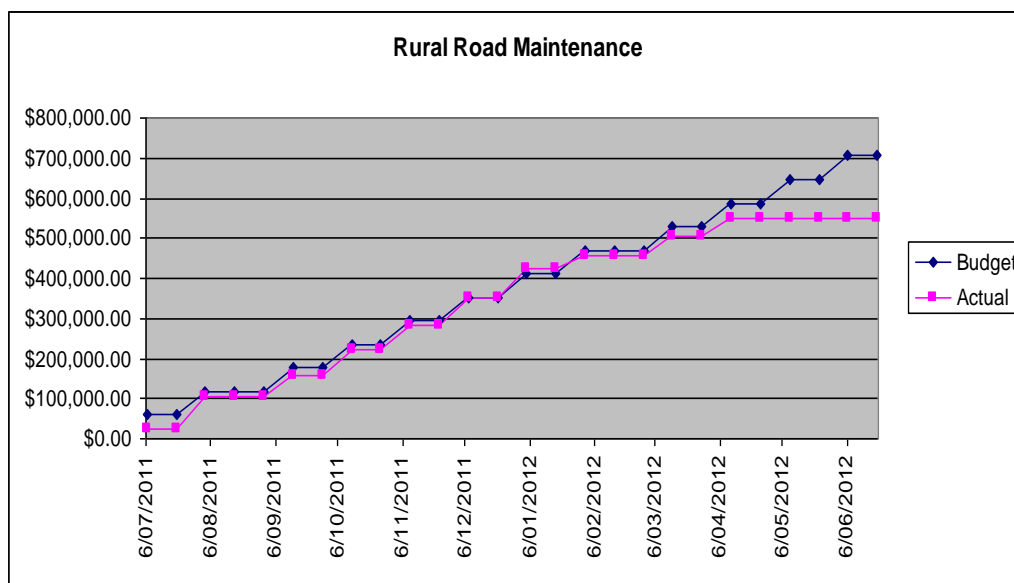
The graph below indicates the current status of the Road Construction Programme.



## ROAD MAINTENANCE

The attached reports indicate where road maintenance was undertaken during April for Bremer Bay, Jerramungup and the rural area.

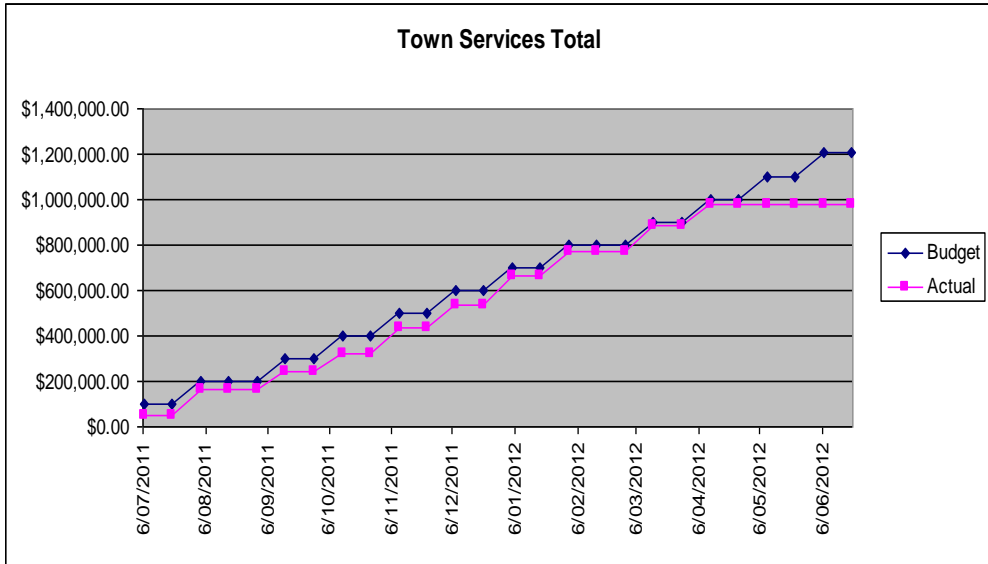
The graph below indicates rural road maintenance expenditures, which is at an acceptable level. Although the level of expenditure will limit the ability to increase activity following recent rain, the effectiveness of maintenance is expected to improve.



## TOWN SERVICES

The major components of Town Services are town streets and roads at Point Henry, waste management, parks, airstrips, cemeteries, fire prevention and ranger services.

Overall Town Services expenditure is indicated below.



**RECOMMENDATION**

That the Works Report be received.

**OC120503 Moved Cr Lester / Seconded Cr Bailey**

**That the Works Report be received.**

**Carried 7-0**



# **FINANCE**

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

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### **ATTACHMENT**

Attachment 10.2.1 - List of Accounts Paid to 30<sup>th</sup> April 2012

### **BACKGROUND**

<b>FUND</b>	<b>VOUCHERS</b>	<b>AMOUNTS</b>
<b>Municipal Account</b>		
Last Cheque Used	27248	
	EFT 5530 - 5632	\$459,795.56
	Cheque 27249 - 27268	\$12,883.52
	Direct Debits	\$5,175.15
<b>Municipal Account Total</b>		<b>\$477,854.23</b>
<b>Trust Account</b>		
	Cheque 000188	\$197.39
	Direct Debits	\$110.61
<b>Trust Account Total</b>		<b>\$308.00</b>
<b><u>Grand Total</u></b>		<b><u>\$478,162.23</u></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 submitted \$478,162.23 to the Full Council on 16<sup>th</sup> May 2012 be endorsed.

**SIGNATURES**

\_\_\_\_\_  
Author

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

**OC120504 Moved Cr Daniel / Seconded Cr Parsons**

**That the schedule of direct debits and accounts payable, totalling submitted \$478,162.23 to the Full Council on 16<sup>th</sup> May 2012 be endorsed.**

**SIGNATURES**

\_\_\_\_\_  
Author

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

**Carried 7-0**

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<b>SUBMISSION TO:</b>	<b>Finance</b>
<b>AGENDA REFERENCE:</b>	10.2.2
<b>SUBJECT:</b>	Monthly Financial Report
<b>LOCATION/ADDRESS:</b>	Shire of Jerramungup
<b>AUTHOR:</b>	Brent Bailey
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	3 <sup>rd</sup> May 2012

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## **SUMMARY**

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

## **ATTACHMENT**

Attachment 10.2.1 - Monthly Financial Report – Period Ending 30th April 2012

## **BACKGROUND**

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

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

## **CONSULTATION**

Council financial records.

## **COMMENT**

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

## **STATUTORY REQUIREMENTS**

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

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

## **STRATEGIC IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

As detailed within the Monthly Financial Report

## **POLICY IMPLICATIONS**

Finance Policy 2: Detailed within Monthly Financial Report

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

- 1) That Council receive the Monthly Financial Report for the period ending 30th April 2012 in accordance with Section 6.4 of the Local Government Act 1995.

**OC120505 Moved Cr Bailey / Seconded Cr Atkin**

- 1) That Council receive the Monthly Financial Report for the period ending 30th April 2012 in accordance with Section 6.4 of the Local Government Act 1995.

**Carried 7-0**

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<b>SUBMISSION TO:</b>	<b>Finance</b>
<b>AGENDA REFERENCE:</b>	10.2.3
<b>SUBJECT:</b>	Fees and Charges Adoption 2012/2013
<b>LOCATION/ADDRESS:</b>	
<b>NAME OF APPLICANT:</b>	
<b>AUTHOR:</b>	Brent Bailey
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	3 <sup>rd</sup> May 2012

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## **SUMMARY**

This item addresses setting Council's fees and charges for the 2012/2013 financial year. The proposed fees and charges are provided as an attachment and the recommendation seeks to adopt the fees and charges for advertising.

## **ATTACHMENT**

Attachment 10.2.3 - Proposed Fees and Charges 2012/2013

## **BACKGROUND**

In preparation for the 2012/2013 budget period the attached fees and charges are submitted for Council adoption. By adopting the fees and charges prior to the budget any applicable advertising can be undertaken and the new charges can be incorporated into the draft budget workings.

## **CONSULTATION**

Fees and Charges as set by external statutory bodies

## **COMMENT**

The 2012/2013 schedule of fees and charges has been formulated using the 2011/2012 year as a basis and incorporating new charges, CPI increases and input from external statutory bodies that Council collects fees on behalf of.

Fees for the production of Council documents are evaluated on a cost basis to recover expenses associated with the reproduction of documents. In many cases the documents are available electronically from Council's website at no charge.

New fees and charges for the coming financial year include the implementation of the new Building fees which have previously been endorsed by Council at the April Council meeting.

In the annual budget item, Council will still set additional fees and charges for kerbside collections and rates for rural and townsite properties.

## **STATUTORY REQUIREMENTS**

### **Local Government Act 1995**

#### **Subdivision 2 — Fees and charges**

##### **6.16. Imposition of fees and charges**

- (1) A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed. \* *Absolute majority required.*
- (2) A fee or charge may be imposed for the following —
  - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
  - (b) supplying a service or carrying out work at the request of a person;
  - (c) subject to section 5.94, providing information from local government records;
  - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
  - (e) supplying goods;
  - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
  - (a) imposed\* during a financial year; and
  - (b) amended\* from time to time during a financial year. \* *Absolute majority required.*

##### **6.17. Setting the level of fees and charges**

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors
  - (a) the cost to the local government of providing the service or goods;
  - (b) the importance of the service or goods to the community; and
  - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
  - (a) under section 5.96;
  - (b) under section 6.16(2)(d); or
  - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
  - (a) prohibit the imposition of a fee or charge in prescribed circumstances; or

(b) limit the amount of a fee or charge in prescribed circumstances.

### **6.18. Effect of other written laws**

(1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —

(a) determine an amount that is inconsistent with the amount determined under the other written law; or

(b) charge a fee or charge in addition to the amount determined by or under the other written law.

(2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

### **6.19. Local government to give notice of fees and charges**

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

(a) its intention to do so; and

(b) the date from which it is proposed the fees or charges will be imposed.

## **STRATEGIC IMPLICATIONS**

### **Key Focus Area One**

#### **Ongoing social economic and financial viability**

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

1.1 Identifying alternative sources of revenue.

## **FINANCIAL IMPLICATIONS**

Fees and Charges make up approximately \$865,000 of annual income.

## **POLICY IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Absolute Majority



## **RECOMMENDATION**

That Council adopt the attached schedule of fees and charges for the 2012/2013 financial year effective as of 1<sup>st</sup> July 2012.

1.09pm Mr Bailey left the meeting

1.12pm Mr Bailey returned to the meeting

### **OC120506 Moved Cr Bailey / Seconded Cr Lester**

**That Council adopt the attached schedule of fees and charges for the 2012/2013 financial year effective as of 1<sup>st</sup> July 2012 with an amendment being made to the footpath, verge, road and kerb damage bond. Bond to be increased to \$2,000.**

**Carried by Absolute Majority 7-0**

Reason for variation: In the schedule of fees and charges for 2012/2013 the footpath, verge, road and kerb damage bond is to be increased to \$2,000.

**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>	Proposed Scheme Amendment No 5 – Modified Omnibus Amendment
<b>LOCATION/ADDRESS:</b>	Whole of Shire
<b>NAME OF APPLICANT:</b>	Gray & Lewis Landuse Planners for Shire of Jerramungup
<b>FILE REFERENCE:</b>	LU.PL.9
<b>AUTHOR:</b>	Liz Bushby, Consultant Planner (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 Local Government Act 1995
<b>DATE OF REPORT:</b>	9 May 2012

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### **SUMMARY**

Council is to consider a modification to omnibus Scheme Amendment No 5 to the Shire of Jerramungup Local Planning Scheme No 2 ('the Scheme') to address an issue raised by the Environmental Protection Authority (EPA).

The modification proposes to delete a zoning change proposed for Lot 248 Paperbark Road, Boxwood Hill from the omnibus amendment.

Essentially this means re-initiating the modified omnibus amendment through a new formal Council resolution. It is recommended that Council adopt a modified omnibus Amendment No. 5 which does not include Lot 248 Paperbark Road, Boxwood Hill.

### **ATTACHMENT**

Attachment 10.3.1 – EPA advice

### **BACKGROUND**

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

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

The amendment is an omnibus amendment which seeks to make a number of changes to the existing scheme text and map. The omnibus amendment is a mechanism which allows the Shire to update and improve the scheme without undertaking a major scheme review.

The omnibus specifically seeks to:

- Ensure that any unpaid contributions for maintenance of standpipe facilities and fire fighting are recoverable;
- Introduce a definition in the Scheme for Strategic Fire Break;

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

## **CONSULTATION**

All Scheme Amendments are required to be lodged to the Environmental Protection Authority (EPA) for advice, prior to advertising. The EPA determines whether any formal environmental assessment is required.

The scheme amendment can only be advertised for public comment, once the EPA confirms in writing that it has assessed the scheme amendment and determined that no environmental assessment is required.

The EPA has advised that the Department of Environment and Conservation (DEC) has objections to the inclusion of Lot 248 Paperbark Road, Boxwood Hill in the amendment, and has recommended that the Shire consider deleting Lot 248 from the omnibus amendment.

This will allow the EPA to process the omnibus amendment quickly, as the main issue raised by DEC relates to Lot 248. Gray & Lewis has liaised with the EPA and understands there are no other major issues with the omnibus amendment.

## **COMMENT**

The main priorities of the omnibus amendment is to immediately improve the existing scheme provisions relating to fire maintenance contributions, allow greater flexibility for future development in the Bremer Bay Town Centre, introduce a new Residential Development zone, have comprehensive structure plan provisions, and update the P1 and P2 Public Drinking Water Source protection areas.

Some other changes were proposed to try and address some identified anomalies in the scheme text and maps, including the zoning of Lot 248 Paperbark Road, Boxwood Hill ('Lot 248').

Lot 248 is currently zoned 'Parks and Recreation' under the Shires Scheme however is a lot under private ownership. Privately owned lots should not be zoned for any form of public purpose, and this zoning normally only applies to land either owned by the Shire, crown land or reserves.

Retention of the 'Parks and Recreation' zone over Lot 248 causes issues as there is insufficient development and landuse controls in place, in the event the owner applies for any form of development, including a single house. The existing zoning is also problematic as it leaves the Shire open to a claim for compensation in the event that a development on Lot 248 is refused because the land is zoned for 'Parks and Recreation'.

DEC has objected to the rezoning of Lot 248 from 'Parks and Recreation' to 'Rural' as proposed in the omnibus amendment. DEC sees the lot location as important as it is surrounded by reserves, and recommended that it be retained as 'Parks and Recreation'.

Gray & Lewis has liaised with DEC and advised of the extent of issues associated with retaining a 'Parks and Recreation' zone over a privately owned lot.

For the sake of progressing the omnibus amendment, Gray & Lewis recommends that the Shire adopt a modified Amendment 5 with deletion of any reference to Lot 248.

Notwithstanding the above, the issues associated with the existing zoning of Lot 248 and options for a separate scheme amendment need to be further discussed with DEC.

Apart from a rural zone, Council may consider a special use zone for Lot 248 which limits development to a single house and requires any future development to meet specific conditions, including to address access to the property.

In the event that DEC seeks to retain the existing 'Parks and Recreation' zone over Lot 248 in the longer term, then they may need to consider purchasing the lot. Gray & Lewis has informally raised these issues with DEC (Perth Office) and they are willing to further discuss Lot 248 to resolve the situation in the longer term.

## **STATUTORY REQUIREMENTS**

Planning and Development Act 2005 – All amendments undergo a statutory process which includes referral to the Environmental Protection Authority, formal advertising, final adoption by Council, assessment by WAPC and requires final approval by the Minister for Planning.

Town Planning Regulations 1967 (as amended) – legislative procedural requirements for scheme amendments.

Environmental Protection Act 1986 (as amended) – environmental assessment requirements. No scheme amendment can be formally advertised until the EPA has confirmed in writing that no environmental assessment is required.

## **STRATEGIC IMPLICATIONS**

The omnibus amendment aligns with the following key focus area in the Strategic Plan:

### ***Service delivery and the environment***

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

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

## **FINANCIAL IMPLICATIONS**

Council pays fees to Gray & Lewis. The formal amendment document will need to be modified to delete all references to Lot 248 Paperbark Road, Boxwood Hill.

## **POLICY IMPLICATIONS**

At some future point, the Shire will need to develop a Local Planning Policy to guide development in the R15/30 coded areas.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

### **That Council:**

**A.** Resolves to initiate a modified Scheme Amendment No 5 to Local Planning Scheme No 2 in pursuance of Section 75 of the Planning and Development Act 2005 for the purposes of:

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

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

And replacing them with;

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

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

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

And replacing it with;

*‘The local government will require all owners to contribute annually to a special fund to be administered by the local government and used for general fire management purposes or to implement fire management plans including and not*

*limited to maintenance of standpipe facilities, water tanks, fire fighting equipment/facilities and strategic fire breaks or emergency fire accesses.'*

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

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

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

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

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

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

And replacing it with:

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

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

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

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

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

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

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

**'5.19.4 Outbuildings**

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

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

**'5.25.4 Outbuildings**

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

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

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

To state:

- (a) *In the Residential zone with R15/30 density code the local government has discretion to permit an increase from the base code of R15 up to a maximum density of R30 where:*
- (i) *adequate connection to reticulated sewerage is available; and*



- (ii) *the proposal is consistent with, and has a high degree of compliance with the relevant Local Planning Policy in the opinion of Council. ‘*

12. Modifying and expanding Clause 8.1 which currently states:

**‘8.1 REQUIREMENT FOR APPROVAL TO COMMENCE DEVELOPMENT**

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

And inserting as follows;

**‘8.1 REQUIREMENT FOR APPROVAL TO COMMENCE DEVELOPMENT**

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

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

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

*‘(iii) the single house is a transported building under clause 5.10;’*

To state:

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

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

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

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

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

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

15. Modifying existing Clause 8.3 which currently states;

**‘8.3 AMENDING OR REVOKING A PLANNING APPROVAL**

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

And inserting as follows:

**‘8.3 AMENDING OR REVOKING A PLANNING APPROVAL**

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

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

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

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

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

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

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

17. Modify and expand existing Clause 5.26.3 to state:

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

- (a) *In addition to those matters listed in clause 10.2, applications for the development of agroforestry and plantations are to be determined by the local government having regard to:*
- (i) *The objectives of the Rural zone with high regard to the need to ensure continuation of broad hectare farming as the principal landuse;*
  - (ii) *The Code of Practice for Timber Plantations in Western Australia 2006 as amended from time to time ('Code of Practice');*
  - (iii) *Submission of a plantation management plan in accordance with the protocol in the Code of Practice;*
  - (iv) *Provision of an adequate Fire Management Plan to the satisfaction of the local government that addresses matters such as fire risk, suppression response, water supply, emergency access, firebreak locations, and ongoing implementation of a Fire Management Plan;*
  - (v) *The Guidelines for Plantation Fire Protection (FESA) as amended from time to time;*
  - (vi) *The benefits of agroforestry and plantations in addressing land degradation including soil erosion, waterlogging, erosion and salinity on the development land;*
  - (vii) *The need for adequate buffers between plantations and water courses having regard for Water Quality Protection Notes, guidelines or policies produced by the Department of Water from time to time;*
  - (viii) *The benefits of plantations which supplement continued traditional agriculture on the development land and result in specific benefits to the development land through protecting water courses, providing vegetation corridors, mitigating wind erosion, protecting existing grazing / cropping areas and / or providing vegetation linkages to surrounding remnant vegetation;*
  - (ix) *Landuse compatibility and the location of the land in relation to land zoned and / or planned for residential, industrial and commercial uses;*
  - (x) *Any relevant Local Planning Policy adopted by the Shire;*
  - (xi) *The suitability of the current and future road systems.'*

18. Delete Clause 5.26.3 (b) which states:

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

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

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

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

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

And inserting as follows:

#### **'5.10 TRANSPORTED BUILDINGS**

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

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

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

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

- (a) require landscaping in the front setback area to be established and maintained; and*
- (b) require the applicant or owner to provide a bond or bank guarantee to Council as surety for the completion of any upgrading required for a second hand Transported Building to a standard of presentation acceptable to Council within a specified*

*time frame. Should Council require provision of a bond, such monies so received shall be deposited in an interest bearing Trust account and upon completion of the necessary works to the satisfaction of Council, such monies shall be refunded.'*

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

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

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

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

To state as follows;

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

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

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

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

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

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

- (i) Reticulated sewer is available and it is demonstrated that it can be provided to service the new lots; and*
- (ii) Any existing dwellings are provided with adequate setbacks to new lot boundaries; and*
- (iii) The subdivider constructs all available road frontages and right of ways abutting the development site as part of subdivision; and/ or*



- (iv) *Subdivision shall be generally in accordance with a Subdivision Guide Plan where it has been adopted by Council and endorsed by the Western Australian Planning Commission (as applicable).*

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

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

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

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

26. Deleting existing Clause 5.16.3 which states:

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

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

Inserting a new Clause 5.16.3 as follows;

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

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

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

*"5.16.5A planning consent to conduct a home occupation, home business or rural home business is issued to a specific occupier of a parcel of land, it shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it was granted. Should there be a change*

*of occupier of the land in respect of which planning consent for a home occupation is issued the planning consent is automatically cancelled and extinguished without any written notification.*

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

28. Deleting existing Clause 5.17 which currently states:

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

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

Inserting a new Clause 5.17 as follows;

#### **“5.17 CARETAKERS DWELLING**

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

- (a) A caretakers dwelling shall not be developed and / or occupied on a lot unless that lot has been substantially developed with an industry, business or office and is being used in accordance with the Scheme;*
- (b) A caretakers dwelling shall be located on a lot larger than 2000m<sup>2</sup> in the Light Industrial zone and 4000m<sup>2</sup> in the General Industry zone unless otherwise approved by Council;*
- (c) Council may require caretakers dwellings to be constructed in a form that is capable of being removed including a park home and transported buildings*

*so that future Industrial development of lots is not constrained by permanent dwellings;*

- (d) A caravan is not permitted as a caretakers dwelling for either permanent or temporary occupation;*
- (e) The location of a Caretakers Dwelling on a lot shall be assessed in relation to its proximity to adjoining lots and the likely impact of any noise, dust, fumes, vibration and the like emanating from activities on the adjoining lots;*
- (f) Council may require applicants proposing caretakers dwellings to provide information and technical assessments of potential emissions, risks and hazards of existing development and to enter into an agreement with Council to certify they are aware of potential impacts associated with normal industrial activities;*
- (g) Caretakers dwellings are not permitted on land adjacent to vacant lots unless there are extenuating circumstances, as future industrial landuses may have adverse impacts. Council will have regard to the need to cater for new Industries within the General Industrial zone and ensure that future development of vacant lots are not unduly constrained by the location of caretakers dwellings;*
- (h) Council will consider the need to maintain adequate buffers between caretakers dwellings (sensitive dwellings) and Industrial uses outlined in the Environmental Protection Authority 'Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Landuses';*
- (i) Caretakers dwellings shall be located to the rear of lots in an area that does not interfere with truck movements, loading areas, car parking or landscaping for the business located on the same lot (unless otherwise approved by Council);*
- (j) Caretakers dwellings shall be provided with a private external open space area equal to the floor area of the proposed dwelling and adequate landscaping screening the dwelling from view of any street, public place or adjacent lots;*
- (k) A caretakers dwelling is to contain 1 bedroom only with a total floor area that does not exceed 100 square metres measured from the external face of the walls. The total floor area does not include any pergola, patio, veranda or carport that is open on at least two sides;*
- (l) A maximum of one caretakers dwelling shall be permissible on a lot;*
- (m) Council may limit the term of the planning approval for any caretakers dwelling in recognition that industrial land uses in a locality change over time, the need to maximise potential industrial development on vacant land in a locality, to minimise landuse conflict between a caretakers dwelling and new development, and to ensure that ultimately industrial areas are not unduly constrained by the location of non industrial uses. “*

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

- **Residential Development Zone**
  - *To allow for the progressive development of land for predominately residential purposes together with compatible uses.*
  - *To retain the single house as the predominant form of residential development and maintain flexibility to cater for a variety of housing choice and future housing needs.*
  - *To allow for incidental non-residential uses only where the local amenity is not adversely affected.*
  - *To ensure that subdivision occurs in a coordinated manner and has regard for other future subdivisions in the area.*
  - *To ensure all residential development is provided with adequate services and infrastructure.*

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

USES		RESIDENTIAL DEVELOPMENT
1	aged or dependent persons dwelling	D
2	agriculture-extensive	X
3	agriculture-intensive	X
4	agroforestry	X
5	ancillary accommodation	D
6	animal establishment	X
7	animal husbandry - intensive	X
8	aquaculture	X
9	bed and breakfast	D
10	caretaker's dwelling	X
11	civic use	D
12	club premises	A
13	educational establishment	A
14	fast food outlet	X
15	fuel depot	X
16	grouped dwelling	D
17	home business	D
18	home occupation	D
19	hotel	A
20	industry - cottage	D

21	industry - extractive	X
22	industry - general	X
23	industry - light	X
24	industry - rural	X
25	industry - service	X
26	motel	A
27	motor vehicle repair	X
28	multiple dwelling	D
29	office	X
30	place of worship	X
31	plantation	X
32	plant nursery	X
33	recreation - private	A
34	residential building	D
35	restaurant	A
36	rural home business	X
37	rural pursuit	X
38	service station	X
39	shop	X
40	single house	P
41	tavern	X
42	tourist accommodation	D
43	transport depot	X
44	veterinary centre	X
45	warehouse	X

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

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

## **'5.28 RESIDENTIAL DEVELOPMENT ZONE**

### **5.28.1 Site Requirements**

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

### **5.28.2 Structure Plan Requirement**

The Local Government is not to:

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

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

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

### **5.29 STRUCTURE PLANS**

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

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

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

#### **5.29.4 Structure plan form and content**

5.29.4.1 A Structure Plan is to contain such detail as, in the opinion of the local government and Western Australian Planning Commission, is required to satisfy the planning requirements for the structure plan area, and should include the following details:

- a) a set of maps and a report describing the structure plan area and surrounding land uses;
- b) maps are to be of a legible scale for the structure plan area;
- c) key opportunities and constraints of the structure plan area including landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage, values, ownership, land use, roads and services;
- d) conservation and environmental values including bushland, wetlands, streams and water courses, foreshore reserves and setbacks, environmental policy areas and urban water management areas;
- e) sites and features of Aboriginal and European heritage value;
- f) transport routes, including highways, district and neighbourhood roads, public transport routes, cycle routes and railway stations;
- g) the planning context for the structure plan including the regional and neighbourhood structure, relevant strategies, Scheme provisions and policies and where appropriate, an indication of how the structure plan is to be integrated into the surrounding area;

- h) proposed major land uses, in particular, residential areas, public open space, school sites, civic and community uses, commercial uses (including the location and hierarchy of commercial centres), mixed use, industrial mixed business uses;
- i) the proposed indicative lot pattern and general location of any major buildings;
- j) estimates of future lots, dwellings, population, commercial and industrial floor space;
- k) provision for major infrastructure, including water supply, main drainage, sewerage, and other key infrastructure services;
- l) the proposed road network and hierarchy, public transport services, and bicycle and pedestrian networks;
- m) the timeframe and staging of subdivision and development, and the method of implementation, including any proposals for funding by development contributions; and
- n) such other information as may be required by the local government as a result of the site's characteristics.

5.29.4.2 Advertising and adoption of structure plans

5.29.4.3 Upon receiving a structure plan, the local government is to either:

- a) determine that the structure plan is satisfactory for advertising;
- b) determine that the structure plan is not be advertised until further details have been provided or modifications undertaken; or
- c) determine that the structure plan is not satisfactory for advertising and give reasons for this to the proponent.

5.29.4.4 When the local government has determined the structure plan to be suitable for advertising, the structure plan should be advertised for a minimum period of 21 days.

5.29.4.5 The local government shall advise affected landowners and relevant agencies in writing that the structure plan is available for public advertising.

5.29.4.6 Following advertising, the local government shall consider the public submissions made in respect of the structure plan, and either uphold or dismiss the submissions made.

5.29.4.7 The local government may require modifications to the structure plan prior to adoption.

- 5.29.4.8 When the local government is satisfied with the structure plan, it is to adopt the structure plan and forward the Council's resolution, the adopted structure plan, and schedule of public submissions is to be forwarded to the Western Australian Planning Commission for final approval.
- 5.29.4.9 The Western Australian Planning Commission shall then either approve the structure plan, approve the structure plan with modifications or refuse the structure plan.
- 5.29.5 Operation of Structure Plan
- 5.29.5.1 A structure plan commences operation when it is adopted by the local government and approved by the Western Australian Planning Commission.
- 5.29.5.2 If a structure plan imposes a classification on the land included in it by reference to reserves, zones, or Residential Design Codes then:
- a) the provisions of the structure plan apply to the land as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provisions incorporated in the Scheme; and
  - b) provisions in the Scheme applicable to land in those classifications under the Scheme apply to the structure plan;
  - c) where there is conflict between the provisions of a zone, reserve or provision in a structure plan or a scheme, the scheme shall prevail.
  - d) The land use permissibility for development within the 'Residential Development' zone shall apply in accordance with Table 1 – Zoning Table until such time as a Structure Plan commences operation. Notwithstanding any other provision in the Scheme, once a Structure Plan commences operation then land use permissibility's for the 'Residential Development' zone shall be in accordance with the provisions and zones in the Structure Plan.
- 5.29.5.3 If the zones and reserves in a structure plan are inconsistent with the scheme, they must be incorporated into the scheme via an amendment or a scheme review.
- 5.29.6 Right of Review



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

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

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

5.29.7 Subdivision Guide Plan

5.29.7.1 Any Subdivision Guide Plan as required under Clause 5.25.2 (b), Clause 6.3.2 or referenced in Schedule 11 shall be prepared and processed in accordance with Clause 5.29.

5.29.7.2 Any Subdivision Guide Plan or Plan of Subdivision duly approved by both the Shire of Jerramungup Council and endorsed by the Western Australian Planning Commission shall have the same force and effect as if it was approved as Structure Plan in accordance with Clause 5.29.

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

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

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

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

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

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

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

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

- (a) An assessment of the site in regard to:
  - (i) the type, quality and quantity of existing vegetation;
  - (ii) the depth and nature of the soils, including rock;
  - (iii) the existing contour information adequate to depict the landform;
  - (iv) any existing structures or improvements on the land;
  - (v) any other factors the local government considers relevant.
- (b) Information concerning the proposal for the land including:
  - (i) the proposed and ultimate subdivision of the land;
  - (ii) new contours of the site;
  - (iii) services and facilities for the development;
  - (iv) the trees and areas of vegetation to be preserved;
  - (v) new tree planting, landscape and proposed public open space;
  - (vi) the nature, form, scale and proposed use of the development on the land; and
  - (vii) where applicable, the staging of the proposal, and the maintenance strategy for the development.’

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

### **6.3.2 Structure Plan Requirement**

The Local Government is not to:

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

of land within the Special Design Area unless a structure plan has been prepared in accordance with Clause 5.29 of the Scheme, and adopted by the Shire of Jerramungup Council and endorsed by the Western Australian Planning Commission.

36. Insert a new Clause 6.3.3 as follows:

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

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

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

## **MAP CHANGES**

38. Rezone the northern portion of Lot 9007 Little Boat Harbour Road, Bremer Bay from 'Recreation and Open Space' to 'Rural Residential' as depicted on the Scheme Amendment map.
39. Re-classifying a portion of Lot 109 Bremer Bay Road, Bremer Bay from 'Rural-Residential Zone', 'Residential R2/15' zone and 'Recreation and Open Space' local scheme reserve to 'Residential Development' zone and 'Recreation and Open Space' local scheme reserve as depicted on the Scheme Amendment map.
40. Re-classifying Lot 9000 Goorie Way, Bremer Bay from 'Residential R2/15' zone to 'Residential Development' zone as depicted on the Scheme Amendment map.
41. Modify the P1 and P2 'Special Control Area – PDWS' boundaries on Lot 109 Bremer Bay Road as depicted on the Scheme Amendment map.
42. Re-classify Lot 781, Bremer Bay from 'Recreation and Open Space' to 'Special Use – 6' zone as depicted on the Scheme Amendment map.
43. Delete the additional use 'A2' over Lot 95 Dillon Bay Road and Kent Location 2118 Dillon Bay as depicted on the Scheme Amendment map.
- B.** Modify the formal Scheme Amendment No. 5 documents to delete all reference to Lot 248 Paperbark Road Boxwood Hill.
- C.** Authorise the Shire Chief Executive Officer and Shire President to execute the modified formal scheme amendment document(s).
- D.** Authorise the Chief Executive Officer and / or the Shire Planner to refer a modified copy of Amendment 5 to the Western Australian Planning Commission for information, with a copy of the EPA advice (Attachment 1).
- E.** Authorise the Chief Executive Officer and / or the Shire Planner to refer a modified copy of Amendment 5 to the Environmental Protection Authority on behalf of the Shire seeking written confirmation that no formal environmental assessment is required under Part IV Division 3 of the Environmental Protection Act 1986. The referral to include advice that Lot 248 Paperbark Road has been deleted, so that the omnibus amendment can be expedited.

- F.** Note that formal advertising of the Amendment will be organized by the Shire Planner on receipt of formal advice from the EPA confirming that no environmental assessment is required. Advertising shall include public notices in an official local newspaper, letters to affected landowners, and letters to relevant authorities.
- G.** Note that a further report will be referred to a future Council meeting to consider any submissions received during public advertising, and to determine whether to adopt the amendment for final approval (with or without modifications).
- H.** Authorize Gray & Lewis Landuse Planners and / or the Shire Planner to meet with officers from the Department of Environment and Conservation (DEC - Perth) to discuss:

  - (i) Problems associated with the existing zoning of Lot 248 Paperbark Road and options for a separate scheme amendment.
  - (ii) Pursuit of purchase of Lot 248 by DEC for inclusion in surrounding Reserve 33257.
- I.** Note that further reports on Lot 248 Paperbark Road may be referred to a future Council meeting.

That Council:

A. Resolves to initiate a modified Scheme Amendment No 5 to Local Planning Scheme No 2 in pursuance of Section 75 of the Planning and Development Act 2005 for the purposes of:

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

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

And replacing them with;

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

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

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

And replacing it with;

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

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

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

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

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

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

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

And replacing it with:

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

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

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

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

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

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

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

***‘5.19.4 Outbuildings***

- (a) Applications shall be assessed in accordance with Local Planning Policy No 16 – Outbuildings (as amended from time to time), and the applicable setback and open space requirements under the Residential Design Codes and / or the relevant provisions of the Scheme.***

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

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

***'5.25.4 Outbuildings***

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

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

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

To state:

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

12. Modifying and expanding Clause 8.1 which currently states:

***'8.1 REQUIREMENT FOR APPROVAL TO COMMENCE DEVELOPMENT***

*Subject to clause 8.2, all development on land zoned and reserved under the Scheme requires the prior approval of the local government.*

***A person must not commence or carry out any development without first having applied for and obtained the planning approval of the local government pursuant to the provisions of Part 9.***

And inserting as follows;

**‘8.1 REQUIREMENT FOR APPROVAL TO COMMENCE DEVELOPMENT**

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

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

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

***‘(iii) the single house is a transported building under clause 5.10;’***

To state:

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

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

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

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

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

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

15. Modifying existing Clause 8.3 which currently states;

**‘8.3 AMENDING OR REVOKING A PLANNING APPROVAL**

***The local government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the***



*planning approval, prior to commencement of use or development subject to the planning approval.'*

And inserting as follows:

**'8.3 AMENDING OR REVOKING A PLANNING APPROVAL**

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

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

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

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

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

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

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

17. Modify and expand existing Clause 5.26.3 to state:

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

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

- (xii) The objectives of the Rural zone with high regard to the need to ensure continuation of broad hectare farming as the principal landuse;*
- (xiii) The Code of Practice for Timber Plantations in Western Australia 2006 as amended from time to time ('Code of Practice');*
- (xiv) Submission of a plantation management plan in accordance with the protocol in the Code of Practice;*
- (xv) Provision of an adequate Fire Management Plan to the satisfaction of the local government that addresses matters such as fire risk, suppression response, water supply, emergency access, firebreak locations, and ongoing implementation of a Fire Management Plan;*
- (xvi) The Guidelines for Plantation Fire Protection (FESA) as amended from time to time;*
- (xvii) The benefits of agroforestry and plantations in addressing land degradation including soil erosion, waterlogging, erosion and salinity on the development land;*
- (xviii) The need for adequate buffers between plantations and water courses having regard for Water Quality Protection Notes, guidelines or policies produced by the Department of Water from time to time;*
- (xix) The benefits of plantations which supplement continued traditional agriculture on the development land and result in specific benefits to the development land through protecting water courses, providing vegetation corridors, mitigating wind erosion, protecting existing grazing / cropping areas and / or providing vegetation linkages to surrounding remnant vegetation;*
- (xx) Landuse compatibility and the location of the land in relation to land zoned and / or planned for residential, industrial and commercial uses;*
- (xxi) Any relevant Local Planning Policy adopted by the Shire;*
- (xxii) The suitability of the current and future road systems.'*

18. Delete Clause 5.26.3 (b) which states:

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

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

- '5.10.1A person is not to transport a building and place it on land in the Scheme area and use it as a dwelling unless planning approval has been granted by the local government. The local government*

*is not to grant planning approval if the land is within a Heritage Area designated in Clause 7.2.*

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

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

And inserting as follows:

**'5.10 TRANSPORTED BUILDINGS**

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

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

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

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

- (a) require landscaping in the front setback area to be established and maintained; and*
- (b) require the applicant or owner to provide a bond or bank guarantee to Council as surety for the completion of any upgrading required for a second hand Transported Building to a standard of presentation acceptable to Council within a specified time frame. Should Council require provision of a*

*bond, such monies so received shall be deposited in an interest bearing Trust account and upon completion of the necessary works to the satisfaction of Council, such monies shall be refunded.'*

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

*'(g) the erection of a Transported Building for use as a dwelling on a lot zoned 'Rural' except where:*

- (i) there is already a dwelling or dwellings located on the same lot;*
- (ii) the building does not comply with the minimum building setbacks under Clause 5.26.1;*
- (iii) the building will be located in a Heritage Area designated under the Scheme; or*
- (iv) the building will be located on a lot abutting an unconstructed road or a lot which does not have frontage to a constructed road.'*

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

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

To state as follows;

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

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

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

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

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

- ‘(c) In the Residential zone with an R2/15 density code subdivision or development above the base code of R2 shall only be permitted where;***
- (i) Reticulated sewer is available and it is demonstrated that it can be provided to service the new lots; and***
  - (ii) Any existing dwellings are provided with adequate setbacks to new lot boundaries; and***
  - (iii) The subdivider constructs all available road frontages and right of ways abutting the development site as part of subdivision; and/ or***
  - (iv) Subdivision shall be generally in accordance with a Subdivision Guide Plan where it has been adopted by Council and endorsed by the Western Australian Planning Commission (as applicable).***

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

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

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

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

**26. Deleting existing Clause 5.16.3 which states:**

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

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

**Inserting a new Clause 5.16.3 as follows;**

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



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

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

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

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

28. Deleting existing Clause 5.17 which currently states:

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

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

Inserting a new Clause 5.17 as follows;

**“5.17 CARETAKERS DWELLING**

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

- (a) A caretakers dwelling shall not be developed and / or occupied on a lot unless that lot has been substantially developed with an industry, business or office and is being used in accordance with the Scheme;***
- (b) A caretakers dwelling shall be located on a lot larger than 2000m<sup>2</sup> in the Light Industrial zone and 4000m<sup>2</sup> in the General Industry zone unless otherwise approved by Council;***
- (c) Council may require caretakers dwellings to be constructed in a form that is capable of being removed including a park home and transported buildings so that future Industrial development of lots is not constrained by permanent dwellings;***
- (d) A caravan is not permitted as a caretakers dwelling for either permanent or temporary occupation;***
- (e) The location of a Caretakers Dwelling on a lot shall be assessed in relation to its proximity to adjoining lots and the likely impact of any noise, dust, fumes, vibration and the like emanating from activities on the adjoining lots;***
- (f) Council may require applicants proposing caretakers dwellings to provide information and technical assessments of potential emissions, risks and hazards of existing development and to enter into an agreement with Council to certify they are aware of potential impacts associated with normal industrial activities;***
- (g) Caretakers dwellings are not permitted on land adjacent to vacant lots unless there are extenuating circumstances, as future industrial landuses may have adverse impacts. Council will have regard to the need to cater for new Industries within the General Industrial zone and ensure that future development of vacant lots are not unduly constrained by the location of caretakers dwellings;***
- (h) Council will consider the need to maintain adequate buffers between caretakers dwellings (sensitive dwellings) and Industrial uses outlined in the Environmental Protection Authority ‘Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Landuses’;***
- (i) Caretakers dwellings shall be located to the rear of lots in an area that does not interfere with truck movements, loading areas, car parking or landscaping for the business located on the same lot (unless otherwise approved by Council);***

- (j) ***Caretakers dwellings shall be provided with a private external open space area equal to the floor area of the proposed dwelling and adequate landscaping screening the dwelling from view of any street, public place or adjacent lots;***
- (k) ***A caretakers dwelling is to contain 1 bedroom only with a total floor area that does not exceed 100 square metres measured from the external face of the walls. The total floor area does not include any pergola, patio, veranda or carport that is open on at least two sides;***
- (l) ***A maximum of one caretakers dwelling shall be permissible on a lot;***
- (m) ***Council may limit the term of the planning approval for any caretakers dwelling in recognition that industrial land uses in a locality change over time, the need to maximise potential industrial development on vacant land in a locality, to minimise landuse conflict between a caretakers dwelling and new development, and to ensure that ultimately industrial areas are not unduly constrained by the location of non industrial uses. “***

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

- ***Residential Development Zone***
  - ***To allow for the progressive development of land for predominately residential purposes together with compatible uses.***
  - ***To retain the single house as the predominant form of residential development and maintain flexibility to cater for a variety of housing choice and future housing needs.***
  - ***To allow for incidental non-residential uses only where the local amenity is not adversely affected.***
  - ***To ensure that subdivision occurs in a coordinated manner and has regard for other future subdivisions in the area.***
  - ***To ensure all residential development is provided with adequate services and infrastructure.***

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

<b>USES</b>		<b>RESIDENTIAL DEVELOPMENT</b>
<b>1</b>	<b>aged or dependent</b>	<b>D</b>

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

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

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

**5.28 RESIDENTIAL DEVELOPMENT ZONE**

**5.28.1 Site Requirements**

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

**5.28.2 Structure Plan Requirement**

The Local Government is not to:

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

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

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

**5.29 STRUCTURE PLANS**

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

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

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

5.29.4 **Structure plan form and content**

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

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

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

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

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

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

**5.29.6** **Right of Review**

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

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



- 5.29.6.2** In considering other procedural matters involved with structure plans, the local government and proponent will be guided by policies of the Western Australian Planning Commission.
- 5.29.7** Subdivision Guide Plan
- 5.29.7.1** Any Subdivision Guide Plan as required under Clause 5.25.2 (b), Clause 6.3.2 or referenced in Schedule 11 shall be prepared and processed in accordance with Clause 5.29.
- 5.29.7.2** Any Subdivision Guide Plan or Plan of Subdivision duly approved by both the Shire of Jerramungup Council and endorsed by the Western Australian Planning Commission shall have the same force and effect as if it was approved as Structure Plan in accordance with Clause 5.29.

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

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

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

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

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

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

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

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

- (a) An assessment of the site in regard to:**
  - (vi) the type, quality and quantity of existing vegetation;**
  - (vii) the depth and nature of the soils, including rock;**
  - (viii) the existing contour information adequate to depict the landform;**
  - (ix) any existing structures or improvements on the land;**
  - (x) any other factors the local government considers relevant.**
  
- (b) Information concerning the proposal for the land including:**
  - (viii) the proposed and ultimate subdivision of the land;**
  - (ix) new contours of the site;**
  - (x) services and facilities for the development;**
  - (xi) the trees and areas of vegetation to be preserved;**
  - (xii) new tree planting, landscape and proposed public open space;**
  - (xiii) the nature, form, scale and proposed use of the development on the land; and**
  - (xiv) where applicable, the staging of the proposal, and the maintenance strategy for the development.’**

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

#### **6.3.2 Structure Plan Requirement**

**The Local Government is not to:**

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

**of land within the Special Design Area unless a structure plan has been prepared in accordance with Clause 5.29 of the Scheme, and adopted by the Shire of Jerramungup Council and endorsed by the Western Australian Planning Commission.**

#### **36. Insert a new Clause 6.3.3 as follows:**

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

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

**‘and other compatible ancillary uses including caretakers dwelling, outbuildings, and other structures.’**

### **MAP CHANGES**

- 38. Rezone the northern portion of Lot 9007 Little Boat Harbour Road, Bremer Bay from ‘Recreation and Open Space’ to ‘Rural Residential’ as depicted on the Scheme Amendment map.**
- 39. Re-classifying a portion of Lot 109 Bremer Bay Road, Bremer Bay from ‘Rural-Residential Zone’, ‘Residential R2/15’ zone and ‘Recreation and Open Space’ local scheme reserve to ‘Residential Development’ zone and ‘Recreation and Open Space’ local scheme reserve as depicted on the Scheme Amendment map.**
- 40. Re-classifying Lot 9000 Goorie Way, Bremer Bay from ‘Residential R2/15’ zone to ‘Residential Development’ zone as depicted on the Scheme Amendment map.**
- 41. Modify the P1 and P2 ‘Special Control Area – PDWS’ boundaries on Lot 109 Bremer Bay Road as depicted on the Scheme Amendment map.**
- 42. Re-classify Lot 781, Bremer Bay from ‘Recreation and Open Space’ to ‘Special Use – 6’ zone as depicted on the Scheme Amendment map.**
- 43. Delete the additional use ‘A2’ over Lot 95 Dillon Bay Road and Kent Location 2118 Dillon Bay as depicted on the Scheme Amendment map.**
- B. Modify the formal Scheme Amendment No. 5 documents to delete all reference to Lot 248 Paperbark Road Boxwood Hill.**
- C. Authorise the Shire Chief Executive Officer and Shire President to execute the modified formal scheme amendment document(s).**
- D. Authorise the Chief Executive Officer and / or the Shire Planner to refer a modified copy of Amendment 5 to the Western Australian Planning Commission for information, with a copy of the EPA advice (Attachment 1).**
- E. Authorise the Chief Executive Officer and / or the Shire Planner to refer a modified copy of Amendment 5 to the Environmental Protection Authority on behalf of the Shire seeking written confirmation that no formal environmental assessment is required under Part IV Division 3 of the Environmental Protection Act 1986. The referral to include advice that Lot 248 Paperbark Road has been deleted, so that the omnibus amendment can be expedited.**
- F. Note that formal advertising of the Amendment will be organized by the Shire Planner on receipt of formal advice from the EPA confirming that no environmental assessment is required. Advertising shall include public notices in an official local newspaper, letters to affected landowners, and letters to relevant authorities.**

- G. Note that a further report will referred to a future Council meeting to consider any submissions received during public advertising, and to determine whether to adopt the amendment for final approval (with or without modifications).**
  
- H. Authorize Gray & Lewis Landuse Planners and / or the Shire Planner to meet with officers from the Department of Environment and Conservation (DEC - Perth) to discuss:**
  - (i) Problems associated with the existing zoning of Lot 248 Paperbark Road and options for a separate scheme amendment.**
  - (ii) Pursuit of purchase of Lot 248 by DEC for inclusion in surrounding Reserve 33257.**
  
- I. Note that further reports on Lot 248 Paperbark Road may be referred to a future Council meeting.**

**Carried 7-0**

**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>	4 <sup>th</sup> May 2012

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## **SUMMARY**

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

## **ATTACHMENT**

Nil

## **PROJECT UPDATE**

### **1) Jerramungup Residential Land Developments**

Titles have been received and the blocks are currently for sale. New for sale signs have been placed at the subject site.

Bremer Bay Realty has been appointed to sell the blocks. The blocks are now advertised on [www.realestate.com.au](http://www.realestate.com.au).

### **2) Farmland Water Response Planning**

The DEC has refused the clearing application and therefore the works cannot proceed. Alternative sites are being investigated, however it is likely that the funding will expire and the Shire will need to reapply in 2012/13.

### **3) Industrial Land Bremer Bay**

The Shire has been advised that the subject property has been sold. The Shire has met with the new owner to ascertain their interest in developing the subject land.

The new owner has been asked to consider an alternative proposal whereby 20ha is rezoned for industrial purposes.

### **4) Bremer Bay Medical Centre**

The Department for Health has commissioned a Health Services Plan to be completed for Bremer Bay and Jerramungup. The purpose of this plan would be to assess and forecast the needs of the community from a health services and infrastructure perspective. A series of community meetings were held in May 2012.

## **5) Bremer Bay Town Centre**

The final structure plan was adopted by Council in April 2012. The Shire is meeting with Landcorp on 18 May 2012 to progress detailed design and the subdivision process.

The Shire has been advised formally that the Department for Education is in agreement with the land swap providing that the school site can be maintained at 4ha.

## **6) Town Site Revitalisation – Jerramungup**

The Fitzgerald Biosphere Garden is progressing well with a majority of the plant species being sourced and successfully propagated.

The remaining components include installing the signage and planting.

At this stage, the planting will occur in early June. The signage component will exceed the Shire's capacity financially and will need to be considered in the 2012/13 budget process.

## **7) Strategic Waste Management**

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

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

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

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.2
<b>SUBJECT:</b>	Jerramungup Bushfire Advisory Committee Meeting Minutes
<b>LOCATION/ADDRESS:</b>	N/A
<b>NAME OF APPLICANT:</b>	N/A
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Charmaine Solomon
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	18 <sup>th</sup> April 2012

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### **ATTACHMENT**

Attachment 10.4.2 – Jerramungup Bushfire Advisory Committee Meeting Minutes

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

THAT the minutes of the Jerramungup Bushfire Advisory Committee meeting held on Thursday 19<sup>th</sup> April 2012 be received and the following recommendation be adopted;

- That a working group is established consisting of the Chief Executive Officer, Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officers to review and investigate fire unit requirements for multiple headers working in paddocks. Outcomes will be circulated to brigades prior to inclusion in the Fire Break notice.

**OC120508 Moved Cr Daniel / Seconded Cr Iffla**

THAT the minutes of the Jerramungup Bushfire Advisory Committee meeting held on Thursday 19<sup>th</sup> April 2012 be received and the following recommendation be adopted;

- That a working group is established consisting of the Chief Executive Officer, Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officers to review and investigate fire unit requirements for multiple headers working in paddocks. Outcomes will be circulated to brigades prior to inclusion in the Fire Break notice.

**Carried 7-0**



# **COUNCILLOR REPORTS**

## 11. **COUNCILLOR REPORTS**

### **Cr Parsons**

Attended a ANZAC Day service  
Attended a GSDC luncheon

### **Cr Daniel**

Attended a ANZAC Day service  
Attended a South Coast Management Group meeting  
Attended a cultural awareness workshop  
Attended a health workshop meeting  
Attended a GSDC luncheon

### **Cr Iffla**

Attended a ANZAC Day service  
Attended a GSDC luncheon  
Attended a health workshop meeting

### **Cr Bailey**

Attended a GSDC luncheon  
Attended a health workshop meeting  
Attended a ANZAC Day service

### **Cr Lester**

Attended a ANZAC Day service  
Attended a GSDC luncheon  
Attended a Great Southern Zone of WALGA meeting

### **Cr Atkin**

Attended a ANZAC Day service  
Attended a GSDC luncheon

### **Cr Trevaskis**

Attended a ANZAC day service  
Attended a GSDC luncheon  
Attended a Great Southern Zone of WALGA meeting  
Attended a health workshop meeting

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

**12.1 From Officers**

Mr Bailey requested Councillors submit their travel claims prior to the end of the financial year.

**12.2 From Elected Members**

Nil

**13. NEXT MEETING/S**

**13.1** Ordinary Meeting – to be held Wednesday 20<sup>th</sup> June 2012 commencing 1.30pm at the Council Chambers, Jerramungup.

**14. CLOSURE**

The President declared the meeting closed at 3:22pm.