
SUBMISSION TO:	Health, Building and Town Planning
AGENDA REFERENCE:	10.3.5
SUBJECT:	Scheme Amendment No 10
LOCATION/ADDRESS:	Jerramungup townsite
NAME OF APPLICANT:	Council
FILE REFERENCE:	LU.PL.1
AUTHOR:	Manager of Development, Craig Pursey
DISCLOSURE OF ANY INTEREST:	None
DATE OF REPORT:	13 th December 2017

SUMMARY

Council initiated Scheme Amendment 10 to Local Planning Scheme No.2 at their meeting in December 2016. The Scheme Amendment proposes to rezone Lot 148 Memorial Road and Part Lot 208 Vasey Street which have been identified for future industrial uses. The Amendment also proposes that Lot 420 Memorial Road be rezoned as 'Recreation and Open Space'.

The Amendment has been referred to the Department of Lands and Environmental Protection Authority (EPA) for assessment prior to bringing the Amendment back to Council for further consideration.

This report recommends that the Amendment be referred to the Western Australian Planning Commission (WAPC) for permission to advertise.

ATTACHMENT

Attachment 10.3.5(a) - Amendment 10 revised zoning plan
Attachment 10.3.5(b) - Special Use Zone draft provisions
Attachment 10.3.5(c) - EPA determination

BACKGROUND

Previous Considerations

Council considered Scheme Amendment 10 at their meeting in December 2015 where it was proposed to rezone Lot 147 Memorial Road to accommodate a new Health Centre and rezone Lots 148 Memorial Road and part Lot 208 Vasey Street to the 'Light and General Industry' zone.

This proposal was revised at Council's meeting in December 2016 to remove Lot 147 from the rezoning proposal and rezone Lot 420 Memorial Road to the 'Parks and Recreation' zone.

At this meeting in December 2016 Council's resolution included the following stages:

- C *That the draft Amendment be referred to the Environmental Protection Authority for examination and assessment pursuant to Section 81 of the Planning and Development Act 2005, the Amendment.*

D *That the draft Amendment and Industrial Land Report be referred to the Department of Lands as it relates to Crown Reserves.*

E *Upon receipt of the advice from the EPA and the Department of Lands Council will consider pursuant to Regulation 37 whether to adopt the Amendment for advertising and referral to the WAPC with or without modification.*

CONSULTATION

The Department of Lands and EPA have been consulted as follows:

A formal referral was sent to the Department of Lands in March 2017. The Department has indicated that they have no objection to the proposed Amendment. However, feedback has included that Lot 148 Memorial Road (Reserve 26887) is an 'A Class' reserve and would require a formal motion of parliament before the purpose of the reserve could be changed to allow for further development of this lot.

The EPA raised a number of concerns in a formal response received in April 2017 summarised as follows:

- That the wider Jerramungup area is already an extensively cleared landscape with remnant vegetation being a valuable asset. More specifically, the vegetation communities that may be present on the site are already well below pre-European representation;
- That the subject sites may have Kwongkan Shrubland present, a federally protected vegetation community; and
- There is no list of flora species for the subject site.

Further studies were undertaken by the Shire's Environmental Officer in response to the EPA's concerns and a comprehensive response was sent in November 2017.

The EPA has now granted what amounts to unconditional support for the proposal sighting that previous concerns with "...*Clearing of vegetation can be managed by reserving Lot 420 Memorial Road for Conservation and implementing a management plan. Fencing to prevent encroachment by incompatible land uses.*"

A copy of the EPA determination is attached to this report at Attachment 10.3.5(c).

COMMENT

As both the EPA and Department of Lands have no objection to the Amendment progressing it is recommended that the next stage in the process be pursued; seeking approval to advertise from the WAPC.

STRATEGIC IMPLICATIONS

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 - 2026;

1.2.4 - Ensure that new development is well designed and sustainable, where community needs are met while conserving our natural and built environment

3.2.3 - Implement policies and initiatives to attract new businesses to town

STATUTORY REQUIREMENTS

Section 75 of the Act provides for amending a Local Planning Scheme.

Regulation 37 of the revised Regulations relates to the resolution to proceed with an amendment and states that upon completion of the amendment preparation the Local Government must resolve to proceed with the amendment with or without modification.

FINANCIAL IMPLICATIONS

None

POLICY IMPLICATIONS

None

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

1. That the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend Local Planning Scheme No 2 (Amendment No 10) by:
 - a) Rezoning Part Lot 148 Plan 209774 Memorial Road and Part Lot 208 Plan 31439 Vasey Street, Jerramungup from a 'Local Scheme Reserve - Recreation and Open Space' to 'Special Use Zone No.9' and amending the Scheme Maps accordingly (as shown in Attachment 10.3.5(a))
 - b) Rezone Lot 420 Plan 72917 Memorial Road, Jerramungup from 'Light Industry' zone to 'Local Scheme Reserve - Recreation and Open Space' and amending the Scheme Maps accordingly (Attachment 10.3.5(a));
 - c) Modifying Table 1 Zoning Table item 27 motor vehicle repair under the 'Town Centre' Zone by replacing 'X' with 'A'
 - d) Modifying Schedule 4 Special Use Zones to include provisions for Special Use Zone No 9 as provided for in Attachment 10.3.5(b)

2. That Council, pursuant to Regulation 37 of the Planning and Development (Local Planning Schemes) Regulations 2015, request permission to advertise Amendment 10 to the Shire of Jerramungup Local Planning Scheme No 2 without modification.