

SHIRE OF JERRAMUNGUP



MINUTES

COUNCIL ORDINARY MEETING

17 DECEMBER 2014

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SHIRE OF JERRAMUNGUP

ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS,
JERRAMUNGUP ON WEDNESDAY 17 DECEMBER 2014, COMMENCING AT
8.45AM.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The President declared the meeting open at 8.45am.

2. RECORD OF ATTENDANCE

| | |
|------------------|---|
| Cr R Lester | President |
| Cr J Iffla | Deputy President |
| Cr W Bailey | Member |
| Cr B Trevaskis | Member |
| Cr C Daniel | Member |
| Cr R Parsons | Member |
| Cr J Leenhouders | Member |
| Mr W Parker | Chief Executive Officer |
| Mr B Bailey | Deputy Chief Executive Officer |
| Mr C Pursey | Planning Officer |
| Mr C Miller | Engineering Officer |
| Mrs C Solomon | Coordinator of Governance & Land Administration |

3. APOLOGIES

Nil

4. LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS / DEPUTATIONS / PRESENTATIONS

Citizenship Ceremony Werner and Dorthe Fleitmann

8. DECLARATIONS OF FINANCIAL INTEREST

Cr Leenhouders declared an impartiality interest in Item 10.4.5. – Citizenship & Sporting Award. The nature of the interest is that two nominees are family relatives.

Cr Daniel declared an impartiality interest in Item 10.4.5 – Citizenship & Sporting Award. The nature of the interest is Cr Daniel is the Secretary of the organisation nominating a Junior & Senior Sports Star 2014.

Cr Bailey declared an impartiality interest in Item 10.4.5 – Citizenship & Sporting Award. The nature of the interest is Cr Bailey is the President of the Jerramungup Bowling Club.

Mr Bailey declared a financial interest in Confidential Item 10.4.6 – CEO Recruitment Process. The nature of the interest is that he is an applicant to the position of CEO.

Cr Bailey declared an impartiality interest in Confidential Item 10.4.6 – CEO Recruitment Process. The nature of the interest is Cr Bailey is the father of an applicant.

9. CONFIRMATION OF MINUTES

- 9.1 Ordinary Council Meeting held 19th November 2014
- 9.2 Special Council Meeting held 5th December 2014

OC141201 Moved Cr Daniel / Seconded Cr Leenhouters

- **That the Minutes of the Ordinary Meeting of Council held 19th November 2014 be confirmed.**
- **That the Minutes of the Special Meeting of Council held 5th December 2014 be confirmed.**

Carried 7-0

W O R K S

| | |
|------------------------------------|----------------------|
| SUBMISSION TO: | Works |
| AGENDA REFERENCE: | 10.1.1 |
| SUBJECT: | Works Report |
| LOCATION/ADDRESS: | Shire of Jerramungup |
| NAME OF APPLICANT: | N/A |
| FILE REFERENCE: | |
| AUTHOR: | Chris Miller |
| DISCLOSURE OF ANY INTEREST: | Nil |
| DATE OF REPORT: | 4 December 2014 |

ATTACHMENT

Attachment 10.1.1(a) – Works maintenance report
Attachment 10.1.1(b) – Road construction program schedule

ROAD CONSTRUCTION

Works on Devils Creek Road are progressing well with the first section from Murray Road, 1.5km west, sealed in late November. This also included the upgrade of the Murray Road intersection.

The crew is busy hauling, crushing, mixing and laying the gravel for the remaining 4.5km prior to the Christmas Break. Having all of the gravel down and compacted over the break will also allow it to settle and give an opportunity to rectify any failures prior to sealing. The second stage of sealing has been postponed to late January, as the team has lost too many days due to inclement weather, to be able to complete the works prior to Christmas.

Cuneo Drive works are complete with the new intersection alignment and formation past the caravan park sealed following the works on Devils Creek Road in late November. The new sealed section extends approximately 400m from Bremer Bay Road, past the caravan park and up over the steep rise. This will alleviate a lot of maintenance issues during the peak period and also eliminate dust problems and congestion issues between the intersection and park reception. The intersection has been sealed with a 10mm two coat seal to provide a longer lasting wearing surface for traffic turning onto Bremer Bay road. Roads to Recovery funding not utilised on Lake Magenta Road will be allocated to the project to offset the additional expenditure above the original budget.

Works at the Bremer Bay Sports Club car park are 75% complete with the top section of the car park extended and sealed to tie in with the end of the Walk Trail Project. Half of the bottom section has been sealed with the remaining requiring boxing out, relaying of gravel and sealing with the 2nd stage of Devils Creek Road in late January.

Well done to the construction crew and contractors on completing all of these jobs prior to Christmas. It has been an exceptional effort and a job well done by the entire team!

ROAD MAINTENANCE

The Road Maintenance team has been busy carrying out ongoing maintenance grading of harvest routes around Gairdner, Jacup & Jerramungup.

Where possible the team has also started on their summer program tidying up all back-slopes and drains on unsealed roads.

The team will continue to carry out harvest maintenance until the final week before Christmas where they will prioritise roads around Bremer Bay before the upcoming holiday period.

Throughout the harvest period we have noticed that the gravel roads have been corrugating but not breaking up and blowing out. This is a good sign and means that the time spent forming up, crowning and patching out gravel roads during winter has been well worth it and saved a lot of roads breaking up from the harvest traffic.

Traffic counters have also been set up on all major harvest routes which will give us a good indication of the traffic volumes and roads that need attention in next year's budget.

Road spraying and weed control has been completed for 2014 with a significant portion of the rural roads within the Shire completed, which will make grading operations and ongoing maintenance significantly easier.

TOWN SERVICES

The town services team has been working on the trail project in Bremer Bay which is nearly complete. The laying of the asphalt surface finished with only the tidy up of batters and signage to be completed. Coming into the busy Christmas and New Year's holiday period we know this trail will be well used by both locals and tourists.

The team has also finished the Bennett Street footpath and upgrade of various intersections within Bremer Bay laying asphalt over the existing formation and alleviating a lot of maintenance issues and pavement failures.

During December the town services teams will be doing a lot of preparation works within the parks, gardens and street maintenance before the upcoming holiday period.

STATUTORY REQUIREMENTS

Nil

STRATEGIC IMPLICATIONS

This item relates to the following component from the Shire of Jerramungup Strategic Community Plan 2012 – 2025;

Aspiration 10: A community where transport infrastructure is constructed and maintained using best practice principals.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

WORKFORCE IMPLICATIONS

This report provides an overview of the outside workforce operations for the month.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council adopt the November works report.

OC141202 Moved Cr Parsons / Seconded Cr Bailey

That Council adopt the November works report.

Carried 7-0

FINANCE

| | |
|------------------------------------|----------------------|
| SUBMISSION TO: | Finance |
| AGENDA REFERENCE: | 10.2.1 |
| SUBJECT: | Accounts Payable |
| LOCATION/ADDRESS: | Shire of Jerramungup |
| NAME OF APPLICANT: | |
| AUTHOR: | Mel Aitchison |
| DISCLOSURE OF ANY INTEREST: | Nil |
| DATE OF REPORT: | 1December 2014 |

ATTACHMENT

Attachment 10.2.1 - List of Accounts Paid to 30th November 2014

BACKGROUND

| FUND | VOUCHERS | AMOUNTS |
|--------------------------------|----------------------|----------------------------|
| Municipal Account | | |
| Last Cheque Used | 27797 | |
| | EFT 9657 - 9663 | \$23,482.13 |
| | EFT 9665 - 9752 | \$210,935.95 |
| | EFT 9755 - 9820 | \$238,786.07 |
| | Cheque 27798 - 27808 | \$17,736.23 |
| | Cheque 27809 -27809 | Cancelled |
| | Cheque 27810 - 27815 | \$3,242.91 |
| | Direct Debits | \$147.35 |
| Municipal Account Total | | \$494,330.64 |
| Trust Account | | |
| | Cheque 000248 | \$72.00 |
| | EFT 9664 - 9664 | \$2,000.00 |
| | EFT 9753 - 9754 | \$6,142.40 |
| Trust Account Total | | \$8,214.40 |
| <u>Grand Total</u> | | <u>\$502,545.04</u> |

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 \$502,545.04 to the Full Council on 17th December 2014 be endorsed.

SIGNATURES

Author

Chief Executive Officer

OC141203 Moved Cr Leenhouders / Seconded Cr Trevaskis

That the schedule of direct debits and accounts payable, totalling submitted \$502,545.04 to the Full Council on 17th December 2014 be endorsed.

SIGNATURES

Author

Chief Executive Officer

Carried 7-0

| | |
|------------------------------------|--------------------------|
| SUBMISSION TO: | Finance |
| AGENDA REFERENCE: | 10.2.2 |
| SUBJECT: | Monthly Financial Report |
| LOCATION/ADDRESS: | Shire of Jerramungup |
| AUTHOR: | Brent Bailey |
| DISCLOSURE OF ANY INTEREST: | Nil |
| DATE OF REPORT: | 1December 2014 |

SUMMARY

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

ATTACHMENT

Attachment 10.2.2 - Monthly Financial Report – Period Ending 30th November 2014

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

This item relates to the following component from the Shire of Jerramungup Strategic Community Plan 2012 – 2025;

Aspiration 11: A community where revenue is maximised and rating methodology is fair, equitable and transparent.

FINANCIAL IMPLICATIONS

As detailed within the Monthly Financial Report

POLICY IMPLICATIONS

Accounting policies as detailed within the Monthly Financial Report

WORKFORCE IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council receive the Monthly Financial Report for the period ending 30th November 2014 in accordance with Section 6.4 of the Local Government Act 1995.

OC141204 Moved Cr Iffla / Seconded Cr Bailey

That Council receive the Monthly Financial Report for the period ending 30th November 2014 in accordance with Section 6.4 of the Local Government Act 1995.

Carried 7-0

| | |
|------------------------------------|-------------------------|
| SUBMISSION TO: | Finance |
| AGENDA REFERENCE: | 10.2.3 |
| SUBJECT: | Annual Report 2013-2014 |
| LOCATION/ADDRESS: | Not Applicable |
| NAME OF APPLICANT: | Shire of Jerramungup |
| AUTHOR: | Tamara Pike |
| DISCLOSURE OF ANY INTEREST: | Nil |
| DATE OF REPORT: | 9 December 2014 |

SUMMARY

This item addresses Council's Annual Report. The recommendation is to receive the report for presentation at the Annual Electors meeting.

ATTACHMENT

Annual Financial Report- to be provided separately
Audit Reports – to be provided separately

BACKGROUND

The Annual Financial Statements have been prepared in accordance with the Local Government Act 1995 and Local Government Financial Management Regulations 1996. The audit this year was carried out by Lincolns Accountants and Business Advisors with the statements being made available on 12th December 2014.

The annual report which contains statements from the Shire President, CEO, senior staff and other statutory declarations is also contained within the agenda attachments for review.

CONSULTATION

Lincolns Accountants and Business Advisors

COMMENT

Council is required by the Local Government Act 1995 to hold an annual electors meeting once the annual financial report is accepted. The latest date for the electors meeting is Tuesday 10th February 2015, being 56 days after the Council acceptance of the annual report.

Contained the in the annual report is the audit letter from Council's auditors.

Once the Council has accepted the annual report, the Chief Executive Officer is to give local public notice of its availability and send a copy to the Department of Local Government and Regional Development.

STATUTORY REQUIREMENTS

Local Government Act 1995 - Section 5.27, 5.53 - 5.55

5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

5.29. Convening electors' meetings

- (1) The CEO is to convene an electors' meeting by giving —
 - (a) at least 14 days' local public notice; and
 - (b) each council member at least 14 days' notice,of the date, time, place and purpose of the meeting.
- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
 - (a) a report from the mayor or president;
 - (b) a report from the CEO;
 - [(c), (d) *deleted*]
 - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;
 - (f) the financial report for the financial year;
 - (g) such information as may be prescribed in relation to the payments made to employees;
 - (h) the auditor's report for the financial year;
 - (h(a)) a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*;
 - (h(b)) details of entries made under section 5.121 during the financial year in the register of complaints, including —
 - (i) the number of complaints recorded in the register of complaints;
 - (ii) how the recorded complaints were dealt with; and
 - (iii) any other details that the regulations may require;
 - (i) such other information as may be prescribed.

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

** Absolute majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

[Section 5.54 amended by No. 49 of 2004 s. 49.]

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

STRATEGIC IMPLICATIONS

The Annual Report provides a detailed review of the Shire's performance on strategic activities for the 2013/2014 financial year.

FINANCIAL IMPLICATIONS

The Annual Financial Statements document Council's financial position at June 30 2014 and reflect the year's financial performance.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council:

- 1) Accept the Annual Financial Statements and Audit Report for the 2013-2014 financial year.
- 2) Set the date for the annual electors meeting at 6:00pm Monday 2nd February 2015 at the Jerramungup Community Resource Centre.

OC141205 Moved Cr Iffla / Seconded Cr Bailey

That Council:

- 1) Accept the Annual Financial Statements and Audit Report for the 2013-2014 financial year.**

- 2) **Set the date for the annual electors meeting at 6:00pm Monday 2nd February 2015 at the Jerramungup Community Resource Centre.**

Carried by Absolute Majority 7-0

**HEALTH,
BUILDING
&
TOWN PLANNING**

| | |
|------------------------------------|--|
| SUBMISSION TO: | Health, Building & Town Planning |
| AGENDA REFERENCE: | 10.3.1 |
| SUBJECT: | Requesting 'Power to Lease' over Reserve 42040 |
| LOCATION/ADDRESS: | Lot 379 Memorial Road, Jerramungup |
| NAME OF APPLICANT: | N/A |
| FILE REFERENCE: | A1604285 |
| AUTHOR: | Craig Pursey, Planning Officer |
| DISCLOSURE OF ANY INTEREST: | Nil |
| DATE OF REPORT: | 4 December 2014 |

SUMMARY

Campbell Transport currently operates a transport depot from Lot 402 Bennett Street, Jerramungup but is outgrowing the site. Campbell Transport has indicated that they would like to purchase their existing facility and expand their operations to an additional site if one became available.

This report recommends that Council seek the power to lease over Reserve 42040 and change the reserve purpose with a view to leasing this land to Campbell Transport as an extension of their existing transport depot.

ATTACHMENT

Nil

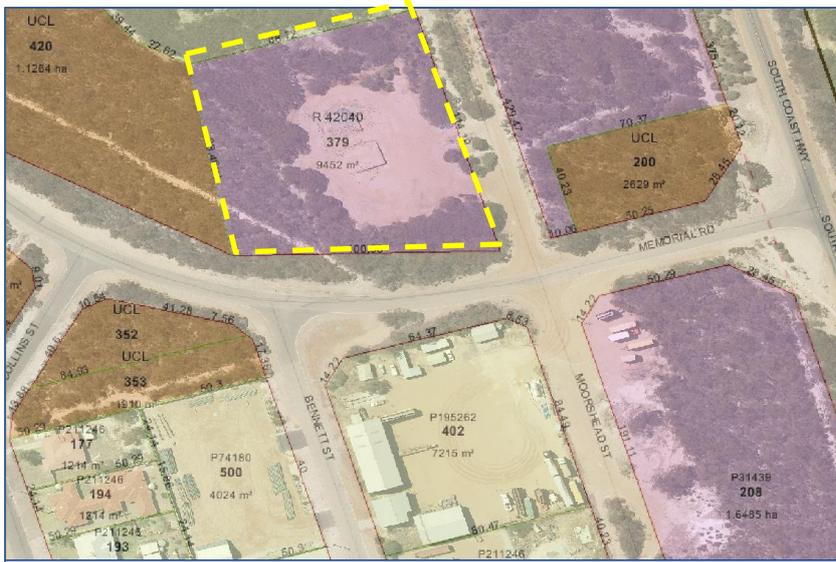
BACKGROUND

Site Description

Lot 402 (#2) Bennett Street, Jerramungup is 7215m² in area, owned by the Shire of Jerramungup freehold, zoned 'General Industry' by the Scheme and developed as a transport depot operated by Campbell Transport.

Reserve 42040 is 9452m² in area and is a reserve managed by the Shire of Jerramungup for the purpose of 'Ramp and Gantry'. The Scheme zones the land 'Light Industry'.

The site has a cleared area which is developed with a ramp and gantry, both of which are aging and in average to poor condition. The remainder of the site is remnant vegetation.



Subject site edged in yellow (Landgate 2013)

CONSULTATION

No advertising is required to seek the power to lease over a reserve. However, any proposal to lease the site in the future would require advertising as a land transaction under the Local Government Act 1995.

COMMENT

The Proposal

Campbell Transport is outgrowing Lot 402 Bennett Street. They have indicated that they wish to stay based in Jerramungup and would like to purchase the former Shire depot site but need more land.

Campbell Transport is asked whether Reserve 42040, Lot 379 Memorial Road, Jerramungup would be available as a site to extend their transport depot. If this is to be entertained then the following steps are required:

1. The Shire requires the power to lease Reserve 42040 (Lot 379);
2. Change the reserve purpose to allow for other land uses besides 'ramp and gantry';
3. Planning application to use the site as a transport depot is required and needs to be brought before Council for a decision; and
4. Council considers whether to lease the site to Campbell Transport following advertising.

Assessment

Importantly, at this stage Council is only being asked to consider agreeing to change the purpose of the reserve and to seek the power to lease the site from the Minister for Lands. A separate planning application will be lodged for Council's consideration if Campbell's Transport wish to occupy the site.

Even if the transport depot does not progress on this site it may be beneficial to have power to lease over this site and a more flexible purpose for the reserve as it will be one more appropriately zoned portion of land available for development within the Jerramungup townsite.

Ramp & Gantry

The ramp and gantry has historically been used by the general public but it appears that this has reduced to a point where the ramp is hardly used.

The gantry is in relatively poor condition and if it is to be used by the general public may require substantial upgrade to meet Occupational Safety and Health Regulations.

Campbell Transport have indicated that if access to this facility becomes an issue that they would consider moving the ramp and gantry to the edge of the site as part of any development proposal.

Caravan Park

Reserve 42040 is adjacent to the Jerramungup Caravan Park and any industrial type development has the potential to affect the Caravan Park operations. However, the site is already zoned 'Light Industry', retaining vegetation between a future use on Reserve 42040 and the Caravan Park is a likely requirement of any future planning application to development Reserve 42040.

STATUTORY REQUIREMENTS

Reserves are administered under Land Administration Act 1997. The Act allows the Minister for Lands to change the purpose of a reserve and grant the power to lease.

STRATEGIC IMPLICATIONS

The proposal aligns with a variety of the aspirations of the Strategic Community Plan:

Aspiration 2: A growing community that embraces well designed and sustainable development.

Aspiration 9: An economically diverse community where primary industry is supported by a strong secondary and service industry.

FINANCIAL IMPLICATIONS

Nil

WORKFORCE IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council, request the Minister for Lands:

1. Expand the purpose of Reserve 42040 to include 'light industrial use'.
2. Grant the power to lease for up to 21 years to the Shire of Jerramungup for Reserve 42040.

OC141206 Moved Cr Bailey / Seconded Cr Daniel

That Council, request the Minister for Lands:

1. **Expand the purpose of Reserve 42040 to include 'light industrial use'.**
2. **Grant the power to lease for up to 21 years to the Shire of Jerramungup for Reserve 42040.**

Carried 7-0

| | |
|------------------------------------|---|
| SUBMISSION TO: | Health, Building & Town Planning |
| AGENDA REFERENCE: | 10.3.2 |
| SUBJECT: | Request for power to lease over Reserve 46625 |
| LOCATION/ADDRESS: | Bremer Bay |
| NAME OF APPLICANT: | N/A |
| FILE REFERENCE: | A1601112 |
| AUTHOR: | Craig Pursey, Planning Officer |
| DISCLOSURE OF ANY INTEREST: | Nil |
| DATE OF REPORT: | 4 December 2014 |

SUMMARY

Council granted approval for two separate mobile businesses to operate from Reserve 46625 (Blossoms Beach parking area) earlier this year. Licence agreements have been drafted but cannot be registered as the Shire does not have power to lease over this reserve.

This report proposes to request the Minister for lands to issue power to lease over Reserve 46625.

ATTACHMENT

Nil

BACKGROUND

Council has approved a mobile café and an ice-cream van & beach equipment business at various locations around Bremer Bay during 2014. Both of these businesses' proposed using Blossoms Beach parking area.

Part 3 of the Council resolutions regarding these applications states:

...3. Authorises the Chief Executive Officer to make all necessary arrangements for a Licence to be issued under the Land Administration Act over a portion of Reserves 21496, 46625 and 511 granting non-exclusive use of a portion of the Reserve.

Licence agreements have been drafted by Council's solicitors but cannot be registered without the power to lease over the Reserve.

At this stage a Licence has been issued to the ice-cream van & beach equipment hire business to operate from the Paperbarks car park only.

CONSULTATION

Nil

COMMENT

The mobile businesses have planning approval and can operate this summer. However, ideally a Licence granting non-exclusive use of a portion of the Reserve should be issued.

A Licence provides some land tenure and this gives both the business operator and the Council surety that a specific portion of a reserve has been put aside for that business operator.

STATUTORY REQUIREMENTS

Reserves are administered under Land Administration Act 1997. The Act allows the Minister for Lands to grant the power to lease.

STRATEGIC IMPLICATIONS

The proposal aligns with a variety of the aspirations of the Strategic Community Plan:

Aspiration 2: A growing community that embraces well designed and sustainable development.

Aspiration 9: An economically diverse community where primary industry is supported by a strong secondary and service industry.

FINANCIAL IMPLICATIONS

All costs involved with the establishment and running of the proposed business should be borne by the applicant.

WORKFORCE IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council request power to lease for up to 21 years over Reserve 46625 from the Minister for Lands.

OC141207 Moved Cr Parsons / Seconded Cr Leenhouders

That Council request power to lease for up to 21 years over Reserve 46625 from the Minister for Lands.

Carried 7-0

| | |
|------------------------------------|---|
| SUBMISSION TO: | Health, Building & Town Planning |
| AGENDA REFERENCE: | 10.3.3 |
| SUBJECT: | Proposed Outbuilding |
| LOCATION/ADDRESS: | Lot 96 (#8) Spitfire Avenue, Jerramungup |
| NAME OF APPLICANT: | Mr Mal Brown |
| FILE REFERENCE: | A10231 |
| AUTHOR: | Craig Pursey, Planning Officer |
| DISCLOSURE OF ANY INTEREST: | Nil |
| DATE OF REPORT: | 4 December 2014 |

SUMMARY

Council has received a planning application for a 54m² shed at Lot 96 Spitfire Avenue, Jerramungup proposed with a nil setback to Coral Sea Road.

The proposal requires a discretionary decision under the Residential Design Codes of WA, approval is recommended.

ATTACHMENT

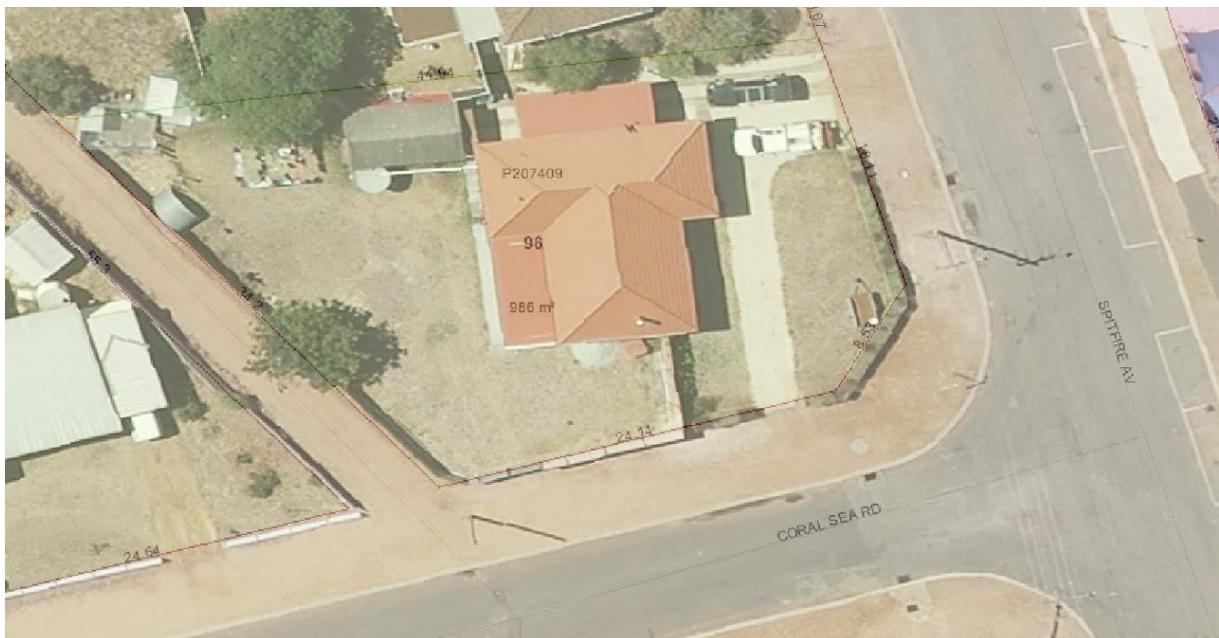
Attachment 10.3.3 - Planning application

BACKGROUND

Site Description

Lot 96 Spitfire Avenue, Jerramungup is 986m² in area, zoned Residential R15/30 under the Scheme and is developed with a single house and a small garage/shed.

Lot 96 is located on the corner of Spitfire Avenue and Coral Sea Road with the existing house facing onto Spitfire Avenue. A Right of Way runs down the western boundary.



Subject site – Lot 96 Spitfire Ave (Landgate 2013)

Zoning & Scheme Requirements

Lot 96 is zoned Residential R15/30. All development in this zone is assessed against the requirements of the Residential Design Codes of WA (R-Codes) and Local Planning Policy 16 – Outbuildings.

CONSULTATION

Usually any proposal to relax the ‘Deemed to Comply’ provisions of the R-Codes is referred to affected landowners. In this case Lot 96 is surrounded by roads and a Right of Way and the impact on the adjoining landowners was assessed as minimal.

Council has the option of laying the application on the table in order to refer the proposal to nearby landowners if they wish.

COMMENT

The Proposal

Council has received an application from the owner of Lot 96 Spitfire Avenue, Jerramungup, Mr Mal Brown, to develop an outbuilding up to the boundary with Coral Sea Road. The outbuilding would replace the existing fence in this location.

The outbuilding has a floor area of 54m² and a wall height of 2.8m. A copy of the application is attached to this report.

The nil setback to Coral Sea Road frontage is required to provide the room around the shed and some small separation to the house.

The area the outbuilding is proposed is not currently used, any other location on the property would compromise the way the property is used.

Assessment

The proposed outbuilding fully complies with the requirements of Local Planning Policy 16 – Outbuildings.

It also meets all “deemed-to comply” provisions of the R-Codes with the exception of the setback to the secondary street (Coral Sea Road). This should be a least 1.5m; a nil setback is proposed.

The R-Codes divide assessment of a residential development into separate elements. Assessment is then against either ‘deemed-to-comply’ provisions (where approval must be granted) or justified against the ‘Design Principle’ for that element (where a judgement is made).

In this case only the setback to the secondary street (Coral Sea Road) needs to be assessed against the design principles.

Council is being asked to make a judgement on the following design principle:

“5.2.1 Setback of garages and carports

The setting back of carports and garages to maintain clear sight lines along the street and not to detract from the streetscape or appearance of dwellings; or obstruct views of the dwellings from the street and vice versa.”

In favour of the proposal:

- The existing house at Lot 96 fronts Spitfire Avenue, Coral Sea Road is a secondary street where lesser setbacks are expected.
- There is currently a 1.8m high fence where the outbuilding is proposed so there would be no change in sight lines when using the adjacent right of way;
- The right of way separates Lot 96 from the closest neighbour;
- Coral Sea Road reserve is approximately 5.5m wide in this location and there is no footpath which allows a car to reverse from the outbuilding safely before entering the road; and
- The shed may improve the current situation where the fence is a mix of materials.

On the other hand there is space in the backyard to develop an outbuilding with access from the adjacent right of way. However, it is recognised that this would affect the enjoyment of the property.

Options

Council clearly has the option to either approve the application as proposed or refuse it based on a judgement that the outbuilding does not comply with the above design principle.

Conclusion

Whilst out of the ordinary for Jerramungup, the proposed nil setback for the proposed outbuilding appears to meet the design principle for setback of garages and carports and conditional support is recommended.

STATUTORY REQUIREMENTS

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

STRATEGIC IMPLICATIONS

The proposal aligns with a variety of the aspirations of the Strategic Community Plan:

Aspiration 2: A growing community that embraces well designed and sustainable development.

FINANCIAL IMPLICATIONS

Nil

WORKFORCE IMPLICATIONS

Nil

POLICY IMPLICATIONS

The proposal fully complies with the requirements of Local Planning Policy 16 – Outbuildings.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council,

1. Approve the application for an outbuilding Lot 96 (#8) Spitfire Avenue, Jerramungup subject to the following conditions:
 - a) The outbuilding being used for domestic storage only and not for human habitation.
 - b) All stormwater from roofed and paved areas shall be collected and disposed of on-site to the satisfaction of Council.
2. Advise the applicant that;
 - (i) Planning approval should not be construed as an approval to commence works as a separate building permit is also required.

That Council,

- 1. Approve the application for an outbuilding Lot 96 (#8) Spitfire Avenue, Jerramungup subject to the following conditions:**
 - a) The outbuilding being used for domestic storage only and not for human habitation.**
 - b) All stormwater from roofed and paved areas shall be collected and disposed of on-site to the satisfaction of Council.**

- 2. Advise the applicant that;**
 - (i) Planning approval should not be construed as an approval to commence works as a separate building permit is also required.**

Carried 7-0

| | |
|------------------------------------|--|
| SUBMISSION TO: | Health, Building and Town Planning |
| AGENDA REFERENCE: | 10.3.4 |
| SUBJECT: | Building Act 2011 Delegations |
| LOCATION/ADDRESS: | N/A |
| NAME OF APPLICANT: | N/A |
| FILE REFERENCE: | GV.AU.1 |
| AUTHOR: | Planning Officer, Craig Pursey |
| DISCLOSURE OF ANY INTEREST: | The author has an interest in that certain delegations will fall under his area of responsibility. |
| DATE OF REPORT: | 4 December 2014 |

SUMMARY

Council is requested to consider issuing delegations to the CEO to issue various permits, certificates and orders under the Building Act 2011.

The assessment of building applications would still be conducted by a qualified Building Surveyor, however the issuing of permits on the building surveyors recommendation can be delegated to the CEO.

Council is requested to issue these delegations to prevent unnecessary delays in the delivery of this service.

ATTACHMENT

Nil

BACKGROUND

The Building Act 2011 came into force in April 2012. One of the major changes was that it allows private building certifiers to assess building plans rather than just local governments.

For a building project, the process now involves:

1. Assessment of plans;
2. Issue of a Certificate of Design Compliance – a certificate stating that the plans comply with the various requirements of the Building Code of Australia and various Australian Standards; and then
3. Issue of a Building Permit

Step 1 & 2 above are completed by either the Shire or a private certifier, step 3 is always completed by the Shire.

The new Act also introduced a number of new permits, certificates and orders.

COMMENT

Section 127 of the Building Act 2011 enables local governments the ability to delegate any powers or duties to the Chief Executive Officer who can then delegate to other officers.

Council is requested to approve the new delegations as provided for under the following sections of the new Building Act 2011:

- s20 – Approve or refuse a Building Permit
- s21 – Approve or refuse a Demolition Permit
- s58 - Issue an Occupancy Permit and a Building Approval Certificate
- s65 - Consider Extending the period of duration of an Occupancy permit or a Building approval Certificate.
- s110 - Issue Building Orders
- s117 - Revoke Building Orders

The assessment would still be undertaken by a qualified building surveyor, only the issuing of the various permits and certificates would be delegated and this would only be exercised in consultation and at the instruction of the building surveyor.

The benefit of issuing this delegation is it removes any issues with the Shire's building surveyor being a contractor and living remotely to the Shire of Jerramungup. Turnaround times for building applications would improve and therefore service standards.

STATUTORY REQUIREMENTS

Section 127 of the Building Act 2011 allows for delegation to the CEO of various functions including:

| Clause | Power |
|---------------|--|
| 20 | Approve or refuse a Building Permit |
| 21 | Approve or refuse a Demolition Permit |
| 58 | Issue an Occupancy Permit and a Building Approval Certificate |
| 65 | Consider Extending the period of duration of an Occupancy permit or a Building approval Certificate. |
| 110 | Issue Building Orders |
| 117 | Revoke Building Orders |

STRATEGIC IMPLICATIONS

The proposal aligns with a variety of the aspirations of the Strategic Community Plan:

Delegations help to facilitate **Aspiration 2:** A growing community that embraces well designed and sustainable development.

and;

Aspiration 6: An engaged and informed community, defined by strong civic leadership, sound governance and transparent decision making.

FINANCIAL IMPLICATIONS

There may be small savings to the Shire in the more efficient use of staff resources.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council delegate to the Chief Executive Officer the following powers and duties under the Building Act 2011:

- s20 Approve or refuse a Building Permit
- s21 Approve or refuse a Demolition Permit
- s58 Issue an Occupancy Permit and a Building Approval Certificate
- s65 Consider Extending the period of duration of an Occupancy permit or a Building approval Certificate.
- s110 Issue Building Orders
- s117 Revoke Building Orders

OC141209 Moved Cr Bailey / Seconded Cr Parsons

That Council delegate to the Chief Executive Officer the following powers and duties under the Building Act 2011:

- s20 Approve or refuse a Building Permit**
- s21 Approve or refuse a Demolition Permit**
- s58 Issue an Occupancy Permit and a Building Approval Certificate**
- s65 Consider Extending the period of duration of an Occupancy permit or a Building approval Certificate.**
- s110 Issue Building Orders**
- s117 Revoke Building Orders**

Carried by Absolute Majority 7-0

| | |
|------------------------------------|---|
| SUBMISSION TO: | Health, Building & Town Planning |
| AGENDA REFERENCE: | 10.3.5 |
| SUBJECT: | Draft Heritage Strategy |
| LOCATION/ADDRESS: | N/A |
| NAME OF APPLICANT: | Stephen Carrick Architects Pty Ltd |
| FILE REFERENCE: | LU.PR.1 |
| AUTHOR: | Craig Pursey, Planning Officer |
| DISCLOSURE OF ANY INTEREST: | Nil |
| DATE OF REPORT: | 5 December 2014 |

SUMMARY

Council's Community Strategic Plan identifies the review of the Municipal Heritage Inventory as a priority for this financial year. As a first step in completing this process a Heritage Strategy has been prepared for Council's consideration.

A Heritage Strategy is a document that establishes the current status of heritage in the Shire and provides a list of objectives and prioritized actions regarding heritage matters in the Shire. This report recommends that this be adopted.

ATTACHMENT

Attachment 10.3.5 - Draft Shire of Jerramungup Heritage Strategy

BACKGROUND

The Shire of Jerramungup adopted a Municipal Heritage Inventory in 1997 listing 13 places as being of local heritage value. It also provides a 'thematic history' of the Shire that briefly summarises the history of the area.

A local government Municipal Heritage Inventory (MHI) is best described as a 'local heritage survey' and is used to *identify the places and areas that, in the opinion of the local government, are of cultural heritage significance for the local government district.*

The Shire of Jerramungup has successfully gained a grant from the Heritage Council of WA to engage a regional heritage adviser to assist with the review of the MHI. Stephen Carrick Architects were engaged in this role earlier this year.

The Heritage Council of WA requires that a Heritage Strategy be prepared as a precursor to any funding for the review of the MHI.

A Heritage Strategy is a document that establishes the current status of heritage in the Shire and provides a list of objectives and prioritized actions regarding heritage matters in the Shire.

CONSULTATION

None required at this stage. The draft Heritage Strategy lists 'community engagement' as an action and separate consultation will be undertaken when the MHI is reviewed.

COMMENT

The draft Heritage Strategy appears to accurately summarise the current status of heritage in the Shire of Jerramungup in a standard format required by the Heritage Council of WA.

The actions, priorities and reporting requirements of the draft Strategy are achievable with the engagement of the regional Heritage Adviser with the first action being the review of the MHI.

This report recommends that Council receive the Heritage Strategy.

STATUTORY REQUIREMENTS

Whilst a Heritage Strategy has no statutory basis, it is a requirement of the Heritage Council of WA before they would be prepared to provide more grant money toward any other heritage initiatives.

STRATEGIC IMPLICATIONS

The review of the Municipal Inventory is listed as a key activity in achieving the Aspiration 4 of the Strategic Community Plan:

Aspiration 4: An environmentally astute community where human needs are met while conserving our natural and built environment.

FINANCIAL IMPLICATIONS

Council budgeted \$20,000 for the review of the Municipal Inventory this financial year.

The Heritage Council of WA has provided a \$15,000 grant to employ a regional heritage adviser, Stephen Carrick, who will undertake the review with the Planning Officer.

The process of reviewing the MHI may extend into next financial year and consideration may need to be given to budgeting for this review extending into the next financial year.

WORKFORCE IMPLICATIONS

The actions in the draft Heritage Strategy will require support of a regional heritage adviser. This role has been partly funded by the Heritage Council of WA this financial year.

POLICY IMPLICATIONS

Once the MHI is reviewed, the draft Heritage Strategy recommends drafting a local planning policy to guide the assessment of planning applications that affect listed places.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council receive the Shire of Jerramungup Heritage Strategy dated December 2014.

OC141210 Moved Cr Bailey / Seconded Cr Iffla

That Council receive the Shire of Jerramungup Heritage Strategy dated December 2014.

Carried 7-0

| | |
|------------------------------------|---|
| SUBMISSION TO: | Health, Building & Town Planning |
| AGENDA REFERENCE: | 10.3.6 |
| SUBJECT: | Request for 'in-principle' support for a scheme amendment. |
| LOCATION/ADDRESS: | Lots 2100 Point Henry Road and Part Lot 50 Wellstead Road, Bremer Bay |
| NAME OF APPLICANT: | Harley Dykstra Pty Ltd on behalf of WM Wellstead |
| FILE REFERENCE: | A1601031 |
| AUTHOR: | Craig Pursey, Planning Officer |
| DISCLOSURE OF ANY INTEREST: | The author of this report is a former employee of the applicant |
| DATE OF REPORT: | 5 December 2014 |

SUMMARY

Council is asked to consider whether to grant 'in-principle' support for a Scheme Amendment to rezone Lots 2100 Point Henry Road and Part Lot 50 Wellstead Road, Bremer Bay from the 'Rural' zone to the 'Rural Residential' zone.

This rezoning would allow for the creation of three lots within a minimum lot size of 1hectare.

Whilst the proposal is not entirely consistent with the Shire's Local Planning Strategy, this report recommends supporting the proposal subject to the preparation of acceptable fire management plans, land capability study and a contribution toward the Shire's Shared Use Trail Plan for Bremer Bay/Point Henry network connecting the site back to Bremer Bay.

ATTACHMENT

Attachment 10.3.6 - Scheme amendment request documentation

BACKGROUND

Site Description

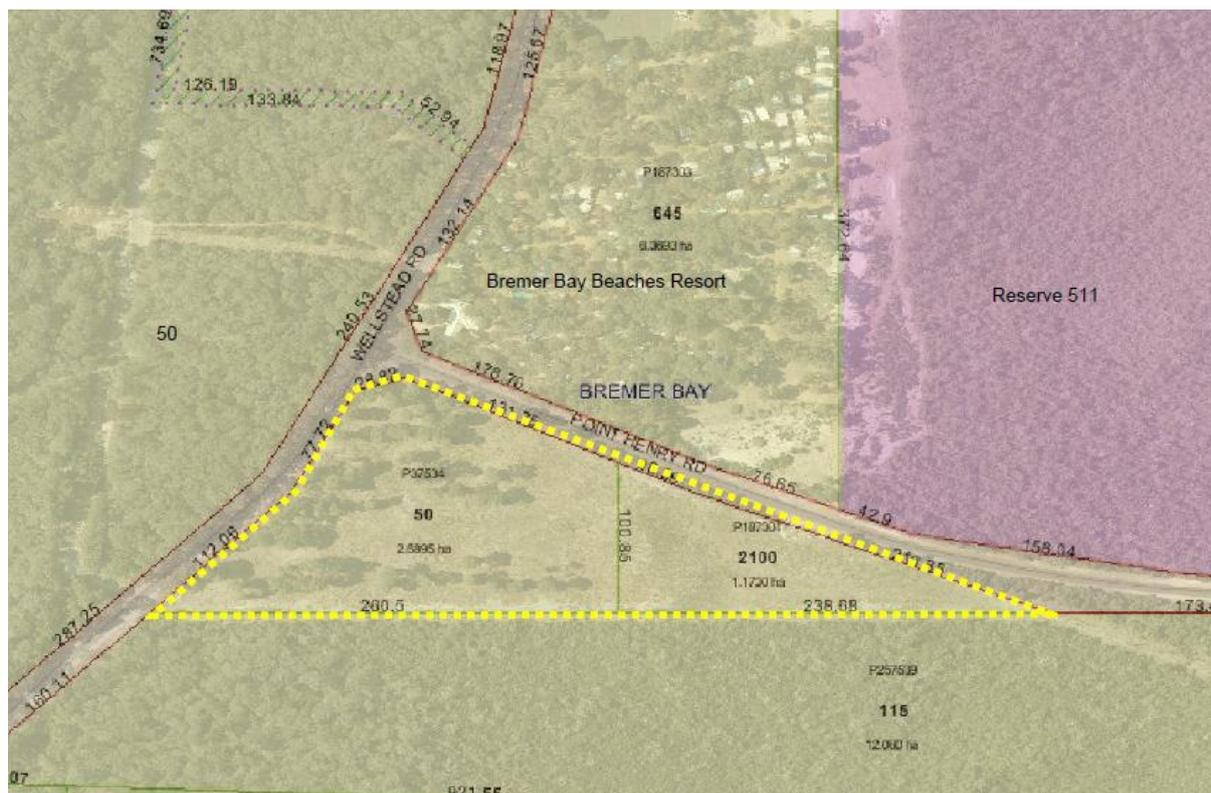
Lot 2100 Point Henry Road is a triangular lot 1.172ha in area, largely cleared and zoned 'Rural' under the Scheme.

Lot 50 Wellstead Road is a large lot that extends on both sides of Wellstead Road, only the 2.69ha portion on the eastern side of Wellstead Road is being proposed for rezoning.

Lot 2100 and the eastern portion of Lot 50 (the subject site) are a total of 3.86ha in area located on the south eastern corner of the Point Henry and Wellstead Road intersection. It is 3.3km from the Bremer Bay town centre.

The Bremer Bay Beaches Resort is on the subject site's northern boundary, the remaining surrounding properties are largely covered in remnant vegetation.

The subject site has access to power but not scheme water or sewer. Access to the site is via Wellstead Road



Subject site edged in yellow, image shows the site largely cleared. (Landgate 2014)

Zoning & Scheme Requirements

The subject site is zoned 'Rural' by the Shire's Local Planning Scheme No.2.

Under the current zoning there is little to prevent the subject site being developed with two separate residences. If the houses complied with the setback requirements of the Scheme, no planning approval would be required to develop housing on these sites.

CONSULTATION

The proposal was referred to the Albany Department of Planning who raised the following two main points for consideration:

1. The land is not designated in the Shire's 2012 Local Planning Strategy for rural residential land use/development. S7.3.2 of the LPS states "Rural Residential and similar land uses will only be considered in those areas designated in the Local Planning Strategy." The LPS identifies that there is plenty of land for rural residential purposes already in Bremer Bay and that there is unlikely to be further demand for this land use; and
2. If the Shire does intend on supporting the proposal then bushfire risk from surrounding land holdings immediately south, west and north east needs to be addressed. Information in the SAR document on bushfire risk mitigation is basic, which is understandable, but if Council was to consider proceeding with an amendment despite points at (1) above then the strong recommendation would be for Council to take into consideration the provisions of draft *SPP3.7 Planning for*

Bushfire Risk Management and associated guidelines; in particular S4.3 and policy objective 5.1 of the SPP.

Consideration should be given in terms of merits of the proposal in principle from a bushfire perspective; and if carrying out a hazard assessment to determine if the proposal can meet requirements. WAPC currently has a strong focus on managing bushfire risk through planning processes and the Point Henry area is a known area of concern, so we'd be proceeding with utmost caution particularly for non-LPS designated sites such as this one.

If a rezoning document is received and initiated at some time in the future it would be referred to adjoining landowners and all relevant government authorities.

COMMENT

The Proposal

Council has received a request from Harley Dykstra Pty Ltd on behalf of Max Wellstead to consider granting in-principle support for the rezoning of Lot 2100 Point Henry Road and part Lot 50 Wellstead Road, Bremer Bay.

The purpose of the request is to ascertain Council's willingness to entertain rezoning of the land in question prior to undertaking the relatively costly amendment preparation process.

It is proposed to rezone the subject site from the 'Rural' zone to the 'Rural Residential' zone in order to facilitate its subdivision into three lots with a minimum lot size of 1hectare.

An indicative subdivision guide plan has been provided along with written justification for the proposal which provides an assessment against the shire's Local Planning Strategy, Point Henry Limited Rural Strategy and Planning for Bushfire Protection Guidelines Edition 2 – 2010.

The application provides a summary justification for the proposal as follows:

- 1. The proposal is consistent with the requirements of the Shire of Jerramungup Local Planning Scheme No.2, Shire of Jerramungup Local Planning Strategy and demonstrates compliance with Planning for Bush Fire Protection Guidelines Edition 2 2010;*
- 2. This is an extension of the rural residential development of the Point Henry Limited Rural Strategy to a logical road boundary, being the intersection of the Wellstead and Point Henry Roads;*
- 3. The proposal seeks to identify land for a use that will ensure the ongoing fire management of the subject site and maintain it in a low fuel zone; and*
- 4. All site conditions of the subject site have been demonstrated at this preliminary stage to be suitable for rural residential development.*

A full copy of the submission is provided at Attachment 10.3.6.

Assessment

The applicant is seeking in-principle support only. This is non-binding on Council but if granted, gives the applicant some idea of the Council's view of the proposal, the likelihood of success and the issues to be addressed.

Points in favour of the proposal include:

1. Lot 2100 and Part Lot 50 can already be developed with 2 houses, without planning approval if the Scheme setbacks are met. Changing the zoning to 'Rural Residential' will require planning approval for all development and the chance to improve the environmental and fire management aspects of any development in particular.
2. If the site can be developed with 2 houses, there is an argument that the land's development potential should be maximised; therefore a minimum lot size of 1 ha is the smallest acceptable in this zone.
3. The subject site is already largely cleared and currently maintained in a low fuel state by the landowner, Max Wellstead. This benefits fire management for wider area. However there is currently nothing requiring the landowner to keep it in this low fuel state, the subject site would regenerate quickly. Rezoning the site would secure its ongoing management into the future.
4. The site is part of Point Henry and is a logical extension and limit to the existing 'Rural Residential' zone.

Points against the proposal include:

1. The site is not specifically identified in either the Local Planning Strategy or the older Point Henry Limited Rural Strategy as future Rural Residential development.
2. The proposal would introduce additional housing into the Point Henry area which has known fire management issues, including issues with access being one road in only.

On balance support is recommended because the Local Planning Strategy is not detailed blueprint but a guide the Council should pay due regard to when making land use decisions. The land can be developed in any case, it seems logical to introduce greater controls to achieve a better planning outcome and safer development for the return of one additional lot.

Requirements of future scheme amendment documentation

If the proposed scheme amendment is to be supported then an indication of the supporting documentation required should be provided to guide the applicant. Issues/documentation to be provided should include:

1. A Fire Management Plan that addresses the draft State Planning Policy 3.7 (SPP3.7) and associated Guidelines, that particularly addresses sections 4.3 and 5.1 of the SPP3.7, access, availability of water dedicated for firefighting purposes, setbacks to vegetation and construction standards.

2. Land capability study to prove that the land is capable of sustaining the proposed intensity of development; and
3. Consider applying a contribution toward the establishment of the shared path network in Bremer Bay established in the adopted “Shared Use Trail Plan for Bremer Bay/Point Henry”.

STATUTORY REQUIREMENTS

Consideration of in-principle support for a scheme amendment is not a statutory stage in the scheme amendment process and is advice only.

STRATEGIC IMPLICATIONS

The proposal aligns with a variety of the aspirations of the Strategic Community Plan:

Aspiration 2: A growing community that embraces well designed and sustainable development.

Aspiration 4: An environmentally astute community where human needs are met while conserving our natural and built environment.

FINANCIAL IMPLICATIONS

None for Council at this stage.

If the scheme amendment progresses there will be fees paid that will cover advertising and officer time.

No roads are proposed, there will be little ongoing costs to the Council from the development of this land.

WORKFORCE IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council,

1. Provide in-principle support for the rezoning of Lot 2100 Point Henry Road and Part Lot 50 Wellstead Road, Bremer Bay from the ‘Rural’ zone to the ‘Rural Residential’ zone; and

2. Require that a fire management plan, land capability study and a contribution toward the Shire's shared path network be addressed as a minimum in the scheme amendment documentation.

OC141211 Moved Cr Daniel / Seconded Cr Bailey

That Council,

1. Provide in-principle support for the rezoning of Lot 2100 Point Henry Road and Part Lot 50 Wellstead Road, Bremer Bay from the 'Rural' zone to the 'Rural Residential' zone; and
2. Require that a fire management plan, land capability study and a contribution toward the Shire's shared path network be addressed as a minimum in the scheme amendment documentation.

Carried 7-0

A D M I N

| | |
|------------------------------------|------------------------------|
| SUBMISSION TO: | Administration |
| AGENDA REFERENCE: | 10.4.1 |
| SUBJECT: | Administration Status Report |
| LOCATION/ADDRESS: | |
| NAME OF APPLICANT: | Shire of Jerramungup |
| FILE REFERENCE: | |
| AUTHOR: | Bill Parker |
| DISCLOSURE OF ANY INTEREST: | Nil |
| DATE OF REPORT: | 5 December 2014 |

SUMMARY

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

ATTACHMENT

Nil

PROJECT UPDATE

1) Bremer Bay Medical Centre

The Minister inspected the health facilities in Jerramungup and Bremer Bay on 27 June 2014. The Shire understands that two business cases are currently being prepared for the Bremer Bay and Jerramungup Health Facilities.

The business cases will be used to inform the State Government on the operational and strategic requirements for both facilities.

2) Strategic Waste Management

The Shire has submitted an application for funding through the Royalties for Regions Program.

3) Health Update

No new information.

4) Fisheries Beach Marina

In response to many community complaints in relation to sand accumulation at the boat ramp, the Shire met with the Department for Transport on 16 January 2014. In response, the Shire submitted a joint application with the Department to construct two rock groynes at the Marina.

The funding application was successful. The Shire is expecting the project to commence in 2015.

5) Bremer Bay Town Square

Council endorsed the Bremer Bay Town Square Concept Plan in July 2014. The Shire has commenced a process whereby UDLA will be commissioned to commence detailed design.

| | |
|------------------------------------|----------------------------|
| SUBMISSION TO: | Administration |
| AGENDA REFERENCE: | 10.4.2 |
| SUBJECT: | Council Meeting Dates 2015 |
| LOCATION/ADDRESS: | |
| NAME OF APPLICANT: | |
| FILE REFERENCE: | |
| AUTHOR: | Charmaine Solomon |
| DISCLOSURE OF ANY INTEREST: | Nil |
| DATE OF REPORT: | 20 November 2014 |

SUMMARY

The purpose of this report is to put before Council proposed meeting times and dates for the Ordinary Council meetings for the 2015 year.

ATTACHMENT

Nil

BACKGROUND

At the Chief Executive Officer's review in 2007 it was recommended that regular Council briefing sessions be conducted before Ordinary Council Meetings.

CONSULTATION

Nil

COMMENT

Nil

STATUTORY REQUIREMENTS

The following sections of the Local Government Act have relevance:

5.3. Ordinary and special council meetings

- (1) A council is to hold ordinary meetings and may hold special meetings.
- (2) Ordinary meetings are to be held not more than 3 months apart.
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.

5.4. Calling council meetings

An ordinary or a special meeting of a council is to be held

(a) if called for by either

(i) the mayor or president; or

(ii) at least 1/3 of the councillors,

in a notice to the CEO setting out the date and purpose of the proposed meeting;
or

(b) if so decided by the council

5.5. Convening council meetings

(1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.

(2) The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.

The Local Government (Administration) Regulations provide:

12. Public notice of council or committee meetings S.5.25(1)(g)

(1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which

(a) the ordinary council meetings; and

(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,

are to be held in the next 12 months.

(2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).

(3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.

(4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

The Local Government Act provides that local public notice is as follows;

1.7. Local public notice

(1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be

(a) published in a newspaper circulating generally throughout the district;

(b) exhibited to the public on a notice board at the local government's offices; and

(c) exhibited to the public on a notice board at every local government library in the district.

(2) Unless expressly stated otherwise it is sufficient if the notice is

(a) published under subsection (1)(a) on at least one occasion; and

(b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than

(i) the time prescribed for the purposes of this paragraph; or

(ii) if no time is prescribed, 7 days.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the following meeting dates and times apply for the 2015 year:

Council Meeting Dates 2015

| | | |
|---------------------------------|--------|-------------------------------|
| 18 th February 2015 | 2.00pm | Council Chambers, Jerramungup |
| 18 th March 2015 | 2.00pm | Council Chambers, Jerramungup |
| 15 th April 2015 | 2.00pm | Town Hall, Bremer Bay |
| 20 th May 2015 | 2.00pm | Council Chambers, Jerramungup |
| 17 th June 2015 | 2.00pm | Council Chambers, Jerramungup |
| 15 th July 2015 | 2.00pm | Town Hall, Bremer Bay |
| 19 th August 2015 | 2.00pm | Council Chambers, Jerramungup |
| 16 th September 2015 | 2.00pm | Council Chambers, Jerramungup |
| 21 st October 2015 | 8.30am | Town Hall, Bremer Bay |
| 18 th November 2015 | 8.30am | Council Chambers, Jerramungup |
| 16 th December 2015 | 8.30am | Council Chambers, Jerramungup |

Council briefing sessions will commence at 1.00pm.

OC141212 Moved Cr Leenhouders / Seconded Cr Bailey

That the following meeting dates and times apply for the 2015 year:

Council Meeting Dates 2015

| | | |
|---------------------------------|--------|-------------------------------|
| 18 th February 2015 | 2.00pm | Council Chambers, Jerramungup |
| 18 th March 2015 | 2.00pm | Council Chambers, Jerramungup |
| 15 th April 2015 | 2.00pm | Town Hall, Bremer Bay |
| 20 th May 2015 | 2.00pm | Council Chambers, Jerramungup |
| 17 th June 2015 | 2.00pm | Council Chambers, Jerramungup |
| 15 th July 2015 | 2.00pm | Town Hall, Bremer Bay |
| 19 th August 2015 | 2.00pm | Council Chambers, Jerramungup |
| 16 th September 2015 | 2.00pm | Council Chambers, Jerramungup |
| 21 st October 2015 | 8.30am | Town Hall, Bremer Bay |
| 18 th November 2015 | 8.30am | Council Chambers, Jerramungup |
| 16 th December 2015 | 8.30am | Council Chambers, Jerramungup |

Council briefing sessions will commence at 1.00pm.

Carried 7-0

| | |
|------------------------------------|---|
| SUBMISSION TO: | Administration |
| AGENDA REFERENCE: | 10.4.3 |
| SUBJECT: | Emergency Water Supply Dam – Licence Agreement |
| LOCATION/ADDRESS: | 8678 Gnowangerup – Jerramungup Road Needilup |
| NAME OF APPLICANT: | R.J. Russell Nominees Pty Ltd |
| AUTHOR: | Charmaine Solomon |
| DISCLOSURE OF ANY INTEREST: | Nil |
| DATE OF REPORT: | 4 December 2014 |

SUMMARY

Council is required to consider a new licence agreement for access to the dam and associated land at 8678 (Lot 1402) Gnowangerup – Jerramungup Road, Needilup.

ATTACHMENT

Nil

BACKGROUND



Council has had a licence agreement in place for the dam at Lot 1402 since approximately 11th September 1998. The licence between existing owners R.J. Russell Nominees Pty Ltd has been in place since 1st March 2005.

The licence agreement was established to grant the Licensee (Shire of Jerramungup) the right to take and use 50% of the water from the Dam to distribute to farmers requiring water during periods of water deficiency and for bushfire response.

The Licence provides for an absolute caveat to be lodged on the certificate of title, as was previously the case. It will be necessary to withdraw the existing caveat (based on the old, now expired agreement) and arrange for the lodgement of a new replacement caveat once the Licence has been executed.

CONSULTATION

R.J. Russell Nominees Pty Ltd

COMMENT

There are no new conditions associated with the licence renewal and essentially it provides continued access for the community's use of the water.

It is recommended that the new licence agreement is signed to continue to provide access to the Dam.

STATUTORY REQUIREMENTS

Nil

STRATEGIC IMPLICATIONS

The licence agreement is primarily in place to provide access to water for local farmers requiring water during periods of water deficiency and for bushfire response.

This item relates to the following component from the Shire of Jerramungup Strategic Community Plan 2012 – 2025;

Aspiration 4: An environmentally astute community where human needs are met while conserving our natural and built environment.

FINANCIAL IMPLICATIONS

Nil

WORKFORCE IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council authorise the Shire President and Chief Executive Officer to execute the Licence agreement between the Shire of Jerramungup and R.J. Russell Nominees Pty Ltd for the Dam located on 8678 (Lot 1402) Gnowangerup – Jerramungup Road, Needilup for a term of 20 years commencing on the date the Licence is executed by the parties.

OC141213 Moved Cr Bailey / Seconded Cr Parsons

That Council authorise the Shire President and Chief Executive Officer to execute the Licence agreement between the Shire of Jerramungup and R.J. Russell Nominees Pty Ltd for the Dam located on 8678 (Lot 1402) Gnowangerup – Jerramungup Road, Needilup for a term of 20 years commencing on the date the Licence is executed by the parties.

Carried 7-0

| | |
|------------------------------------|---|
| SUBMISSION TO: | Administration |
| AGENDA REFERENCE: | 10.4.4 |
| SUBJECT: | Local Emergency Management Committee Meeting Minutes |
| LOCATION/ADDRESS: | Shire of Jerramungup |
| NAME OF APPLICANT: | N/A |
| FILE REFERENCE: | Nil |
| AUTHOR: | Charmaine Solomon |
| DISCLOSURE OF ANY INTEREST: | Nil |
| DATE OF REPORT: | 8 December 2014 |

ATTACHMENT

Attachment 10.4.4 – LEMC Committee Meeting Minutes 8 December 2014

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Minutes of the Local Emergency Management Committee held on 8 December 2014 (copy contained within agenda attachments) be received.

OC141214 Moved Cr Daniel / Seconded Cr Parsons

That the Minutes of the Local Emergency Management Committee held on 8 December 2014 (copy contained within agenda attachments) be received.

Carried 7-0

| | |
|------------------------------------|---------------------------------|
| SUBMISSION TO: | Administration |
| AGENDA REFERENCE: | 10.4.5 |
| SUBJECT: | Citizenship and Sporting Awards |
| LOCATION/ADDRESS: | |
| NAME OF APPLICANT: | Shire of Jerramungup |
| FILE REFERENCE: | CR.AW.3 |
| AUTHOR: | Sophie Pocock |
| DISCLOSURE OF ANY INTEREST: | Nil |
| DATE OF REPORT: | 4 December 2014 |

SUMMARY

This item addresses Council's annual Citizenship and Sporting Awards which are presented at the Australia Day Breakfast.

ATTACHMENT

Attachment 10.4.5 - Selection Criteria
Confidential Attachment – Nominees

BACKGROUND

As part of Council's annual traditions Citizenship and Sporting Awards are presented each year at the Australia Day Breakfast.

CONSULTATION

Community nominations are sought for these awards.

COMMENT

Copies of the nominations will be presented to the Council meeting and Council may elect to close the meeting to the public to consider the nominations in "committee". Council set guidelines for the selection of winners of the Sports Star awards at the November 2007 Council meeting.

Nominations for the awards originally closed on 28th November 2014. Due to lack of responses this was extended until Tuesday 9th December to allow for reminder advertising in the Bremer Bulletin and Jerry Journal.

The award winners will be recorded in the official minutes however in order to maintain confidentiality the names will not be published in community minutes until after the presentation.

STATUTORY REQUIREMENTS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

- 1) That Council close the meeting to the public at _____ to consider the nominations in confidence.
- 2) That Council award the 2014 Citizenship Award to _____, with it being presented to the recipient on 26 January 2015 at the Australia Day Breakfast Function.
- 3) That Council award the 2014 Community Group or Event Award to _____, with it being presented to the recipient on 26 January 2015 at the Australia Day Breakfast Function.
- 4) That Council award the 2014 Junior Sportsperson Award to _____, with it being presented to the recipient on 26 January 2015 at the Australia Day Breakfast Function.
- 5) That Council award the 2014 Senior Sportsperson Award to _____, with it being presented to the recipient on 26 January 2015 at the Australia Day Breakfast Function.
- 6) That Council open the meeting to the public at _____.

OC141215 Moved Cr Trevaskis / Seconded Cr Leenhouders

That Council close the meeting to the public at 9.47am to consider the nominations in confidence.

Carried 7-0

OC141216 Moved Cr Bailey / Seconded Cr Leenhouders

- 1) That Council award the 2014 Citizenship Award to _____, with it being presented to the recipient on 26 January 2015 at the Australia Day Breakfast Function.**
- 2) That Council award the 2014 Community Group or Event Award to _____, with it being presented to the recipient on 26 January 2015 at the Australia Day Breakfast Function.**
- 3) That Council award the 2014 Junior Sportsperson Award to _____, with it being presented to the recipient on 26 January 2015 at the Australia Day Breakfast Function.**
- 4) That Council award the 2014 Senior Sportsperson Award to _____, with it being presented to the recipient on 26 January 2015 at the Australia Day Breakfast Function.**

Carried 7-0

OC141217 Moved Cr Trevaskis / Seconded Cr Bailey

That Council open the meeting to the public at 9.55am.

Carried 7-0

9.56am - Mr Bailey and Cr Bailey left the meeting after declaring an interest in Confidential Item 10.4.6 – CEO Recruitment Process.

9.56am - Mr Pursey and Mr Miller left the meeting.

| | |
|------------------------------------|--|
| SUBMISSION TO: | Administration |
| AGENDA REFERENCE: | 10.4.6 - Confidential Item |
| SUBJECT: | CEO Recruitment Process |
| LOCATION/ADDRESS: | N/A |
| NAME OF APPLICANT: | N/A |
| FILE REFERENCE: | |
| AUTHOR: | Bill Parker |
| DISCLOSURE OF ANY INTEREST: | The author is the current incumbent of the subject position. |
| DATE OF REPORT: | 10 December 2014 |

RECOMMENDATION

That Council;

1. Appoint Mr Brent Selby Bailey to the position of Chief Executive Officer for a period of 5 years commencing on 26th January 2015.
2. Believes that Mr Bailey is suitably qualified for the position of Chief Executive Officer; and
3. Is satisfied with the provisions of the proposed employment contract.

OC141218 Moved Cr Daniel / Seconded Cr Trevaskis

That Council;

1. **Appoint Mr Brent Selby Bailey to the position of Chief Executive Officer for a period of 5 years commencing on 26th January 2015.**
2. **Believes that Mr Bailey is suitably qualified for the position of Chief Executive Officer; and**
3. **Is satisfied with the provisions of the proposed employment contract.**

Carried 6-0

10.10am Cr Bailey, Mr Bailey, Mr Miller and Mr Pursey returned to the meeting.

COUNCILLOR REPORTS

11. COUNCILLOR REPORTS

Cr Parsons

Attended a Special Meeting of Council
Attended the CEO recruitment process
Attended the Shire Christmas Party

Cr Daniel

Attended a WALGA Zone meeting
Attended a Special Meeting of Council
Attended the CEO recruitment process
Attended the Shire Christmas Party
Attended the Gairdner Primary School Presentation night

Cr Iffla

Attended a Bremer Bay Sports Club presentation
Attended a Bremer Bay Community Development Committee meeting
Attended a Special Meeting of Council
Attended the CEO recruitment process
Attended the Shire Christmas Party

Cr Bailey

Attended the Shire Christmas Party

Cr Trevaskis

Attended a Special Meeting of Council
Attended the CEO recruitment process
Attended the Shire Christmas Party

Cr Leenhouwers

Attended a Special Meeting of Council
Attended the CEO recruitment process
Attended the Shire Christmas Party

Cr Lester

Attended a WALGA Zone meeting
Attended a Bremer Bay Community Development Committee meeting
Attended a Special Meeting of Council
Attended the CEO recruitment process
Attended the Shire Christmas Party

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

12.1 From Officers

Nil

12.2 From Elected Members

Nil

13. NEXT MEETING/S

13.1 Ordinary Meeting – to be held Wednesday 18th February 2015 commencing 2.00pm at the Council Chambers, Jerramungup.

14. CLOSURE

The President declared the meeting closed at 10.20am.