

# SHIRE OF JERRAMUNGUP



## MINUTES

### COUNCIL ORDINARY MEETING

15<sup>th</sup> JULY 2015

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SHIRE OF JERRAMUNGUP

ORDINARY MEETING OF COUNCIL HELD IN THE TOWN HALL, BREMER BAY ON WEDNESDAY 15<sup>th</sup> JULY 2015, COMMENCING AT 2.00PM.

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

The President declared the meeting open at 2.00pm.

2. **RECORD OF ATTENDANCE**

Cr R Lester	President
Cr B Trevaskis	Member
Cr R Parsons	Member
Cr J Leenhouders	Member
Cr W Bailey	Member
Mr B Bailey	Chief Executive Officer
Mrs C Solomon	Acting Deputy Chief Executive Officer
Mr C Pursey	Planning Officer
Mr C Miller	Engineering Officer
Mrs T Pittard	Member of Public
Mr R Young	Western Power Representative

3. **APOLOGIES**

Cr J Iffla	Deputy President
Cr C Daniel	Member

4. **LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Cr Iffla and Cr Daniel were granted a leave of absence for the July 2015 Ordinary Meeting of Council.

5. **PUBLIC QUESTION TIME**

Nil

6. **APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

7. **PETITIONS / DEPUTATIONS / PRESENTATIONS**

Mr Young introduced himself to Council as the Shire's Western Power Representative and invited any questions they may have.

Mr Bailey raised a couple of things topical for the Shire, firstly the operation of the wind turbine and the way it operates? Mr Bailey would like a formal response on how the turbine integrates with the SWIS network which can also be circulated to the public on its operation.

Mr Young advised he will follow up on this and provide formal advice to the Shire.

Mr Bailey discussed the power outage that occurred for several hours in Bremer Bay on Christmas Eve last year. Mr Bailey informed Mr Young that our local businesses rely on the tourist influx during this peak period to support them throughout the remainder of the year, local businesses were forced to close until power was reinstated. Mr Bailey advised Mr Young that a state wide total fire ban was declared on that day and so Western Power were unable to access the area however all that was required to reinstate the power was a switch needed to be manually reset and the local conditions were not consistent with high fire danger.

Mr Bailey informed Mr Young that preference would be to have Bremer Bay isolated especially in the peak season if that was deemed to provide a more reliable power supply and to have local arrangements put in place for managing outages.

Mr Young advised that the Department Fire Emergency Services have legal power over Western Power when a state wide total fire ban is in place. Mr Young will look into local arrangements.

Mrs Pittard advised that certain street lights in Bremer Bay are constantly on at very odd times.

Mr Young advised that the lights are operated by either a sensor or a timer, environmental conditions can affect the lights switching on and off. Mr Young suggested that if you see a street light on during the day, note down the pole number and report it to Western Power.

Cr Parsons requested Western Power look at strategic programming to plan their pole replacements in months that would not disturb their crops or interrupt farmers during the seeding/harvest period.

Mr Young will look into the work planned for this area and provide a response to the Shire.

Cr Trevaskis referred to Western Power Contractors who were coming out of his paddock whilst the Shire had a harvest and movement ban in place.

Mr Young advised Council to please contact him if issues arise with Contractors.

2.25pm Mr Ross Young left the meeting.

**8. DECLARATIONS OF FINANCIAL INTEREST**

Mr Pursey declared a financial interest in Item 10.4.3 – Appointment of Acting CEO. The nature of the interest is that he is being recommended to fulfil the role of Acting CEO and Council's decision may affect his employment conditions.

**9. CONFIRMATION OF MINUTES**

9.1 Ordinary Council Meeting held 17<sup>th</sup> June 2015

**OC150701 Moved Cr Leenhouders / Seconded Cr Bailey**

**That the Minutes of the Ordinary Meeting of Council held 17<sup>th</sup> June 2015 be confirmed.**

**Carried 5-0**

**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>	Chris Miller
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	3 <sup>rd</sup> July 2015

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### **ATTACHMENT**

Attachment 10.1.1(a) – Jerramungup, Bremer Bay & rural road maintenance report  
Attachment 10.1.1(b) – Road construction program schedule

### **ROAD CONSTRUCTION**

Works on Marnigarup West Road are complete with the crew widening, upgrading drainage, forming and gravel re-sheeting from the end of the 2013/14 re-sheet, 3km west.

At the completion of Marnigarup West Road the construction crew has successfully completed the 2014/15 construction program. This is a job well done by the crew completing five gravel re-sheets for the year and constructing 6.5 km of sealed bitumen road.

The construction crew has an even bigger program planned for next year with the addition of Lake Magenta Road and Gairdner South Road as external, Regional Road Group funding. The 15/16 construction program will also include the final section of Devils Creek Road to complete which will finish of the 7 year, 35km upgrade.

The first job the construction crew will start in the 2015/16 construction program is the Lake Magenta Road re-sheet. The crew will continue on from the 2013/14 re-sheet completing 5km of re-sheeting works to the south towards Lake North Road.



The team has also been carrying out preliminary works for the firebreaks in Bremer Bay and Point Henry. They have been surveying widths of existing breaks and density of ground cover, using this information they have been able to gain quotes from contractors to come up with the most economical solution to maintain and improve fire breaks.

The ranger services team has also been controlling rural dogs, and carrying out pest control in and around Bremer Bay.

The team has also carried out routine maintenance in preparation for the 2015 Tidy Town's competition. The judging will be announced later in the year.

### **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

### **COMMENTS**

Nil

**RECOMMENDATION**

That Council adopt the June works report.

**OC150702 Moved Cr Parsons / Seconded Cr Leenhouders**

**That Council adopt the June works report.**

**Carried 5-0**

# **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>	Kiara Leeson
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	6 <sup>th</sup> July 2015

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### **ATTACHMENT**

Attachment 10.2.1 - List of Accounts Paid to 30<sup>th</sup> June 2015

### **BACKGROUND**

<b>FUND</b>	<b>VOUCHERS</b>	<b>AMOUNTS</b>
<b>Municipal Account</b>		
Last Cheque Used	27885	
	EFT 10667 – 10700	\$ 207,698.93
	EFT 10701 – 10701	Cancelled
	EFT 10702 – 10715	\$ 56,511.83
	EFT 10720 – 10772	\$ 137,503.95
	EFT 10802 – 10823	\$ 99,026.12
	EFT 10825 – 10836	\$ 28,279.62
	EFT 10839 – 10854	\$ 43,581.91
	Cheque 27886 – 27886	Cancelled
	Cheque 27887 – 27894	\$9670.96
	Cheque 27895 – 27895	Cancelled
	Cheque 27896 – 27900	\$1298.29
	Direct Deposit	\$27.65
<b>Municipal Account Total</b>		<b>\$ 583,599.26</b>
<b>Trust Account</b>		
	EFT 10666 – 10666	\$ 665.00
	EFT 10716 – 10719	\$ 13,941.70
	EFT 10773 – 10801	\$ 10,855.00
	EFT 10824 – 10824	\$ 20.00
	EFT 10837 – 10838	\$ 1000.00
<b>Trust Account Total</b>		<b>\$ 26,481.70</b>
<b><u>Grand Total</u></b>		<b><u>\$610,080.96</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 \$610,080.96 to the Full Council on 15<sup>th</sup> July 2015 be endorsed.

**SIGNATURES**

\_\_\_\_\_  
Author

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

**OC150703 Moved Cr Bailey / Seconded Cr Parsons**

**That the schedule of direct debits and accounts payable, totalling submitted \$610,080.96 to the Full Council on 15<sup>th</sup> July 2015 be endorsed.**

**SIGNATURES**

\_\_\_\_\_  
Author

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

**Carried 5-0**

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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>	6 <sup>th</sup> July 2015

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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 10.2.2 - Monthly Financial Report – Period Ending 30<sup>th</sup> June 2015

## **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 30<sup>th</sup> June 2015 in accordance with Section 6.4 of the Local Government Act 1995.

**OC150704 Moved Cr Trevaskis / Seconded Cr Bailey**

**That Council receive the Monthly Financial Report for the period ending 30<sup>th</sup> June 2015 in accordance with Section 6.4 of the Local Government Act 1995.**

**Carried 5-0**

**HEALTH,  
BUILDING  
&  
TOWN PLANNING**

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<b>SUBMISSION TO:</b>	<b>Health, Building &amp; Town Planning</b>
<b>AGENDA REFERENCE:</b>	10.3.1
<b>SUBJECT:</b>	Proposed Pharmacy and associated lease
<b>LOCATION/ADDRESS:</b>	Lot 24 (#9) Memorial Road, Jerramungup
<b>NAME OF APPLICANT:</b>	Mr Han Wui and Mr Thuc Huynh
<b>FILE REFERENCE:</b>	A11417
<b>AUTHOR:</b>	Craig Pursey, Planning Officer
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	2 July 2015

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## **SUMMARY**

Council has received a planning application to locate a pharmacy in the former Fitzgerald Biosphere Group (FBG) Building on Memorial Road, Jerramungup. The applicant wishes to lease the site to establish a pharmacy to supplement the services offered by the general practitioner.

This report recommends issuing planning approval to the proposed pharmacy and authorising the CEO to prepare a lease between the applicant and the Shire subject to the provisions of Section 3.58 of the Local Government Act 1995 being carried out.

## **ATTACHMENT**

Nil

## **BACKGROUND**

### ***Site Description***

Lot 24 (#9) Memorial Road, Jerramungup (Reserve 25164) is 809m<sup>2</sup> in area and developed with the former War Service Scheme office and associated buildings (1953). The building has since been occupied by LandCare and the FBG and most recently a lease was entered into with the now defunct Jerramungup and Bremer Bay Arts group (JABBA). The building is currently unoccupied.

### ***Reserve Details***

Reserve 25164 is managed by the Shire of Jerramungup for the purpose of “*Municipal Depot Site*”. The Shire does not appear to have the power to lease at this time. This power would need to be requested from the Minister should Council endorse a lease over the building. Further details on the lease proposal are discussed in the comments section of this report.

### ***Zoning & Scheme Requirements***

Local Planning Scheme No.2 (the Scheme) identifies Lot 24 as a local reserve for Public Purposes ‘civic and cultural uses’.

The Scheme requires planning approval for any development in a local reserve. In making a determination the Council is to have ‘due regard’ for the reserve purpose but is not bound by it.

In this case a pharmacy could be said to be reasonably consistent with the 'civic and cultural public purpose' designation given it is a service related to the health of the community.

### ***Heritage***

The existing buildings on the site were constructed in 1953 and were part of the administration of the War Service Settlement Scheme. The Shire's Municipal Inventory recommends providing: *..."maximum encouragement to owner to conserve the significance of the place."*

In this case the 'owner' is effectively the Shire of Jerramungup. With the building empty the maintenance costs are anticipated as being considerable.

The applicant is proposing to upgrade the building to be of sufficient standard to achieve registration with the pharmacy board. It is an accepted heritage principle that occupation of heritage listed buildings increases their effective life.

### **CONSULTATION**

Nil

### **COMMENT**

#### ***The Proposal***

Council has received an application from Mr Thuc Huynh and Mr Han Wui to lease and redevelop the existing building at the front of Lot 24 Memorial Road, Jerramungup as a pharmacy.

The two applicants are currently business partners in the Gnowangerup and Bremer Bay pharmacies.

The applicant has stated:

*...I would like to formally request that Council consider providing a lease of 9 Memorial Avenue for the purposes of running a pharmacy from the building. The Pharmacy plans to expand its business into Jerramungup to supplement the services provided by the General Practitioner.*

*I would like to request that Council consider the following lease terms in order to make the business venture viable and enhance local access to health services.*

- 1) *An initial 3 year peppercorn lease and 3 year option at an assessed market rent up to \$250 per week; with a further options of 3 years + 3 years + 3 years + 3 years with annual rent increase of 2%.*
- 2) *Full payment of rates and charges associated with the building for the term of the lease.*  
*In return through the development of the building I will undertake to complete the following maintenance and improvement items:*
  - 1) *Repainting some part of interior and exterior of building to pharmacy standards.*

- 2) *Replacement of carpets needed per pharmacy standards.*
- 3) *Modernisation of lighting and plumbing fixtures per pharmacy standards.*
- 4) *Estimated cost to set up the pharmacy is between \$70,000 to \$100,000*

*Establishing a pharmacy in Jerramungup will bring the following benefits to the town:*

- 1) *Ensuring timely access to medications for Jerramungup residents*
- 2) *Ensuring compliance to medications therefore reducing risk of hospitalisation*
- 3) *Can be a draw card for residents from surrounding towns*

### ***Planning Assessment***

A pharmacy is a desirable land use for Jerramungup; it would broaden the community services and health care options for residents and visitors. Ideally the pharmacy would be located in the 'Town Centre' zone however there does not appear to be any available premises suitable for the establishment of a pharmacy at this time.

Lot 24 is within reasonable proximity to the commercial development in Tobruk Road and the existing hospital in Kokoda Road.

The leasing of the former War Service Settlement Scheme office as a pharmacy would encourage the development of a needed local business, support the health care service in the town and provide for the ongoing maintenance of this building.

A pharmacy would be assessed as a 'shop' against the Scheme requirements. There is usually a requirement to provide 1 bay per 15m<sup>2</sup> of floor area. This would result in a parking requirement of 8 bays.

In this case there is plenty of parking in Memorial Road as a result of the recent streetscape upgrades in this area and it is recommended that this requirement be waived.

Planning approval is recommended subject to the premises being upgraded to the satisfaction of the CEO and the applicant being responsible for the ongoing maintenance of the building.

### ***Lease Considerations***

The proponents have requested that Council consider a peppercorn lease be provided for the first three years in lieu of the maintenance works which they will be undertaking should they progress with the operation of the pharmacy from the building. Such works which will be undertaken (which are presently required regardless of the building's future) include the replacement of carpets, internal and external painting and the installation of suitable lighting. Since the replacement of the ceiling in the main foyer the ceiling lighting has not been installed. If the Shire was to undertake these works to bring the building up to a reasonable standard to rent to a private market it is estimated that approximately \$19,500 would need to be spent as detailed below:

- 1) Internal and External Painting - \$14,000
- 2) Replacement of Carpets - \$4,000

3) Installation of ceiling lighting - \$1,500

In addition as the lessee will be required to pay rates and associated waste charges the property will yield a further \$1,200 - \$1,500 per annum. Utility costs associated with the building will also be transferred to the lessee providing a further \$250 saving. Further investment will be undertaken on the building to fit it out as a pharmacy however these would not be currently impacting Council's budget and have not been considered in evaluating the cost benefit of this proposal to the community.

A market rental valuation has been scheduled which would be used in the advertising process under Section 3.58(3) as a disposal of land via Private Treaty. Based on similar commercial properties it is currently estimated the annual market rent would be between approximately \$8,320 (\$160 per week) - \$13,000 (\$250 per week).

The proponents have requested a number of three year options on the lease however it is recommended that Council provide two further 3 year options (9 years total) to provide the opportunity to revisit the lease after that period and re-determine the buildings best use within the community.

In summary the proposal to re-activate the former Landcare Building provides Council with a sound opportunity to improve timely access to health services within the community, provide maintenance and improvements on the building at a reduced cost and broaden the range of businesses within the town centre. Given the proposed maintenance and improvements expenditure offsets any concession given in lease payments it is recommended that Council enter into a lease with the proponents as per the recommendation below.

## **STATUTORY REQUIREMENTS**

### ***Planning Application***

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

### ***Lease***

#### **3.58. Disposing of property**

- (1) In this section —
  - dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;
  - property** includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
  - (a) the highest bidder at public auction; or
  - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
- (a) it gives local public notice of the proposed disposition —
    - (i) describing the property concerned; and
    - (ii) giving details of the proposed disposition; and
    - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and
  - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
  - (b) the consideration to be received by the local government for the disposition; and
  - (c) the market value of the disposition —
    - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
    - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
  - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
  - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
  - (d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

## **Local Government (Functions and General) Regulations 1996**

### **30. Dispositions of property to which section 3.58 of the Act does not apply**

- (2) A disposition of land is an exempt disposition if —
- (a) the land is disposed of to an owner of adjoining land (in this paragraph called *the transferee*) and —
    - (i) its market value is less than \$5 000; and
    - (ii) the local government does not consider that ownership of the land would be of significant

- benefit to anyone other than the transferee;
- (b) the land is disposed of to a body, whether incorporated or not —
- (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
  - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;

## **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.

**Aspiration 7:** A healthy community where residents feel safe, secure and self-assured.

## **FINANCIAL IMPLICATIONS**

All costs in preparing the lease should be borne by the applicant.

The Shire is currently responsible for the ongoing maintenance of the building; this would be saved if leased. The building currently requires a number of cosmetic maintenance issues to be addressed before it could be leased out.

## **WORKFORCE IMPLICATIONS**

Nil

## **POLICY IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Absolute Majority

## **RECOMMENDATION**

That Council,

1. Advertises its intent to enter into a lease between the Shire of Jerramungup and Mr Han Wui and Mr Thuc Huynh for Lot 24 Memorial Road Jerramungup in accordance with Section 3.58(3) of the Local Government Act 1995.
2. Endorse the fundamental terms of an initial proposed lease being:
  - i) An initial 3 year peppercorn lease period followed by a market rent rate up to \$250 per week rent for a period of 3 years with one further three year option and annual rent increases of 2%; and

- ii) Full payment of rates, utilities and charges associated with the building for the term of the lease.
- 3. Delegates authority to the Chief Executive Officer and Shire President to execute the lease agreement provided no adverse submissions are received during the advertising period.
- 4. Approach the Minister for Lands in order to:
  - i) Change the purpose of Reserve 25164 to 'the Use and Requirements of the Shire of Jerramungup' including 'health' and 'civic' land uses;
  - ii) Grant the power to lease for up to 21 years to the Shire of Jerramungup for Reserve 25164;
- 5. Approve the proposed Shop (pharmacy) at Lot 24 (#9) Memorial Road, Jerramungup subject to the following conditions:
  - i) A formal lease being in place for the subject building.
  - ii) Development shall be carried out in full and fully implemented in accordance with the details submitted with the planning application.
  - iii) Occupation of the 'Shop' (pharmacy) shall not commence until the details of the colour and extent of any external painting have been submitted to the Shire and have been approved in writing.
  - iv) Any signage will be the subject of a separate planning application and should ideally be located within the existing signage envelopes located on the building already.
  - v) The applicant is responsible for the ongoing maintenance of the building to the satisfaction of the Chief Executive Officer.

**OC150705 Moved Cr Bailey / Seconded Cr Leenhouders**

**That Council,**

- 1. Advertises its intent to enter into a lease between the Shire of Jerramungup and Mr Han Wui and Mr Thuc Huynh for Lot 24 Memorial Road Jerramungup in accordance with Section 3.58(3) of the Local Government Act 1995.**
- 2. Endorse the fundamental terms of an initial proposed lease being:**
  - i) An initial 3 year peppercorn lease period followed by a market rent rate up to \$250 per week rent for a period of 3 years with one further three year option and annual rent increases of 2%; and**
  - ii) Full payment of rates, utilities and charges associated with the building for the term of the lease.**
- 3. Delegates authority to the Chief Executive Officer and Shire President to execute the lease agreement provided no adverse submissions are received during the advertising period.**
- 4. Approach the Minister for Lands in order to:**
  - i) Change the purpose of Reserve 25164 to 'the Use and Requirements of the Shire of Jerramungup' including 'health' and 'civic' land uses;**

- ii) Grant the power to lease for up to 21 years to the Shire of Jerramungup for Reserve 25164;
5. Approve the proposed Shop (pharmacy) at Lot 24 (#9) Memorial Road, Jerramungup subject to the following conditions:
- i) A formal lease being in place for the subject building.
  - ii) Development shall be carried out in full and fully implemented in accordance with the details submitted with the planning application.
  - iii) Occupation of the 'Shop' (pharmacy) shall not commence until the details of the colour and extent of any external painting have been submitted to the Shire and have been approved in writing.
  - iv) Any signage will be the subject of a separate planning application and should ideally be located within the existing signage envelopes located on the building already.
  - v) The applicant is responsible for the ongoing maintenance of the building to the satisfaction of the Chief Executive Officer.

**Carried by Absolute Majority 5-0**

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<b>SUBMISSION TO:</b>	<b>Health, Building &amp; Town Planning</b>
<b>AGENDA REFERENCE:</b>	10.3.2
<b>SUBJECT:</b>	Proposed LPP 20 – ‘Holiday Homes’
<b>LOCATION/ADDRESS:</b>	Whole of Shire
<b>NAME OF APPLICANT:</b>	Not applicable
<b>FILE REFERENCE:</b>	LU.PL.8
<b>AUTHOR:</b>	Craig Pursey, Planning Officer
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	6 <sup>th</sup> July 2015

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## **SUMMARY**

Council initiated a local planning policy governing Holiday Homes at their meeting in May 2015. The policy has been advertised for public comment, receiving 3 submissions.

This policy recommends adopting a modified policy including the following changes:

1. Remove requirement to provide exit lighting;
2. Adjust maximum accommodation numbers and the manner parking bays are determined;
3. Increase maximum permitted signage; and
4. Remove the requirement for advertising a property managers details in the window of the holiday home.

## **ATTACHMENT**

Attachment 10.3.2 (a) - Draft Local Planning Policy 20 – ‘Holiday Homes’  
Attachment 10.3.2 (b) - Copy of submissions

## **BACKGROUND**

Holiday homes are private residential dwellings that are leased out for short term accommodation for a period not exceeding three (3) months. Holiday homes form a considerable part of the tourism accommodation product in Bremer Bay in particular.

The informal development of this section of the tourist accommodation market has meant that holiday homes have so far operated with minimal regulation, resulting in an uncertain legal & insurance environment, issues of inequity with other service providers and increased potential for land use conflict. The issue of impact on neighbouring residential amenity has potential to cause particular concern in the community.

The Western Australian Planning Commission (WAPC) has prepared Planning Bulletin 99 - 'Holiday Homes Guidelines' that sets out the WAPC's position in relation to the planning and regulation of holiday homes in Western Australia. The bulletin provides guidance to local governments when dealing with issues associated with holiday homes in the local government planning framework. This policy is consistent with the recommendations of this Bulletin.

## ***Building Code Requirements***

Contrary to advice provided in May 2015, the conversion of a Single House to a Holiday Home does not change the class of the building under the BCA from a Class 1A to a class 1B. Therefore evacuation lights are not required in the paths of exit.

## ***Local Planning Policy 18 - Point Henry Fire Management Strategy***

Council adopted the Point Henry Fire Management Strategy as a Local Planning Policy at their meeting in October 2014. Recommendation 4 of this policy states:

4. *“That owners and property managers must ensure that fire prevention measures are maintained at holiday homes including the provision of information to guests.*

## **CONSULTATION**

The draft policy was advertised for a period of 21 days including advertising in local papers on notice boards and in this case, with local real estate agencies. During this time a number of phone conversations and meetings were held with owners and managers of existing holiday homes and three formal submissions were received from:

1. Deb la Rosa, operator/owner of Bremer bay Accommodation;
2. Wendy Bradshaw, owner of 8 Murphy Place, Bremer Bay; and
3. Notes from meetings with Max Wellstead and Bremer Bay Stayz owner/operators – Claire Hunter & Lorraine Treeby.

Issues raised include:

1. Maximum number of occupants set at 6 is too few. Many houses are set up to handle more and currently so do without complaint. The majority of houses are set up to have more than 6 people;
2. Allowance needs to be made for the New Years and Easter period in particular given the high numbers of visitors throughout the townsite at this time;
3. The parking bay limitations in the policy may be too restrictive and perhaps should be handled by limiting the number of available bays available in the Property Management Plan, communicated to the tenant;
4. The parking requirements in the policy need to be clarified;
5. The signage needs to be at least 50cm<sup>2</sup> and consideration should be given to allowing reflective signs;
6. Hardwired exit lights are excessive;
7. Clarification is sought on whether a fire pit is permitted as it is current excluded in the “Code of Conduct”; and
8. The requirement to advertise the property managers details in the window of the holiday home is excessive.

## COMMENT

### Limit on number of tenants

The advertising draft of the policy limited the number of people to be accommodated in a holiday home to 6. It is agreed that the limit of 6 people for holiday accommodation is overly constraining for the following reasons:

- Most new houses have at least 4 bedrooms and it is argued that all of these should be available as part of a holiday home rental;
- The Building Code of Australia (BCA) identifies a 'cut-off' of no more than 12 people before a 'house' becomes a 'hostel' and
- Holiday Accommodation is often rented to families and the number of children in a site would be included in any limit to numbers of tenants. Children do not give rise to an increase in parking or large off-site impacts.

Therefore, provided parking is adequately catered for on-site it is suggested that the definition of a Holiday Home be amended to read:

***Holiday home** means a single house, which might also be used for short stay accommodation for no more than six twelve people (but does not include a bed and breakfast, guesthouse, chalet and short stay accommodation unit).*

To accommodate this increase it is recommended that the parking requirements be adjusted as follows:

- ~~c. A minimum of two car parking bays are to be provided on-site for up to two bedrooms used for holiday accommodation. One additional car parking space is required on site per additional bedroom.~~
- c. Car parking bays are to be provided on-site at a rate of one bay per two adults accommodated.

Finally, also require the maximum number of adults to be accommodated to be stipulated in the Property Management Plan.

### Advertising of managers details on the property.

The policy currently requires that the 24 hour contact details of the manager of the holiday home to be visible on the property from the nearest street frontage.

This clause is seen as unnecessary given that the property management plan will be given to neighbouring properties.

### Signage

The current draft recommends a maximum of 0.2m<sup>2</sup> sign which is usual for a home occupation. Holiday Accommodation needs to be identified by visitors who arrive often later at night and a slightly larger sign would be beneficial whilst still being of a residential scale. An increase to 0.5m<sup>2</sup> is supported.

### New Years and Easter

There is an understanding in the local community that New Year's and Easter are particularly busy tourist periods and the background to the policy should acknowledge this. If the demographic changes in Bremer Bay there may be more complaints

generated at this time of year and the policy should not be used as a vehicle to close down normally compliant accommodation.

### **STATUTORY REQUIREMENTS**

Part 2 'Local Planning Policy Framework' of the Scheme controls local planning policies.

Council is now required to consider any submissions received from the advertising of the draft policy and resolve to modify or not proceed with the policy.

### **STRATEGIC IMPLICATIONS**

The proposal aligns with the following aspiration of the Strategic Community Plan:

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

### **FINANCIAL IMPLICATIONS**

The cost of advertising and referral of the draft policy are met within the existing budget.

### **WORKFORCE IMPLICATIONS**

Nil

### **POLICY IMPLICATIONS**

Explained in the body of this report.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

That Council,

1. Adopt the Shire of Jerramungup Local Planning Policy 20 – Holiday Homes for final approval subject to the modifications highlighted in red at Attachment A.
2. Publish a public notice in an official newspaper circulating in the area to notify the public that Council has adopted a revised Local Planning Policy No 20 (in accordance with Clause 2.4.3 (a) of the Shire of Jerramungup Local Planning Scheme No 2).
3. Offers retrospective approval to existing holiday homes that can prove that they have operated without complaint on lodgement of a planning application in accordance with Local Planning Policy 20 within 3 months of the final adoption of this Policy.

**That Council,**

- 1. Adopt the Shire of Jerramungup Local Planning Policy 20 – Holiday Homes for final approval subject to the modifications highlighted in red at Attachment A.**
- 2. Publish a public notice in an official newspaper circulating in the area to notify the public that Council has adopted a revised Local Planning Policy No 20 (in accordance with Clause 2.4.3 (a) of the Shire of Jerramungup Local Planning Scheme No 2).**
- 3. Offers retrospective approval to existing holiday homes that can prove that they have operated without complaint on lodgement of a planning application in accordance with Local Planning Policy 20 within 3 months of the final adoption of this Policy.**

**Carried 5-0**

**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>	Community Survey 2015
<b>LOCATION/ADDRESS:</b>	
<b>NAME OF APPLICANT:</b>	Shire of Jerramungup
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Sophie Pocock
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	July 2015

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## **SUMMARY**

This item presents the Community Survey 2015 results to Council. The recommendation is to receive the report and incorporate the findings into future decision making.

## **ATTACHMENT**

Attachment 10.4.1 – Community Survey Results

## **BACKGROUND**

In November 2012, Council adopted a new Strategic Community Plan. This Plan proposes a plan of action that will facilitate improved service delivery, the efficient allocation of resources and a greater integration in terms of community aspirations and the delivery of both operational and strategic projects.

A key component in measuring the success of the Strategic Community Plan is the undertaking of a community survey that will be used as a tool to gather information, measure community attitudes and ascertain the Shire's overall performance from a service delivery and resource allocation perspective.

The community survey was carried out in May/June 2015 and the collated results are now presented formally to Council. Results have been compared with that of the 2010 and 2013 survey and it is anticipated that this will be the basis for evaluating future year's surveys.

## **CONSULTATION**

Community Survey 2015 Questionnaires

## **COMMENT**

This is the third comprehensive community survey to be conducted in the Shire of Jerramungup. The results from all surveys have been encouraging and indicate a general level of overall satisfaction within the community when it comes to the delivery of Council services and future direction.

There were 81 surveys returned from a cross section of the community in terms of location, age and gender which is a positive sign for community willingness to be

involved in Council decision making. It also provides a quality data set for the consideration of responses and is an indication that the data is a good representation of the community opinion.

The survey was broken down into three major areas being:

- 1) Current Service Provision which asked respondents to rank one to five with one being “very poor” and 5 being “excellent”.
- 2) Community Consultation Preferences which provided a number of communication options and asked respondents to rank 1-7 their preferred method with 1 being most preferred.
- 3) Future Direction of the Council:
  - a. Future Direction which asked respondents to rank their preferred priority for Council’s future allocation of funds from the various areas of Council responsibilities from 1-10 with 1 being highest priority and 10 being lowest.
  - b. Future Resource Allocation which was a more detailed breakdown of specific topics which asked respondents to score their agreement with the written statement with 1 being strongly disagree and 5 being strongly agree. This section also included statements regarding willingness of the community to pay for additional infrastructure.

In summarising the collective responses of the survey the following key themes are evident in the feedback from the community.

- Resource commitment to upgrades and maintenance on rural and urban roads is a priority.
- The local newsletters and the Council Buzz are the most preferred methods of communication.
- Emergency services, fire protection and emergency management is a concern within the community.
- The community is satisfied with the level of customer service they receive from Councillors and the Shire staff.
- Current levels of recreation and sporting facilities are seen as satisfactory but the community would like to see more activities and entertainment within the Shire.

Further detailed information on the survey responses can be found in the Community Survey Results 2015 report.

### **STATUTORY REQUIREMENTS**

Nil

### **STRATEGIC IMPLICATIONS**

The Community Survey will be used to provide additional background for Council decision making and planning.

### **FINANCIAL IMPLICATIONS**

Nil

## **POLICY IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That Council receive the Community Survey Results 2015 report and incorporate the feedback in future decision making and planning.

**OC150707 Moved Cr Leenhouders / Seconded Cr Trevaskis**

**That Council receive the Community Survey Results 2015 report and incorporate the feedback in future decision making and planning.**

**Carried 5-0**

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.2
<b>SUBJECT:</b>	Bremer Bay Community Development Committee Meeting Minutes
<b>LOCATION/ADDRESS:</b>	Shire of Jerramungup
<b>NAME OF APPLICANT:</b>	N/A
<b>FILE REFERENCE:</b>	Nil
<b>AUTHOR:</b>	Charmaine Solomon
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	6 <sup>th</sup> July 2015

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### **ATTACHMENT**

Attachment 10.4.5 – BBCDC Committee Meeting Minutes

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

That the Minutes of the Bremer Bay Community Development Committee held on 3<sup>rd</sup> July 2015 (copy contained within agenda attachments) be received.

**OC150708 Moved Cr Leenhouwers / Seconded Cr Bailey**

**That the Minutes of the Bremer Bay Community Development Committee held on 3<sup>rd</sup> July 2015 (copy contained within agenda attachments) be received.**

**Carried 5-0**

2.47pm Mr Craig Pursey left the meeting after declaring an interest Item 10.4.3 – Appointment of Acting CEO.

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.3
<b>SUBJECT:</b>	Appointment of Acting CEO
<b>LOCATION/ADDRESS:</b>	Shire of Jerramungup
<b>NAME OF APPLICANT:</b>	Not applicable
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Brent Bailey
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	7 <sup>th</sup> July 2015

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## **SUMMARY**

The purpose of the report is to appoint Council's Planning Officer as Acting Chief Executive Officer while the CEO is on Long Service Leave.

## **ATTACHMENT**

Nil

## **BACKGROUND**

The Chief Executive Officer will be taking 6 weeks Long Service Leave between 17<sup>th</sup> September 2015 and 30<sup>th</sup> October 2015. The CEO has approached Council's most experienced senior officer Mr Craig Pursey to undertake the role of Acting CEO during this period of leave.

The Council is responsible for appointing the Chief Executive Officer and in the absence of a formal policy to provide for appointing an Acting CEO this item seeks approval of Mr Pursey's appointment.

## **CONSULTATION**

Shire of Ravensthorpe

## **COMMENT**

During the 6 weeks of relief mentioned the Acting CEO will be responsible for monitoring and providing guidance on a number of key matters including:

- 1) The 2015 Local Government Elections.
- 2) October Ordinary Council Meeting
- 3) Oversight of Council works operations and capital projects – namely Devils Creek Road and the commencement of the Walk Trail from Wellstead Road to the Bremer Bay Cemetery.

Mr Pursey's workload with the Shire of Ravensthorpe will be adjusted where required during the period of relief and the Shire of Ravensthorpe has been consulted in regards to this proposal.

## **STATUTORY REQUIREMENTS**

### **5.36. Local government employees**

- (1) A local government is to employ —
  - (a) a person to be the CEO of the local government; and
  - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
  
- (2) A person is not to be employed in the position of CEO unless the council —
  - (a) believes that the person is suitably qualified for the position; and
  - (b) is satisfied\* with the provisions of the proposed employment contract.

*\* Absolute majority required.*

## **STRATEGIC IMPLICATIONS**

The Chief Executive Officer is the primary position responsible for the delivery of Council's Community Strategic Plan.

## **FINANCIAL IMPLICATIONS**

Mr Pursey will receive higher duties remuneration in line with the CEO's salary during the period of relief and this has been factored into the 2015/2016 budget.

## **POLICY IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Absolute Majority

## **RECOMMENDATION**

That Council appoints Mr Craig Pursey as the Acting Chief Executive Officer for the period of the CEO's Long Service Leave in September and October 2015.

**OC150709 Moved Cr Trevaskis / Seconded Cr Parsons**

**That Council appoints Mr Craig Pursey as the Acting Chief Executive Officer for the period of the CEO's Long Service Leave in September and October 2015.**

**Carried by Absolute Majority 5-0**

2.50pm Mr Pursey returned to the meeting.

# **COUNCILLOR REPORTS**

## **11. COUNCILLOR REPORTS**

### **Cr Parsons**

Attended a Budget workshop  
Attended a FBG meeting

### **Cr Bailey**

Attended a Budget workshop

### **Cr Trevaskis**

Attended a Budget workshop

### **Cr Leenhouders**

Attended a Budget workshop  
Attended a BBCDC meeting

### **Cr Lester**

Attended a WALGA zone meeting  
Attended a Budget workshop  
Attended a BBCDC meeting

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

### **12.1 From Officers**

Mr Bailey noted that a review of the agenda and recommendations for the WALGA AGM did not require any formal consideration by Council as they were consistent with Council's current position on the various matters.

### **12.2 From Elected Members**

Cr Parsons would like to know why and when Hassell Highway was changed to South Coast Highway.

Mr Pursey advised he will look into this and provide comment back.

## **13. NEXT MEETING/S**

13.1 Ordinary Meeting – to be held Wednesday 19<sup>th</sup> August 2015 commencing 2.00pm at the Council Chambers, Jerramungup.

## **14. CLOSURE**

The President declared the meeting closed at 2.56pm.