

# SHIRE OF JERRAMUNGUP



## MINUTES

### COUNCIL ORDINARY MEETING

16<sup>th</sup> DECEMBER 2015

**ORDINARY MINUTES – 16<sup>th</sup> DECEMBER 2015****INDEX**

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## SHIRE OF JERRAMUNGUP

### ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, JERRAMUNGUP ON WEDNESDAY 16<sup>th</sup> DECEMBER 2015, COMMENCING AT 8.30AM.

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

The President declared the meeting open at 8:30am

#### 2. RECORD OF ATTENDANCE

Cr R Lester	President
Cr J Iffla	Deputy President
Cr R Parsons	Member
Cr J Leenhouders	Member
Cr W Bailey	Member
Cr C Daniel	Member
Mr B Bailey	Chief Executive Officer
Mr C Pursey	Planning Officer
Mr C Miller	Engineering Officer
Ms E Capelli	Administration Officer

#### 3. APOLOGIES

Cr Trevaskis

#### 4. LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr Iffla was provided a leave of absence at the November Ordinary Council meeting however she was able to attend the December Ordinary Council meeting.

#### 5. PUBLIC QUESTION TIME

Nil

#### 6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

#### 7. PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

#### 8. DECLARATIONS OF FINANCIAL INTEREST

Cr Daniel declared an impartiality interest in Item 10.4.3. The nature of the interest is Cr Daniel is the Secretary of the organisation nominating Junior & Senior Sports Star 2015.

Cr Bailey declared an impartiality interest in Item 10.4.3. The nature of the interest is the Senior Sports Star nominee is his son.

Mr Bailey declared an impartiality interest in Item 10.4.3. The nature of the interest is he has been nominated for Senior Sports Star.

Mr C Pursey declared a financial interest in Item 10.4.2. The nature of the interest is it relates to his employment.

Cr R Parsons declared a proximity interest in 10.3.1. The nature of the interest is that he owns the neighbouring property.

## **9. CONFIRMATION OF MINUTES**

9.1 Ordinary Council Meeting held 18<sup>th</sup> November 2015

**OC151201 Moved Cr Daniel / Seconded Cr Leenhouders**

**That the Minutes of the Ordinary Meeting of Council held 18<sup>th</sup> November 2014 be confirmed.**

**Carried 6-0**

**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> December 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**

Foundation works on Devils Creek Road are complete with the crew completing all gravel hauling, spreading and compacting by early November. An upgrade of the existing drainage is also complete allowing the foundation to settle over the Christmas and harvest period prior to sealing. Sealing works will be carried out in early February with only a trim and tidy up required prior to sealing.

Works on Don Ende Drive are progressing well with gravel hauling 80% complete by the end of November. All foundation works will be complete before the Christmas break allowing the foundation to settle prior to sealing. Sealing works will be completed at the same time as Devils Creek Road works in early February.

Prior to Christmas the Construction crew will also carry out a tidy up of the gravel road network within and around Bremer Bay leaving the roads in the best possible shape prior to the holiday period.

Bremer Bay intersection works were also completed in late November with the crew assisting Fulton Hogan to supply and lay corrector coat and 30mm hot mix asphalt overlay on various intersections within Bremer Bay.

These intersections included Bremer Bay Road - Garnett Road, Bremer Bay Road - Wellstead Road, Bremer Bay Road - Frantom Way, Bennett Street - Clifton Avenue, Bidy Crescent - Barbara Street, Emma Street - Agnes Place and the Agnes Place cul-de-sac.

The intersection upgrades and asphalt overlay also included the re-alignment of the troublesome Mary Street - John Street intersection and re-aligning the intersection to a safer 'T' intersection.



team with only bollarding, signage and a final tidy up prior to the opening before Christmas. Some minor flood damage impacted the trail on Saturday 5<sup>th</sup> December however this will be repaired in the next two weeks.

Over the coming the month the team will be prioritising completing works on the walk trail as well as preparation of both town site parks and gardens prior to the 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

### **COMMENTS**

Nil

### **RECOMMENDATION**

That Council adopt the November works report.

**OC151202 Moved Cr Bailey / Seconded Cr Parsons**

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

**Carried 6-0**

Mr Chris Miller left meeting at 8:50am.

# **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>	3 <sup>rd</sup> December 2015

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**ATTACHMENT**

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

**BACKGROUND**

<b>FUND</b>	<b>VOUCHERS</b>	<b>AMOUNTS</b>
<b>Municipal Account</b>		
Last Cheque Used	27943	
	EFT 11325 – 1132	\$ 59,762.03
	EFT 11330 – 11406	\$ 208,650.43
	EFT 11408 – 11425	\$ 18,471.85
	EFT 11426 – 11426	CANCELLED
	EFT 11427 – 11432	\$ 6372.32
	Cheque 27944 – 27954	\$ 17,938.02
	Direct Deposit	\$20,645.49
<b>Municipal Account Total</b>		<b>\$331, 840.14</b>
<b>Trust Account</b>		
	EFT 11324 – 11324	\$ 2000.00
	EFT 11329 – 11329	\$ 3080.00
	EFT 11407 – 11407	\$ 56,346.38
<b>Trust Account Total</b>		<b>\$61, 426.38</b>
<b><u>Grand Total</u></b>		<b><u>\$393, 266.52</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 \$393,266.52 submitted to the Full Council on 16<sup>th</sup> December 2015 be endorsed.

**SIGNATURES**

\_\_\_\_\_  
Author

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

**OC151203 Moved Cr Bailey / Seconded Cr Daniel**

**That the schedule of direct debits and accounts payable, totalling \$393,266.52 submitted to the Full Council on 16<sup>th</sup> December 2015 be endorsed.**

**SIGNATURES**

\_\_\_\_\_  
Author

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

**Carried 6-0**

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<b>SUBMISSION TO:</b>	<b>Finance</b>
<b>AGENDA REFERENCE:</b>	10.2.2
<b>SUBJECT:</b>	Monthly Financial Report
<b>LOCATION/ADDRESS:</b>	Shire of Jerramungup
<b>AUTHOR:</b>	Charmaine Solomon
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	6 <sup>th</sup> November 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> November 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> November 2015 in accordance with Section 6.4 of the Local Government Act 1995.

**OC151204      Moved Cr Iffla / Seconded Cr Leenhouders**

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

**Carried 6-0**

**HEALTH,  
BUILDING  
&  
TOWN PLANNING**

Cr Parsons left meeting at 9:25am.

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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 Scheme Amendment 11
<b>LOCATION/ADDRESS:</b>	Part Lot 1281 (#29565) South Coast Highway, Jerramungup
<b>NAME OF APPLICANT:</b>	N/A
<b>FILE REFERENCE:</b>	LU.PL.1
<b>AUTHOR:</b>	Craig Pursey, Planning Officer
<b>DISCLOSURE OF ANY INTEREST:</b>	Cr Parsons declared a proximity interest.
<b>DATE OF REPORT:</b>	7 <sup>th</sup> December 2015

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## **SUMMARY**

Council is to consider amending the Shire's "Planning Framework" to zone the north-west portion of Lot 1281 South Coast Highway, Jerramungup to accommodate land uses that require highway frontage and large floor area such as a machinery dealership.

In order to achieve this, the following amendments are required:

1. Amend the Local Planning Strategy to:
  - Review the current status of industrial and commercial land in the Jerramungup townsite; particularly land use with large floor space and land area needs; and
  - Recognise the issues around the shortage of available land for this purpose and the increasing need to trade to passing traffic.
2. Initiate Scheme Amendment 11 to the Shire of Jerramungup Local Planning Scheme No 2 to rezone the north-west portion of Lot 1281 South Coast Highway, Jerramungup from the 'Rural' zone to 'Special Use Zone No.9'

This report recommends that the amendments be initiated and referred to the Department of Planning for permission to advertise and the Environmental Protection Authority.

## **ATTACHMENT**

Attachment 10.3.1 - Special Use Zone No.9 provisions

## **BACKGROUND**

### ***Local Planning Strategy***

The Local Planning Strategy is the 20year land use plan for the Shire of Jerramungup. It is intended to set out Council's general objectives, aims and intentions for long term growth and change. All future development and zoning of land is guided by the Local Planning Strategy (the Strategy).

There is limited discussion in the Strategy regarding the availability of land for industrial and large lot commercial development in Jerramungup. A recent examination of

industrial and commercial land availability within the townsite has confirmed that there is a chronic shortage of available land.

The Shire has been working for a number of years to ensure that there is enough land available for industrial and commercial land uses in order to support the population and prosperity of the Jerramungup townsite. Land is needed to allow for new business to locate and existing business to expand.

Although there are a number of sites zoned for light or general industrial activity in the townsite they have the following issues that have prevented their development over time:

- Many of the lots are Unallocated Crown Land (UCL) and the process to gain management of this land by the Shire has been underway since at least 2008. Native Title and servicing issues (mostly with the Water Corporation), have prevented this land becoming available to date.
- The proximity of the 'General Industry' zoned lots to the existing residential areas and caravan park in Jerramungup can limit the land uses that can develop;
- Many of the lots within the town are too small to cater for land uses such as transport depots and machinery dealerships.
- The lack of exposure to the South Coast Highway due to the vegetated buffer surrounding and screening the townsite from the highway. Jerramungup is located strategically at the crossroads of major highways with high numbers of passing traffic and is central to a reasonably large rural catchment. A buffer was established around the town site at its inception for the likely reason to increase residential amenity. Unfortunately, as the population in the townsite has decreased over time the businesses in Jerramungup have become increasingly reliant on passing trade. The buffer around town has screened the town from passing traffic and made it difficult for existing business to gain access to the considerable passing traffic and makes the townsite less attractive to new business looking to establish.
- Demand for industrial and commercial land in Jerramungup is largely driven at this stage by the transport companies seeking to take advantage of Jerramungup's highway location.

In response to this shortage the following actions have been pursued so far:

1. Negotiations with the Department of Lands for management of UCL in the townsite have been ongoing since 2008 and only now look more likely with timeframes placed on native title resolution and resolution of issues around the availability of water with Water Corporation. These lots would still have limitations due to their proximity to the Caravan Park and residential areas and smaller lot size.
2. Scheme Amendment 10 was initiated by Council in May 2015 to rezone portions of the vegetated buffer around the townsite for industrial purposes, whilst retaining a landscaped strip to the highway for amenity reasons. This rezoning will facilitate the minor expansion of two existing businesses in town and free up some additional land.

The Strategy does not expand on this issue of industrial and commercial land availability to any great extent. It currently identifies existing light and general industrial lots but does not explore the issues and difficulties around actually developing this land.

In favour of the proposed industrial rezoning's the Strategy 2 of the "Strategies and Actions for the Jerramungup Townsite" does states:

*"Facilitate business opportunities and industrial development which will deliver diverse employment opportunities and support development in the district.*

*Actions*

- *Maximise the development potential of existing lots and encourage new developments by streamlining planning processes.*
- *Provide for the needs of light and general industry to support the community.*
- *Provide appropriate buffers and/ or treatments between industry and any sensitive land uses, so as to avoid land use conflicts.*
- *Seek funding opportunities to liaise with key stakeholders and major businesses and actively promote Jerramungup as a small business centre.*
- *Continue to pursue partnerships Federal and State bodies for business development and promotion."*

**Part Lot 1281 South Coast Highway, Jerramungup**

Part Lot 1281 South Coast Hwy, Jerramungup is currently zoned 'Rural' and used for broad-hectare farming. There is an effluent pond in the north western corner of the site that receives treated waste water from the Jerramungup effluent disposal scheme.



*Part Lot 1281 South Coast Highway – 12.5ha portion for industrial and commercial land uses*

The portion of land in question slopes gently to the east and is located away from the effluent disposal ponds and outside of a dam catchment to the south. It maximises highway frontage and would cater for businesses that require large floor space such as transport depots and a machinery dealership.

## **CONSULTATION**

Should Council agree to pursue the scheme amendment it will require consultation with affected government agencies and the local community as required by statutory processes.

## **COMMENT**

### ***The Proposal***

There is a chronic shortage of available, appropriately zoned land to cater for industrial and commercial land uses that require large floor space or land area in Jerramungup.

In order to accommodate the zoning changes to fix this situation the following steps need to be taken:

1. Local Planning Strategy needs to be amended to provide more discussion around the lack of appropriate land zoned for industrial and large scale commercial type uses; and
2. It is proposed to rezone part of Lot 1281 South Coast Highway, Jerramungup (Lot 1281) for industrial and commercial type land uses that require either large floor space or land area.

### **Local Planning Scheme Amendment**

In order to support proposed Scheme Amendment 11 (as below) and Scheme Amendment 10 (industrial expansion into the townsite buffer) the Local Planning Strategy should be amended to include:

- Discussion on the availability of industrial and commercial land;
- Discussion on the desirability of retaining the townsite buffer, the need to create more industrial land and increase the townsite's exposure to passing trade; and
- Amend 'Figure 29 – Jerramungup Strategy Map' to include Scheme Amendments 10 & 11.

### **Scheme Amendment No.11**

Negotiations with the owner of Lot 1281 South Coast Highway, Jerramungup have identified a 12.5hectare portion of land with highway frontage and strong links back into the townsite as being available for this type of development.

Scheme Amendment 11 proposes to:

1. Rezone a 12.5 hectare portion of Lot 1281 from the 'Rural' zone to 'Special Use Zone No.9'
2. Establish a new 'Special Use Zone No.9' with the following requirements:
  - A. The purpose is to provide for light and service industry, storage, wholesaling, showrooms, trade and professional services which, by reason of their scale, character, operational or land requirements, are not generally appropriate to be accommodated within the 'Town Centre' zone or the existing industrial area.
  - B. The land uses that may occupy the zone include:
    - Industry – Light;
    - Industry – Rural;

- Industry – Service;
- Motor Vehicle, Boat and Caravan Sales
- Motor Vehicle Repair
- Showroom;
- Storage
- Transport Depot.
- Warehouse

C. Conditions of development include:

- i) All use and development requires Planning Approval.
- ii) Prior to any use commencing on the site a development plan shall be submitted and approved by the Local Government. This plan shall show:
  - The items required in Clause 10.2 of the Scheme;
  - On site stormwater disposal and bio retention measures;
  - A minimum building setback of 20m from the western boundary; and
  - Details of proposed fencing and signage.
- iii) Development shall occur in accordance with the approved plan.
- iv) The design of any buildings and/or development is to include specific measures to ensure development addresses the highway to a high standard.

This scheme amendment would allow for:

- The creation of additional land for new and existing businesses that require additional land area in which to operate such as a machinery dealership or transport depot;
- A high standard of development fronting the South Coast Highway; and
- A 'Special Use' zone is proposed rather than a 'General Industry' zone so as to have greater control over the standard of development addressing the highway in what would be a high profile site.

### Justification

With rural populations declining over many years due to increasing farm size and slow migration toward the regional centres Jerramungup needs to establish itself as a service centre in the immediate region. This would assist in retaining or growing population in the town and would improve services available to the surrounding agricultural industry. In order to do Jerramungup has two issues to address:

1. The availability of land for large scale business with large floor space requirements; and
2. The need to increasingly trade to passing traffic to keep local business viable.

There clearly needs to be land available for business that supports the immediate region such as a machinery dealership and transport depots. Council has seen a number of enquiries from existing business within town to expand their businesses. However, there is no freehold land available.

The existing transport depots are straining for room and new highway frontage land could serve to attract new business to town. Part Lot 1281 provides reasonably unencumbered land, with good distance to residences, highway frontage and can be easily serviced.

Jerramungup is well located at the junction of two highways. However, the townsite is largely screened from these roads and business has poor exposure to passing traffic. Zoning a portion of Lot 1281 for industrial and commercial uses and reducing/modifying the buffer around the townsite would help to address this shortcoming.

### ***Issues***

#### Access

The number of access points will need to be minimised to meet Main Roads WA requirements. Service roads or similar outcomes are likely to be required.

#### Services

Power is available in the highway reserve, water will need to be extended and negotiated with Water Corporation during the processing of the amendment. Effluent disposal will be onsite and ideally make use of the effluent ponds to the north.

If required, one option for non-potable water may be treating the water from the effluent pond.

#### Land Capability

Council engaged Bio Diverse Solutions to prepare a land capability report over Lot 1281 in 2010. This study showed no issues with distance to ground water or soil characteristics that would prevent the further development of the site.

#### Effluent Disposal Ponds

All dwellings are connected to a limited sewerage system operated by the Shire. The Shire has an operating licence from the Economic Regulation Authority (ERA) for sewerage and non-potable water services.

A portion of the Jerramungup townsite sends leachate from septic tanks to an evaporation pond immediately to the north of the subject site. It should be noted that although the ponds are referred to as 'effluent ponds' they do not have any odour impact and do not contain any waste materials.

There are no generic buffer separation distances required by the EPA and impact on the subject site would be minimal.

### ***Conclusion***

The proposed scheme amendment would support the expansion of existing business, attract new business not currently able to be catered for and ensure a high standard of development. The subject site is reasonably unencumbered, easily serviced and has good highway frontage.

To support the scheme amendment the Local Planning Strategy will need to be amended to ensure that the Shire's whole planning framework aligns. The amendment to the Local Planning Strategy would acknowledge that:

- There are difficulties in finding enough land to accommodate and uses that require large floor space; and
- The townsite's location at the junction of two highways and the increasing need to trade to passing traffic means that the vegetated buffer around the town needs

to be modified to increase exposure whilst balancing this with retaining a high level of amenity.

## **STATUTORY REQUIREMENTS**

Following Council's resolution to prepare (initiate) an amendment the following process is required:

1. Council formally resolves to adopt the Amendment;
2. Where the Amendment is inconsistent with the approved Local Planning Strategy Council must refer the Amendment to the Planning Commission for consent to be advertised. This must include reasons justifying why a variation to the Planning Strategy should occur.
3. Council must also refer the Amendment to the EPA for assessment;
4. Once the Planning Commission has agreed that the Amendment can be advertised, then Council undertakes this for a period of 42 days. The advertising also includes referral to all relevant government agencies.
5. Following the advertising the Council must consider any submissions which have been received and it must resolve to accept or dismiss each submission. At the same time Council must resolve to adopt the Amendment for final approval with or without modifications;
6. The Amendment is submitted to the Planning Commission which makes a recommendation to the Minister for Planning;
7. The Minister determines to approve or refuse the Amendment. Often the Minister will require the Amendment to be modified before approval is given;
8. Once approved by the Minister, the Council must publish a notice in the Government Gazette.

## **STRATEGIC IMPLICATIONS**

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

**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**

There will be advertising costs and administration time.

## **WORKFORCE IMPLICATIONS**

Nil

## **POLICY IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

That Council,

1. Initiate Scheme Amendment No 11 to the Shire of Jerramungup Local Planning Scheme No 2 pursuant to Section 75 of the Planning and Development Act 2005 by;
  - i) Rezoning Part Lot 1281 South Coast Highway, Jerramungup from the 'Rural' zone to Special use Zone No.9;
  - ii) Modifying Schedule 4 Special Use Zones in accordance with Attachment 10.3.1;
  - iii) Amending the Scheme Maps accordingly.
2. That Council adopts Scheme Amendment No 11 for the purpose of advertising and referral to the Environmental Protection Authority.
3. That Council refers Scheme Amendment No.11 to the Western Australian Planning Commission for consent to be advertised.
4. That Council resolves to modify the Local Planning Strategy as follows:
  - a) Updating Section 8.2.2 Constraints (Jerramungup Townsite) to:
    - Include discussion on the availability of industrial and commercial land, particularly for land use that has large land area and/or floor space requirements;
    - Include discussion on the screening effect of the townsite buffer and its detrimental impact upon the townsite's exposure to passing trade;
  - b) Add new clause '8.2.3.10 Area 10: Townsite Buffer' and include discussion on the need to amend this buffer to increase exposure to passing traffic whilst balancing this with protection of flora, fauna and amenity of the townsite.
  - c) Add new clause '8.2.3.11 Area 11: Service Commercial' and include discussion on the need to provide land for commercial and industrial activities which, because of the nature of the business, require large sites and highway frontage.
  - d) Modify 'Figure 29 – Jerramungup Strategy Map' to identify and include Areas 10 & 11.
5. That the modifications to the Local Planning Strategy be submitted to the Western Australian Planning Commission for consent to be advertised.

That Council,

1. **Initiate Scheme Amendment No 11 to the Shire of Jerramungup Local Planning Scheme No 2 pursuant to Section 75 of the Planning and Development Act 2005 by;**
  - i) **Rezoning Part Lot 1281 South Coast Highway, Jerramungup from the 'Rural' zone to Special use Zone No.9;**
  - ii) **Modifying Schedule 4 Special Use Zones in accordance with Attachment 10.3.1;**
  - iii) **Amending the Scheme Maps accordingly.**
2. **That Council adopts Scheme Amendment No 11 for the purpose of advertising and referral to the Environmental Protection Authority.**
3. **That Council refers Scheme Amendment No.11 to the Western Australian Planning Commission for consent to be advertised.**
4. **That Council resolves to modify the Local Planning Strategy as follows:**
  - a) **Updating Section 8.2.2 Constraints (Jerramungup Townsite) to:**
    - **Include discussion on the availability of industrial and commercial land, particularly for land use that has large land area and/or floor space requirements;**
    - **Include discussion on the screening effect of the townsite buffer and its detrimental impact upon the townsite's exposure to passing trade;**
  - b) **Add new clause '8.2.3.10 Area 10: Townsite Buffer' and include discussion on the need to amend this buffer to increase exposure to passing traffic whilst balancing this with protection of flora, fauna and amenity of the townsite.**
  - c) **Add new clause '8.2.3.11 Area 11: Service Commercial' and include discussion on the need to provide land for commercial and industrial activities which, because of the nature of the business, require large sites and highway frontage.**
  - d) **Modify 'Figure 29 – Jerramungup Strategy Map' to identify and include Areas 10 & 11.**
5. **That the modifications to the Local Planning Strategy be submitted to the Western Australian Planning Commission for consent to be advertised.**

**Carried 5-0**

Cr Parsons returned to meeting at 9:30am

**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>	Council Meeting Dates 2016
<b>LOCATION/ADDRESS:</b>	
<b>NAME OF APPLICANT:</b>	
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	Charmaine Solomon
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	1 <sup>st</sup> December 2015

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## **SUMMARY**

The purpose of this report is to put before Council proposed meeting times and dates for the Ordinary Council meetings for the 2016 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 2016 year:

### **Council Meeting Dates 2016**

17 <sup>th</sup> February 2016	2.00pm	Council Chambers, Jerramungup
16 <sup>th</sup> March 2016	2.00pm	Council Chambers, Jerramungup
20 <sup>th</sup> April 2016	2.00pm	Town Hall, Bremer Bay
18 <sup>th</sup> May 2016	2.00pm	Council Chambers, Jerramungup
15 <sup>th</sup> June 2016	2.00pm	Council Chambers, Jerramungup
20 <sup>th</sup> July 2016	2.00pm	Council Chambers, Jerramungup
17 <sup>th</sup> August 2016	2.00pm	Town Hall, Bremer Bay
21 <sup>st</sup> September 2016	2.00pm	Council Chambers, Jerramungup
19 <sup>th</sup> October 2016	8.30am	Council Chambers, Jerramungup
16 <sup>th</sup> November 2016	8.30am	Council Chambers, Jerramungup
21 <sup>st</sup> December 2016	8.30am	Town Hall, Bremer Bay

Council briefing sessions will commence at 1.00pm.

### **OC151206 Moved Cr Parsons / Seconded Cr Leenhouders**

That the following meeting dates and times apply for the 2016 year:

### **Council Meeting Dates 2016**

17 <sup>th</sup> February 2016	2.00pm	Council Chambers, Jerramungup
16 <sup>th</sup> March 2016	2.00pm	Council Chambers, Jerramungup
20 <sup>th</sup> April 2016	2.00pm	Town Hall, Bremer Bay
18 <sup>th</sup> May 2016	2.00pm	Council Chambers, Jerramungup
15 <sup>th</sup> June 2016	2.00pm	Council Chambers, Jerramungup
20 <sup>th</sup> July 2016	2.00pm	Council Chambers, Jerramungup
17 <sup>th</sup> August 2016	2.00pm	Town Hall, Bremer Bay
21 <sup>st</sup> September 2016	2.00pm	Council Chambers, Jerramungup
19 <sup>th</sup> October 2016	8.30am	Council Chambers, Jerramungup
16 <sup>th</sup> November 2016	8.30am	Council Chambers, Jerramungup
21 <sup>st</sup> December 2016	8.30am	Town Hall, Bremer Bay

Council briefing sessions will commence at 1.00pm.

**Carried 6-0**

Mr Pursey left the meeting at 9:30am

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.2
<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>	Mr Pursey declared a financial interest.
<b>DATE OF REPORT:</b>	2 <sup>nd</sup> December 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 4 weeks Long Service Leave between 4<sup>th</sup> January 2016 and 29<sup>th</sup> January 2016. 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**

Nil

### **COMMENT**

Mr Pursey will also be supported by the Shire's Deputy CEO and Works Manager who coordinated the last period of leave to a high standard. With a reduced governance workload in January there is not expected to be any significant impact on service delivery.

### **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.*
- (3) A person is not to be employed by a local government in any other position unless the CEO —
  - (a) believes that the person is suitably qualified for the position; and
  - (b) is satisfied with the proposed arrangements relating to the person's employment.
- (4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (5A) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (5) For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.

### **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 at 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 January 2016.

**OC151207      Moved Cr Leenhouders / Seconded Cr Bailey**

**That Council appoints Mr Craig Pursey as the Acting Chief Executive Officer for the period of the CEO's Long Service Leave in January 2016.**

**Carried by Absolute Majority 6-0**

Mr Pursey returned to meeting at 9:35am

Cr Bailey left meeting at 9:40am

Mr Bailey left meeting at 9:40am

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<b>SUBMISSION TO:</b>	<b>Administration</b>
<b>AGENDA REFERENCE:</b>	10.4.3
<b>SUBJECT:</b>	Citizenship and Sporting Awards
<b>LOCATION/ADDRESS:</b>	
<b>NAME OF APPLICANT:</b>	Shire of Jerramungup
<b>FILE REFERENCE:</b>	CR.AW.3
<b>AUTHOR:</b>	Charmaine Solomon
<b>DISCLOSURE OF ANY INTEREST:</b>	Mr Bailey declared an impartiality interest, Cr Bailey declared an impartiality interest and Cr Daniel declared an impartiality interest
<b>DATE OF REPORT:</b>	4 <sup>th</sup> December 2015

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### **OC151207 Moved Cr Leenhouders / Seconded Cr Parsons**

**That Cr Daniels interest in item 10.4.3 is regarded as insignificant and that she be allowed to stay to participate in discussion and vote on the item.**

**Carried 4/0**

### **SUMMARY**

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

### **ATTACHMENT**

Attachment 10.4.3 - 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 closed on 27<sup>th</sup> November 2015.

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 2015 Citizenship Award to \_\_\_\_\_ with it being presented to the recipient on 26 January 2016 at the Australia Day Breakfast Function.
- 3) That Council award the 2015 Community Group or Event Award to \_\_\_\_\_ with it being presented to the recipient on 26 January 2016 at the Australia Day Breakfast Function.
- 4) That Council award the 2015 Junior Sportsperson Award to \_\_\_\_\_with it being presented to the recipient on 26 January 2016 at the Australia Day Breakfast Function.
- 5) That Council award the 2015 Senior Sportsperson Award to \_\_\_\_\_ at 10:00am, with it being presented to the recipient on 26 January 2016 at the Australia Day Breakfast Function.
- 6) That Council open the meeting to the public at \_\_\_\_\_.

**OC151208      Moved Cr Parsons / Seconded Iffla**

- 1) That Council close the meeting to the public at 9:40am to consider the nominations in confidence.**

**Carried 5-0**

**OC151208      Moved Cr Parsons / Seconded Iffla**

- 1) That Council award the 2015 Citizenship Award to \_\_\_\_\_ with it being presented to the recipient on 26 January 2016 at the Australia Day Breakfast Function.**
- 2) That Council award the 2015 Community Group or Event Award to \_\_\_\_\_ with it being presented to the recipient on 26 January 2016 at the Australia Day Breakfast Function.**
- 3) That Council award the 2015 Junior Sportsperson Award to \_\_\_\_\_ with it being presented to the recipient on 26 January 2016 at the Australia Day Breakfast Function.**
- 4) That Council award the 2015 Senior Sportsperson Award to \_\_\_\_\_ with it being presented to the recipient on 26 January 2016 at the Australia Day Breakfast Function.**

**Carried 5-0**

**OC151208      Moved Cr Parsons / Seconded Iffla**

- 1) That Council open the meeting to the public at 10:05am**

**Carried 5-0**

Cr Bailey returned to meeting at 10:05am

Mr Bailey returned to meeting at 10:05am

# **COUNCILLOR REPORTS**

## **11. COUNCILLOR REPORTS**

### **Cr Daniel**

Attended a Great Southern WALGA Zone Meeting

Attended the Gairdner Primary School Presentation Night

Attended a community breakfast with the Prime Minister in Esperance after the recent fires.

### **Cr Lester**

Attended a LEMC Meeting

Attended the Jerramungup District High School Presentation night

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

### **12.1 From Officers**

Nil

### **12.2 From Elected Members**

Cr Daniel encouraged the Shire's executive staff to actively engage in professional development to further overall skills and preparedness for emergency response.

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

13.1 Ordinary Meeting – to be held Wednesday 17<sup>th</sup> February 2016 commencing 2.00pm at the Council Chambers, Jerramungup.

## **14. CLOSURE**

The President declared the meeting closed at 10:25am